



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?

Amy Johnson

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

Zero Tolerance

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

Education (PSE and Sexual harassment in schools)
There currently exists little disaggregated data that reveals the extent of VAWG occurring in Scottish schools. Most data is UK-wide and does not shed light on the Scottish context.

Additionally, the data does not drill down into the instances of harassment experienced alongside other forms of discrimination such as racism, ableism, homophobia and transphobia. We have collected the following UK-wide data regarding the unacceptable levels of sexual harassment in schools alongside data from ZT's Scotland-focussed research related to PSE provision and information from our ongoing work in Scottish schools:

- The 2016 Women and Equalities Committee inquiry into sexual harassment found that almost a third (29%) of 16-18-year-old girls say they have experienced unwanted sexual touching at school. Nearly three-quarters (71%) of all 16-18-year-old boys and girls say they hear terms such as "slut" or "slag" used towards girls at schools on a regular basis. 59% of girls and young women aged 13-21 said they had faced some form of sexual harassment at school or college in the past year.¹
- National Education Union and UK Feminista's 2017 report revealed that nearly a quarter of female students have been subjected to unwanted physical touching of a sexual nature while at school and that nearly one in three teachers said they see sexual harassment in school on at least a weekly basis.²
- Girlguiding's 'Girl's Attitudes Survey 2017 found that 24% of respondents felt unable to engage with sport and exercise in school due to harassment from boys and men.³
- Zero Tolerance's 2016 survey asked parents, teachers and support staff their thoughts on the landscape of healthy relationships education in early primary in Scotland (aged 5-8) found that 80% of respondents reported that they were not aware of any specific materials available for children aged 5-8 on navigating social relationships, 97.5% of respondents agreed that there should be.⁴
- Zero Tolerance's 2014 survey asked 237 young people aged 14 – 19 about their feelings around pornography, sex, and relationships revealed that a quarter of the young people surveyed listed formal sex education at school as their main source of sex education and wanted more sex and relationships information to be made available to them, on a wider variety of topics.⁵
- Sexism and harassment in schools is linked to other forms of discrimination and subjugation. Feedback from young people during the pilot of Zero Tolerance and Rape Crisis Scotland's Whole School Approach has shown that homophobia and sexism are often used jointly by perpetrators of harassment to police gender norms within school settings.

Employment and economic empowerment (Sexual harassment in the workplace)

In 2016 Zero Tolerance undertook research to gain insight from a Scottish perspective on what VAW in the workplace looks like. Our primary focus was gauging the level of support available for those disclosing violence to their employer; and what employers were doing to combat the

¹ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/inquiries/parliament-2015/inquiry1/>

² <http://ukfeminista.org.uk/wp-content/uploads/2017/12/Report-Its-just-everywhere.pdf>

³ <https://www.girlguiding.org.uk/social-action-advocacy-and-campaigns/research/girls-attitudes-survey/>

⁴ <http://www.zerotolerance.org.uk/news/report-shows-growing-need-relationship-education-early-primary-and-early-years?destination=node%2F335>

⁵ <http://www.zerotolerance.org.uk/Projects/AttitudesResearch>

sexist attitudes which underlie VAW.⁶ We received over 600 responses from women (80%), men (19%) and non-binary (1%) individuals from across the public sector (83%) the private sector (6%) and third sector (9%). Men were asked to take part in our research if they had witnessed violence or sexism in the workplace; or were in management positions where they would be required to support employees who had experienced either. Results show that there is still much work to be done when it comes to supporting women in Scottish workplaces:

- over 70% of respondents described experiencing or witnessing sexual innuendo or harassment at work.
- over a third (37%) of respondents described having experienced gender-based bullying or teasing and 42% of respondents reported experiencing double standards at work for men and women.
- For respondents who identified themselves as bearing responsibility to engage with staff reporting VAW (45% of respondents) only one quarter reported confidence in doing so. 17% stated that they either did not know or were unsure what steps to take upon the disclosure of abuse.
- 59% of respondents were certain that their employer would provide some form of support, 21% felt unsure that their employer would be supportive and 19% said their employer would not support them.
- Respondents noted how the weight of cultural assumptions about gender sometimes frustrated or trivialised their efforts to challenge sexual harassment - 37% identified experiences where they felt it was implied that their work wasn't as good in some way because of their gender. Other examples of so called 'everyday sexism' included 42% of respondents feeling that they were experiencing gender stereotypes in working patterns such as men and women being chosen for certain tasks in the workplace regardless of seniority, or that they were asked to do tasks that were stereotypically female.

