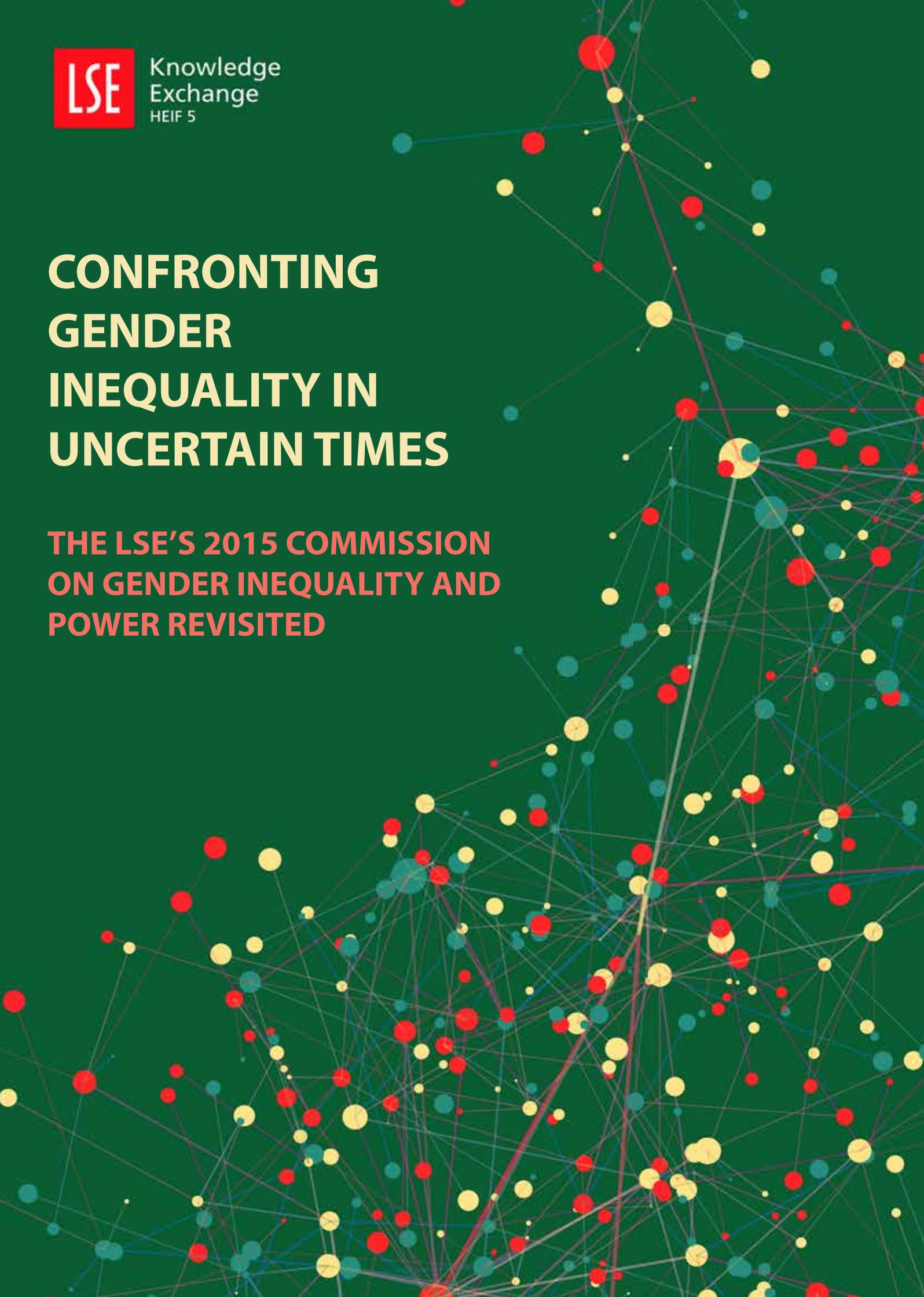




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# CONFRONTING GENDER INEQUALITY IN UNCERTAIN TIMES

THE LSE'S 2015 COMMISSION  
ON GENDER INEQUALITY AND  
POWER REVISITED



# INTRODUCTION

## *The LSE's 2015 Commission on Gender Inequality and Power Revisited*

We write this introduction to our updated Report on *Gender Inequality and Power* just a few weeks after the world's most powerful democracy rejected – albeit not in its popular vote – a well-qualified woman presidential candidate in favour of a man with no political experience and an established record of misogyny even including sexual assault. Earlier in the year and closer to home, a turbulent referendum campaign saw the tragic death of the Rt. Hon. Jo Cox MP, in the first politically motivated murder of a serving female politician in this country. In this context, notwithstanding this country's appointment of its second woman prime minister, it is hard to speak in terms of anything better than a very mixed picture of the prospects for gender equality.

The rise of populist movements in many of the world's democracies – movements formed in the context of distrust of political elites, economic hardship and a perception of injustice – has given voice to groups who have come to regard the case for equality in areas such as gender, sexual orientation, race, ethnicity, and disability as a preoccupation with 'political correctness.' Led on by sections of the media there is a sense that their economic hardship is neglected while women, minorities and migrants are privileged unfairly. By contrast, others, including feminists, recognise their hardships, but attribute them to the social consequences of profound economic

dislocation linked to increasing global integration, economic restructuring and precarious employment alongside severe cuts in publicly provided services.

The present political climate presents all of us with a profound challenge: that of understanding how the egalitarian agenda has so manifestly failed to connect with many who would ostensibly be likely to benefit from it,<sup>1</sup> and of how to reframe and advance that agenda under emerging social, cultural, economic and political conditions. The growing educational advantage of women in certain areas is one important ray of hope, even though it may in part be the basis for the misogynist backlash widely reflected in social media. It is also important to preserve a historical perspective which allows us to see that the huge strides made by women during the last century, in many areas covered by our Report, are unlikely to be wiped out. It would be wrong, however, to regard this moment as anything other than one in which some of those gains look far more precarious than many of us would have assumed even a few months ago. Key examples include human rights, reproductive rights, protection from gendered violence and securing a livelihood as work becomes increasingly precarious and welfare support declines.

Diane Perrons, Nicola Lacey and their fellow Commissioners would like to acknowledge with enormous gratitude the contributions of Camille Joly, who has done exceptional research work on this updated version of the Report, and of our Project Manager Kate Steward, who has managed the entire process with characteristic skill, efficiency and good humour.

We present the main developments, research and policy reports on the economy, politics, law and the media – the spheres we focused on in our original report *Confronting Gender Inequality* – in relation to our recommendations in Appendix 1. While it does not present evidence of any striking landmarks of progress in any of our key areas, it does testify to continuing pressure for change and to the effort which is devoted to issues of gender equality by a variety of pressure groups, social movements, NGOs and even political parties, governmental organisations/ regulatory bodies and the corporate sector. This is cheering, because one of the things which we know about gender inequality is that its very familiarity – the ‘everyday-ness’ of sexism<sup>2</sup> – means that it takes constant effort to keep it on the political agenda. Certainly, it is very much a case of ‘two steps forward, one step back’. In July, the Conservative Party elected its second woman leader, the Rt. Hon. Theresa May MP. She is now Prime Minister, presiding over a Cabinet of 23 which includes seven (other) female ministers, while the Labour Party, which had long had a female deputy leader working alongside its male leader,

instituted an electoral process which produced an all-male leadership team. On a brighter note, the resulting criticism produced a commitment to a gender-balanced shadow cabinet.

Economically, too, the issues highlighted in our Report remain urgent. The Women’s Budget Group finds that women in the UK – and particularly poorer and BME women – have been twice as badly affected financially as men by welfare and public spending cuts, which have much more than offset a modest rise in female earnings.<sup>3</sup> And looking further afield, in a report issued on International Women’s Day 2016, the International Labour Organisation estimated that the gender pay gap across the world would take a further 70 years to close. In the UK, while the rate of change is glacial, the gender pay gap is now at its lowest ever recorded value at 18.1% overall<sup>4</sup> and 13.9% for full time workers. Nonetheless it means that from November 10th (equal pay day) women full-timers are effectively working for nothing for the rest of the year.<sup>5</sup>

What, then, are the main developments over the last eighteen months?<sup>6</sup>



# THE ECONOMY

Looking first at the economy there has been both continuity and change. The major change is the formation of a new government following the referendum vote to leave the European Union, the consequences of which depend on the terms of the UK's departure and are not yet known. Concerns have been raised about the impact on economic growth and living standards.

Further, if the regulations relating to working hours and gender equality are discarded, there is likely to be a negative and disproportionate impact on women. To date there has been some revision of economic policies while other policies remain unchanged. We discuss these below in relation to our recommendations.



