



## **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](mailto: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?**

**Joanna Shepherd**

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

**Together (Scottish Alliance for Children’s Rights)**

**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

In the 2013 Concluding Observations, particular issues relating to girls' rights were raised by CEDAW, including combatting trafficking and gender inequality in education.<sup>1</sup> Since the 2013 CEDAW Concluding Observations, wider concerns have been raised by other international treaty bodies in relation to girls' rights. These include the impact of multiple and intersectional discrimination against girls with disabilities (CRPD, 2017); girls with a disability being subject to involuntary medical treatment (CRPD, 2017); violence against women and girls with a disability (CESCR, 2016); and many areas where there are prominent inequalities between girls and boys including mental health, homelessness and experiences of violence (CRC, 2016).

**Sexual and reproductive health education** in educational institutions and its importance in promoting gender equality was raised by CEDAW in 2013 and by the Committee on the Rights of the Child in the 2016 Concluding Observations.<sup>2</sup> Both Committees raised concerns over the non-mandatory nature of sexual health education in schools and recommended the introduction of age-appropriate education into the school curriculum. Together members continue to highlight several issues relating to sexual health education in Scotland.<sup>3</sup> These include the lack of LGBTI+ specific education which can result in young people who identify as LGBTI+ not receiving adequate information on protection from sexually transmitted infections (STIs), relationships, or domestic abuse. This can lead to outcomes that are detrimental to their physical and mental health. A further concern is the impact of information technologies on those children and young people who, in the event of poor teaching practices, turn to resources such as pornography for information on sexual and reproductive health practices. Girls report that increased exposure to sexualised and misogynistic content affects the expectations of partners and impacts on their mental and physical health. Despite the Scottish Government revising the Relationship, Sexual Health and Parenthood (RSHPE) Education guidance in 2014, RSHPE remains non-mandatory. Further, a parent can opt their child out of RSHPE even if this is against the child's wishes. This is in direct conflict with a child's right to have their views heard in decisions that affect them as outlined in Article 12 of the UNCRC.

In relation to **inequalities in mental wellbeing**, [Scottish Government data](#) shows that girls have worse mental health and wellbeing than boys. Mental health and wellbeing is also worsening amongst girls. For example, the number of 15-year-old girls with a borderline or abnormal mental health and wellbeing score rose from 28% to 41% between the years 2010 and 2013.<sup>4</sup> There are also prominent inequalities in relation to girls' and boys' experiences of **homelessness**. Although there has been an overall decrease in the number of homelessness applications made by 16 and 17-year-olds in Scotland, girls continue to account for a higher percentage of the total application made than boys. In 2015/16, 16 and 17-year-old boys accounted for 3% of total applications made,

<sup>1</sup> CEDAW/C/GBR/CO/7: Para 39 and 45.

<sup>2</sup> CRC/C/GBR/CO/5: Para 65(b).

<sup>3</sup> Together (2016). State of Children's Rights report, p.103.

<http://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>. [Date accessed: 3.4.18].

<sup>4</sup> Scottish Government (2015). Mental health and wellbeing among adolescents in Scotland: profiles and trends. <http://www.gov.scot/Resource/0048/00488358.pdf> [Date accessed: 4.4.18].

whereas girls accounted for 6%. Females experiencing homelessness are incredibly vulnerable as they often lack access to basic services and experience higher rates of assault and verbal abuse and harassment than their male counterparts.<sup>5</sup>

**Gender-based violence** also remains a significant issue in Scotland. Many women and children who experience violence specifically because of their gender face multiple discrimination across other protected characteristics, and also as a result of poverty and limited literacy skills. As a result, they may face additional barriers to accessing services. Of all incidents of domestic abuse in 2016-17 where gender was recorded, 79% of victims were female with a male perpetrator.<sup>6</sup> ‘Honour-based’ violence, including female genital mutilation (FGM), disproportionately affects girls from minority ethnic communities.<sup>7</sup> Further, specific cultural issues that minority ethnic women face can limit their access to support and protection should they experience violence. However, there is limited data available on the prevalence of honour-based violence and FGM in Scotland.

**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

<sup>5</sup> Crisis (2016). “‘It’s no life at all’’: Rough sleepers’ experiences of violence and abuse on the streets of England and Wales.’ [https://www.crisis.org.uk/media/20502/crisis\\_its\\_no\\_life\\_at\\_all2016.pdf](https://www.crisis.org.uk/media/20502/crisis_its_no_life_at_all2016.pdf) [Date accessed: 4.4.18].

<sup>6</sup> Scottish Government (2017). Domestic abuse recorded by the police in Scotland, 2016-17. <https://beta.gov.scot/publications/domestic-abuse-recorded-police-scotland-2016-17/> [Date accessed: 3.4.18].

<sup>7</sup> NHS (2017). Female Genital Mutilation Annual Report 2016/17, p.16. <http://digital.nhs.uk/catalogue/PUB30015> [Date accessed: 4.4.18].

