



Consultation on the Scottish Government's response to the 2008 Concluding Observations from the UN Committee on the Rights of the Child

Engender works on a feminist anti-sexist agenda to make visible the impact of sexism on women, men, children, society and our social, economic and political development. We do this by making the causes and impact of women's inequality visible, promoting gender equality in policy and practice and increasing women's power and influence.

We welcome this opportunity to comment on the *Consultation on the Scottish Government's response to the 2008 Concluding Observations from the UN Committee on the Rights of the Child* and we have chosen to comment on the issues we feel have particular relevance to gender inequality.

Article: 32 Corporal Punishment

2008 Concluding comments: The Committee, reiterating its previous recommendations (CRC/C/15/Add.188, para.35), in light of its General Comment no. 8 on "the right of the child to protection from corporal punishment and other cruel and degrading forms of punishment", as well as noting similar recommendation made by the Human Rights Committee; the Committee on the Elimination of Discrimination Against Women; and the Committee on Economic, Social and Cultural

d) Provide parental education and professional training in positive child-rearing

Scottish Government response: Parenting programmes are available to parents through local authority and health board services, although not mandatory. No one programme is used across Scotland, giving services and parents the choice.

SG will: Work alongside partners to ensure that parents feel better supported and have improved parenting skills

Engender response: Engender holds particular views on violence against women and in line with this believes that violence against children is a violation of their human rights. We strongly feel that to give children less protection than adults under the law on assault is both unjust and unsafe. It is our opinion that the Scottish Government's target is too vague and the fact that it does not appear to be backed up with any funding or policy commitment renders it ineffectual.

Article: 37 Protection from abuse and neglect

2008 Concluding comments: The Committee recommends that the state party:

b) Ensure that professionals working with children (including teachers, social workers, medical professional, members of the police and the judiciary) receive training on their obligation to report and take appropriate action in suspected cases of domestic violence affecting children.

Scottish Government response:

SG will:

- Work under GIRFEC to develop a shared approach across professionals working with children to assessment of children's needs and risks and facilitate electronic sharing of information between them including about child protection and domestic abuse concerns, in a safe and secure environment by developing an eCare Framework.
- Implement the National Domestic Abuse Delivery Plan for Children and Young People who have experienced domestic abuse.

Engender response: Engender is well aware that the effect on children of experiencing, witnessing and overhearing domestic abuse can be profound and lifelong. There are a vast number of complex 'potential' impacts on children which can make it difficult to find ways to support children both living in and leaving violent and abusive situations. The Scottish Government's response shows a good level of understanding of the issues involved and a commitment to assist children and young people in these circumstances.

The *Getting it right for every child* (GIRFEC) approach has been developed to reflect the principles of *The Children's Charter* and is in line with the *UN Convention on the Rights of the Child*. It builds on *For Scotland's Children* and other reports about children and young people's well-being and is supported by a number of strategic pillars being put in place to help all children and young people. The 10 core components at the heart of GIRFEC approach provide a useful benchmark from which practitioners should apply the approach to their areas of work.

Engender supports the National Abuse Delivery Plan which sets out 13 Priorities for Action to resource and progress with partners, to enable more effective protection, provision, prevention and participation for all children, young people and their families affected, or at risk of being affected, by domestic abuse in Scotland.

Article: 38 Protection from abuse and neglect

2008 Concluding comments: The Committee recommends that the State party: strengthen support for victims of violence, abuse, neglect and maltreatment in order to ensure that they are not victimized once again during legal proceedings;

Scottish Government response:

SG will:

- **Provide** funding of over £44 million from 2008-11 to address the range of violence against women issues.

- **Continue** to monitor and evaluate the impact the Vulnerable Witnesses Act is having on witnesses.

Engender response: Engender supports the Scottish Government's commitment to the rigorous and rapid prosecution of perpetrators of domestic abuse as well as improving the support for victims through the specialist domestic abuse court in Glasgow.

We welcome the expansion of this pilot and understand that it is just one part of a wider package of action that is being used to strengthen support for victims of violence and abuse across Scotland.

The £44 million (2008-2011) will support the work of Scottish Women's Aid, the Scottish Domestic Abuse Helpline, Rape Crisis Scotland and the network of local rape crisis centre. In addition, there will be funding for local projects across Scotland which are working on this agenda as well as funding for children's workers in every women's aid group in Scotland. The National Domestic Abuse Delivery Plan clearly outlines the Scottish Government's commitment to tackle this issue.

