



## The UK, CEDAW and the Criminalisation of Sexuality and Reproduction

Project Partner: Amnesty International UK

### About Amnesty International UK

[Amnesty International UK](#) is the national section of a global movement of over seven million people who campaign for every person to enjoy all rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Amnesty International has more than 670,000 supporters in the UK, and it is independent of any government, political ideology, economic interest or religion.

### Project Overview

In 2019, the UK underwent its 8<sup>th</sup> periodic review by the CEDAW Committee. Once again the Committee reiterated its concern about the lack of domestication of CEDAW (Convention on the Elimination of all forms of Discrimination Against Women), and the insufficient progress towards fulfilling obligations under the Convention. In addition to lack of progress the UK still retains laws that criminalise sexuality and reproduction such as partial criminalisation of sex work and abortion which affect some of the most marginalised women in society.

The devolution arrangements have important repercussions on progress towards realisation of CEDAW and accountability for violations as became evident with the issue of access to abortion in Northern Ireland. Devolved governments have differing views and powers on domestication of IHRL instruments, for example the devolved government in Scotland is considering how it could incorporate into Scots Law several IHRL instruments, including CEDAW.

With the UK leaving the European Union, domestication of CEDAW and accountability mechanisms become even more important as the UK undergoes rapid and unpredictable socio-economic and political/institutional change. While some protections exist in law for women's rights, it is clear that women and BAME women (Black Asian Minority Ethnic) in particular have been hit the hardest by the economic policies of the last ten years. Erosion of legal aid has also jeopardised access to justice especially for women subject to immigration control.

This project will use intersectional legal analysis to identify what domestication of CEDAW could look like so that human rights protections are in place to protect women in all their diversity. The principle of intersectionality means that the project will need to take into account that some women experience discrimination based on aspects of their identity beyond gender, such as race, sexual orientation and gender identity, disability and class. The project will identify what interventions should be prioritised to benefit the largest number of women and prioritising those suffering compounded discrimination.



This project will contribute to inform Amnesty UK's future work on women's rights by identifying recommendations for domestication of CEDAW and decriminalisation of sexuality and reproduction within the devolution arrangements.

### **Project Output**

A 25-30 page report (plus annexes if any) will be submitted to Amnesty International UK at the end of the research. The report will address:

- What major gaps remain for women's human rights from an intersectional perspective and looking at the situation of marginalised women first, such as BAME women, women living in poverty and with caring responsibility.
- The challenges and opportunities for domestication of CEDAW in the current devolution framework.
- Assess existing examples of domestication of other international human rights treaties in the UK, and CEDAW and other treaties in comparable countries, to identify recommendations for the UK.
- What areas of criminalisation of sexuality and reproduction continues to exist in the UK.

The researchers are expected to come up with well-documented conclusions as well as a set of recommendations based on the research.

Amnesty International UK and the Human Rights Centre Clinic will consider the possible publication of the output, in full or partially, and always subject to quality assurance. This could take the form of a briefing for MPs, a blog on Amnesty's website to summarise the report, a presentation for internal Amnesty audiences. Parts of the report will be used to inform AI UK's ongoing work such as submissions to parliamentary committees.

### **Project Outline**

Phase 1: November-December 2020

- Preliminary research, understanding the project and developing research/report outline.
- Identifying a list of experts for interviews and questionnaire.
- Mapping of cases, bibliography and literature review. The outline and bibliography to be submitted Amnesty UK in mid-December for comments.
- Seeking internal ethical approval for the interviews (as necessary).

Phase 2: January-March 2021

- Carry out the interviews online or via telephone.
- Research and data gathering.
- Report writing (first draft).



- Submission of the first full draft (25-30 pages, plus annexes if any) to Amnesty UK.

#### Phase 3: April-June 2021

- Revision and finalizing the research based on the input received from Amnesty UK.
- Potential for blogs on Amnesty website and/or other form of dissemination of the report.

#### Essential readings

[CEDAW Committee, Concluding Observations on the UK, 2019](#)

[CESR Committee, Concluding Observations on the UK, 2016](#)

[Visit to the United Kingdom of Great Britain and Northern Ireland Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, 2019](#)

[Visit to the United Kingdom of Great Britain and Northern Ireland, Report of the Special Rapporteur on extreme poverty and human Rights, 2019](#)

[Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 2018](#)

[Amnesty International, Body Politics, a primer on criminalisation of sexuality and reproduction, 2018](#)

[CEDAW Committee, General Recommendation No. 28 on article 2, 2010.](#)

Katie Boyle, *Models of Incorporation and Justiciability for Economic, Social and Cultural Rights* (Scottish Human Rights Commission, 2018).

[https://www.scottishhumanrights.com/media/1809/models\\_of\\_incorporation\\_escr\\_vfinal\\_no\\_v18.pdf](https://www.scottishhumanrights.com/media/1809/models_of_incorporation_escr_vfinal_no_v18.pdf)

Venice Commission, European Commission for Democracy through Law, Report on the implementation of international human rights treaties in domestic law and the role of the courts (Council of Europe, 2014).

[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)036-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)036-e)

Verdier, P-H and Versteeg, M., "Modes of domestic incorporation of international law" in Sandholtz, W. and Whytock, C. (eds.), *Research Handbook on the Politics of International Law* (2017).



[Truscan, I. and Bourke-Martignoni, J.. \*International Human Rights Law and Intersectional Discrimination\*, the Equal Rights Review Vol 16, 2016](#)

**Focal points in Amnesty International UK**

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