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Suggested Questions for the UK from Engender, Scotland, to the CEDAW Committee

ENGENDER is a women's organisation based in Scotland and working on a feminist, anti-sexist agenda. Our aim is to make visible the impact of sexism on women, men, children, society and our social, cultural, economic, and political development. We do this by making the causes and impact of women's inequality visible, promoting gender equality in policy and practice and increasing women's power and influence. Our policy priorities are women's poverty, violence against women and women's representation in decision-making.

Scotland has separate and distinct judicial, education, and health systems from the rest of the UK; these have been further developed since the Scottish Parliament was set up in 1999 along with an elected Scottish Government based in Edinburgh.

Therefore, in order for the CEDAW Committee to hold the UK Government to account for its performance on women's rights in Scotland, it must ensure that the Scottish Government is held equally accountable.

Engender has organisational members, as well as a large number of individual members, and is Scotland's representative on the UK Joint Committee on Women, which represents UK women on the European Women's Lobby.

Engender works actively on the realisation of women's rights at local, national, UK, European, and international levels; to this end, we have created a cartoon superhero (<http://www.youtube.com/watch?v=HPJfBqoNH7Q>) to make CEDAW real for women in Scotland.

Introduction

This statement focuses on areas in which inequalities are persistent and significant, and in which women's human rights are not realized.

ARTICLE 1: ELIMINATION OF DISCRIMINATION

ARTICLE 2: DUTY OF STATES

ARTICLE 3: EQUALITY

- The UK Government abolished the only UK-wide government-supported women's non-departmental public body (NDPB), the Women's National

Commission, in 2009. Despite a consultation, *Strengthening Women's Voices*, that was intended to develop alternate mechanisms for engaging with women, nothing has emerged and it is still unclear how the UK Government proposes to consult with the women's sector.

- The UK Government has cut the budget of the independent Equality and Human Rights Commission by 60 per cent, necessitating a significant reduction in staff. An organisational plan for the Commission in Scotland that is currently being consulted upon has provision for ten staff. This is fewer than each of the three predecessor commissions in Scotland, which worked around race equality, gender equality and gender identity equality, and disability equality. The Equality and Human Rights Commission's remit covers these four grounds, and also addresses inequalities on the grounds of age, sexual orientation, and religion and belief. It is responsible, among a range of statutory functions, for enforcing the public sector equality duty in England, Wales, and Scotland. The UK Government has reduced the powers of the Commission and has moved many of its functions into Government departments.
- The UK Government is currently consulting on repealing enforcement provisions within the Equality Act 2010, and on removing protection for employees from third-party harassment. A wider consultation on the public sector equality duty, which is contained within the Equality Act 2010, although given effect by regulation in Scotland and Wales, has been announced but the details for this are unconfirmed.
- The UK Government will introduce fees of up to £1,200 (\$1860 USD) for individuals to access employment tribunals, with discrimination and equal pay cases likely to have the highest level of upfront costs.

The Committee may wish to ask the UK how it is ensuring the independence of the Equality and Human Rights Commission, and its ability to perform its functions.

The Committee may wish to ask the UK to affirm its commitment to providing legal protection against sex discrimination, including unequal pay for equal work, and to set out the ways it will ensure access to justice for individuals if they must pay to have discrimination cases heard by employment tribunals.

The Committee may wish to ask the UK to affirm its commitment to the principle of the public sector equality duty, which requires public authorities to proactively eliminate discrimination, harassment, and victimization, and advance equality of opportunity.

The Committee may wish to ask the UK when it intends to incorporate CEDAW into domestic law.

ARTICLE 4: TEMPORARY SPECIAL MEASURES

ARTICLE 7: POLITICAL AND PUBLIC LIFE

- Perhaps the reason we are having so much trouble solving women and children's poverty is that so many women's voices and views are missing from the public problem solving. According to the EHRC's report *Sex and Power in Scotland* in 2011:
 - Women 'missing' from senior positions in Scotland include:
 - 109 missing from 614 public appointments
 - 68 missing from the 356 head teachers of secondary schools
 - 19 missing from the 129 Members of the Scottish Parliament
- The index also shows that:
 - Of Scotland's 27 senior police officers, only 4 are women.
 - Of Scotland's 32 local government leaders, only 3 are women.
- The proportion of women holding public appointments in 2011 is even less than it was in 2003.
- The 2012 council elections returned fewer than 25% of council seats to women, representing stalled progress in terms of council representation, and intensifying long-held concerns about the supply of candidates for selection in Scottish Parliament elections.

The Committee may wish to ask the UK when it intends to respond to the CEDAW Committee's call for temporary special measures to enable women's equal political representation, and equal participation in public life.