However, while Engender holds that funding to address issues of violence against women and children is a positive step we are also aware through our work on gender equality that it is vital to address not only the consequences of violence against women and children but to examine its causes. Violence against women and girls flourishes in a social system that perpetuates men's expectation of entitlement and privilege. This system is woven into the social fabric of our everyday lives and constrains and constricts the lives of women, children and men. It is imperative that we address both the cause and the consequence.

Article: 42 Separation from parents

2008 Concluding comments: The Committee recommends that the State party: avoid that children are taken in alternative care as a result of parental low income;

Scottish Government response:

SG will:

- As described in detail below, do all within the powers available to it to
- Help halve child poverty by 2010 and to eradicate it by 2020.

Engender response: Engender holds that poverty should not be equated with abuse or neglect and children should not be taken into care, even temporarily, simply because of low income.

Engender believes that the well-being of children cannot be divorced from that of their mothers. Tackling women's poverty is therefore critical to the long-term success of the Government's child poverty strategy, while also being significant in its own right. We are aware that half of all lone parent families are low-income compared to one in five couples with children and two-fifths of all the children in low-income households are in lone parent

households. It must be noted that at least 90% of lone parents are in fact **lone 'mothers'**.

Many mothers in poverty are in constant fear of their children being taken into care. While Social Services seem to believe putting children in care breaks the cycle of poverty, the fact remains that their life chances remain limited in care.

Children in care most often come from backgrounds of poverty, but it begs the question: if people had sufficient resources to raise their children, would they need to go into care?

Article: 76 Health and health services, Breast feeding

2008 Concluding comments: State party should also further promote baby-friendly hospitals and encourage that breast-feeding is included in nursery training.

Scottish Government response:

SG will:

- Work with NHS Health Scotland to address the emotional and practical barriers that stop mothers from starting to breastfeed or for whom breastfeeding is unsuccessful. With a particular focus on less affluent and younger parents.
- Support the Infant Nutrition Co-ordinator to develop an infant nutrition strategy for Scotland, and part of this work will focus on the promotion of breastfeeding.
- Host a breastfeeding conference for health professionals in Scotland in May 2009.

Engender response: Engender recognises the important health and emotional benefits of breastfeeding to both mother and child and there is no doubt that Scotland has a coherent and strategic approach to policy in this area. The Scottish Government is promoting higher rates and longer duration of breastfeeding. This is primarily through education-based initiatives aiming to raise the awareness of the benefits of breastfeeding for both mother and child, and to facilitate the availability of breastfeeding information.

However Engender is also aware that campaigns to promote breastfeeding can leave new mothers feeling as though they are second-rate parents if they feed their babies formula milk. Research has shown that mothers can feel a sense of failure, guilt and uncertainty at not breastfeeding, having intended to breastfeed then finding that their feeding did not go to plan. They can also be worried about what the health visitor or midwife might say to them as well as being concerned about the effects of formula milk on their babies' health.

Anecdotally we are aware that moral pressure to breastfeed also comes from other women who may, consciously or unconsciously, judge the action of the new mothers, calling them into question. These issues need to be addressed in terms of awareness-raising which should run alongside work to promote breastfeeding.

Article: 77 Health and health services, Adolescent health

2008 Concluding comments: The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education in the school.

Scottish Government response:

SG will:

- Continue work already underway to address some of the recommendations such as access to sexual health advice, information and services. NHS Boards depending on their local population need are providing translators and information in different languages and generally we are encouraging and facilitating more joined up working.

Engender response: Engender holds that it is vital for young people to be given clear and accurate information about sexual health as well as access to sexual health services. However, the response from the Scottish Government does not appear to have much substance, clearly lacking a commitment to providing improved sex education across the board in educational settings since there is no legal requirement to do so in Scotland.

At Engender we are particularly committed to the framing of sexual health in terms of the broader issues of relationships and well being, particularly respect in relationships and sexuality. We believe that policies to support informed choices in relationships and sexual behaviour must focus on raising aspirations and self esteem and on increasing gender equality.

Article: 78 Health and health services, Adolescent health

General concerns: Poor levels of support for teenage parents e.g. to continue education etc.

Scottish Government response:

SG will:

- **Continue to work with COSLA and other partners on taking forward the implementation of the framework.**
- Work alongside partners to ensure that young parents feel better supported and have improved parenting skills.

Article: 81 Health and health services, Adolescent health

General Concern: UK Govt and DAs should each develop strategies to tackle the higher level of teenage pregnancy in disadvantaged areas. Interventions should recognise the close relationship between risky behaviours (such as early sexual intercourse and the use of alcohol and drugs) and ensure a more holistic approach is developed

Scottish Government response:

SG will:

- Develop a social marketing campaign which will aim to reduce the stigma and negative culture associated with sexual health and wellbeing in Scotland. This campaign will recognize and highlight risk and risk factors associated with negative sexual health outcomes. Equity of access to services for young people is essential if we are to achieve our aims.