# THE ECONOMY

## Austerity and Gender Sensitive Macroeconomic Policy (Economy Goal 1)

The goal to reduce the public deficit to zero has been postponed until the next parliament<sup>7</sup> to increase the resilience of the economy by financing new investment in physical infrastructure. However, the scale of investment is small<sup>8</sup> and directed only towards physical infrastructure, which reflects a male bias in economic thinking.

As we argued in *Confronting Gender Inequality*, expenditure on social infrastructure, for example child or elder care, should also be regarded as investment as it too generates long-term gains in the form of better educated, healthier and more socialized citizens. This argument has been substantiated by the Women's Budget Group's research which shows that a given amount of GDP invested in the caring industries would generate more jobs and economic growth than an equivalent level of investment in physical infrastructure.<sup>9</sup> Investing in social infrastructure would also help to resolve the crisis in elder care and lift the childcare constraint on women's participation in the labour market which all

researchers on gender equality highlight as a major barrier to gender equality (see below).

Despite the relaxation of the budget constraint, the government has continued to cut welfare spending and public services.<sup>10</sup> As research has consistently shown, these cuts fall disproportionately on lone parents and low-income people – groups in which women, and in particular BME women, are highly represented.<sup>11</sup> From now until 2020, low-income BME women will lose approximately twice as much money as low-income white men, who in turn will lose a greater proportion of their income than people higher up the distribution.<sup>12</sup> Amongst these will be the 'just about managing' (JAMs) that Prime Minister May pledged to assist.<sup>13</sup>

While the Government has introduced a National Living Wage (NLW), the Resolution Foundation has calculated that the impact of this on those at the bottom of the distribution is likely to be offset by the cuts in welfare. Putting it simply, "the £4 billion wage boost implied by the NLW will not compensate for the £12 billion cut to benefits."<sup>14</sup>

Living standards are also reduced via cuts in public services. One of our cross cutting themes was gender-based violence and we reported on the economic benefits of investing in public services to support survivors of domestic and sexualised violence.<sup>15</sup> Yet these and other public services have been drastically cut in recent years, leading Sisters Uncut<sup>16</sup> to compare Teresa May's pledge to provide £25m of temporary funding for domestic violence services to putting a "sticking plaster on a haemorrhage." As the Femicide Census<sup>17</sup> reports, over 1000 women have been killed by men in the UK since 2012, 64% by their former partners and the majority of these within a year of separation, demonstrating the importance of providing shelter for those seeking to escape this fate. Cuts in this area have been especially severe on BME women and migrant survivors who valued locally available support from BME specialist organisations that have been especially hard hit.<sup>18</sup>



### **Gender Audits, Monitoring and Training (Economy Goals 2 and 4)**

To redress the male bias in economic thinking we recommended that all policies need to be scrutinised via gender audits. This critique is substantiated by the Women and Equalities Select Committee who found the Treasury's equalities analyses inadequate and recommended that they be evaluated by independent experts to ensure compliance with Public Sector Equalities Duty (2010) to maintain public confidence.<sup>19</sup>

To ensure effective gender monitoring, training in gender awareness, gender auditing and gender budgeting is required as we recommended, but there is no evidence that this has taken place. This analysis matters in order to identify outcomes which as indicated above are highly inequitable.

### **Mandatory Quotas (Economy Goal 3)**

We recommended mandatory quotas to promote gender equality. Similarly to the World Bank, mandatory quotas would "enhance efficiency by: reducing discrimination, correcting beliefs about women's potential as employees through role models, overcoming negative stereotypes, and enhancing incentives for educational and other investments by women."<sup>20</sup>

To date only a few countries, including Belgium, Germany and Norway, have introduced employment quotas and this is generally limited to Board level. The UK contributed to blocking the EU recommendation regarding mandatory quotas for Boards and introduced voluntary targets instead. But considerable attention has been given to ways of increasing women's presence in senior positions especially in the corporate sector (see Appendix 1). The majority of these focus on supply side measures such as providing role models and mentoring for women.<sup>21</sup>

One, more radical, suggestion was for pay transparency which would redress the lack of awareness of the scale of the pay gap between employees. A demand side measure, unconscious bias in decision-making, has gained some traction but as yet it is unclear as to how effective this will be.<sup>22</sup>

Given the slow rate of change our recommendation is to think more directly about redressing the over-representation of men – or redressing positive discrimination towards men, illustrated in the extreme by 19 prime ministers coming from one boys' school<sup>23</sup>, but pervasive throughout the workforce and in all the sectors discussed below.

### **Gender Pay Gap and the Value of 'Women's' Work (Economy Goal 5)**

Since 2015, companies and organisations have paid greater attention to the gender pay gap following David Cameron's promise to "end the gender pay gap within a generation"<sup>24</sup>, an aspiration shared by the new government. One motivation behind this ambition, shared by the corporate sector, is the McKinsey Report (2015) which estimated that reducing the gender pay gap would increase economic output by £0.6 trillion by 2025 and found that more diverse organisations are more productive and profitable.<sup>25</sup>

Measures to implement David Cameron's promise are expected to be made law in 2017.<sup>26</sup> These include mandatory reporting by organisations with 250 employees or more of their: mean and median gender pay gap, the median gender bonus gap, and the number of male and female employees in each pay quartile.<sup>27</sup> In addition the Government Equalities Office has launched an online tool that allows people to find out the gender pay gap for their occupation using the latest data available.<sup>28</sup>

The measures chosen represent an improvement over initial intentions because they approximate the gender pay gap rather than simply equal pay for work of equal value.



This distinction matters because while equal pay for work of equal value aims to secure equal pay for people doing similar kinds of work, and not doing so has been illegal since the 1970s, the gender pay gap refers to the difference between the mean or median hourly pay of men and women for the firm (or country) as a whole, irrespective of the kinds of jobs that women or men do.

Focusing on the gender pay gap is therefore more demanding because it looks across, and not just within, occupations and so reflects gender segregation across occupations and in the employment hierarchy. This advance reflects the advice received from feminist economists amongst others during the consultation process.<sup>29</sup> The legislation is still limited because it relates to single organisations and so fails to address the scale of the overall gender pay gap. This problem is reinforced by outsourcing, especially for activities such as cleaning, which dampens the scale of pay differences as these workers are unlikely to enter the firm's calculations. Moreover, reporting on a gender pay gap does not in itself bring about change and this requirement relates only to 8000 employers covering 11 million or just over one third of the workforce.<sup>30</sup>

Some organisations have taken immediate steps to close their own gender pay gaps. Brainlabs, a market research firm, increased women's pay by 8.6% (the difference between the average men's and women's salaries, 'normalised only for experience'). They voted on three issues: do nothing, reduce men's pay or raise women's pay, deciding on the last of these. They intend to

repeat the analysis every year and close the gap accordingly.<sup>31</sup> Similarly the University of Essex increased women professors' pay, finding this to be an area where the gender pay gap was most evident.<sup>32</sup> These occurrences are rare and labour market inequalities and forms of discrimination remain including continuing discrimination towards women with respect to pregnancy and maternity leave.<sup>33</sup>

Thus, while welcome, reporting regulations will not go far enough to make a real difference to the underlying factors of the gender pay gap: gender-segregated employment, the low value attached to sectors where women are over-represented, and the unequal gender division of care and domestic work which means that women are much more likely than men to work part-time and where pay is low, for example in retail and care sectors.

The Women and Equalities Select Committee recommended establishing industrial strategies "for low-paid highly feminised sectors to improve productivity and pay level." This measure could have a profound impact on the gender pay gap. However, in sectors such as care, it is difficult to increase productivity without undermining the quality of care provided.<sup>34</sup> A more effective strategy would be to recognise that these jobs matter, their effective performance enhances well-being and the skills and competencies of the next generation, and should be valued accordingly.

More generally people's attitudes and practices with respect to gendered

responsibilities continue to reflect traditional gendered social norms leading to a motherhood penalty and fatherhood bonus with respect to pay.<sup>35</sup> However it is important to note that there is nothing natural or fixed about these social norms, rather they reflect and are reinforced by existing levels of public support and provision of social infrastructure for caring.

### **National Care Service (Economy Goal 6)**

These recommendations remain as urgent as ever and underpin many of the issues reported above with respect to pay as well as those below which relate to Politics, Law, and Media and Culture.

Social (elder) care is severely underfunded in the UK and reports of crises backed by academic research appear frequently.