Childcare

Childcare costs in Scotland are rising significantly above the rate of inflation and are outpacing rises across the rest of the UK.⁷ The negative impacts of these costs are disproportionately felt by women.

The two-child cap included within the 2015 Welfare Reform and Work Act asserts that child poverty is acceptable for low-wage women who have more than two children, proposes to re-traumatise women who have been raped, breaches women's and children's right to privacy and shows significant ignorance surrounding realities of implementation. Proposals from the Department of Work and Pensions (DWP) included features that present a risk to women's lives and could undermine to rape and domestic abuse prosecutions, the DWP did not provide an equality impact assessment of the policy.

⁶ <http://www.zerotolerance.org.uk/blog/sexism-waste-need-tackle-violence-and-misogyny-scotland%E2%80%99s-workplaces?destination=node%2F743>

⁷ <http://www.bbc.co.uk/news/uk-scotland-35641845>

Stereotypes

(Reporting of violence against women in the media)

In January and February 2018, Zero Tolerance conducted a media monitoring exercise focussing on the content of nine major newspapers; the Scottish Sun, Scottish Daily Mirror, the Scottish Times, Scottish Daily Mail, the Scotsman, the Scottish Herald, the Scottish Daily Express, the Scottish Telegraph and the Guardian. The coverage of violence against women in the Scottish press was analysed and the following key findings were identified:

- In a total of 57 articles discussing rape, domestic abuse, violence, and murder there was zero mention of helplines that could be contacted if the issues affected the reader.
- In 25 articles discussing rape and sexual assault, 6 headlines used the word “sex” instead of rape or assault.
- The majority of stories were about rape and sexual assault, many describing the violence in an unnecessarily graphic form.
- Only one story out of 57 situated the story in the context of the scale of violence against women. This was in the Sun’s large spread on the new Domestic Abuse Bill.
- Four separate stories chose to describe the assailant in unhelpfully sensationalised language, such as “beast”, “fiend”, “monster”, “evil”, and “brute”. This language removes the reader from the reality that violence against women and girls is an everyday occurrence perpetrated by a diverse array of men.
- One story about the murder of Cheryl Hooper, used quotes from the local community to describe her, and the journalist chose to include the disturbing comment of, "an attractive girl". Cheryl Hooper was a 51-year-old woman who had just been murdered.

Trafficking and exploitation of prostitution

Figures show there were 213 referrals of human trafficking to Police Scotland in 2017, this figure is up 42% on the referrals from 2016.⁸ According to a global 2016 United Nations Office on Drugs and Crime report, 71% of all victims of human trafficking are women and girls⁹ however the 2017 figures for Scotland show that 64% of the victims referred to receive assistance were men.

Given consistent global trends, it is unlikely that women and children are not being trafficked to and within Scotland, it is much more likely that the link between commercial sexual exploitation and human trafficking is not being given sufficient weight within the current identification and referral frameworks. The counter-human trafficking action taken by Police Scotland in May 2017 is an example of this. 500 officers visited 80 premises and locations in all 13 geographical divisions of Scotland including fisheries, car washes and nailbars¹⁰, they did not however carry out any checks on sexual entertainment venues, brothels, saunas (brothels operating in Edinburgh) or engage with women in prostitution. This lack of acknowledgment

⁸ <https://www.scotsman.com/news/uk/police-scotland-alarmed-by-soaring-human-trafficking-cases-1-4696430>

⁹ <http://www.un.org/sustainabledevelopment/blog/2016/12/report-majority-of-trafficking-victims-are-women-and-girls-one-third-children/>

¹⁰ <http://www.scotland.police.uk/whats-happening/news/2017/may/police-scotland-day-of-action-to-tackle-human-trafficking>

of the gendered nature of human trafficking and the links between human trafficking and commercial sexual exploitation is deeply concerning.

The UK National Referral Mechanism is weak in terms of the assistance provided to victims of trafficking and does not appear to sufficiently emphasise the gendered nature of human trafficking and modern slavery.

