



ENGENDER CALL FOR EVIDENCE ON CEDAW

The UK's response to its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is currently being examined.

In the lead up to the UN review of the status of women's rights in the UK, and in particular the implementation of CEDAW across the UK, Engender is seeking evidence from women and equalities organisations across Scotland to inform our shadow report. Shadow reporting is an essential tool for non-governmental organisations supporting women's rights. By submitting a shadow report to the UN CEDAW Committee, Engender – and women's organisation in the remaining three nations – can share civil society's perspective of women's rights across the UK.

The evidence that Engender receives from its call for evidence will be analysed and incorporated into the shadow report, which is expected to be submitted to the UN CEDAW Committee in summer 2018.

In its last concluding observations, the UN CEDAW Committee noted the following areas of concern:

- Violence against women including FGM and trafficking
- Access to legal aid and justice
- Women in prison
- Participation in public and political life
- Women's underrepresentation in decision-making positions
- Education
- Employment and economic development
- Gender stereotyping
- National machinery for the advancement of women
- Legal status and implementation of CEDAW

Engender is seeking views on the following:

- What is the current status of the concerns identified by the UN CEDAW Committee in its last report on the UK? In other words, what are your outstanding concerns with women's rights in these areas in Scotland?

- Thinking about the policy development process (i.e., from generating an idea to the coming into force of a Bill, strategy or programme) where has this not been aligned with the ambitions of CEDAW (e.g., not taken account of CEDAW)?
- In the last five years, are you aware of any legislative initiatives and/or policy reforms put in place to promote women’s rights and gender equality in Scotland?
- Is there anything else you would like to share with the UN CEDAW Committee in respect of women’s rights in Scotland?

You can answer as many questions as you like. You can also contribute to this review for evidence by sending us reports, comments, or bullet points about women’s rights and/or CEDAW itself by email to jill.wood@engender.org.uk.

We are hoping to share as many responses as possible with the Equality and Human Rights Commission and Scottish Human Rights Commission and/or to put those we can share on our website in a special section on CEDAW. **Please indicate below if you are content for us to share your response in this way.**

QUESTIONS

What is your name?

Dr Pauline Nolan

If you are replying on behalf of an organisation, please tell us its name.

Inclusion Scotland

Question 1: What is the current status of the concerns identified by the UN CEDAW Committee in its last report on the UK? In other words, what are your outstanding concerns with women’s rights in these areas (or any other areas) in Scotland?

What we are looking for:

- Examples of areas where women’s rights are not being realised and inequality persists
- Gender-disaggregated data that shows a difference between men’s and women’s experiences, especially where this relates to women from different protected groups
- Areas where inequality or breaches of rights have worsened over the past five years

Violence against women including FGM and trafficking

- The rate of gender-based violence for the general female population in Scotland is 1 in 5. Disabled women, however, are twice as likely as non-disabled women to experience gender-based violence, including domestic abuse, sexual assault and rape.
- Over half (52%) of women who recorded by Rape Crisis as having experienced extensive physical / sexual violence are disabled. Further, 40% of this group also identify as carers for someone else who is sick or disabled, and 74% are mothers.
- 1 in 2 disabled girls will have experienced some form of sexual violence before their 18th birthday, compared to 1 in 5 disabled boys.
- When Rape Crisis extended its services to include outreach work there was an 80% increase in disabled women accessing support as a result. This offers a clear indication of need.¹

Employment and economic development

- Between disabled women and non-disabled men there is an average pay gap of 22%. Between disabled women and disabled men, the gap is 11%.²
- Employment is still more challenging for disabled women, due to the discrimination, stigma and public attitudes they experience in relation to the intersections of gender and disability.³
- The disability pay gap in Britain also continues to widen. Disabled young people (aged 16-24) and disabled women had the lowest median hourly earnings of all.⁴
- Whilst the Office for National Statistics (ONS) has published gender pay details in its *Annual Survey of Hours and Earnings*, there is no break-down for disability.⁵ There is a general paucity of intersectional data in relation to the gender pay gap.
- While the lack of available data makes it difficult to measure the extent of the problem, the employment gap for disabled women, and the additional barriers to employment disabled women face, also has negative implications for progress towards **Article 11 of CEDAW and article 6 of the UNCRPD and article 6 of UNESCR.**

¹ Citation from Inclusion Scotland (4 Dec 2014): *Briefing for MSP's for the Scottish Government Debate on Violence against Women*

² EHRC (2010) *How fair is Britain? The first triennial review*

³ Engender policy briefing 1505: *New Powers Disabled Women*

⁴ <https://www.equalityhumanrights.com/en/our-work/news/disability-progress-%E2%80%98littered-missed-opportunities-and-failures%E2%80%99>

⁵ See here:

<http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2015provisionalresults>