*"[The] picture that emerges is of social care providers under pressure, struggling to retain staff, maintain quality and stay in business; local authorities making unenviable choices about where to make reductions; a complex set of causes of delays in discharging older people from hospital; and the voluntary sector keeping services going even when funding was curtailed."*<sup>36</sup>

In 2015 the government allowed local authorities to increase council tax by 2% above the threshold, provided it was invested in adult social care. In addition funding was transferred from the NHS budget to support social care.<sup>37</sup> Given that local councils have already experienced a 40% real cut in financial support from

central government since 2010, these funds are thought unlikely to offset the existing losses and likely to result in uneven provision.<sup>38</sup> The underfunding of social care is a highly gendered issue given that women make up the majority of both carers (paid or unpaid) and those receiving this form of care. Improving provision would allow more women to work; it would increase women's earnings; and it would ensure that women and men were well looked after when unable to care for others or for themselves.

Childcare costs remain high in the UK relative to other OECD countries.<sup>39</sup> In response the Government is already trialling the policy of up to 30 hours of free child care for 3-4 years olds in a number of local authorities which will be available to all from April 2017.<sup>40</sup> In addition, parents can claim tax credit for childcare. While welcome, these measures do not in themselves increase the supply of care and the Childcare Trust reports that government funding of this care is below cost so questions remain about the viability and impact of this strategy.<sup>41</sup>

As reported above, new research from the Women's Budget Group for the ITUC shows that both of these issues could be resolved by extra government investment that would also contribute to raising employment further and adding to economic growth. The benefit of this approach is that it would largely pay for itself through increased taxes from the newly employed.

### **Gender Friendly Working Patterns (Economy Goal 7)**

To reduce the gender wage gap the Women and Equalities Select Committee proposed that job flexibility becomes the norm and employers make all jobs flexible to allow those with caring responsibilities to work varied or shorter hours and still realise their career potential. If implemented, this proposal could make a real difference to occupational and vertical segregation. However, if women rather than men continue to work reduced hours, gender gaps will remain in terms of lifetime earnings and pensions.<sup>42</sup>

The Women and Equalities Select Committee also recommended introducing an element of 'non-transferable parental leave' so recognising that the current 'flagship' policy on flexible parental leave, which allows women and men to share care on a voluntary basis, is unlikely to lead to change precisely because of the gender pay gap which makes it economically rational (at least in the short term and on a household basis) for women to take the leave. Given the relatively high probability of divorce and separation, the current division of labour with respect to care work is rarely in women's long-term economic interest.<sup>43</sup> The Women and Equalities Select Committee also recommended establishing pathways to support women who return to work which we endorse.

# POLITICS

Turning to the political sphere, our recommendation that renewed attention be given to the scope for using targets and quotas received independent support from Professor Sarah Childs' *The Good Parliament Report*, which appeared in July 2016. This authoritative report further sets out a comprehensive agenda for reform of the parliamentary process so as to improve representation as well as work-life balance. It is too early to say what impact the Report will have, but it constitutes one of the most

important, and hopeful, developments since our launch in the autumn of 2015. In Appendix 1 the findings of this report are related to the recommendations we made in *Confronting Gender Inequality* and so are not repeated here.

Other positive developments in the political sphere include the creation of the Women's Equality Party; the continued scrutiny of effective pressure groups such as Women in Public Affairs; and the creation earlier this year of the Women and Work All Party Parliamentary Group.

Perhaps most important of all, under the leadership of its chair, the Rt. Hon. Maria Miller MP, the Women and Equalities Select Committee has maintained a careful and wide-ranging programme of scrutiny of the implications for equality of policy developments, with robust critical analyses in particular of the gender pay gap and of the lack of transparency in Treasury information on the equality impact of budgets and other measures, as discussed above.



# LAW

Turning to the legal realm, the Women and Equalities Select Committee has also been active in drawing attention to the continuing discrimination against pregnant women, and has advocated enhanced legal protection for those claiming maternity leave. This need was also underlined by a report in March 2016 by the Equality and Human Rights Commission, which found that over three in four mothers had a negative,

potentially discriminatory experience during their pregnancy, maternity leave, or return to work. While most equality law is enshrined in UK legislation, Britain's exit from the EU must remain a concern given the role of EU institutions in driving forward the scope and depth of equality law over the last 40 years.



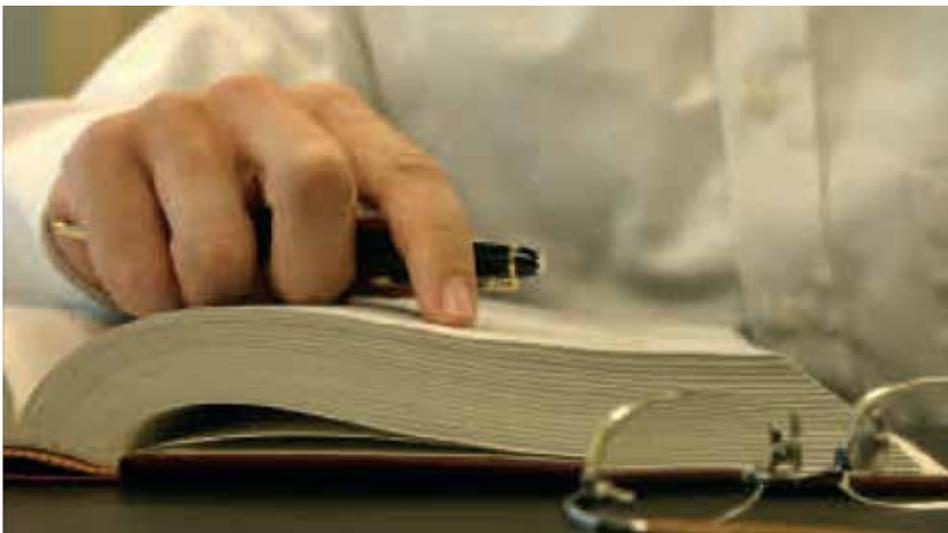
In the legal profession, we see a continued policy emphasis on encouraging women's participation – reflected in the reporting requirements for bodies such as the Judicial Appointments Commission. Such policies tend to be aligned however with institutional structures which make it hard to deliver on this commitment in key and in particular elite areas of the profession. Female applicants for the highest judicial office remain significantly lower than male, while working practices in the most highly rewarded areas, along with the continuing emphasis on court work as the passport to promotion at the Bar (and hence to the most straightforward route to high judicial office), continue to pose significant barriers to gender equality.

In relation to criminal justice, the Prison Reform Trust's winter 2015 Reports on both segregation units and the sentencing of mothers underlined continuing concerns about the treatment of women in the custodial system. The reliance on sexual history evidence to overturn a rape conviction in the widely reported case of footballer Ched Evans has given rise to fears of a new willingness consider an expansive reading of what had been thought to be

very narrowly drawn exceptions to the general exclusion of sexual history evidence. This general exclusion is based on both the irrelevance of such evidence and its disproportionately prejudicial effect on the perceived credibility of witness testimony. The erosion of this hard-won protection is just one among many concerns about the adequacy of legal and social policy in relation to violence against women which have emerged since our Report. In particular we would draw attention to the Director of Public Prosecutions' identification of abuse on social media as a key driver of the 10% rise in reports of violence against women and girls between 2015 and 2016. At a parliamentary debate on 7th December 2016 to mark UN International Day for the Elimination of Violence Against Women, wide concern was expressed about the continuing prevalence of violence against women, with several women MPs disclosing their own experiences of sexual abuse.

In relation to our original Report's concern with access to justice, Lord Justice Briggs' July 2016 *Civil Courts Structure Review* acknowledges the inadequacy of access to justice for ordinary individuals – a situation

which our Report pointed out to have a significant impact on gender equality – and makes a range of proposals aimed to addressing the general problem, notably the creation of a more efficient and less expensive online court for certain categories of claims. The Review is, however, focused on court structure and does not tackle the specific issue of court and tribunal fees about which we raised particular concerns.



# MEDIA

Finally in the sphere of the media, while new research confirms their urgency, our recommendations have yet not been implemented. Media representations strongly influence self-perceptions, perceptions of others and public attitudes towards equality. Women are under-represented in all media forms and when present continue to be portrayed in predominantly passive, stereotyped and judgemental ways.<sup>44</sup>

Women's presence in public life is scrutinised and their right to be there questioned. Reporters feel free to comment on their age, appearance and family role.<sup>45</sup> As the Leveson report found, the tabloid press portrays women through "a demeaning sexualised lens, reducing even the most accomplished and professional women to the sum of their body parts."



### **Establish a standing committee to monitor media representations and implement the recommendations made in the Leveson Report (Media and Culture Goals 1 and 4)**

To redress this state of affairs, the Report argued that third party complaints, for example, by women's organisations be allowed while ensuring balance between press freedom and equalities legislation. To date, a new self-regulatory body IMPRESS has been established, but membership is voluntary and as it only began operating in 2016 its effectiveness is not yet known. Our report went further by recommending the establishment of a National Gender Observatory, tasked with monitoring media production and the representation of gender but to date no action has been taken.

