

Lisa Gormley

July 16th, 2019

The challenge of implementing the CEDAW Convention in the UK

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This year marks the 40th anniversary of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In the second of a two-part article [Lisa Gormley](#) looks at the challenge of implementing the CEDAW convention in the UK with commentary from the recent Doughty Street Chambers event [“A Celebration of the 40th Anniversary of CEDAW”](#).

The CEDAW Committee reviewed the UK’s progress across the entire treaty over a day of meetings in Geneva in February this year. The blog [“CEDAW, WPS and the UK Government”](#) in March of this year, detailed how the CEDAW Committee urged the UK government to take a number

of actions, notably, to rectify the effect of financial austerity on women, impoverishing women “who constitute the vast majority of single parents and are more likely to be engaged in informal, temporary or precarious forms of employment,” leading to cuts in funding to organisations that provide services to women, and cuts in the public sector, where more women are employed than men. The CEDAW Committee also noted that “reductions in social care services increase the burden on primary care-givers, who are disproportionately women.”

Some of the recommendations were reiterated from previous reviews in 2009, 2013 and in 2018, including recommendations on the UK’s failure to incorporate the CEDAW Convention as a whole in domestic law, and the government’s persistent failure to implement the recommendations of the 2007 [Corston Report](#) on women in prison.

Women’s Human Rights in Northern Ireland

In the course of questions to the panel, frequent concerns were raised about the entrenched disadvantage faced by women and girls in Northern Ireland. In 2018, the CEDAW Committee considered an [inquiry into the criminalisation of abortion in Northern Ireland](#), and concluded that that the current law and policy framework “constitutes grave violations of rights under the Convention considering that the State party’s criminal law compels women in cases of severe foetal impairment, including fatal foetal impairment, and victims of rape or incest to carry pregnancies to full term, thereby subjecting them to severe physical and mental anguish, constituting gender-based violence against women.” Despite the clear outcome of this inquiry, the UK government has not yet taken action to implement the CEDAW Committee’s recommendations, citing among other reasons, the lack of devolved governance in Northern Ireland.

The CEDAW Committee has emphasised that a State may not invoke the provisions of its internal law as justification for its failure to perform

a treaty ([Article 27 Vienna Convention on the Law of Treaties](#)) therefore, irrespective of any internal governance structures, such as a federal system, the State must implement its human rights obligations. In the review process, the CEDAW Committee also expressed concern about other disadvantages faced by women and girls in Northern Ireland: they do not have the same opportunities to participate in peacemaking and peacebuilding as men, and the Equality Act 2010 does not apply in Northern Ireland.



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The CEDAW Convention and UK authorities must be connected

The challenge of making sure that the UK implements the CEDAW Committee's recommendations, in Northern Ireland, and other parts of

the UK, was discussed in detail at the event. The possibilities of using CEDAW Convention rights consistently in domestic legal challenges was emphasised: currently CEDAW Convention rights are the subject of a case before the Court of Appeal on the disclosure of criminal records for soliciting offences, including charges brought against those who were girls under 18 when they were involved in prostitution. On the discussions examining how the Convention on the Rights of the Child had been integrated more consistently than the CEDAW Convention into the toolbox of UK lawyers: Nahla Haidar also recommended that advocates work with academic lawyers and national human rights institutions in bringing the obligations under the CEDAW Convention more persistently to the UK authorities.

The discussion ended with a hopeful note – that despite the pressures in the modern world, such as threatened roll-back on sexual and reproductive rights, the threats of catastrophic climate change, neoliberalism and extremism both endangering women’s political space – a commitment to the rule of law, including the principle of gender-equality, still has promise for transformative change.

This article is the second in the a series of blogs celebrating 40 years of CEDAW and follows on from [“40 years of creativity, striving for women’s human rights across the globe”](#).

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About the author



Lisa Gormley is a Policy Fellow in the Centre for Women, Peace and Security. She is an international lawyer specialising in equality for women and girls, and the obligation of States to eradicate violence against women and girls. Currently, Lisa is developing the Centre's Tackling Violence against Women website, adding further detailed analysis of the international jurisprudence relating to violence against women, with support from the Joseph Rowntree Charitable Trust.

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