



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?

Shairi Bowes

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

Scottish Women’s Convention

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

There is concern that ratification of many components of the Equality Act are still not being implemented, for instance, Section 106 which requires all political parties to collect and publish data on the diversity of all political candidates.

- In terms of worsening inequality and significant breaches, the SWC would point to the most significant being in the realm of the ongoing welfare reforms over the past number of years which have disproportionately affected women. The continuing roll out of the Universal Credit system as well as the two-child tax credit limit has severely impacted on women with little accord for human rights criteria.
- Despite Lord Carloway's recommendation that requirements of corroboration in Scots Law impedes prosecution of rape and other gender based crimes, the plans to remove this criteria were dropped in 2015.
- The majority of Equality Law still remains reserved to the UK Government meaning an approach that takes in the unique geographical and historical layout of Scotland is rarely considered in terms of equality legislation and its implementation. It also means legislation concerning the likes of gender quotas has to be brought from a UK level for political representation. Within the administration of certain reserved matters, attempting to take the same approach does not work to tackle inequality throughout four different nations.
- Additionally, there is concern that there is no separate Women and Equalities Minister at a UK level, this post currently being held in addition by the Home Secretary. The Ministerial role, therefore, is not given the profile to support enhancement of women's equality.
- Concern has also been raised over the implementation of some of the Committee's observations in the previous report. For instance, the recommendation to introduce shared parental leave. The uptake of this has been extremely low by parents due to a number of factors including being less financially viable.
- Whilst women continue to enter universities and other higher education institutions in higher rates than males, this is disproportionately gender streamed towards particular subjects from a young age which sees young girls gender streamed into certain "feminine" subjects at the expense of traditionally male-dominated ones such as physics and computing. Additionally, professorships are still dominated by men with less than a quarter of these roles filled by women.
- Absence of legislation to protect worker's currently engaged in zero hours contracts and other forms of precarious employments, including the long awaited Taylor Review's failure to go far enough in addressing exploitation of workers and calling for a ban on zero hour contracts. There is currently no policies or procedures in place to combat precarious employment and practices within the workplace detrimental to women, including giving those on such contracts "worker" status. Increases in in-work poverty, augmented by welfare reforms and rise in precarious work severely and disproportionately affecting women with no real cohesive initiatives to combat this in a gendered format.

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)?

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

- At present, commissioning of further reviews into the purchasing of sex, most explicitly from the point of safeguarding vulnerable women, including the feasibility of decriminalising selling is often overlooked. This should prioritise consultation with key stakeholders and women directly involved.
- Continuous assessments by private contractors have led to various and deeply troubling issues with mental and physical health for women within the current social security system with no gendered consciousness. Many of those deemed fit for work from these assessments are found to be incapable upon appeal. This has resulted in further stress and financial burdens on vulnerable individuals.
- The current imposition of the National Minimum Wage band is discriminatory for many female workers under the age of 25. Young women often face double discrimination in areas such as employment due to being targeted negatively through the likes of low wage bands and, in turn, for their gender. Whilst the reasoning behind discrimination is vast, the underpinning determinant upon which this rests all stems back to fundamental inequality from an extremely young age. The current procedure, therefore, does not align with the ambitions of CEDAW and is detrimental to many young women.

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

- **The Domestic Abuse (Scotland) Act:** Implementing a definition that illustrates the many forms abuse can take recognises the vast array of abuse that many women suffer at the hands of perpetrators is not always merely physical. In addition, the implementation of the Disclosure Scheme for Domestic Abuse within Scotland over the past 2 years, has led to a surge in the number of women using this in order to protect themselves and their families from potentially abusive partners by empowering women with the right to ask about the background of their partner.
- **Childcare:** Women have welcomed the SG's commitment to double the hours of childcare given. Lack of flexibility is one of the key issues which provide barriers for women, despite allocation of childcare. Prolonged leave from education and the labour market due to maternity and caring responsibilities often means that women re-enter employment in industries with unsociable, flexible hours, including weekends. Women need free, accessible and flexible childcare in order to ensure sustainable employment.
- **Implementation of the Best Start Grant:** Women throughout Scotland have welcomed the announcement of the replacement of Early Years Assistance by this benefit under the new Social Security Bill. Currently, the Sure Start Maternity Grant is a one-off payment which has remained at the same rate of £500 for a number of years despite inflation and rising cost of living. The SG's commitment to replacing this with the new, expanded Best Start Grant (BSG) which will pay "staggered" payments to qualifying families £600 on the birth of their first child and £300 on the birth of every subsequent child has been praised for its emphasis on providing for all children. Not only does this go a long way to easing the burden placed on women, particularly single mothers, it will hopefully go some way towards alleviating some forms of child poverty

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

- **Withdrawal from the European Union:** A strong gender focus is currently lacking when considering the impact of exit from the EU. Much of the discussions concerning negotiations have occurred only at a higher ministerial level and lack sufficient gender balance within the negotiations team. Many of the legislative and policy decisions that offer legal protection for women and recognise that inequality still exists are implemented through the power of Europe. Further clarification is needed around the Brexit process, as well as specific issues about particular areas of policy and legislation. A coordinated, four nations approach which protects the interests of citizens in devolved countries is essential.
- **Pension Inequalities:** The UK Government's State Pension Act 1995 set out plans to increase women's state pension age from 60 to 65. This has meant that women born on or after 6th April 1951 have been hit particularly hard. Significant changes to the age at which these women will receive their state pension have been imposed with little or no notice. As a result, many are suffering financial hardship, with not enough

time to re-plan for retirement. Fair state pension arrangements for women affected by the equalisation in men's and women's pension ages needs to be looked at as a priority.

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 agree that this response can be shared with the Equality and Human Rights Commission and Scottish Human Rights Commission.
- I do 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.