



UNITED NATIONS INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS: SHADOW REPORT

Seventh periodic report of the government of the United Kingdom on measures taken to give effect to ICESCR, Scotland • December 2022

Introduction

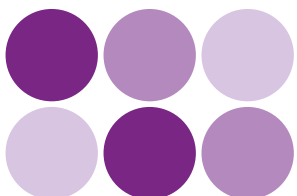
Structural gender inequality and other identity-based discrimination impact on all aspects of women's lives in Scotland. Women have less access to well-paid and secure work, women are more reliant on inadequate and shrinking social security entitlements, and women do not have equal access to resources within households. Most lone parents, primary caregivers for children, and unpaid carers for disabled and older people are women. Men's violence against women is endemic. More women live with long-term health conditions and poor mental health and wellbeing than men.¹

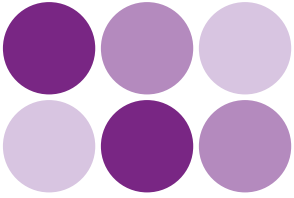
These entrenched inequalities systematically breach women's economic, social and cultural rights, particularly for women experiencing intersecting forms of marginalisation. Inequalities in this report are experienced more acutely and in particular ways by disabled women, Black and Minority Ethnic (BME) women, LGBTI women, younger and older women, women with insecure immigration status, low-income women, women in minority faith groups, unpaid carers, single mothers, care-experienced girls and women, women in remote and rural areas, and women in the criminal justice system. The UK Government's seventh periodic report to CESCO lists measures adopted by the UK and devolved administrations – including Scotland – that relate to ICESCR. However, it lacks the intersectional gender analysis that would demonstrate impacts of this on women and girls.

Devolution

The UK, as ICESCR's state party, bears the ultimate responsibility for implementing ICESCR, however, the Scottish Government is obligated to protect human rights in areas that are devolved to Scotland. The Scottish Parliament controls and is accountable for criminal and civil justice, economic development, education and early years, health, housing, violence against women policy, and aspects of social security, amongst

¹ Engender (2017) Gender Matters Roadmap: Towards women's equality in Scotland.





other areas. This shadow report focuses on these devolved matters from an intersectional gender perspective.

Given the interdependency of policy areas that relate to women's rights, the division of responsibility between UK and Scottish jurisdictions can be complex. However, devolution must not be used to blur responsibility. The questions we raise here are squarely within the remit of Scottish Government.

Crisis after crisis

The UK is subject to an escalating 'cost of living crisis' that will cause untold harm for women in Scotland, with disabled women, BME women, younger and older women, lone parents, unpaid carers and women with insecure immigration status at even greater risk of deeper poverty and destitution.² This comes at a time when many thousands of women in Scotland are fundamentally struggling. Existing inequalities in access to resources, power, security, and wellbeing have been entrenched by over a decade of austerity. Since the UK was examined by the Committee in 2016, the UK Government has continued to implement a wide range of cuts that violate women's rights. Analysis from the House of Commons Library found that up to 86 per cent of net 'savings' from social security and tax measures between 2010 and 2020 will have come from women's incomes, with cuts directly causing poverty, homelessness, physical insecurity, ill-health and fatality.³ The Covid-19 pandemic has also had a disproportionate and severe impact on women's incomes, caring roles, physical security and mental health in Scotland,⁴ with ramifications still very much unclear. Both these crises have set back progress on achieving women's equality and reducing intersectional inequality between white women and groups facing intersecting marginalisation.

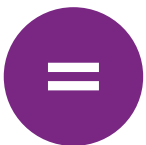
This latest 'costs crisis' stems from soaring energy, food and transport costs, set against a backdrop of wage stagnation and a failure to uprate social security entitlements in line with inflation. Women are the majority of many groups with high energy needs, including older people, disabled people, lone parents and unpaid carers. Women tend to act as managers of household budgets, particularly with regards to spending on items that are susceptible to price hikes. Women are considerably more likely to be in debt and to have skipped meals due to rising costs,⁵ are experiencing

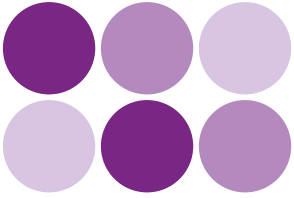
² Engender (2022) Women and the cost of living: A crisis of deepening inequality.

³ Women's Budget Group (2016) The impact on women of the 2016 budget: Women paying for the tax cuts.

⁴ Engender (2021) Call for views on the aims and principles of the Scottish Covid-19 public inquiry.

⁵ Living Wage Foundation (2022) Low paid work and cost-of-living crisis disproportionately affecting women.





disproportionate mental health impacts,⁶ and are less able to leave abusive partners due to financial constraints.⁷ Gender inequality is deepening, the principles of progressive realisation set out in ICESCR are being undermined by government policy, and women and girls are experiencing retrogression in protection of their ESC rights.

Article 2

ICESCR's incorporation into Scots law

The Scottish Government is developing a Human Rights Bill that incorporates ICESCR, the right to a healthy environment, and three other treaties - CEDAW, CERD and CRPD - into Scots law. The cost of living crisis, deep and prolonged austerity, ongoing impacts of Covid-19, and risks to established legal protections associated with the UK's EU exit illustrate the necessity of this incorporation.

Legislative competence over equalities law remains largely reserved to the UK Parliament, and questions over how this incorporation will be progressed have still to be resolved. Given the indivisibility and interdependence of rights, it is crucial that the incorporation process in Scotland prioritises the realisation of the rights of women (and those of disabled people and minority ethnic groups) alongside ICESCR, to the fullest extent possible within the devolution settlement, in order for women's rights to be fully realised and for substantive equality to be achieved.⁸

Capacity must be built across Scotland's justice system to address gendered barriers to justice and aid gender-sensitive judicialisation of the new Act. Scottish Government should also ensure that the structural remedies enabled by international human rights law are applicable in Scotland.

QUESTIONS

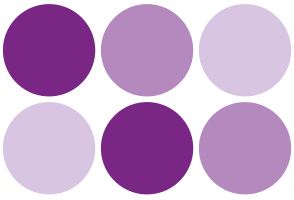
- How will Scottish Government effectively integrate incorporation of ICESCR and CEDAW into Scots law, to maximise their impact on the realisation of women's rights and equality?
- How will Scottish Government support building of gender competence across the justice system and enable structural remedies to egregious breaches of women's human rights?

⁶ One Parent Family Scotland (2022) Living without a lifeline: Single parents and the cost of living crisis.

⁷ Scottish Women's Aid (2022) The cost of living crisis and the impact of women experiencing domestic abuse.

⁸ Busby, N (2020) The essential features of an equality clause and the potential incorporation of CEDAW.