Given the media's - and especially social media's - influence in shaping public opinion it is crucial that the presence and extent of bias is monitored. With respect to social media, women and minority groups are being trolled, sexting is growing, and tweets can be abusive. In an analysis of 53,000 tweets over the period June 2016 and July 2016, which included the death of Jo Cox the Labour MP for Batley and the Referendum on European Union Membership, the majority supported violence with some texts celebrating Jo Cox's murder. Following Jo Cox's murder,<sup>46</sup> many women MPs commented on the extent of abuse they experienced on a daily basis and while there is no necessary correlation between online expression and physical action, this possibility cannot be overlooked.<sup>47</sup>

This media form facilitates and reinforces collective identity and is conducive to abuse.<sup>48</sup> At the same time it can also support resistance and cross national campaigns, such as the campaigns against Everyday Sexism and to Reclaim the Internet<sup>49</sup>, making the question of regulation more complex. As Demos (2016) stated on the scale of social media misogyny "it is clear that just as the digital world has created new opportunities for public debate and social interaction, it has also built new battlegrounds for the worst aspects of human behaviour."<sup>50</sup>

### **Foster critical media literacy skills throughout primary and secondary education (Media and Culture Goal 2)**

We also recommended that media literacy skills be fostered in the education system, for instance by including lessons on critical media analysis in the Personal Social Health and Economic Education (PSHE) curriculum. To date we have no evidence that any action has been taken. However the Women and Equalities Select Committee have made a comprehensive set of recommendations to address this issue and, while they welcome the new guidance from the National Police Chiefs Council for young people in relation to sexting, they argue that much more is required to deal with all forms of sexual violence and harassment and highlight the significance of making sure that this reaches boys.

### **Include training on gendered representation, intersectionality and gender sensitive modes of communication: (Media and Culture Goal 3)**

To redress media bias we recommended that training be given on gendered representation, intersectionality, and gender sensitive modes of communication to journalists and other media operatives as part of their qualifications. To our knowledge no significant developments have been reported.

# CONCLUSION

Looking across the different sectors covered in our report there are some common recommendations:

- 1) The establishment of gender sensitive macroeconomic policies
- 2) Adequate provision of monitoring and training via gender analysis, audits and budgets
- 3) The establishment of quotas and targets to ensure more balanced representation in decision-making: “the burden of the argument should now shift from the under-representation of women to the unjustifiable over-representation of men”.
- 4) The implementation of policies to end the gender pay gap
- 5) The development and implementation of policies to recognise, support and finance care work.

These are far from original, but restating these demands is important to avoid complacency and to recognise that securing gender equality remains, in many areas, an aspiration rather than an achievement. In this, ‘the longest revolution’,<sup>51</sup> there is still a long way to go.

- <sup>1</sup> This would include the 52% of white women who voted for Donald Trump who have benefited from the equality agenda.
- <sup>2</sup> Laura Bates, *Everyday Sexism* Simon and Schuster 2014
- <sup>3</sup> WBG in association with the Runnymede Trust (2016) New research shows that poverty, ethnicity and gender magnify the impact of austerity on BME women,  
Available at: <http://wbg.org.uk/news/new-research-shows-poverty-ethnicity-gender-magnify-impact-austerity-bme-women/>
- <sup>4</sup> Government Equalities Office (2016) Mandatory Gender Pay Gap Reporting. Public Sector Employees. Government Consultation Document. Available online.
- <sup>5</sup> Fawcett Society (2016) The Gender Pay Gap. Available at: <http://www.fawcettsociety.org.uk/policy-research/the-gender-pay-gap/>
- <sup>6</sup> For more information about the material in this report and further details and developments see Appendix 1.
- <sup>7</sup> Gov.Uk (2016) Autumn Statement 2016,  
Available at: <https://www.gov.uk/government/publications/autumn-statement-2016-documents/autumn-statement-2016>
- <sup>8</sup> Equivalent to only half the cost of the HS2 project.
- <sup>9</sup> Women's Budget Group (2016a) Available at: <http://tinyurl.com/zyyvwz2>  
and De Henau, J., Himmelweit, S. Łapniewska, Z. and Perrons, D. (2016). Investing in the Care Economy: A gender analysis of employment stimulus in seven OECD countries. Report by the UK Women's Budget Group for the International Trade Union Confederation, Brussels. Available on line. Owing to the multiplier effects of the initial investment on other sectors, investing in care would not only create more jobs overall and for women, but it would also create almost as many jobs for men, as investing the same amount in construction.
- <sup>10</sup> There is one exception, in that there has been a very marginal reduction in the depth of the cut to universal credit.
- <sup>11</sup> WBG in association with the Runnymede Trust (2016) New research shows that poverty, ethnicity and gender magnify the impact of austerity on BME women,  
Available at: <http://wbg.org.uk/news/new-research-shows-poverty-ethnicity-gender-magnify-impact-austerity-bme-women/>
- <sup>12</sup> WBG (2016b) A cumulative gender impact assessment of ten years of austerity policies, WBG Briefing Papers, Jerome de Henau and Howard Reed. Available at: <http://wbg.org.uk/news/new-research-shows-poverty-ethnicity-gender-magnify-impact-austerity-bme-women/>
- <sup>13</sup> In Theresa May's opening statement as Prime Minister, she pledged to help those 'just about managing.' Gov.UK (2016) Statement from the new Prime Minister Theresa May.  
Available at: <https://www.gov.uk/government/speeches/statement-from-the-new-prime-minister-theresa-may>.
- <sup>14</sup> D'Arcy, C. and Kelly, G (2015) Analysing the National Living Wage. Impact and implications for Britain's low pay challenge. Resolution Foundation Briefing Papers, Available on line.
- <sup>15</sup> Evidence provided to GIP commission by S. Walby, 14/11/2014. See also J. Towers and S. Walby Measuring the impact of cuts in public expenditure on the provision of services to prevent violence against women and girls (2012)  
Available at: [www.trustforlondon.org.uk/news-and-events/news-and-comments/professor-sylvia-walby-reports-on-the-impact-of-cuts-on-violence-against-women-services/](http://www.trustforlondon.org.uk/news-and-events/news-and-comments/professor-sylvia-walby-reports-on-the-impact-of-cuts-on-violence-against-women-services/)
- <sup>16</sup> Cited by Topping, A. (2016 a) Topping, A. (2016) Women's rights group blocks bridges in domestic violence cuts protest. Guardian November 20th. Available at  
<https://www.theguardian.com/lifeandstyle/2016/nov/20/womens-rights-group-blocks-bridges-in-domestic-violence-cuts-protest>
- <sup>17</sup> Femicide Census (2016)  
Available at: <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2016/12/The-Femicide-Census-2016.pdf>
- <sup>18</sup> Imkaan (2015) State of the Sector. Contextualising the Current Experiences of BME ending violence against women and girls organisations. An executive summary. Available at:  
<http://www.endviolenceagainstwomen.org.uk/data/files/resources/74/IMKAAN-STATE-OF-THE-SECTOR-FINAL.pdf>
- <sup>19</sup> The House of Lords found that the Treasury's analysis "lacked the kind of details on the impact that we would have expected to back up the statement that decisions 'had taken account of the possible impacts on people with disabilities.' Women and Equalities Select Committee (2016a) Equalities analysis and the 2015 Spending Review and Autumn Statement, 4th Report paragraph 15. Available at: <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/825/82504.htm>
- <sup>20</sup> World Bank (2012) Gender Equality and Development, p. 301. Available at: <https://openknowledge.worldbank.org/handle/10986/4391>
- <sup>21</sup> Virgin Money and HM Treasury (2016) Empowering Productivity: Harnessing the Talents of Women in Financial Services  
Available at: <http://tinyurl.com/hxqlyh>
- <sup>22</sup> Virgin Money and HM Treasury (2016) Empowering Productivity: Harnessing the Talents of Women in Financial Services  
Available at: <http://tinyurl.com/hxqlyh>