**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

Together has been involved in the following legislative initiatives which promote gender equality:

- **Period poverty:** [Together responded](#) to the Scottish Parliament consultation on Proposed Sanitary Products (Free Provision) (Scotland) Bill in order to highlight why period poverty is a child rights issue.
- **Equally Safe:** Together has welcomed the development of the Equally Safe strategy and has contributed to the Advisory Group on the draft Delivery Plan. Although Equally Safe and the draft delivery plan address many of the UNCRC’s 2016 Concluding Observations, Together [highlighted in our consultation response](#) that more needs to be done to explicitly reference children and young people throughout the delivery plan and the strategy, particularly girls.
- **Trafficking:** The Human Trafficking and Exploitation (Scotland) Act 2015 and the accompanying Trafficking and Exploitation Strategy works to combat trafficking in Scotland. Together submitted a [joint response on the strategy](#) along with Children in Scotland to recommend how the strategy could be strengthened in taking a child rights-based approach.

**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

Gender inequality starts pre-birth. The enforcement of harmful stereotypes and discriminatory practices can have a lasting effect on girls and can lead to significant gender inequalities at all stages of life including in education, family life, the workplace, health, and many other areas. Girls themselves [have spoken about](#) their opportunities being more restricted than they are for boys when being involved in local sports and club, particularly as they get older.<sup>8</sup> By experiencing enforced gender roles and being restricted from certain activities which are typically seen as ‘male’, gender

<sup>8</sup> Children’s Parliament (2017). What Kind of Scotland? <https://www.childrensparliament.org.uk/about-us/what-kind-of-scotland/> [Date accessed: 3.4.18].

inequalities become embedded in childhood, making it significantly more difficult to change these patterns later on in life and to prevent the negative impact that arise from these inequalities.

The UN Committee on the Rights of the Child (the Committee) has stated that it is ‘essential to focus on the girl child in order to break down the cycle of harmful traditions and prejudices about women.’ They also highlight that it is

*“only through a comprehensive strategy to promote and protect the rights of girls, starting with the younger generation, would it be possible to build a shared and lasting approach and a wide movement of advocacy and awareness aimed at promoting the self-esteem of women and allowing for the acquisition of skills which will prepare them to participate actively in decisions and activities affecting them.”<sup>9</sup>*

Culture change is therefore essential to ensure girls are afforded the same opportunities as boys in all areas of their lives and that their self-esteem is not impacted by negative representations of girls or persistent gender inequalities. Invoking this culture change will empower girls and work towards eliminating gender inequalities that are perpetuated from birth.

Both CEDAW and the Committee have highlighted areas of particular concern to girls’ rights such as sexual exploitation and education. However, a wider, more holistic approach must be taken to ensure the unique needs and vulnerabilities of girls are continually highlighted to decision-makers. The Committee has reiterated the importance of ‘*recognising the complementary and mutually reinforcing nature of the CRC and CEDAW*’.<sup>10</sup> The rights of girls should therefore be framed as an intersection of women’s rights and children’s rights to make sure that gender equality is promoted and embedded from birth.

The reinforcing nature of CEDAW and the CRC is also relevant when considering the role of women as predominant carers of children. In Scotland, nine out of ten lone parents are female.<sup>11</sup> Lone parents tend to be more disadvantaged than parents in couple households as they have lower employment rates, less financial stability, and are less likely to report good health.<sup>12</sup> This can have a significant impact on their children and steps should be taken to support parents in guaranteeing and promoting the rights of the child, as outlined in the UNCRC.

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<sup>9</sup> Committee on the Rights of the Child (1995). Report on the eighth session, para 284. [http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/Recommendations/Recommendations1995\\_2.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/Recommendations/Recommendations1995_2.pdf) [Date accessed: 3.4.18].

<sup>10</sup> Ibid, para. 282.

<sup>11</sup> One Parent Families Scotland (2016). Lone parents in Scotland, Great Britain and the UK: health, employment and social security. <http://www.scotpho.org.uk/downloads/scotphoreports/scotpho161123-lone-parents-scotland-gb-uk.pdf> [Date accessed: 3.4.18].

<sup>12</sup> Ibid.

To support the children’s rights duties enshrined in the Children and Young People (Scotland) Act 2014<sup>13</sup>, the Scottish Government undertakes [Child Rights and Wellbeing Impact Assessments \(CRWIA\)](#) to support the development of new policy and legislation. The Scottish Government should be encouraged to use CRWIA to assess the impact of policy and legislation on girls and on women as predominant primary carers of children. This would ensure that any negative impacts on the rights of girls and women are identified and mitigated, and opportunities to further girls’ rights are progressed.

**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](mailto:jill.wood@engender.org.uk).**

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<sup>13</sup> Children and Young People (Scotland) Act 2014. <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>.