Gender mainstreaming

Mainstreaming strategy

The Scottish Government is currently developing an equality and human rights (EHR) mainstreaming strategy. This partly responds to the First Minister's National Advisory Council on Women and Girls (NACWG) report on 'Creating an intersectional gender architecture'.⁹ Development and implementation of this strategy must be sufficiently staffed and resourced, or else the objectives of embedding EHR in policymaking and signalling leadership will not be achieved. It is also unclear how the intersecting analytical lenses of equality and human rights will be applied in practice, and how the risk of a diluted focus on distinct equality strands (e.g., gender, disability, race) and on human rights will be avoided.

Gender competence

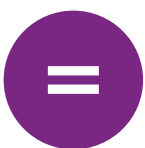
Similarly, the NACWG recommended the creation of Centres for Expertise on intersectional gender policy coherence in each Scottish Government directorate, to build gender competence and support the policy coherence that is essential for progress on women's and girls' human rights. The first of these is currently being developed in the Economy directorate, however, the remit has been expanded to include human rights, as well as broader forms of equality. It is therefore crucial that this centre is commensurately resourced and staffed to ensure that economic policymaking is rooted in human rights and the needs of diverse groups of women and other minoritised groups.

QUESTIONS

- How will Scottish Government determine levels of resourcing for its equality and human rights mainstreaming strategy, given the scale of its organisational and thematic scope?
- How will Scottish Government ensure that the EHR mainstreaming strategy and Centres for Expertise in EHR maintain adequate focus on distinct equality groups and on human rights?

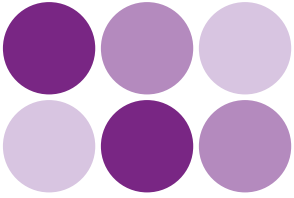
Intersectional gender budget analysis

Scottish Government has made progress regarding gender budget analysis (GBA) in recent years. However, GBA is not integrated across portfolios as a key tool used in spending decisions. The cost of living crisis has led to cuts and 'reprioritisation' of £615 million to the Scottish Budget¹⁰ at a time when



⁹ NACWG (2020) First Minister's National Advisory Council on Women and Girls: 2020 Report and recommendations.

¹⁰ Scottish Government (2022) Emergency Budget Review: 2022-23.



women and other marginalised groups are even more urgently in need of financial support and access to public services. Women's organisations have called for intersectional GBA to shape Scottish Government's fiscal responses to the crisis,¹¹ to minimise regression on women's rights, especially for groups most at risk of destitution and harm. Unfortunately, this opportunity was missed in the Emergency Budget Review in November 2022, and only a limited Equality Summary was published.

The Equality Budget Advisory Group published a comprehensive set of recommendations for Scottish Government in 2021,¹² but the response has been repeatedly delayed. Staff capacity has been redeployed to the cost of living and Ukrainian crises, prompting a series of delays across equality and human rights policy areas. We are extremely concerned that EHR are not being prioritised in this context. Equality and human rights must be a guiding focus of Scottish Government's crisis management.

QUESTION

- Will Scottish Government commit to full implementation of the recommendations set out by the Equality Budget Advisory Group, as a matter of priority?

Public sector equality duty

The public sector equality duty (PSED) is the key lever for gender mainstreaming in Scotland's public sector, with the Scottish Specific Duties (SSDs) of the PSED currently under review. At present, the SSDs are not fit for purpose in embedding equality at the heart of policy and programmes and better enabling equality and realisation of rights for women and minoritised groups. However, proposals for change are far from ambitious enough to address this. Along with 25 other equalities organisations, we have called for the co-production of revised regulations to ensure a focus on better outcomes for people with protected characteristics, as opposed to simplifying the regime for compliance purposes.¹³

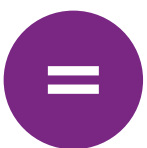
Review of the SSDs also provides an opportunity to introduce new duties for listed public bodies.¹⁴ The National Advisory Council on Women and Girls has recommended requirements to gather, use and publish intersectional

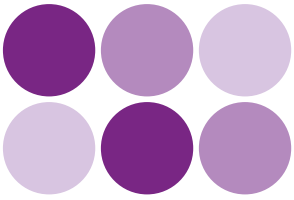
¹¹ Scottish Women's Budget Group (2022) Letter to Finance Minister regarding the Emergency Budget Review.

¹² EBAG (2021) Equality Budget Advisory Group: recommendations for equality and human rights budgeting.

¹³ Coalition for Racial Equality and Rights (2022) Equality stakeholders' submission on common concerns.

¹⁴ Engender (2021) Scottish Government consultation on the operation of the public sector equality duty.





gender data, and to implement intersectional gender budget analysis.¹⁵ The Scottish Government has accepted these in principle, whilst noting capacity gaps across public bodies.¹⁶ Given that poor performance of the PSED largely hinges on this lack of equalities competence, we also recommend a new duty on Scottish Ministers to provide for additional human resources and training across the public sector. Finally, a duty on public bodies to prevent workplace sexual harassment would provide much-needed leadership with regards to this endemic form of violence against women.

QUESTIONS

- Will Scottish Government produce revised Scottish Specific Duties of the public sector equality duty in co-production with equality stakeholders?
- Will Scottish Government create new duties on data, gender budget analysis, equalities competence and sexual harassment prevention, and provide for relevant capacity-building?

Article 3

Violence against women

Funding for violence against women services

Men's violence against women and girls remains a human rights violation experienced at epidemic levels in Scotland. Reported cases of sexual violence are rising and at all-time high levels.¹⁷ Despite obligations under the Istanbul Convention, UNCRC, CEDAW, and other international agreements, funding for services is inadequate, uneven across rural, island, and urban areas of Scotland, and insecure. Civil society organisations have called for a needs-led, human-rights-based funding structure, and the Scottish Government's Equally Safe Delivery Plan committed to a review of funding for frontline services.¹⁸ However, this only commenced in 2022, following a five-year delay.

All these systemic flaws have been exacerbated by austerity measures since 2008, by Covid-19 and by the cost-of-living crisis, and the service system is on its knees.¹⁹



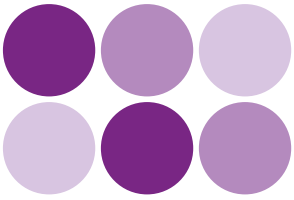
¹⁵ NACWG (2020) First Minister's National Advisory Council on Women and Girls: 2020 Report and recommendations.

¹⁶ Scottish Government (2021) Response to the National Advisory Council on Women and Girls 2020 report.

¹⁷ Scottish Government (2021) Recorded Crime in Scotland, 2020-21.