Violence against women

Some findings from the Scottish Social Attitudes Survey 2014: Attitudes to violence against women in Scotland¹¹ were profoundly worrying, and expose the underlying attitudes of victim-blaming that still plague Scottish society:

“There was evidence to suggest people believe that in certain situations women are at least partly to blame if they are raped. Only 58% said that a woman who wore revealing clothing on a night out was ‘not at all to blame’ for being raped, and 60% said the same of a woman who was very drunk. Around a quarter (23%) agreed that ‘women often lie about being raped’ and nearly 2 in 5 (37%) agreed that ‘rape results from men being unable to control their need for sex.’” (Page 6)

This highlights a lack of understanding of the underlying cause of VAW – gender inequality. Domestic abuse, rape and sexual assault, sexual harassment and sexual exploitation all expressions of women’s lack of power compared to men.

Participation in political and public life

According to Amnesty’s 2018 report, one in five women in the UK said they’d experienced abuse or harassment through social media. Young women aged between 18 to 24 are particularly affected, with more than one in three (37%) saying they’d experienced online abuse.¹² This directly impacts women’s psychological wellbeing and their access to participation in public and political life. For women who must maintain an online profile as part of their career, for example, journalists, academics and politicians, this harassment is a direct barrier to safe engagement. This form of online violence is a cause and consequence of women’s inequality and furthers norms that permit all forms of violence against women to occur.

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:

¹¹ <http://www.gov.scot/Publications/2015/11/5577/0>

¹² <https://www.amnesty.org.uk/press-releases/more-quarter-uk-women-experiencing-online-abuse-and-harassment-receive-threats>

- 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

Licensing of Sexual Entertainment Venues – The Air Weapons and Licensing (Scotland) Act 2015

The operating of Sexual Entertainment Venues (SEVs), is fundamentally incompatible with the priorities of Equally Safe, Scotland's Strategy to prevent and eradicate Violence against Women and Girls, the Human Trafficking and Exploitation (Scotland) Act, our current approach to domestic abuse, rape and sexual offences (which we seek to prevent by challenging men's behaviour), and UK Equality and Human Rights Legislation. We were therefore dismayed that the 2017 draft guidance on the Provisions for Licensing of SEVs asks local authorities to balance the 'freedom of choice' of men to watch sexual entertainment against the harm these venues cause.

Throughout the legislation and draft guidance not enough emphasis is placed on the risks and harms associated with the operation of SEVs. The exploitation faced by performers within SEVs and the harm to all women caused by sanctioning the objectification of women's bodies should be made explicit within the guidance. We are concerned that the legislation and draft guidance, as it stands, does not provide clarity and assistance to local authorities and local partners to help ensure that women in SEV's are providing sexual entertainment in a safe and regulated environment.

2015 Welfare Reform and Work Act (Two Child Cap/Rape Clause)

As previously mentioned, the family cap in unworkable, dangerous, sets an inhumane precedent and projects a message of victim blaming across the UK.

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

Equally Safe

Scotland's strategy for preventing and eradicating violence against women and girls. This strategy alongside the delivery plan provides an excellent framework for ending violence

against women and girls however significant parts of the delivery plan remain under resourced, especially in relation to prevention work.

Domestic Abuse (Scotland) Act 2018

This legislation expands the legal definition of domestic abuse to include controlling, coercive and manipulative behavior and allows for greater protection of survivors who are providing evidence in court.

Human Trafficking and Exploitation (Scotland) Act 2015

The Act introduced a single offence for all kinds of trafficking for the first time. The offences of human trafficking and of slavery, servitude and forced or compulsory labour now have the maximum penalty of life imprisonment attached to them for anyone who is convicted of these new offences. Not enough emphasis is placed on the gendered reality of the crime of human trafficking.

Ratification of the Istanbul Convention

We were pleased that MPs voted in 2016 to ratify the Istanbul Convention. However, this is only the first stage in a long process – there are many steps until the Bill is enshrined in UK law and progress towards these seems to have been slow. The Convention ensures the adequate funding of women’s services and the strategic implementation of prevention to ensure that violence against women does not happen. If enshrined in law, the protection it would offer to women and girls will be unprecedented.

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

Further focus is needed on the Early Years (0-5), primary and secondary education to consider how gender norms and stereotypes in these settings contribute to the inequality outlined in CEDAW reports.

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.