ARTICLE 9: NATIONALITY

- Despite the specific recommendation made by the CEDAW Committee to the UK Government in 2008, immigrant and refugee women in Scotland and the UK still face multiple forms of discrimination both in society at large and within their communities.
- One third of people applying for asylum in the UK each year are women, and around 8-10% of those are dispersed to Scotland as part of the UK Border Agency's asylum support system. Based on UNHCR and UK Border Agency figures, Scottish Refugee Council estimates that there are currently around 20,000 refugees and asylum seekers living in Scotland. Recent research has demonstrated that the lack of gender-sensitivity in the asylum process is systemic.¹
- The lack of sufficient childcare facilities for substantive asylum interviews continues to significantly disadvantage women in the asylum process. In

¹ www.asylumaid.org.uk/data/files/ifeelasawoman_reportv2.pdf

Glasgow childcare is limited to half a day a week and is only for children over 1 year-old. It is not available during school holidays. The provision is a local arrangement and is not funded or facilitated by UK Border Agency, but by Glasgow City Council, Glasgow Life. Poor quality interpreting is a barrier to asylum seeking women accessing justice and appropriate support services in Scotland. There are no national standards for interpreting in Scotland. Women and girls disclosing sensitive personal information are disproportionately affected by this due to cultural issues and stigma around sexual violence and mental health.

- Particular barriers to accessing justice and support exist for women who present to the authorities in Scotland to make a claim for asylum. Unless these women are identified as victims of trafficking, have children or have severe health issues affecting their mobility, they are required to make an additional 400 mile journey across the UK in order to access the asylum process. Until they lodge an application in person at the Asylum Screening Unit south of London they are not entitled to any form of support or accommodation. Most people seeking international protection are destitute and therefore rely on charitable donations to make this additional journey. The implications for vulnerable, female asylum seekers travelling across the UK without recourse to support or any legal rights are very concerning.

The Committee may wish to ask the UK Government what steps it is taking to ensure that all its immigration and asylum policies and practices are proofed for their disproportionately negative impact on women and girls and how it prepares UKBA professionals to provide gender-sensitive service.

ARTICLE 10: EDUCATION

- There are significant and persistent patterns of gendered segregation in the subject choices that girls and boys, and men and women, make at all levels of education in Scotland. Girls are massively underrepresented in science, technology, engineering and maths (STEM) subjects at school, college, and university, which is a significant factor in their underrepresentation in STEM occupations.
- The modern apprenticeship programme in Scotland, which is the key entry point to the labour market for young people who do not go on to higher education, is heavily segregated.

Modern apprenticeship framework	% Female
Construction	1.3
Engineering	2.2
Motor vehicle maintenance / repair	1.3
Plumbing	1.9
Early years care and education	97.6
Business Administration	76

The Committee may wish to ask the UK what steps it intends to take to reduce that the subject and occupational segregation that characterises secondary, further and higher education, and modern apprenticeship participation?

ARTICLE 11: EMPLOYMENT

- A recent report published by the Refugee Women's Strategy Group highlighted significant barriers faced by refugee women in Scotland when accessing employment, including: inadequate access to employability services or appropriate information about employment and welfare systems; racism and discrimination; lack of childcare; negative impact of the asylum process, including skills atrophy; lack of recognition of overseas qualifications; language barriers.

The Committee may wish to ask the UK what steps it intends to take to reduce the barriers that prevent refugee women's participation in the labor market.

ARTICLE 13: ECONOMIC AND SOCIAL BENEFITS

- The UK's 'welfare reform', which has included £18 billion in cuts, has an enormously gendered impact. Benefits typically make up one fifth of women's income, as opposed to one tenth of men's, and a million more women across the UK claim housing benefit than men. Housing benefit has been slashed. The design of the new Universal Credit appears to transfer money from women to men, which will increase women's financial dependence.
- So-called welfare reform is taking place along with significant cuts to public benefits. The family type that will lose most from public sector cuts is those headed by lone parents, who are 97 per cent women. These households will lose services and benefits worth 19 per cent of their total net income.
- Governments in both Scotland and the UK have consistently failed to gender poverty policy generally and child poverty specifically, despite the fact that 97% of single-parent households on welfare benefit headed by mothers.
- Work is seen as the key way of lifting women out of poverty, but the profound gender pay gaps, including a 32 per cent part-time pay gap in Scotland, persist. The ICESCR Committee, in 2009, concluded that the UK should conduct a review of its work to tackle the gender pay gap. This review has not taken place.
- Scottish Government's economic strategy focuses on male-dominated occupational and industrial sectors. The majority of businesses supported by

state economic development agencies are owned and operated by men, and the level of women's entrepreneurship is low, even compared to other countries within the UK.

- Cuts to Scotland's large public services sector (where about 70% of employees are women) are driving the highest levels of female unemployment Scotland has seen in the last 24 years.
- National response to the recession has failed to address the scale of women's burden for economic downturn. In the year March 2011 to March 2012, the overall number of full-time jobs in Scotland fell by 22,781. **Women held 98% of those jobs.** For the same period, total part-time jobs have increased by 12,554, but 82.5% of these jobs have gone to men.
- A number of recent reports by NGOs have identified the steadily increasing costs of childcare, with Scotland having the highest childcare costs in Great Britain. Only 21% of Scottish local authorities have enough childcare for working parents, and only 10% have enough for parents who work non-traditional hours. A quarter of parents in the UK in severe poverty have given up work, and a third have turned down a job because of the cost of childcare.