¹⁸ Scottish Government (2017) Equally Safe Delivery Plan.

¹⁹ Scottish Women's Aid (2021) Crisis and Resilience.



QUESTION

- When will Scottish Government deliver its commitment to a needs-led, human-rights-based funding structure for violence against women services?

Homelessness

Domestic abuse is the most common reason for homeless applications by women in Scotland, and women's homelessness increased between 2019 to 2021.²⁰ Many women spend months in refuges and unsuitable temporary accommodation (often with their children), with detrimental impacts on their health and wellbeing. These risks are amplified for women with no recourse to public funds (NRPF). In 2020, the Scottish Government committed to developing accommodation pathways for women experiencing domestic abuse with NRPF, but this has not progressed.²¹

The Domestic Abuse (Protection) (Scotland) Act allows landlords to end joint tenancies and grant a new tenancy to women experiencing domestic abuse. Protective orders set out in the Act protect women's rights to remain in their home by removing the perpetrator. However, despite becoming law in March 2021, implementation of the Act continues to be delayed.

Women experiencing domestic abuse are often unable to leave abusive partners due to finances and economic coercive control. Research from Women's Aid England shows that the cost of living crisis is condemning women to violence, with 73 per cent saying it has prevented them from leaving their abusive partner or would make it harder to do so.²² Scottish Government has committed to creating a fund to support women in leaving abusive partners, but this has not yet materialised.

QUESTIONS

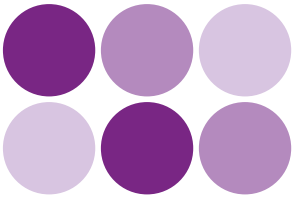
- What steps will Scottish Government take to enact the Domestic Abuse (Protection) Act?
- When will Scottish Government establish and implement a dedicated 'leavers fund'?
- When will Scottish Government develop accommodation pathways for women with NRPF?



²⁰ Scottish Government (2021) Homelessness in Scotland: Bi-annual update to 30 September 2021.

²¹ Scottish Government (2020) Ending homelessness together updated action plan.

²² Women's Aid (2022) Cost of Living and the impact on survivors of domestic abuse.



Violence against disabled women and girls

Disabled women experience especially high levels of men's violence. In England and Wales, disabled women are up to twice as likely to experience sexual violence and partner abuse as non-disabled women; however intersectional data does not exist in Scotland. International evidence suggests that disabled women and girls from BME, LGBTI, minority faith or deprived communities in Scotland may be at even greater risk of sexual abuse, as are those with sensory or learning disabilities.²³

The nature of violence against disabled women can also differ. This can include interference with independent living aids and coercion relating to the care of children. Many disabled women live in fear of children being removed unjustly from their care.²⁴ Specific barriers also prevent disabled women from leaving an abusive partner; social care packages, equipment, and adaptations are not readily transferable, and there is a shortage of accessible and adapted housing and refuge.

QUESTION

- How will Scottish Government tackle especially high rates of violence against disabled women and girls, gather evidence, and support engagement with accessible, gender-competent services?

Workplace sexist and sexual harassment

Research by the Trades Unions Congress revealed that over 50 per cent of women had experienced sexual harassment (SH) at work, and that a staggering 80 per cent of those affected did not report this.²⁵ The incidence of workplace SH in the UK is even greater for disabled, young and LGBT women, and BME and Muslim women routinely experience racialised or Islamophobic sexual harassment.²⁶ A primary prevention approach, including use of both a standalone sexual harassment policy and a workplace anti-sexism strategy that recognise the compounding impact of intersectional discrimination on women's experiences, is manifestly needed.

Chronic underreporting is partly driven by the prevalence of perpetrators who are workplace managers and in positions of power. This requires development of independent reporting mechanisms.²⁷ The UK's Health and

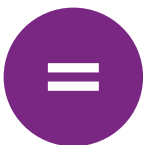
²³ Sightsavers (2017) Submission to the study on the sexual and reproductive health and rights of girls with disabilities; UNGA (2017) Sexual and reproductive health and rights of girls and young women with disabilities.

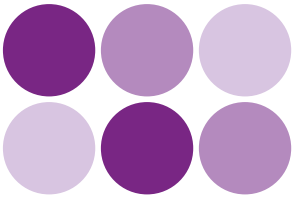
²⁴ Engender (2018) Our bodies, our rights: Identifying and removing barriers to disabled women's reproductive rights in Scotland.

²⁵ TUC (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016.

²⁶ Engender (2022) Enough is enough: Tackling workplace sexual harassment in Scotland.

²⁷ Busby, N (2022) Anonymous reporting of sexual harassment: A literature review.





Safety Executive does not consider SH to fall within its remit. Yet, workplace SH is associated with serious physical and mental health impacts.²⁸ Whilst this area is reserved to the UK Parliament, Scottish Government should do all it can to ensure that SH is understood as a health and safety issue, within its Fair Work agenda and more broadly.

QUESTIONS

- Will Scottish Government develop, adopt and promote use of both a standalone sexual harassment policy and a workplace anti-sexism strategy to prevent SH at work?
- Will Scottish Government create and fund an independent expert body to receive SH complaints, provide advice, and offer structural recommendations to employers?
- How will Scottish Government address sexual harassment as a health and safety issue?

Access to justice

Scotland's Legal Aid system funds private solicitors to take cases - and clients - who pass a complex set of means tests. The model is particularly unfit for victims of domestic abuse as well as other forms of VAWG. Provision is chronically underfunded, leading to a shrinking pool of solicitors. Scottish Government support for the Scottish Women's Rights Centre, which carries out strategic litigation across all forms of VAWG, is welcome. The SWRC is a collaborative project that provides free legal information, advice and representation to women affected by violence and abuse, and seeks to influence national policy and provide training. However, further specialist provision that is gender-competent and intersectional is needed.

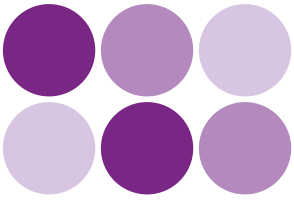
Access to a Legal Aid lawyer who accepts domestic abuse cases, understands the gendered dynamics involved, and is affordable to those who experience financial abuse is thus extremely limited in Scotland.²⁹ Many victim-survivors are faced with the prospect of having to represent themselves in court, which puts them at a significant disadvantage. Scottish Women's Aid has long called for legal services for women and children experiencing domestic abuse to be embedded in specialist services, providing holistic, gender-competent and timely advice and representation built around the needs of victim-survivors. In 2018, this was supported by an independent review.³⁰ Scottish Government has recently consulted on this issue, but has yet to indicate what model it intends to develop.



²⁸ Thurston et al (2019) Association of sexual harassment and sexual assault with midlife women's mental and physical health.