Engender response: Engender is aware that teenage mothers often suffer stigma by the media and members of the public.

They have difficulties accessing services and teenage pregnancy has been linked to poverty and low educational attainment (source: YWCA). As well as providing and promoting support services targeting young mothers the Scottish Government must do more to dispel negative attitudes to young parents.

Engender supports the government's efforts to promote a positive attitude to sexual health and sexual health services amongst young people. We are also keen that this should address issues around the sexualisation of young girls and challenge negative sexist attitudes among young people.

Article: 85 Health and health services, Smoking

General Concern: That we need to tackle high rates of smoking among children and young people given the negative affect this has on children's health.

Scottish Government response:

SG will:

- Continue financial (£3m per annum) and other support for smoking prevention services.
- Legislate in 2009 to further restrict the display of tobacco products and introduce further controls on tobacco sales. Prevention work is supported by record levels of investment in smoking cessation services.

Engender response: Engender is concerned that because there is a significant difference in the levels of smoking by young women as compared to young men there should be targeted interventions.

More girls than boys in Scotland are regular smokers by their mid-teens, although these differences appear to narrow and disappear in the late teens and early twenties. It is increasingly recognised that the factors which influence starting and continuing to smoke are different for boys and girls. A study of Scottish 11 and 13 year olds found that popular or "top" girls were often smokers whereas for boys smoking conflicted with their wish to be fit. Among 15-16 year olds, some girls saw smoking as part of their rejection of the traditional "good girl" identity. While both boys and girls who smoke highlight the importance of smoking in their social relationships and dealing with negative feelings, they differ in the way this is expressed. Girls are also much more likely to see smoking in relation to their appearance, on the one hand as a means of weight control and enhancing their sexual attractiveness;

on the other, a dislike of their bodies and clothes smelling of smoke. These differences point to the need to design prevention campaigns in ways that address the differing attitudes of males and females.

Article: 86 Health and health services, Obesity

2008 Concluding comments: SG should establish a national working group on eating disorders.

Membership of this working group should include reps from organizations such as the YWCA Livingston, who are presently working with young women on body image and other related issues and, where possible, young people with experience of the condition.

Scottish Government response:

SG will:

- Continue working with the independent sector to negotiate regularised discounted pricing arrangement for specialist eating disorder care. The aim is for improved efficiencies; value for money; and quality of care/outcomes for NHS patients on a commissioned or contracted service basis.
- Conclude work with partners (currently at an advanced stage) to increase access to evidence based psychological therapies.

Engender response: Engender commends YWCA Scotland's work with girls and young women on improving self esteem and promoting diversity. They do not try to tackle the many issues associated with body image such as eating disorders which require specialised counselling but have developed a Positive Body Image workshop which is delivered by their volunteers.

More work should be done in partnership with YWCA Scotland to continue to highlight media influences and reactions to this increasingly high profile issue. This would benefit from government support and funding.

Engender is also aware that obesity continues to be a serious public health concern in Scotland as the prevalence rises. Obesity in children is now common and in Scotland, nearly, one in five (18%) boys and over one in ten (14%) girls aged 2–15 years are obese. Access to good quality affordable food and education on both nutrition and cookery skills are vital to tackling this issue. Pilot projects commended by the UN should be rolled out nationwide.

Article: 87 Health and health services, Inequalities on child mortality

General concerns: Concerns about inequalities in infant mortality: different mortality rates e.g. among lower socio-economic groups, ethnic minorities etc

Scottish Government response:

SG will:

- .Work with its partners to take forward the Task Force's Report (published in June 2008) which sets out recommendations for action for SG, NHS, LAs and voluntary organizations working together to address key health inequalities. This is a good opportunity for cross-

sectoral debate and discussion on how best to implement the recommendations.

Engender response: Whilst child mortality rates have fallen in recent years it remains the case that children born into manual backgrounds are more likely to die in their first year of life than those born to parents from non-manual backgrounds (source: Joseph Rowntree foundation). Engender stresses the importance of tackling gender inequality as a prerequisite to lowering rates of child mortality.