- <sup>23</sup> Moss, P. (2010) Why has Eton produced so many prime ministers? BBC Radio 4's The World Tonight. Available at: [http://news.bbc.co.uk/1/hi/uk\\_politics/election\\_2010/8622933.stm](http://news.bbc.co.uk/1/hi/uk_politics/election_2010/8622933.stm). Also for a cartoon making this point see Fawcett Society (2016) Gender and Media. Available at: <http://www.fawcettsociety.org.uk/policy-research/attitudes-media-culture/>
- <sup>24</sup> Gov.uk (2015) My one nation government will close the gender pay gap. Available online.
- <sup>25</sup> McKinsey Report (2015) The Power of Parity: How Advancing Women's Equality Can Add \$12 Trillion to Global Growth. Available at: <http://www.mckinsey.com/global-themes/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth>
- <sup>26</sup> The law will be effected under section 78 of the 2010 Equality Duty Act. A draft regulations were set before Parliament on December 9th 2016.
- <sup>27</sup> Government Equalities Office (2016) Mandatory Gender Pay Gap Reporting. Public Sector Employees. Government Consultation Document. Available online
- <sup>28</sup> See Gov.UK (2016) for information about the on line tool. Available at: <https://www.gov.uk/government/news/new-website-reveals-gender-pay-gap-by-profession>  
The tool itself is provided by ONS and is available at: <https://visual.ons.gov.uk/find-out-the-gender-pay-gap-for-your-job/>
- <sup>29</sup> These more sophisticated measures of the gender pay gap are important as they better reflect inequality within an organisation and reflect the way the Government Equalities Office have listened to and acted on advice received through their consultations with feminist economists and others.
- <sup>30</sup> See Gov.Uk (2016) <https://www.gov.uk/government/news/new-website-reveals-gender-pay-gap-by-profession>
- <sup>31</sup> Brainlabs (2016) Here's How To Fix The Gender Pay Gap . Available at: <http://www.brainlabsdigital.com/pay-gap/>
- <sup>32</sup> BBC News (2016) University wipes out gender pay gap with salary hike, June 3rd  
Available at: <http://www.bbc.co.uk/news/education-36444063> The Vice Chancellor, Anthony Forster is quoted as saying that 'other steps dedicated to improving women's promotion chances had failed to close the pay gap at professorial level' and further that 'treating our staff with equal respect and dignity is at the very core of our values as a diverse and inclusive community and the decision ensures we reward people in a fair way, based upon their contribution to our community, regardless of their personal characteristics.'
- <sup>33</sup> EHRC (2015) Pregnancy and maternity discrimination research findings. Available at: <http://tinyurl.com/jpswvhr>
- <sup>34</sup> As discussed in the full report, care is a sector that is technologically unprogressive suffers from what William Baumol termed the 'cost disease.'
- <sup>35</sup> Fawcett Society (2016) *Parents, work and care: Striking the balance*, Available on line from: <http://www.fawcettsociety.org.uk/2016/03/motherhood-penalty-for-women-and-daddy-bonus-for-men/>
- <sup>36</sup> Humphries, P., Charles, A., Thorlby, R., Holder, H. (2016) Social care for older people. Home truths, Kings Fund and Nuffield Trust. Available at: <https://www.kingsfund.org.uk/publications/social-care-older-people>
- <sup>37</sup> Specifically from April 2015 the Better Care Fund will transfer £3.8 billion from the NHS budget to support spending on social care, the rationale being to reduce pressure on hospitals see Kings Fund (2015) Spending on social care for older people. Available from <https://www.kingsfund.org.uk/projects/nhs-in-a-nutshell/spending-social-care-older-people>
- <sup>38</sup> Kings Fund (2015) Spending on social care for older people. Available from <https://www.kingsfund.org.uk/projects/nhs-in-a-nutshell/spending-social-care-older-people>
- <sup>39</sup> OECD (2015) Family database: Available at: [www.oecd.org/social/family/database](http://www.oecd.org/social/family/database)
- <sup>40</sup> Gov.UK (2016) Thousands of parents benefit from 30 hours' free childcare early, Press release February. Available at: <http://tinyurl.com/zw3vge3>
- <sup>41</sup> Family and Childcare Trust (2016) Evidence submitted to the Women and Equalities Select Committee. The Gender Pay Gap, Second Report. Available online.
- <sup>42</sup> Women and Equalities Select Committee, HC 584 Available online.
- <sup>43</sup> House of Commons (2016) The Gender Pay Gap, Second Report of Session 2015
- <sup>44</sup> See also Fawcett Society (2016) Women in the Media, Available at: <http://www.fawcettsociety.org.uk/policy-research/attitudes-media-culture/>
- <sup>45</sup> Bates, L. (2016) If even Adele feels inadequate, what hope is there for the rest of us? Guardian November 2nd Lifestyle Section Available at: <http://tinyurl.com/gjssdgd>

<sup>46</sup> Jo Cox, the Labour MP for Batley was murdered during the referendum campaign because she supported the Remain campaign. For an analysis of these tweets see Awan, J. and Zemni, I. (2016) Jo Cox 'deserved to die': Cyber Hate Speech Unleashed on Twitter, Hope not Hate ( A charitable trust for an Inclusive Britain) : Available at: <http://hopenothate.org.uk/cyber-hate/>

<sup>47</sup> Saner, E. (2016) Vile online abuse against female MPs 'needs to be challenged now' Guardian June 18th  
Available at: <https://www.theguardian.com/technology/2016/jun/18/vile-online-abuse-against-women-mps-needs-to-be-challenged-now>

<sup>48</sup> Perry, B. and Olsson, P. (2009) Cyberhate: the globalisation of hate, *Information and Communications Technology Law* 18: 185-199.

<sup>49</sup> The 'Everyday Sexism' campaign founded by Laura Bates now has over 100,000 contributions and potential for opposition. Reclaim the Internet (following the Reclaim the Night Campaign) campaigns to support female participation in social media.

<sup>50</sup> Demos (2016) The Use of Misogynistic Terms on Twitter Available at: <http://tinyurl.com/htcfmnh>

<sup>51</sup> Juliet Mitchell, 'Women: The Longest Revolution', *New Left Review*, no. 40, December 1966; reprinted in Mitchell's *Women's Estate*. Penguin 1971. 182pp. pp 75-122;

# APPENDIX 1

## 2016 Update On Recommendations Made By The Commission

Appendix 1 has been prepared by Camille Joly

### Part 1 - Economics

#### Original Commission Recommendations

##### 1. Socially fair and gender sensitive macroeconomic policies:

A change in the direction of macroeconomic policy on the basis that gender-sensitive macroeconomic policies are necessary for sustainable and inclusive development.

##### 2. Gender mainstream all government policies:

That gender responsive budgeting, gender auditing and impact analysis be introduced so as to identify the distributive impact of economic policy making.

#### Changes/Developments Possibly Affecting Recommendation

The need for a change in macroeconomic policy is demonstrated in new research from the Women's Budget Group:

De Henau, J., Himmelweit, S. Łapniewska, Z. and Perrons, D. (2016). Investing in the Care Economy: A gender analysis of employment stimulus in seven OECD countries. Report by the UK Women's Budget Group for the International Trade Union Confederation, Brussels. Available on line.

WBG, (2016), Investing in the Care economy to boost employment and gender equality: A briefing from the UK Women's Budget Group on a gender analysis of employment stimulus in seven OECD countries, Available at:

<http://wbg.org.uk/analysis/briefing-papers/investing-2-of-gdp-in-care-industries-could-create-1-5-million-jobs/>

WBG in association with the Runnymede Trust (2016) New research shows that poverty, ethnicity and gender magnify the impact of austerity on BME women

Available at: <http://wbg.org.uk/news/new-research-shows-poverty-ethnicity-gender-magnify-impact-austerity-bme-women/>

Some monitoring is done but is often insubstantial. Women and Equalities Group call for independent monitoring of the robustness of Treasury equalities monitoring.

Women and Equalities Committee (2016) Equalities analysis and the 2015 Spending Review and Autumn Statement, 4th Report paragraph 15. Available at: <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/825/82504.htm>

## Original Commission Recommendations

### 3. Mandatory quotas:

That mandatory quotas be introduced to ensure greater gender balance in decision-making positions and be accompanied by measures to ensure presence is sustained.

## Changes/Developments Possibly Affecting Recommendation

Unlike other EU states, such as Germany, Norway and Belgium the UK has yet to go down the quota route, and has instead favored voluntary target setting and corporate governance codes. The work of the Lord Davies Committee on increasing the proportion of women on Boards is being taken forward by a new review (the Hampton-Alexander Review) led by Sir Philip Hampton and Dame Helen Alexander. This review was officially launched on 7th July 2016 by the Department for Business Innovation & Skills.

<https://www.gov.uk/government/news/rallying-call-for-female-boost-in-business-and-the-boardroom>

To keep up the momentum the Women and Equalities Committee has also launched an inquiry into Women in Executive Management. The evidence submitted can be found at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/inquiries/parliament-2015/women-in-executive-management-one-off-evidence-session-15-16/>

The corporate sector has carried out several inquiries and there are a range of organizations such as the 300 Club which work towards increasing the proportion of women in senior positions. These include:

*Women in Senior Management: Setting the Stage for Growth*, (2013) G. Thornton, International Business Report

<http://www.grantthornton.ae/page/women-in-senior-management-setting-the-stage-for-growth>

This report sets out figures on women in senior roles globally.