²⁹ Scottish Women's Right Centre (2017) Gender, Justice and Legal Aid in Scotland.

³⁰ Evans (2018) Rethinking Legal Aid: An independent strategic review.



Rape has the lowest conviction rate of any crime in Scotland.³¹ Survivors regularly report significant feelings of trauma and violation in respect of the justice process following rape. Rape Crisis Scotland has called for the introduction of legal advice and representation for rape complainers to assist them in navigating a complex and, at times, hostile criminal justice process.³²

QUESTIONS

- Will Scottish Government reconfigure Scottish Legal Aid provision to enable access by all victim-survivors of domestic abuse?
- Will Scottish Government commit to the introduction of non-means tested, state funded legal advice and representation for complainers of serious sexual offences?

Article 7

The care economy

Between 60 and 70 per cent of unpaid carers in Scotland are women.³³ In 2015, unpaid caring was worth £10.8 billion to the economy,³⁴ or a third of the national budget at the time. Yet care is chronically undervalued across society and Scottish Government policy. Similarly, only 15 per cent of the social care workforce are men, with older and migrant women particularly overrepresented in these sectors.^{35 36}

Systemic underinvestment in social care is reflected in poor pay, conditions and access to training, increasingly precarious employment, and chronic issues with recruitment and retention of staff.³⁷ This has grave implications for the realisation of women's rights, as the majority of disabled and older people in receipt of care, of unpaid carers managing shortfalls, and of the undervalued workforce. In response to this widely recognised 'crisis in social care',³⁸ a Bill to create a National Care Service (NCS) is progressing through the Scottish Parliament. Despite the profoundly gendered nature of care, however, the public consultation on the NCS was gender-blind.

³¹ Scottish Government (2022) Criminal Proceedings in Scotland: 2020-21.

³² Rape Crisis Scotland (2022) Beyond ILR: The case for independent legal advice for survivors of sexual violence.

³³ The latest Census puts this at 59 per cent. Carers organisations have estimated an actual figure of around 70 per cent.

³⁴ Carers UK (2015) Valuing carers 2015.

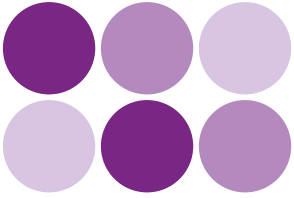
³⁵ Scottish Care (2018) The 4Rs: the open doors of recruitment and retention in social care.

³⁶ Non-UK nationals make up 17 per cent of the social care workforce in England. This data does not exist for Scotland, but anecdotal evidence tells us that migrant women and BME women are over-represented in social care sectors.

³⁷ Scottish Care (2018) The 4Rs: the open doors of recruitment and retention in social care.

³⁸ Audit Scotland (2022) Social care briefing.





Design and delivery of the NCS must now be shaped to directly address gendered inequalities in the provision and receipt of care that undermine women's ESC rights to health, employment, and non-discrimination.

Women's unpaid and underpaid care work props up the economy, and is as vital to functioning economic systems as physical infrastructure. However, Scotland's economic strategy does not recognise this, with investment focused on a small number of male-dominated 'key sectors'. For many years, women's rights advocates in Scotland have called for social care to be designated a key growth sector. However, recent revision of Scottish Government's economic strategy (NSET) failed to integrate gender equality and human rights, and the care economy in particular. This means that economic policy does not align with Scottish Government's commitments on equality and human rights.

QUESTIONS

- What steps will Scottish Government take to ensure that design and implementation of the National Care Service advances women's rights and equality?
- Will Scottish Government deliver a national job evaluation exercise for the social care sector to ensure care work is recognised as highly skilled and appropriately remunerated?
- Will Scottish Government review the NSET to centre intersectional gender analysis and the care economy within its scope, including designation of care as a key sector?

Labour market

Women continue to experience profound labour market inequality with men in Scotland. Women are 60 per cent of those who earn under the Living Wage,³⁹ and are considerably more likely to be underemployed in insecure and part-time work. This is largely due to occupational segregation that sees women clustered into undervalued roles and sectors, as well as unpaid caring roles. BME and disabled women are more likely to be in in-work poverty than white and non-disabled women.⁴⁰ The gender pay gap in Scotland persists at 10 per cent, rising to 27 per cent for women in part-time work.⁴¹

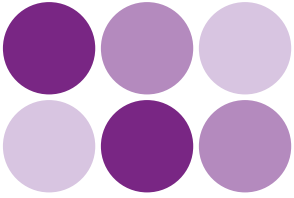
Women, therefore, have lesser savings and pensions than men. 20 per



³⁹ Living Wage Foundation (2022) "Low paid work and cost-of-living crisis disproportionately affecting women".

⁴⁰ TUC (2020) BME women and work; TUC (2020) Disability pay and employment gaps 2020.

⁴¹ Close the Gap (2022) Gender pay gap statistics.



cent of women of pensionable age are “living below the breadline”, and this shocking figure is even more acute for BME women, one in three of whom is in pension poverty.⁴² Women are more likely to be in debt than men, particularly BME, disabled, and young women, and lone parents. Even before the pandemic, 25 per cent of BME women were struggling to feed children, and 32 per cent of young women could not afford essential items.⁴³

Scotland’s work on the labour market does not adequately mainstream gender, which is critically needed to address these inequalities. Scotland’s first gender pay gap action plan has recently been merged into the more broadly focused fair work action plan. This significantly risks a dilution of focus on the gendered barriers to women’s labour market equality, including the undervaluation of women’s work, women’s in-work poverty, occupational segregation, and gender-based violence.

QUESTION

- How will Scottish Government tackle the gendered barriers to women’s labour market equality and safeguard specific actions from the gender pay gap action plan within implementation of its Fair Work Action Plan?

Childcare

Childcare costs in the UK are amongst the highest in the world.⁴⁴ Access to affordable, quality and flexible childcare is a major barrier to women’s work, study and access to training. Inclusive services for disabled children are even more limited and expensive, and options in rural areas are often insufficient. Polling found that BME and disabled parents (many of whom are single mothers) are twice as likely as white and non-disabled parents to spend more than half of their income on childcare.⁴⁵

Scottish Government’s expansion of free early years education to 30 hours per week for children aged three and above, and for two-year-olds in low-income households, is a very welcome step. However, the offer falls short of the wrap-around childcare services that women require to enable equal participation in the labour market, vocational training and education.

Various bodies, including the National Advisory Council on Women and Girls (NACWG), and the Poverty and Inequality Commission, recommend

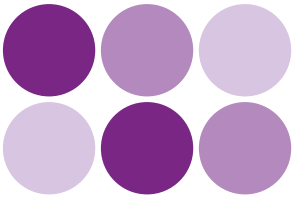


⁴² Age UK (2021) New Age UK analysis finds one in five UK women pensioners now living in poverty.