The Committee may wish to ask the UK how it intends to mitigate the effect of its welfare reform plans on women and children's poverty.

The Committee may wish to ask the UK how it intends to deliver women's economic equality, including tackling the causes of the gender pay gap and increasing women's entrepreneurship.

The Committee may wish to ask the UK how it intends to address the loss of full-time jobs for women in the Scottish economy.

The Committee may wish to ask the UK how it intends to deliver sufficient childcare to enable parents, including lone parents, to participate in the formal labour market.

VIOLENCE AGAINST WOMEN AND GIRLS

- A quirk of Scotland's criminal justice system is the requirement that all key evidence presented in a criminal prosecution has to be backed by two sources. This 'corroboration' has been identified as underpinning the fact that 75 percent of rape complaints do not progress to court. Lord Carloway's review of the criminal justice system recommended that there should be an improved system based on "quality of evidence" rather than "quantity of evidence." Conviction rates for rape are currently assumed to be approximately 7 percent, based on the most recent figures produced by the Crown Office for the period 2008-2009.

- UK studies of prostitution identify that a majority of those who are involved in prostitution are unwilling participants: 75% of women in prostitution in the UK became involved when they were children; 70% spent time in care; and 45% of women in prostitution report experiencing familial sexual abuse. *Challenging Men's Demand for Prostitution in Scotland* surveyed 110 men who had paid for sexual activity. A third of these men stated that prostitution provided an opportunity for them where they have "freedom to do anything they want in a consequence-free environment."

The study also indicated attitudes about rape of men who buy sexual activity:

- 32% stated that rape happens because men get sexually carried away
- 34% because their sex drive gets "out of control"
- 12% said that the rape of a prostitute or call girl was not possible
- 10% asserted that the concept of rape simply does not apply to women in prostitution.

This study also indicated that a number of sanctions, effectively enforced, could deter purchasers from buying sex.²

- Conservative estimates are that there are 62,000 women from communities practising female genital mutilation (FGM) living in the UK, with some 61% of them having been mutilated or at risk of mutilation (Forward 2007). The age demographics of this population means that about 15,000 of these are at high risk of mutilation and 13,000 have very specific health needs as a result of having been mutilated. As the number of immigrant, asylum seeking and refugee women in Scotland increases so does the potential risk of a child in Scotland being mutilated, or a child living in Scotland being sent home in the holidays to be mutilated. However, the hidden nature of FGM 'being under the skirt', the taboos surrounding discussions about sex in practicing communities and lack of knowledge and understanding combined with concerns about racial/cultural sensitivity among those tasked with enforcing the FGM (Scotland) Act (2005) means there have been no FGM-related prosecutions or protection orders to date.

The Committee may wish to ask the UK how it intends to ensure adequate financial support for support and advocacy services for women survivors of gender-based violence, including women fleeing forced marriage?

² Melrose, M. (2002). *Ties that bind – Young People and the Prostitution Labour Market in Britain*, presented at Fourth Feminist Research Conference, Bologna: September 2000, (www.women.it/cyberarchive/files/melrose.htm); Church, S., Henderson, M., Barnard, M & Hart, G. (2001) Violence by clients towards female prostitutes in different work settings: questionnaire survey. *British Medical Journal*, 332:524-5. Macleod, J., Farley, M., Anderson, L., & Golding, J., (2008). *Challenging Men's Demand for Prostitution in Scotland: A Research Report Based on Interviews with 110 Men Who Bought Women in Prostitution*. <http://www.prostitutionresearch.com/ChallengingDemandScotland.pdf>.

The Committee may wish to ask the UK how it intends to reduce the demand for prostitution, which the Scottish Government includes in its definition of violence against women.

The Committee may wish to ask the UK how it intends to give effect to the recommendations arising from The Carloway Review in Scotland, relevant to prosecution of rape and sexual assault, in particular to removing the requirement for two sources of corroboration.

The Committee may wish to ask the UK what it is doing in Scotland to enforce the FGM (Scotland) Act of 2005 to prevent girls being sent away on “FGM holidays” and to ensure that those who seek help will be responded to effectively, given that many of the women involved will have themselves been mutilated.

Given that research has shown around two-thirds of women seeking asylum in the UK will have experienced sexual and/or physical violence, the Committee may wish to ask the UK how it intends to ensure access to equivalent rights for women asylum seekers as for women who report sexual violence in the UK.

Given the significant public health and gender inequality impacts of pornography and the sex industry (including lap-dancing and strip clubs), which are defined as violence against women in Scottish Government policy, the Committee may wish to ask the UK how its governments are reducing the impact of pornography and the influence of the sex industry in Scotland?