With reference to the UK reports include:

HM Treasury and PWC (2016) Women in Finance Charter, Available at: <http://tinyurl.com/j9btglu>

Virgin Money and HM Treasury (2016) Empowering Productivity: Harnessing the Talents of Women in Financial Services. Available at:

<http://uk.virginmoney.com/virgin/assets/pdf/Virgin-Money-Empowering-Productivity-Report.pdf>

The Mckinsey report (2016) is concerned with gender equality in employment across the distribution and finds that: 'Bridging the UK gender gap in work has the potential to create an extra £150 billion on top of business-as-usual GDP forecasts in 2025. It also looks at situation for each of the 12 regions in the UK.

Mckinsey (2016) The power of parity: Advancing women's equality in the United Kingdom, Available at:

<http://www.mckinsey.com/global-themes/women-matter/the-power-of-parity-advancing-womens-equality-in-the-united-kingdom>

The Guardian reflects on the findings in the LSE Commission on Gender Inequality and Power

<https://www.theguardian.com/uk-news/2015/oct/13/lse-study-gender-quotas-positions-power-women>.

The Fawcett Society has also published a report dated June 2015 making recommendations to improve the numbers of women directors.

<http://www.fawcettsociety.org.uk/wp-content/uploads/2015/06/FAW0001-women-on-FTSE-boards-reply-document-v10.pdf>

## Original Commission Recommendations

### 4. Gender awareness training for government employees:

That training in gender awareness be introduced so as to ensure effective gender mainstreaming.

### 5. Revalue work, identify and challenge unequal social norms:

That new methods of pay determination be introduced in order to better reflect the social value of work done as well as the costs of living.

### 6. Create a National Care Service:

That a National Care Service be established to ensure that holistic, affordable accessible, appropriate care is available.

### 7. Gender friendly working patterns:

That government, institutions and firms organize their legislation, regulations and working patterns in ways that recognize people as caring citizens.

## Changes/Developments Possibly Affecting Recommendation

No change or development found. The Government's 2013-2016 Diversity Strategy paper published by the Home Office does not make any mention of gender awareness training to government employees as part of its strategy.  
<https://www.gov.uk/government/publications/diversity-strategy-2013-and-2016>

Measures to implement this promise are expected to be made law by 2017 under section 78 of the 2010 Equality Duty Act. The draft regulations were set before Parliament on December 9th 2016. Details are available in our updated report.

The Fawcett Society published a report in March 2016 on the motherhood penalty  
<http://www.fawcettsociety.org.uk/2016/03/motherhood-penalty-for-women-and-daddy-bonus-for-men/>

An EHRC report dated March 2016 entitled 'Pregnancy and Maternity Related Discrimination and Disadvantage' shows that three quarters of UK women still face discrimination relating to pregnancy and flexible work. <http://tinyurl.com/gnkx549>

June 2016 saw the annual celebration of Carers Week. Back in February 2014, The Independent reported on a £1 billion cut by Government to aid provided to carers and the people they care for.  
<http://www.independent.co.uk/news/uk/home-news/exclusive-struggling-families-caring-for-disabled-relatives-face-1bn-cuts-9102540.html>.

Two years later, in June 2016, The Guardian asked carers how these cuts are affecting them thus far. <http://tinyurl.com/gvw8w66>

Also, a number of recent scholarly articles link gender inequality, especially inequality of pay, to caring responsibilities. A recent example is the International Labour Office working paper written by D. Grimshaw and J. Rubery (2015) entitled "The Motherhood Pay Gap: A Review of the Theory, Issues and International Evidence." The findings are very similar to those in Confronting Gender Inequality.

No change or development found. There has been no development or change on shared parental leave (SPL) in the UK and figures of SPL uptake by men have not improved since our original Report.

# Part 2 - Politics

## Original Commission Recommendations

### 1. Quotas:

That political parties introduce or reintroduce minimum quotas for women for all internal positions.

### 2. Gender parity in government:

That political parties commit themselves to principles of gender parity (50/50) in the formulation of future governments.

## Changes/Developments Possibly Affecting Recommendation

The Good Parliament report, by Professor Sarah Childs, was launched on 20th July 2016. The report findings show how “Parliament’s working practices still reflect the traditions and preferences of those who historically populated it.” The report sets out a clear and comprehensive reform agenda. It concludes it is time for Parliament to accept an institutional responsibility to become more representative and inclusive. It makes 43 recommendations, which aim to transform who sits in the House of Commons, significantly enhance MPs’ effectiveness, improve the quality of parliamentary outcomes, and ultimately raise the public’s regard for the House of Commons. There are a number of recommendations in the report which encourage gender quotas and targets. Recommendation no. 9, for example, states that prior to dissolution for the 2020 general election, gender statutory sex/gender quotas are to take effect for the 2025 election, if 3 months prior to the 2020 election, political parties have failed to select at least 50% women in a party’s ‘vacant held’ and ‘target seats’.

<http://tinyurl.com/jlenfxf>

In October 2015, at the Women and the World event, Nicola Sturgeon said she believed quotas were necessary to speed up the pace of change and to bring more women into politics.

<https://www.theguardian.com/society/2015/oct/09/we-need-quotas-to-help-women-enter-politics-says-nicola-sturgeon>

No further public discussion on gender quotas in politics seems to be taking place and David Cameron’s previous government did not debate the introduction of quotas in political parties. A latest 2015 Democratic Audit UK seems to reflect the argument of our original Report in stating that no recent improvement has taken place towards gender parity in UK political parties. <http://www.democraticaudit.com/?p=19294>.

An article by Rosie Campbell and Sarah Childs entitled, “Conservatism, Feminization and the Representation of Women in UK Politics”, published in May 2015 critiques the previous Cameron Conservative Government policies on women and shows how the austerity measures have had a disproportionate effect on women. <http://link.springer.com/article/10.1057/bp.2015.18>

See reference to The Good Parliament report above. Recommendations 7, 9 and 10.

In addition, a notable development has been the creation of the Women’s Equality Party. Its leader, Sophie Walker states the party’s mission as “[.] equal representation in politics, business, industry and working life”. The Women’s Equality party regularly publishes articles on the state of women’s representation with UK politics, such as this latest one entitled “Labour’s Women Problem” [http://www.womensequality.org.uk/labour\\_women\\_problem](http://www.womensequality.org.uk/labour_women_problem) and “Theresa May, Female but not Feminist” <http://www.politico.eu/article/theresa-may-female-but-not-feminist-conservative-brexit-womens-equality-party/>

Meanwhile, within political parties, gender inequality remains a significant problem: for example Women in Public Affairs reported that men outnumbered women by two to one on political panels during the party conferences, while five times as many fringe events had no female speakers as those without male speakers:

<http://www.theguardian.com/politics/2016/sep/24/men-on-political-panels-outnumber-women-two-to-one-report>

## Original Commission Recommendations

### 3. Achieving work-life balance in political work:

That Parliaments, Assemblies and Councils be made more responsive to members' family and care responsibilities, including through the implementation of parental leave in line with best public sector practice, and the revision of working hours and voting mechanisms.

### 4. Regulate political parties on gender equality:

That Parliament introduce a robust system of party regulation, with strong equality and diversity provision.

## Changes/Developments Possibly Affecting Recommendation

The Good Parliament report makes a number of recommendations on this point. It advocates the drafting of a 'House Statement' on maternity, paternity, parental, adoption and caring leave (recommendation 12). It also suggests a review for the provision of a crèche facility (in addition to the nursery) on the Parliamentary Estate (recommendation 13). In addition, it makes a number of recommendations to improve the ability of members, namely those with caring responsibilities, to plan their time by setting recess dates in advance (recommendation 26), abolishing party conference recess and sitting on Fridays (recommendation 27), and introducing greater predictability in the scheduling of House Business (recommendation 31). It also suggests the trial of sittings of the House during 'normal business hours' (recommendation 33), and trial of remote voting and new format for PMQs (recommendation 34 and 35). Recommendation 3 also recommends permitting MPs to be counted at the 'door' of the division lobbies when accompanied by their children.

In addition, please see notes on parental leave in recommendation 6 of Economics section above.

In 2016, the Women and Work All Party Parliamentary Group was created. Two MPs (Flick Drummond and Jess Phillips) started the group whose mission is explained as follows: 'The Women and Work APPG was constituted at the beginning of 2016 in response to the increasing public and political focus on the role of women in the workforce, and the acknowledgement from Government that the UK economy underuses women's talents and misses out on a "huge economic prize". The APPG provides a forum to constructively examine and debate the role that policy makers can play to deliver gender balance within the economy. It also allows Members of Parliament and interested stakeholders to examine the responsibilities of employers and explore what more is required from the private, public and third sectors to deliver the Government's ambitions for women and work.'