⁴³ Women’s Budget Group (2021) Household debt, gender and Covid-19.

⁴⁴ OECD (2022) Net childcare costs (indicator) (Accessed on 01/10/22 - data is updated).

⁴⁵ TUC “TUC poll: 1 in 3 parents with pre-school children spend more than a third of their pay on childcare”.



50 hours per week of state-funded, good quality and flexible childcare for all children between six months and five years old.⁴⁶ In response to the NACWG's 2018 report, the Scottish Government has accepted “the ambition behind [this] principle”, undertaken an evaluation of existing provision, and committed to a strategy on ‘out of school’ care.⁴⁷ However, its recent action plan on early learning and school age childcare does not make reference to further expansion of provision,⁴⁸ and the strategy regarding school age children is yet to emerge.

QUESTIONS

- What steps will Scottish Government take to ensure that funded childcare is flexibly delivered and increase support for school age children, including disabled children?
- Will Scottish Government commit to providing universal access to 50 hours of quality and flexible childcare per week?

Article 9

Cost of living support

Social security policy and programmes in the UK drive poverty and undermine the realisation of many of the human rights enumerated in ICESCR. These failures are being gravely exacerbated by the cost of living crisis, particularly for diverse groups of women.⁴⁹

Uprating social security entitlements

The UK Government decision not to uprate Universal Credit (UC) in line with inflation for 2022/23 means that hundreds of thousands of people in Scotland will experience a real terms income cut of £570 per year.⁵⁰ Households impacted by the benefits cap face even more severe losses. Women are the majority of those on UC and of those impacted by the benefit cap.⁵¹ The Scottish Government's decision to uprate most payments delivered by Social Security Scotland by 10.1 per cent for 2023/24 is

⁴⁶ NACWG (2018) First Minister's National Advisory Council on Women and Girls: 2018 First report and recommendations; Poverty and Inequality Commission (2022) Advice on the Scottish Government's Child Poverty Delivery Plan: 2022-26.

⁴⁷ Scottish Government (2019) Scottish Government's response to the NACWG 2018 Report Recommendations.

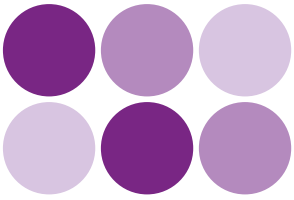
⁴⁸ Scottish Government (2022) Best Start: Strategic early learning and school age plan for Scotland 2022-26.

⁴⁹ Engender (2022) Women and the cost of living: A crisis of deepening inequality.

⁵⁰ Child Poverty Action Group (2022) Nothing left to cut back: Rising living costs and Universal Credit.

⁵¹ 63 per cent of those affected by the benefits cap are headed by single parents, 92 per cent of whom are women. See: CPAG: Child Poverty Action Group (2022) “UC families face £570 real terms income cut as costs surge.”





therefore extremely welcome. However, the Scottish Child Payment was not uprated in the 2023/24 Scottish Budget, undermining the recent increase to £25 per week. A broad coalition of campaigners have recommended that a further increase to £40 is needed in the current economic climate.⁵²

QUESTION

- Will Scottish Government uprate Scottish Child Payment in line with all other devolved benefits?

Scottish Welfare Fund

The Scottish Welfare Fund (SWF) is capable of providing vital cash support to people relatively quickly. The SWF must now be equipped to meet rising demand and respond to the needs of women and other minoritised and low-income groups. Access to the Scottish Welfare Fund is limited for unpaid carers, many of whom missed out on cost of living support from the UK Government.⁵³ Carer's Allowance (CA) is not listed amongst the 'qualifying benefits', and eligibility criteria for CA itself excludes many carers with limited incomes. Carers organisations have called for Scottish Government to target financial support at unpaid carers, including through a dedicated 'Carers Hardship Fund' that could be delivered within the Scottish Welfare Fund.⁵⁴

The Scottish Trades Union Congress, anti-poverty, human rights and equalities organisations across Scotland have called for emergency support of 50 per cent (£17.75 million) to be targeted through the Scottish Welfare Fund.⁵⁵

QUESTION

- Will Scottish Government provide an emergency boost to the Scottish Welfare Fund and expand access to unpaid carers with a 'Carers Hardship' strand?

Carer's Assistance

The UK Government's Carer's Allowance (CA) is set at the lowest level of any social security entitlement of its kind. Scottish Government also pays a Carer's Allowance Supplement. However, cumulatively, this still amounts

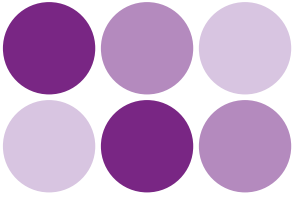
⁵² Scottish Trades Union Congress (2022) Scotland demands better: The people's plan for action.

⁵³ UK Government Department for Work and Pensions (2022) "Guidance: Cost of living payment".

⁵⁴ Carers Scotland "Unpaid carers and the cost of living".

⁵⁵ Scottish Trades Union Congress (2022) Scotland demands better: The people's plan for action.





to a maximum of £2.25 per hour⁵⁶ for essential and skilled care work. This egregiously inadequate support disproportionately impacts women, who are 70 per cent of those in receipt of Carer's Allowance, and twice as likely to give up paid work to provide unpaid care.⁵⁷

The Scottish Government will replace CA with a Scottish Carer's Assistance from 2023, and thus has an opportunity to rectify this historic failure of support for unpaid carers. We call for a Real Living Wage for carers to reflect the enormous value of unpaid care to society and the economy. Scottish Government's longer-term proposals to end existing access restrictions regarding education and employment are welcome, as is an Additional Person Payment (APP) for those with multiple caring roles. However, this APP is proposed at £10 per week for a minimum of 20 hours care - a maximum rate of 50p per hour and a quarter of the rate of CA. This is demeaning, and damaging to women's economic and social rights.⁵⁸

QUESTIONS

- Will Scottish Government commit to a Real Living Wage for unpaid carers?
- Will Scottish Government's Additional Person Payment be paid at least at the same rate as Carer's Assistance?

Social care charging

Given low rates of financial social security support, the current crisis is pushing hundreds of thousands of unpaid carers into extreme financial hardship. Carers Scotland found that 50 per cent of carers were unable to manage expenses back in March 2022.⁵⁹ This was before energy price hikes that especially impact older and disabled people, and their carers – many of whom are disabled women themselves. The Independent Review of Adult Care called for fees for social care support received in the home to be removed, on grounds that this does not support the delivery of human rights.⁶⁰

Removal of such charges is likely to lead to increased use of services, and would bring some urgently needed relief to low-income groups in receipt

⁵⁶ Carer's Allowance is £69.70 per week for a minimum 35 hours of caring, or £1.99 an hour. The Scottish Government's supplement is £245.70 per six months, or £9.10 per week – a maximum rate of 26p per hour.

