

QUESTIONS

What is your name?

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

Women's Support Project

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

We believe both the UK and Scottish Governments continue to fail to address the concerns around the exploitation of women.

The Scottish Government continues to lack a clear position on the status of prostitution, seeing it as a form of VAW&G in the Equally Safe Strategy to prevent and eradicate all forms of VAW&G but without effective measures to support this approach in legislation and policy. This has resulted in a fragmented and sometimes contradictory response to different forms of violence against women, and different groups of women.

We are disappointed that there has been little progress in Scotland from the 2011 CEDAW shadow report which highlighted the need to work "in partnership, the public and organisations can assist Governments in targeting perpetrators and safeguard women." There has been no moves to target perpetrators of this form of violence.

The Shadow report also called for the Scottish Government "to support proposals to criminalise the purchaser of sex." There has been no progress towards this. We have an ongoing concern that Article 6 of CEDAW is not being fully protected in Scotland. This article puts an obligation on ratifying states to:

"take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women."

Whilst we have had the introduction of the Human Trafficking and Exploitation (Scotland) Act 2015 in Scotland, we feel that all appropriate measures to suppress trafficking and exploitation of prostitution of women has not been used. The key aspect of this is to hold those who buy / pay for the sexual services of a woman who has been trafficked for sexual exploitation or who is exploited through prostitution accountable.

This includes women who have been internally trafficked within Scotland and to the rest of the UK.

GRETA (Group of Experts on Action against Trafficking in Human Beings) has recommended that UK authorities should make further efforts to discourage demand that fosters trafficking for all forms of exploitation, through legislative, educational, social and other measures, in partnership with civil society and the private sector. There have been no such measures introduced in Scotland to specifically discourage demand.

We welcome the new General Recommendation 35 which was adopted in July 2017 by the CEDAW Committee which takes stock of the UN agreed language when it comes to prostitution, and identifies being in prostitution as a factor for higher vulnerability to male violence. GR 35 also calls for the repeal of legislation that “criminalises abortion, being lesbian, bisexual or transgender, and of women in prostitution”.

In Scotland women involved in street prostitution are still criminalised under section 47 of the Public Places Act, which means that they become involved in the criminal justice system. Women have to disclose these prior convictions in job/ course applications and in security checks which can be a barrier to future training and employment.

We would call for the review of this legislation to ensure that women are no longer criminalised and prior convictions overturned.

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

We feel that CEDAW has not been considered in the development of new legislation in Scotland in relation to sexual exploitation / prostitution e.g. the proposed introduction of a new licensing regime for sexual entertainment venues in Scotland under the Air Weapons and Licensing (Scotland) Bill. This did not take full cognisance of the gender inequality experienced by women who perform in these venues nor acknowledges the potential wider impact of such venues on women's equality. At the present time we are not confident that this legislation will be effective in reducing or ending harm through this form of commercial sexual exploitation. Currently lap dancing is effectively unlicensed.

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

None specifically in relation to commercial sexual exploitation especially prostitution.

The National FGM Strategy and workplan is helpful. We particularly welcome the Scottish Government's funding support to groups from communities affected by FGM and hope that this will continue as an effective mechanism for supporting community engagement and changing attitudes and behavior around FGM

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 agree that this response can be shared with the Equality and Human Rights Commission and Scottish Human Rights Commission.
- I agree that this response can be shared on a special section of Engender's website.