<http://connectpa.co.uk/the-women-and-work-all-party-parliamentary-group/>

Minutes of the APPG meeting in April 2016

<http://connectpa.co.uk/wp-content/uploads/2016/03/Women-in-enterprise-meeting-26-April-2016.pdf>

See also:

<https://www.theguardian.com/women-in-leadership/2016/jan/13/why-the-new-women-and-work-all-party-parliamentary-group-matters>

The Good Parliament report largely deals with improving gender equality within political parties and it makes a number of recommendations on diversity and equality measures to be adopted. See, for example, recommendations 9, 14, 15, 17, 19, 24, 25, 28, 29, and 30.

## Original Commission Recommendations

### 5. Gender auditing:

That government be required to carry out serious gender audits of all the policies they propose to introduce.

### 6. Quotas for women selected to stand for Parliament:

That Parliament pass legislation establishing a ceiling gender quota for MPs for each political party: a maximum of 70% of either sex at the first general election following the legislation, moving to a maximum of 60% of either sex at the following one, along the lines of recent legislation in Ireland.

## Changes/Developments Possibly Affecting Recommendation

The Good Parliament report makes a number of recommendations on auditing measures to be implemented. Recommendation 5 recommends the initiation of an Inter-Parliamentary Union 'Gender Sensitive' Parliament audit as early as 2018. Recommendation 11 suggests the commissioning of a comprehensive diversity and equality audit of the Independent Parliamentary Standards Authority (IPSA). And recommendation 22 argues for the immediate commencement of Section 106 of the Equality Act 2010, which requires political parties to provide data relating to parliamentary candidates. Recommendation 24 suggests calling of the Secretary of State for Women and Equalities before the Committee regarding commencement of Section 106 of the Equality Act 2010 which requires provision of information about diversity among candidates for electoral office

The Women and Equalities Committee was appointed by the House of Commons on 3 June 2015 to examine the expenditure, administration and policy of the Government Equalities Office: <http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2015/> Its recent work includes a report calling for greater transparency in Treasury information on equality impact; on the need to ensure protection for equalities in the process of exiting/renegotiating the UK's relationship with the EU; and on disabilities and the built environment. The Committee has also published reports on the gender pay gap <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/584/58402.htm> and on transgender equality <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/39002.htm>

The current Minister for Women and Equalities is Justine Greening who, like her predecessor, combines this role with that of Secretary of State

The Good Parliament report makes a large number of recommendations to improve gender parity and specifically recommends gender quotas or single sex prohibitions in recommendations 9, 14, 15 and 30).

Owen Smith, the MP who (unsuccessfully) challenged Jeremy Corbyn's labour leadership, announced during his campaign that he would use all women shortlist in targeted seats until half Labour MPs were women. <http://www.theguardian.com/politics/2016/jul/22/owen-smith-pledge-equal-representation-of-women-in-labour>

# Part 3 - Law

## Original Commission Recommendations

### 1. Use equality legislation more effectively to improve representation:

That the scope for positive action within existing equality legislation be exploited more effectively to improve women's representation in all fields of employment and political representation.

## Changes/Developments Possibly Affecting Recommendation

We have found no recent reports or articles directly relating to making better use of UK equality legislation such as the Equality Act 2010. Quotas to improve figures on female representation within the legal profession are generally not used. However, as mentioned in the original report, many law firms continue to set targets – such as 30% female partners by 2020.

Yet, many scholars, such as Savita Kumra, believe gender equity issues in large City law firms are still not being dealt with effectively as little progress has been made in recent years with only 21% of women in UK law firms being partners. See S. Kumra (2016) 'Busy Doing Nothing: an exploration of the disconnect between gender equity issues faced by large law firms in the United Kingdom and diversity management initiatives devised to address them' *Fordham Law Review*, 83: 2277.

The Women and Equalities Select Committee has focused on the continuing importance of labour market discrimination, with a recent focus on continuing discrimination against pregnant women or those seeking to exercise their rights to maternity leave, and advocates more effective legal protection:

<http://www.theguardian.com/money/2016/aug/31/mps-urge-better-job-protection-for-expectant-and-new-mothers>

Research commissioned by the Equality and Human Rights Commission – a government organization – found in a report published in March 2016 that three in four mothers (77%) said they had a negative or possibly discriminatory experience during pregnancy, maternity leave, and/or on return from maternity leave. As the Report noted, 'If scaled up to the general population this could mean as many as 390,000 mothers a year.' One in nine mothers (11%) reported that they felt forced to leave their job, and about 20% reported experiencing harassment or disparaging remarks in relation to pregnancy or maternity leave. <http://tinyurl.com/gnqx549>

## Original Commission Recommendations

### 2. Transparency and revised criteria of merit in recruitment:

That criteria of merit be subjected to careful re-evaluation across the labour market, so as to eliminate implicit gender bias and acknowledge the ways in which a diverse pool of experience within a workplace or area of service delivery constitutes one component of quality of service; and all employers should be under a duty to make their criteria of merit and promotion transparent.

## Changes/Developments Possibly Affecting Recommendation

The criterion of merit in recruitment and promotion has been linked to unconscious bias.

*Unconscious Bias and Ingrained Beliefs*, McKinsey & Company, McKinsey Leadership Development, March 2015.

<http://www.mckinsey.com/videos/video?vid=4847327195001>

This video, which is part of McKinsey's Leadership Management programme, explains the science behind unconscious bias and ingrained beliefs and what can be done to overcome them. It is presented by Dr. Julia Sperling, a McKinsey Partner and neuroscientist.

*Unconscious Bias in the Boardroom, Roundtable Discussion*, KPMG, November 2014

This roundtable report is a recent example of KPMG working with Women Corporate Directors (WCD) (South African Chapter) to raise awareness of unconscious biases in the boardroom. Its 'Call to Action' includes (i) build a pipeline through mentorship and advocacy where each board member helps a woman get ahead (ii) Board nomination committees and executive search firms must commit to including at least one woman on every slate, (iii) Declare board diversity a necessary component of good governance (iv) Turn CEOs into Champions and Change Agents, (v) Expand the pool by looking beyond sitting or retired CEOs for board members, (vi) Provide specific Board training and report and write more on the issue of unconscious bias.

Certain private law firms are trying to come up with innovative solutions in dealing with gender biases. One magic circle firm instigated a 72-hour crowdsourcing to find solutions to work-life balance. However, criteria used in hiring and promotion within the private practice remain opaque.

<https://www.solicitorsjournal.com/news/hr/linklaters-crowdsources-worklife-balance-solutions>

The Judicial Appointments Commission is not due to issue a another diversity report since until 2017 (for the last such report, see <https://jac.judiciary.gov.uk/news/judicial-appointments-commission-releases-latest-diversity-statistics> and the most recent statistics); its most recent overall report shows that women remain a minority of applicants but do somewhat better in terms of numbers appointed at most, though not all, levels of court: <http://tinyurl.com/zhcnqdg>

Meanwhile, the Council of Europe has reported that judicial appointments in the UK remain among the lowest in Europe, with England & Wales figure at 30%, and Scotland at only 24% - less than half the continent-wide average of 51%

<http://www.theguardian.com/law/2016/oct/06/proportion-of-women-judges-in-uk-among-lowest-in-europe>

## Original Commission Recommendations

### 3. Gender auditing:

That all legislation be gender audited at the drafting stage, with a five year review of any legislation with significant implication for gender equality. The scope of this auditing is of particular importance given that some of the legislation which has had the greatest positive impact on women's lives – Minimum Wage legislation- is not ostensibly concerned with gender issues.

### 4. Mainstream gender assumptions within legal and university education:

That the gender assumptions underlying the law, the impact of the law on gender equality, issues of the intersection between gender and other axes of differentiation and discrimination, notably ethnicity, and the provisions geared to addressing these issues in national law and international charters including the EU Charter of Fundamental Rights be mainstreamed in both university and professional legal development.

### 5. Strengthen the rights of women in custody:

That further emphasis be given to the realization of human rights of women in custody, both in immigration detention and in the criminal justice system, in light of recent evidence about the poor conditions and abusive treatment.

## Changes/Developments Possibly Affecting Recommendation

The Good Parliament report makes 43 recommendations advocating greater diversity within Parliament. However, it does not mention gender auditing of laws. One would hope that with recommendations such as recommendation 7 which urges Parliament "...to engage in various parliamentary and other activities to enhance the supply of, and demand for, diverse parliamentary candidates", equality would eventually be reflected in legislation drafted by a more diverse parliament.

Unconscious gender bias cuts across all professions: see above under 2 for recent reports by McKinsey and by KPMG on this subject.

In an address to the Criminal Justice Alliance on April 2015, Lord Neuberger made note of the unconscious biases of judges and that they needed to be more aware of their positioning versus those of the people who appear before them.