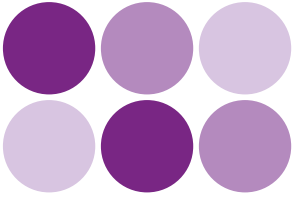
⁵⁷ Women's Budget Group (2020) Spirals of inequality: How unpaid care is at the heart of gender inequalities.

⁵⁸ Engender (2022) Response to the Scottish Government's consultation on Carer's Assistance.

⁵⁹ Third Force News "Unpaid carers facing cost-of-living timebomb".

⁶⁰ IRASC (2021) Independent Review of Adult Social Care in Scotland.





of social care, and their unpaid carers, at relatively low cost. Scottish Government has committed to this, but no action has been taken.

QUESTION

- Will the Scottish Government fulfil its commitment and immediately move to abolish non-residential social care charging?

Split payments of Universal Credit

The need for social security doubled during the pandemic. Due to soaring costs and the ongoing impacts of Covid-19, this has been largely sustained.⁶¹ Consequently, millions more households are exposed to pernicious aspects of the 'welfare system', including the single household payment of Universal Credit (UC) which undermines women's access to an independent income and greatly increases risks of poverty and domestic abuse for women and children.⁶² Scottish Government has committed to individual payments of UC, but delivery is dependent on impact assessment by the UK Government.

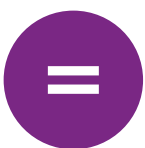
QUESTION

- Will Scottish Government apply urgent pressure on the UK Government to enable delivery of its commitment to automatic, individual payments of Universal Credit?

Article 11

Housing and homelessness

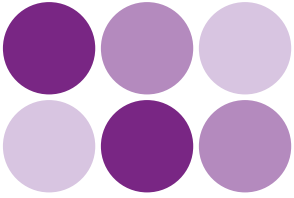
Women are largely invisible in housing and homelessness policy in Scotland. This is despite the highly gendered nature of homelessness and access to secure, affordable and adequate housing. Mainstream services do not cater to women's needs, particularly women experiencing intersecting marginalisation, including BME women, disabled women, and older and younger women. Intersectional and gender-sensitive data on housing and homelessness is not adequately collected, or utilised to aid policy-making.⁶³ Women's housing situations rest heavily on unequal access to resources and physical safety, evidenced by their differing pathways into and out of homelessness, as the majority of renters in social housing, or as the minority of homeowners in Scotland. Women also are more likely to pay a higher proportion of their income in rent and are more reliant on social security



⁶¹ UK Government (2021) Stat-xplore: Starts to Universal Credit.

⁶² Engender (2016) Gender Matters in Social Security: Individual Payments of Universal Credit; Engender (2021) Submission of evidence to the Scottish Affairs Committee on welfare policy in Scotland.

⁶³ Engender (2020) A woman's place: Gender, housing and homelessness in Scotland.



to cover housing costs. Austerity and the cost of living crisis have therefore created or worsened housing precarity for many groups of women.

QUESTIONS

- How will Scottish Government ensure that incorporation of ICESCR and CEDAW realises the right to housing for all groups of women, including prevention of homelessness?
- When will Scottish Government enact commitments to gender its homelessness action plan and ensure housing and homelessness systems meet the needs of diverse groups of women?
- How will Scottish Government ensure housing security for those in rented accommodation when its rent freeze and moratorium on evictions ends in March 2023, including targeted support with housing costs for those most in need?

Article 12

Abortion

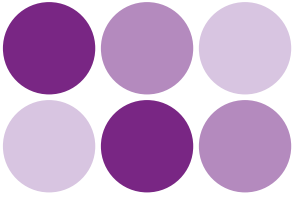
Access to safe abortion is essential for the realisation of women's economic and social rights. Abortion is routine healthcare that is accessed by one in three women in their lifetime in the UK.⁶⁴ Quality and culturally-sensitive abortion care must be accessible, regardless of age, disability, gender identity, geography, immigration status, income, sexuality, race, or religion or belief. Intimidation, coercion, harassment, or stigmatisation, including anti-choice harassment outside abortion services, and inconsistent information and advice in healthcare settings, must not impede access to abortion. The legal right to make choices around family planning should be available to all.

However, legislative and practical barriers to access in Scotland persist.⁶⁵ Women's right to choose is still predicated on the legal authority of two doctors, which has no medical basis and without which both women and health practitioners are criminalised under the 1967 Abortion Act. This is unacceptable, and undermines access to timely abortion. Burdensome oversight is also a drain on capacity within an NHS under extreme pressure. Abortion care could be effectively managed by midwives and nurses, in line with miscarriage care. Abortion should be removed from criminal law and subject to regulation that governs medical practice, in line with all other healthcare. This is the position of the British Medical Association and a range of other professional health bodies in the UK.

⁶⁴ Royal College of Obstetricians and Gynaecologists (2022) National service specification for NHS abortion care.

⁶⁵ Engender (2021) Engender Parliamentary Briefing: Abortion Clinic Buffer Zones; Engender (2016) Our bodies, our choice: The case for a Scottish approach to abortion.





Through Scotland's Women's Health Plan, progress has been made on provision of mid-term abortions in recent years.⁶⁶ However, capacity gaps across services are widening and impacting on access, and practical barriers and knowledge gaps may undermine equality of access. These include language barriers, misinformation, and poor data collection around the incidence and experience of abortion for diverse groups, including BME, LGBTI, disabled, rural, and refugee and asylum-seeking women. Scottish Government must act to standardise and monitor access to abortion, regardless of geography, financial status, age, or any other equality characteristic.

Scottish Government has committed to backing national legislation for 'safe access zones' outside abortion healthcare services. This responds to a significant upswing in anti-choice harassment in Scotland, and should be introduced to the Scottish Parliament at the earliest opportunity.⁶⁷

QUESTIONS

- Will Scottish Government commit to decriminalising abortion in Scotland?
- How will Scottish Government ensure equality of access to NHS abortion services for marginalised groups and address capacity gaps that undermine access to timely abortion?
- Will Scottish Government do everything in its power to ensure the forthcoming Abortion Services Safe Access Zones (Scotland) Bill is in line with international best practice?

