

## ENGENDER BRIEFING 6 • JUNE 2014

### Scotland's futures: Women and the referendum

This briefing is part of a series that sets out how power and responsibility to tackle critical gender equality issues is divided between Holyrood and Westminster. It is part of Engender's contribution to the independence referendum debate.

The constitutional change debate provides a platform for discussion of social issues and space to reflect on the possibilities for change that exist. Transformative reform of our political and economic systems, and the cultures which sustain them, is needed to achieve gender equality in Scotland. The constitutional arrangements, mechanisms and political environment needed to deliver this are of secondary importance.

#### Status quo

Under the existing settlement, the Scottish Government has power to do considerably more to progress gender equality agendas. Primarily, it could mainstream gender across all departments, policy and strategy, and implement strengthened gender-responsive budgeting practices.

It could also strengthen the gender dimensions of the Public Sector Equality Duty and enforce greater compliance with its core obligations. It could incorporate CEDAW, the UN Bill of Women's Rights, into Scots law, and develop and extend legal responses to violence against women.

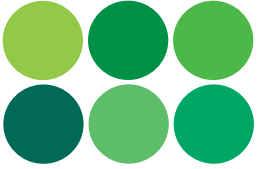
#### Competences

- Key **devolved matters** regarding gender equality include: economic development, education and training, employability, local government and social services (including delivery of childcare).
- Key **reserved matters** regarding gender equality include: constitution, broadcasting, employment and industrial relations, equal opportunities, financial and economic matters, immigration and social security.

However, the current constitutional settlement is far from clear-cut in terms of power and responsibility for gender issues.

- Key gendered concerns where **powers overlap** include: childcare, economic models, employability, gender segregation, media, political participation and poverty.





## Independence

An independent Scotland would not be inherently more likely to engage with women's equality. There is no reason to believe that an independent Scotland would not elect governments that ultimately have a negative impact on women's rights.

However, independence does hold potential for structural change that would be enabled by wider reallocation of power and responsibility. This would also be the case in the event of other significant change, such as that introduced by further devolution ('devo max').

### Opportunities made possible by independence or additional devolution

#### **A written Constitutional Bill of Rights.**

- A constitution could incorporate provision for gender equality.
- It could provide important recourse for systemically marginalised groups of women in Scotland to claim their rights.

#### **The creation of new institutions and systems. For example:**

- A new social security system would have scope to redress the gender discrimination at the core of the current system.
- A new immigration and asylum system could increase protection and wellbeing for migrant, refugee and asylum seeking women.
- Creating new institutions would present an opportunity to embed and deliver gender quotas.

#### **New legislative and regulatory frameworks.**

- Scotland would decide whether to ratify international human rights instruments, including protocols to which the UK is not a signatory.
- New legislation and oversight frameworks would include broadcasting, equal opportunities, employment, financial regulation and industrial relations.