<http://criminaljusticealliance.org/wp-content/uploads/2015/04/The-Best-We-Can-Do-Lord-Neuberger-at-the-CJA-100415.pdf>

The Prison Reform Trust's Report *Deep Custody: Segregation Units and Close Supervision Centres in England and Wales* of October 2015 reminds us of the importance of protecting the rights and answering the needs of women in custody. The report states that over one-third of the prisoners interviewed who were held in segregation units had deliberately engineered a move into segregation to escape violence and indiscipline on prison wings or to raise concerns regarding their treatment and conditions. The report also found that segregation units and close supervision centres are complex places, where some of the prison's most challenging individuals are confined alongside some of its most vulnerable people, within a small, enclosed space.

[http://www.prisonreformtrust.org.uk/Portals/0/Documents/deep\\_custody\\_111215.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/deep_custody_111215.pdf)

The Prison Reform Trust also published, in December 2015, a discussion paper entitled *Sentencing of Mothers* on improving the sentencing process and outcomes for women with dependent children. This paper makes a number of recommendations related to criminal courts considering the an offender's caring responsibilities prior to sentencing.

[http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Sentencing\\_Mothers\\_pdf.pdf](http://www.prisonreformtrust.org.uk/Portals/0/Documents/Women/Sentencing_Mothers_pdf.pdf)

This Halsburys Law Exchange article dated May 2016 summarises the Report's findings.

<http://www.halsburyslawexchange.co.uk/reducing-womens-imprisonment-sentencing-of-mothers/>

## Original Commission Recommendations

### 6. Review legal aid cuts, abolish tribunal and judicial review fees:

That the recent cuts to legal aid be reviewed and, in large part, reversed, and that the imposition of fees for hearings at tribunals, and for judicial review, be abolished. This recommendation is informed by the importance of access to justice and by evidence showing that retrenchments in legal aid moves towards greater deployment of alternative, informal means of dispute resolution may be particularly disadvantageous to women.

## Changes/Developments Possibly Affecting Recommendation

In January 2016, Lord Thomas of Cwmgiedd, Lord Chief Justice, publicly declared that huge fees charged by lawyers and cuts to legal aid have forced huge numbers of ordinary people to abandon the justice system because it has become unaffordable. This, he said, has led to an ever-growing number of people representing themselves in court which in turn has given way to delays and inefficiency. <http://tinyurl.com/hogdy5p>

Lord Justice Briggs' *Civil Courts Structure Review* was published in July 2016: <https://www.judiciary.gov.uk/publications/civil-courts-structure-review-final-report/>

The Report acknowledges 'the lack of adequate access to justice for ordinary individuals and small businesses due to the combination of the excessive costs expenditure and costs risk of civil litigation about moderate sums, and the lawyerish culture and procedure of the civil courts, which makes litigation without lawyers impracticable.' The main focus of the review is on the structure of the Civil Courts and Her Majesty's Courts and Tribunal Service reform. The Report envisages *inter alia* a new online court using digital tools to improve case management; the rationalisation of the court estate and less reliance on the buildings themselves with a move towards a paperless court; and the use of Case Officers to assist and manage allocated aspects of work in order to maximise the use of judicial time and resources.

## Original Commission Recommendations

### 7. Fully incorporate CEDAW, ratify Istanbul Convention:

That the capacity of the legal system to provide meaningful rights for women be bolstered not only by retention of the Human Rights Act, but also by the reinforcement of its strength in the field of equality by the full incorporation of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and ratification of the Istanbul Convention on preventing and combating violence against women and domestic violence.

## Changes/Developments Possibly Affecting Recommendation

Human Rights Act: The Prime Minister, Theresa May, has made it known in the past that, as Home Office Secretary, she would like to see the UK abolish the Human Rights Act. A recent article in the Independent discusses this point. <http://tinyurl.com/zsq66t2>

Violence against women and girls remains a key concern, with abuse on social media aiming to threaten and control identified by the Director of Public Prosecutions as the driving factor behind a 10% rise in the number of cases to 117,568 in 2015-16:

<http://www.theguardian.com/society/2016/sep/05/violent-crimes-against-women-in-england-and-wales-reach-record-high>

The Istanbul Convention: This Convention has yet to be ratified. In January 2014, David Cameron publicly announced the UK would be in a position to ratify the Convention once it had criminalized forced marriages but this has yet to be done.

<http://tinyurl.com/hgxu8o8>

<http://www.independent.co.uk/news/uk/home-news/istanbul-convention-britain-drags-its-feet-over-womens-rights-10432895.html>

Several recent scholarly articles have been written on the Istanbul Convention although none which argue or address the point of UK ratification.

L. Peroni (2016) 'Violence Against Migrant Women: The Istanbul Convention Through a Postcolonial Feminist Lens', *Feminist Legal Studies*, Vol 24, Issue 1. This article argues that, while there is certainly cause for optimism, the Convention still falls into some of the traps identified by postcolonial feminists. The Convention largely circumvents the stigmatising risks that arise from framing certain VAW forms primarily as a problem of some 'cultures'. Yet dangers linger in the Convention's approach to 'honour' as an unacceptable justification for VAW. Inherent risks also remain in the vulnerability frame through which the Convention views migrant, refugee, and asylum-seeker women. Applied uncritically, these approaches risk re-inscribing images of inherently powerless women victimised by their non-European 'cultures,' reminiscent of colonial times.

See also E. Petipas (2015) 'The Istanbul Convention: New Treaty New Tool', *Forced Migration Review*, Issue 49. This article is more supportive of the Istanbul Convention as the first European Treaty specifically devoted to addressing violence against women., including FGM

CEDAW: We have been unable to find any recent publications or discussion on the incorporation of CEDAW into UK law.

# Part 4 - The Media

## Original Commission Recommendations

### **1. Establish a standing committee, such as the national gender observatory, tasked with monitoring media production and the representation of gender, and with intervening in the public debate around such issues:**

That a standing committee tasked with quantitative and qualitative monitoring of women's participation in media production be established.

### **2. Foster critical media literacy skills throughout primary and secondary education:**

That media literacy skills be fostered in the education system, for instance by including lessons on critical media analysis in the Personal Social Health and Economic Education (PSHE) curriculum.

### **3. Include training on gendered representation, intersectionality and gender sensitive modes of communication:**

That gendered representation, intersectionality and gender sensitive modes of communication be prioritized in professional training and qualifications for journalists and other media operatives.

## Changes/Developments Possibly Affecting Recommendation

There has been no recent public debate or endorsement of the establishment of a standing committee on the monitoring of media production and the representation of gender in the media.

However, the need for such monitoring remains strong, as is highlighted in a recent Fawcett Society report on women in the media: Fawcett Society (2016) Women in the Media. Available at: <http://www.fawcettsociety.org.uk/policy-research/attitudes-media-culture/>

Things do not appear to be getting better in the US either, and in some respects matters are reported to be getting worse, as discussed in a recent US report entitled 'The Status of Women in the US Media Report 2015'.

[http://wmc.3cdn.net/83bf6082a319460eb1\\_hsr680x2.pdf](http://wmc.3cdn.net/83bf6082a319460eb1_hsr680x2.pdf)

In addition, further scholarly articles on women's representation in the media have appeared including:

Barlow, C. (2015) Silencing the Other: Gendered Representations of Co-accused Women Offenders, *The Howard Journal of Crime and Justice*, 54: 469– 88

Bruce, (2016) 'New Rules for New Times: Sportswomen and Media Representation in the Third Wave', *Sex Roles*, 74 (7-8).

Schooler, D. (2015) 'The Woman Next to Me: Pairing Powerful and Objectifying Representations of Women', *Analyses of Social Issues and Public Policy*, 12 (1) 198-212

We were unable to find any recent development or discussion on the implementation of a critical media literacy skills programme within the PSHE curriculum.

However a recent article by C. de los Rios, J. Lopez, E. Morell (2015) 'Toward a Critical Pedagogy of Race: Ethnic Studies and Literacies of Power in High School Classrooms, *Race and Social Problems*, Vol. 7 Issue 1. explores the potential of a critical pedagogy of race in US high school classrooms to foster civic engagement and academic development.

No significant developments

## Original Commission Recommendations

### 4. Implement the recommendations made in the Leveson Report:

That the recommendations of the Leveson Report be implemented.

## Changes/Developments Possibly Affecting Recommendation

No significant developments. At present press reports indicate that the former Culture Secretary, John Whittingdale was reluctant to implement all of the Leveson recommendations; the views of the current Culture Secretary in the May Government are not yet known. Martindale, J. (2016) John Whittingdale 'not minded' to implement Leveson in full. Guardian April 21st. Available at: <https://www.theguardian.com/media/2016/apr/21/john-whittingdale-leveson-press-regulation-costs-implement>