Health inequalities

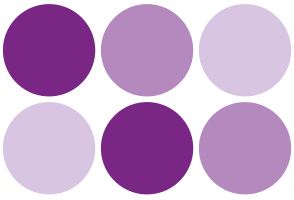
Numerous gendered health inequalities undermine realisation of the right to health for women and girls in Scotland. Health issues that disproportionately affect women, or affect women differently to men, have historically lacked funding and professional focus, meaning that women's health needs are not equally prioritised and understood. These risks are amplified for women experiencing intersecting forms of discrimination, including racism, transphobia and ableism.

Women are more likely to: live with long-term health conditions, including dementia, chronic pain and auto-immune diseases; wait longer to receive diagnoses; have physical symptoms wrongly ascribed to mental health issues; have heart disease misdiagnosed; and suffer from illnesses ignored,



⁶⁶ Scottish Government (2021) Women's Health Plan: A plan for 2021-2024.

⁶⁷ Back Off Scotland (2022) "The facts".



minimised or denied by the medical profession.⁶⁸ Maternal mortality in the UK is four times higher for Black women than for white women,⁶⁹ lack of professional competence compromises health outcomes for trans women,⁷⁰ disabled women are significantly more likely to have unmet health needs than disabled men,⁷¹ and women in the most deprived areas of Scotland experience good health for 25 years less than those in affluent areas.⁷² Despite this, Scottish Government's Gender Equality Index indicates health outcomes for women and men are almost equal (99/100) because it is based on inadequately gendered data.

The Women's Health Plan predominately targets women's reproductive health. This is crucial, but the plan must now be expanded to include non-sex-specific conditions that disproportionately affect women, and greater focus on intersectional health inequalities, including for BME, disabled and LGBT women, and with regards to violence against women and girls.

QUESTIONS

- Will Scottish Government create a Scottish Institute for Women's Health to drive reductions in gendered health inequality and fund dedicated research into women's health?
- Will Scottish Government expand its Women's Health Plan to incorporate a range of non-sex-specific health inequalities and a greater focus on marginalised groups of women?

Mental health

Women's mental health and wellbeing is being disproportionately impacted by the cost of living crisis. Economic inequality, further strain on women's unpaid care and household management roles, and heightened risks of domestic abuse and coercive control are amongst the structural gender inequalities behind this.⁷³ Research found that 86 per cent of single parents (92 per cent of whom are women) have struggled with their mental health over the last year, with 56 per cent feeling this way "most of the time".⁷⁴

⁶⁸ The Health and Social Care Alliance Scotland (2020) NACWG Satellite Wee Circle: Gender Equality and Mental Health. ALLIANCE, Engender and See Me; Engender (2022) Submission to the Health, Social Care and Sport Committee inquiry on health inequalities.

⁶⁹ MBRRACE-UK (2021) Saving Lives, Improving Mothers' Care.

⁷⁰ Scottish Trans Alliance (2013) Scottish Trans Health Conference Report.

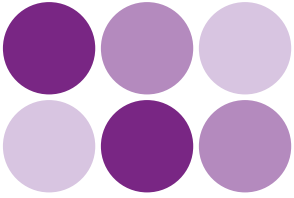
⁷¹ Sakellariou and Rotarou (2017) Access to healthcare for men and women with disabilities in the UK.

⁷² Scottish Government (2021) Women's Health Plan: A plan for 2021-2024.

⁷³ Engender (2022) Women and the cost of living: A crisis of inequality.

⁷⁴ One Parent Family Scotland (2022) Living without a lifeline: Single parents and the cost of living crisis.





This builds on an already alarming picture of disproportionately poor mental health among women and girls both prior to and as a result of the pandemic. Wellbeing for disabled women and young women and girls has been particularly impacted by the pandemic. Depression and anxiety in women is significantly higher among unpaid carers in Scotland, young, low-income and LGBT women, lone parents, victim-survivors of men's violence, and women in the criminal justice system. Data is lacking for BME and disabled women at Scottish level; however, evidence from elsewhere in the UK and non-disaggregated data suggest they are also more likely to experience poor mental health.⁷⁵

The latest Scottish Health Survey indicates that 27 per cent of young women aged 16-24 have a possible psychiatric disorder, are twice as likely to experience anxiety as young men, and almost twice as likely to experience depression.⁷⁶ One large-scale study found that the mental health of girls (aged 11-18) is “at a precipice” with the pandemic leading to a “growing gulf” between girls and boys.⁷⁷

Investment in gendered mental health services and intersectional data collection is urgently needed. This should be set out in the Scottish Government's new Mental Health and Wellbeing Strategy.

QUESTIONS

- How will Scottish Government ensure that its mental health and wellbeing strategy responds to the growing crisis in women's and girls' mental health?
- What specific steps will Scottish Government take to address escalating poor mental health in young women and girls and other marginalised groups of women, and build evidence regarding disabled women and BME women?

Article 13

Misogyny in Scottish schools

Sexual harassment and sexist incidents

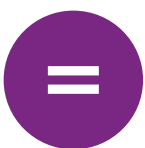
Sexism and misogynistic behaviours are highly prevalent in education settings in Scotland,⁷⁸ and undermine girls' and young women's ESC rights

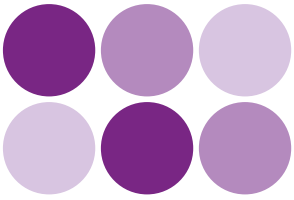
⁷⁵ Engender (2022) Response to the Scottish Government's Mental Health and Wellbeing Strategy consultation.

⁷⁶ Scottish Parliament Information Centre (2022) “Mental health of young adults”.

⁷⁷ Steer Education “Girls' mental health “at a precipice” and increasingly worse than boys' data shows”.

⁷⁸ Children's Parliament (2022) Gender equality in education and learning: A theory of change model.





to education, health and non-discrimination. Girlguiding UK found that 75 per cent of girls report anxiety about sexual harassment affects their lives,⁷⁹ with girls in deprived areas more likely to say that fear of sexual harassment holds them back at school, and girls of colour significantly less likely to feel safe at school than white girls.⁸⁰ Over half of girls have witnessed sexist language in schools, and 64 per cent of teachers report hearing sexist language on at least a weekly basis.⁸¹ Sexist behaviour impacts girls' subject choices, with 41 per cent of 11–21-year-olds feeling held back from studying STEM because they are teased if they show an interest.⁸²

Gender stereotyping

One in five girls believe that gender stereotypes hold them back in education, and this rises to two in five for LGBTQ+ girls.⁸³ Gender stereotypes limit children's aspirations, and contribute to the gendered occupational segregation that sees women clustered in undervalued sectors like care. The economic inequality that stems from this contributes to other systemic issues, such as violence against women and girls. VAWG is a cause and consequence of gender inequality; for instance, the long-term impacts of violence can prevent women and girls from accessing leadership roles.