Article: 89 and 90 Standard of Living

2008 Concluding comments: The Committee recommends that the State party

- a) Adopt and adequately implement the legislation aimed at achieving the target of ending child poverty by 2020, including by establishing measurable indicators for their achievement;
- b) Give priority in this legislation and in the follow-up actions to those children and their families in most need of support

Scottish Government response:

SG will:

- In the light of information as to how the Prime Minister intends to legislate on tackling child poverty, determine how it will continue to contribute to this work.
- Publish a tackling poverty Framework later in 2008 and will set out how SG intends to deliver on the GES target of increasing the proportion of income earned by the bottom 3 income deciles by 2017. This will cover for example, in-work and rural poverty.
- To help address the problems faced by those in the most severe poverty, the Solidarity Target in the Government Economic Strategy, look at increasing the income of the lowest 3 income deciles.
- Use the findings of Save the Children research that SG has commissioned into families experiencing severe poverty to help inform any future work to be undertaken in this area.
- Use the tackling poverty framework as a means of ensuring that local government and central government address poverty issues.

Engender response: The Government's overarching aim to "increase sustainable economic growth" is of some concern to us at Engender since we are aware that increases in economic growth do not automatically lead to reduction in poverty. If the Scottish Government seriously believes that inequalities in and of themselves damage society, it might need to admit that unfettered economic growth is simply not desirable.

Poverty is not simply about numbers because with low income comes a denial of choice and opportunity that most people take for granted. While we have poverty in Scotland we cannot guarantee human dignity for everyone who lives here so we must redress the balance and ensure we are committed to working towards a more socially just society. We must recognise that tackling poverty is not only about economics, but also equality and social justice and in

doing so we must act to deliver initiatives which aim for a fairer distribution of wealth and advantages.

We are well aware of what drives poverty and much, quite rightly, has been written about the need to eradicate child poverty but the link between women's poverty and child poverty is largely ignored in debates and policy-making. Engender holds that women's poverty matters in its own right and has implications for child poverty because of women's role as 'poverty managers' as well as their disadvantaged position in the labour market. Current government strategy – with its focus on work as the key route out of poverty – is only partially effective. 4 in 10 children in poverty are living in lone mother households and 3 in 10 are in households where the father works but the mother is on low or no income.

Article: 100 Education; Bullying

2008 Concluding comments: The Committee recommends that the State party intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance;

Scottish Government response:

SG will:

- Continue our commitment to anti-bullying in Scotland. We will continue to provide funding for the respectme anti-bullying service and respond to new and emerging types of bullying.
- Continue to provide funding to Childline for its bullying helpline to provide confidential support and information to children and young people affected by bullying.
- Develop a national approach to anti-bullying in Scotland in partnership with key stakeholders through the national anti-bullying steering group.
- Supporting the development of guidance on dealing with homophobic incidents in schools. This guidance will be promoted and supported through the respectme service.

Engender response: Engender supports the Scottish Government's commitment to anti-bullying in Scotland and the recognition that there are many forms of bullying. We are particularly concerned by the rise in sexual bullying. These sexual acts include abusive comments, homophobic abuse, or unwarranted physical contact.

Article: 107 Refugee children Detention

2008 Concluding comments: The Committee recommends that the State party: a) intensify its efforts to ensure that detention of asylum-seeking and migrant children is always used as a measure of last resort and for the shortest appropriate period of time, in compliance with article 37 (b) of the Convention;

Scottish Government response:

SG will:

- Continue its involvement in the development of proposals for an alternative to detention project for Scotland. It is hoped that a pilot will

begin in Glasgow early in 2009, aimed at keeping families out of Dungavel.

- Continue dialogue with Home Office Ministers and UKBA officials and will continue to raise concerns about Dungavel and early morning removals.

Engender response: Engender holds that it is unacceptable that families and children continue to be held in Dungavel detention centre. Engender supports the pilot project to house failed asylum seekers outside Dungavel.

Article: 121 Sexual exploitation and sexual abuse

2008 Concluding comments: The Committee recommends that the State party intensify its efforts to collect data on the extent of sexual exploitation and abuse of children, essential to prepare adequate responses and combat these phenomena, including in the Overseas Territories.

Scottish Government response:

SG will:

- Consider what further work can be done to improve our understanding of the extent of sexual exploitation and abuse of children.

Engender response: Engender is concerned about the Scottish Government's reluctance to implement the 2002 Concluding Observations recommendation that a study be carried out on the scope, causes and background of child prostitution and possible measures to address it. Their admission that the lack of firm evidence of child prostitution in Scotland does not mean that there is no need for action makes no sense and does nothing to instil confidence that arrangements are in place to ensure that "young people at risk of sexual exploitation are immediately and appropriately protected."

The only data held by criminal justice stats relates to convictions for offences and does not detail the number of children the offence was committed against. If you do not know the scale of the problem how can you be sure that you are addressing it fully and appropriately?

If you wish to contact Engender about any issue raised in this response please telephone us on 0131 558 9596 or email Carol.Flack@engender.org.uk