- There is a higher proportion of women in Scotland claiming disability related benefits than in the UK as a whole – about 49.5% of all claimants, compared to 48% for the UK.⁶ Research commissioned by the Welfare Reform Committee confirms that the impact of the cuts to welfare benefits falls disproportionately on women and disabled people.
- In Scotland over 55% of those in receipt of the Higher Rate Mobility component are women, meaning that women are disproportionately impacted by cost-saving changes to disability benefits.⁷
- For all, including the higher number of disabled women affected, this has severe impacts on their ability to live independently.⁸
- Additionally, at least 59% of unpaid carers in Scotland are women and 74% of Carers' Allowance claimants are women.⁹
- The Scottish Government have increased the value of Carer's Allowance in line with Income-Based Jobseeker's Allowance. While the increase in Carer's Allowance via Scottish devolution of the benefit is a move in the right direction, Inclusion Scotland members have suggested that **Carer's Allowance should at least match the equivalent of 35 hours per week at the Living Wage.**
- Local Authority level cuts to social care packages mean that carers 'have no option but to take on extra responsibility'.
- Recent changes to the assessment criteria for the Work Capability Assessment discriminate against women. Different assessment criteria mean that women must be more severely ill than their male counterparts.¹⁰

Question 2: Thinking about the policy development process (i.e. from generating an idea to the coming into force of a Bill, strategy or programme) where has this not been aligned with the ambitions of CEDAW (e.g. not taken account of CEDAW)?

⁶ These statistics relate to Disability Living Allowance (DLA) and Employment Support Allowance (ESA).

⁷ Inclusion Scotland briefing: *Women and Social Security*

⁸ See this article in *The Guardian* for an example:

<http://www.theguardian.com/society/2016/mar/15/disability-cuts-cutbacks-destroy-independent-living-budget>

⁹ Carers UK (2014) *Caring and Family Finances Inquiry*

¹⁰http://www.heraldscotland.com/news/13208678.Fit_for_work_mental_health_assessments_discriminating_against_women/

What we are looking for:

- A sense of the extent to which CEDAW is considered during the policymaking process, with examples of where this has or hasn't happened
- A sense of the extent to which women's equality and rights are considered during the policymaking process, with examples of where this has or hasn't happened

- Scottish Women's Aid have experienced cuts to specialist domestic abuse services. This impacts on the ability of disabled women to access domestic abuse services. Most services for victims are not physically accessible and there are very few accessible refuges in Scotland.
- The UK Government began rolling out Universal Credit (UC) in early 2015. One feature of this new benefit is that it will be paid to households, not individuals. This is likely to perpetuate asymmetrical power relations between couples, and put women at greater risk of financial abuse. Given the greater instance of abuse for disabled women, we are particularly concerned about the impact on this group.
- Disabled women's experience of the Scottish Welfare Fund (a devolved fund administered by Scottish Local Authorities to address financial hardship) has been more mixed with some positive experiences being reported but the majority of women feeling that they were not treated with dignity and respect.

Question 3: In the last five years, are you aware of any legislative initiatives and/or policy programmes or reforms put in place to promote women's rights and gender equality in Scotland?

What we are looking for:

- A list of areas where legislation or policy programmes are being introduced in a way that promotes women's rights and women's equality in Scotland

- Through the most recent Scotland Act (2016), the Scottish Government received flexibilities in relation to the administration of Universal Credit (UC), including the splitting of UC payments between individual members of a couple. There is substantial support for this – including from Inclusion Scotland - across the equalities sector in Scotland.
- 8 in 10 households affected by the UK Government’s ‘spare room subsidy’ / Bedroom Tax contain a disabled person and over half of disabled people are women. The Scottish Government has financially mitigated the impact of Bedroom Tax in Scotland through Discretionary Housing Payments. Further, is currently considering the use new powers transferred via the Scotland Act 2016 to abolish the policy in Scotland.
- Abortion policy has also been devolved to Scotland. **We urge Scottish Government to fully account for disabled women’s reproductive rights in drafting this policy.**
- In 2017, The Scottish Parliament passed the Gender Representation on Public Bodies (Scotland) Act, which requires that the “gender representation objective” for a public board is that it has 50% of non-executive members who are women.

Question 4: Is there anything else you would like to share with the UN CEDAW Committee in respect of women’s rights in Scotland?

What we are looking for:

- Any additional thoughts that you may have about women’s rights in Scotland

It is helpful if we can share the information you provide us with the Equality and Human Rights Commission and Scottish Human Rights Commission, to inform their own work around CEDAW.

Permissions (please delete as appropriate):

- I do/~~do not~~ agree that this response can be shared with the Equality and Human Rights Commission and Scottish Human Rights Commission.
- I do/~~do not~~ agree that this response can be shared on a special section of Engender's website.

Please note that Engender may choose not to include all responses on its website.

Thank you for your contribution to the CEDAW examination process. Please return your response and any other materials to Jill Wood, Policy Manager, at jill.wood@engender.org.uk.