Education settings represent a key environment for primary prevention of VAWG through taking a whole-school approach to ending gender stereotypes and gendered power imbalances. However, schools in Scotland do not routinely collect data regarding sexual harassment, violence, or sexist incidents. Only 10 per cent of pupils report sexual harassment after witnessing it, and only six per cent report incidents of sexism.⁸⁴

QUESTIONS

- How will Scottish Government collect intersectional data on sexist incidents and sexual harassment, and use this evidence to tackle these behaviours in schools?
- How will the Scottish Government ensure that education reform includes a whole-school, whole-system approach to embedding gender equality and preventing VAWG?

⁷⁹ Girlguiding (2015) Girls' Attitudes Survey 2015.

⁸⁰ Girlguiding (2022) Girls' Attitudes Survey 2022.

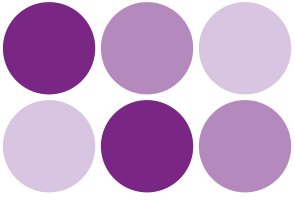
⁸¹ National Education Union and UK Feminista (2017) "It's just everywhere": A study on sexism in schools – and how we tackle it.

⁸² Girlguiding (2021) Girls Attitudes Survey 2021.

⁸³ Girlguiding (2022) Girls' Attitudes Survey 2022.

⁸⁴ National Education Union and UK Feminista (2017) "It's just everywhere": A study on sexism in schools – and how we tackle it.





Article 15

Gender inequality in media and culture

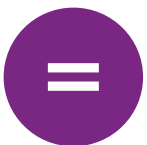
The media and cultural sectors in Scotland continue to sustain gender inequality. Women's participation and visibility remains low. In the UK in 2020, women made up only 28 per cent of people heard, read about or seen in newspaper, television and radio news.⁸⁵ In the Scottish creative industries, women account for one-third of the workforce.⁸⁶

The combined threats of the Covid-19 pandemic, the cost of living crisis, and institutional sexism in these industries disproportionately exclude women from attaining job security, with Black, minoritised and under-represented women particularly affected. Of the women journalists in Scotland on contracts surveyed in December 2020, half had already lost their job or feared losing it within the year.⁸⁷ Meanwhile, online gendered harassment deters women from participating in digital spaces.⁸⁸

Lack of diversity in the workforce is reflected in media and cultural content. Gendered stereotypes and norms limit women and girls' aspirations, and perpetuate sexualisation, violence against women and girls, and sexist discrimination. Addressing systemic inequality in leadership, workforces and cultural output is key to preventing men's violence against women and shifting societal attitudes.

QUESTIONS

- Will Scottish Government commit to a National Action Plan on Equal Media and Culture?
- Will Scottish Government provide long-term funding for an Equal Media and Culture Centre?

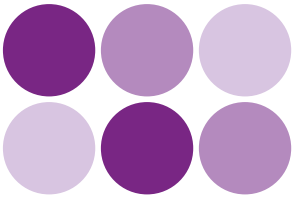


⁸⁵ Global Media Monitoring Project (2020) Who Makes the News? 6th Global Media Monitoring Project.

⁸⁶ NACWG (2021) Gender inequality in the creative arts.

⁸⁷ Women in Journalism Scotland (2020) Survey of women journalists in Scotland.

⁸⁸ UNHRC (2020) Combating violence against women journalists: Report of the Special Rapporteur on violence against women, its causes and consequences*.



Engender is Scotland's feminist policy and advocacy organisation, working to increase women's social, political and economic equality, enable women's rights, and make visible the impact of sexism on women and wider society.

The following civil society organisations are co-signatories to this shadow report:



Abortion Rights Scotland

Abortion Rights Scotland brings together individuals, trade unions, clinicians and policy makers to campaign for free, safe, legal and local abortion services provided and delivered by the NHS.



Back off Scotland

Back Off Scotland is a campaign group fighting for the right to harassment-free access to abortion services in Scotland.



Carers Scotland

Carers Scotland is a carer led organisation that provides information and advice, helps carers connect with each other, and campaigns with carers for lasting change and improvements to services.



Carers Trust Scotland

Carers Trust Scotland is a charity for with and about carers, working to improve support, services and recognition for anyone living with the challenges of unpaid caring.



Close the Gap

Close the Gap is a national partnership initiative that works to encourage and enable action to address the gender pay gap.



Coalition of Carers in Scotland

Coalition of Carers in Scotland is a national organisation that works to promote the voice of unpaid carers in the development of services, policy and legislation.

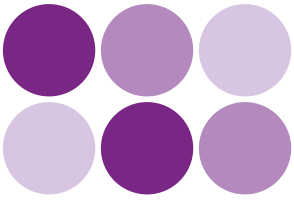


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Equate Scotland

Equate Scotland is Scotland's expert in gender equality in science, technology, engineering, maths, and the built environment.



Health and Social Care Alliance Scotland

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for a range of health and social care organisations.



Human Rights Consortium Scotland

The Human Rights Consortium Scotland is the civil society network to defend and promote human rights in Scotland.



Inclusion Scotland

Inclusion Scotland is a Disabled People's Organisation – led by disabled people ourselves – that works to make Disabled people fully included throughout all Scottish society as equal citizens.



National Carer Organisations

The National Carer Organisations is a coalition that works to represent unpaid carers and give them a voice at national level.



One Parent Families Scotland

One Parent Families Scotland is the leading organisation working with single parent families across Scotland, providing information, advice and support, training activities, employability programmes and flexible, and campaigning with parents to make their voices heard.



Rape Crisis Scotland

Rape Crisis Scotland is the national office for the rape crisis movement in Scotland, and host of the Scottish Women's Rights Centre.



Scottish Women's Aid

Scottish Women's Aid is the lead organisation in Scotland working towards the prevention of domestic abuse.

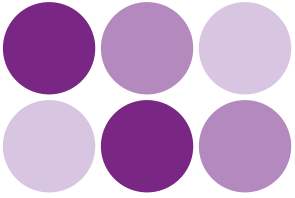


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Scottish Women's Budget Group

Scottish Women's Budget Group is a campaigning, research and training group working to promote equality through gender budgeting, to build a fairer and more equal Scotland.



Scottish Women's Convention

The Scottish Women's Convention works closely with women in Scotland to ensure that their voices are heard as part of decision-making processes.



Women's Enterprise Scotland

Women's Enterprise Scotland is a research-led not for profit Community Interest Company which champions women-led and women-owned businesses and advocates the need for gender specific support in enterprise.



YWCA Scotland – The Young Women's Movement

YWCA Scotland is a feminist organisation and part of a worldwide movement of women leading change.



Zero Tolerance

Zero Tolerance is a charity working to tackle the causes of men's violence against women.

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