

Statement to Commission on the Status of Women in advance of CSW 57

Engender is a national feminist information, research, and networking organization from Scotland. We have had special consultative status with ECOSOC for over 10 years. Established in 1990, our work makes visible the impact of sexism on women, men, children, society and on 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 participation in public life.

This statement is submitted on behalf of Scotland NGO CSW57, a group of Scottish VAW organisations working with Engender. The group is comprised of

Rape Crisis Scotland

Scottish Women's Aid

White Ribbon Scotland

Women's Support Project

Zero Tolerance

We seek to highlight the challenges of our work on violence against women **in Scotland**. Scotland has separate and distinct laws, policies, and services from the rest of the United Kingdom. These have been further developed since the Scottish Parliament was set up in 1999 along with an elected Scottish Government based in Edinburgh. The services and policies that surround women and children experiencing male violence in Scotland are to a great degree controlled by Scottish courts, health services, police, and schools. All these are distinct institutions governed by the Scottish Government and often invisible in UN consideration of UK progress on women's human rights. We therefore seek to make Scottish women's experience visible in UN processes, including those of the Commission on the Status of Women.

Scotland has long enjoyed an active and effective violence against women sector. That sector is largely responsible for the gendered definition of violence against women that the Scottish Government adopted in 2000 as part of its Strategy to Address Violence against Women. While we celebrate the gendered approach, we must remark on a number of areas that require immediate and sustained improvement.

Priority areas

Criminal justice outcomes. 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." It is our judgment that corroboration is a barrier to improving conviction rates for rape and other VAW crimes. (For example, rape conviction rates are currently assumed to be approximately 7 percent, based on the most recent figures produced by the Crown Office for the period 2008-2009.) **Recommendation: that the Scottish Government 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.**

Survivors' rights to privacy and freedom from inhumane treatment. When survivors of sexual assault engage with the criminal justice system, their rights to privacy, especially with regard to their medical records and sexual histories, are routinely abridged. The state needs to provide greater protection in respect of access to medical records and sexual history; survivors need access to representation to enable them to assert and/or defend their rights. The current system fails to protect the right to privacy. **Recommendation: that the Scottish Government address threats to survivors' rights to privacy and to protection from inhumane treatment in the prosecution of sexual and domestic abuse through provision of legal representation.**

Access to civil justice. Women seeking civil protection from an abusive ex-partner are required to pay a means tested contribution to the legal costs of the order. Research indicates that this is a significant barrier to women being able to seek protection and that inability to obtain protective orders compromises the safety of women and their children. **Recommendation: that the Scottish Government removes the requirement to contribute to Legal Aid costs in cases where a civil protective order is required to protect a woman from ongoing abuse by an ex-partner.**

Prostitution. 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."

This study also indicated that a number of sanctions, effectively enforced, could deter purchasers from buying sex.¹ Prostitution has been defined as a form of VAW in Scotland since 2000, but little has been done to reduce demand for it. For some time the VAW sector in Scotland has made the case for criminalising the purchase of sex and resourcing exit programmes for the women, men, and children involved in prostitution. The benefits are clear and the evidence from Sweden compelling that this approach reduces the harm and creates a hostile environment for trafficking. **Recommendation: that Scotland take immediate action to reduce the demand for prostitution.**

Female genital mutilation. 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. **Recommendation: that the Scottish Government 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.**

Pornography and the sex industry. Given the significant public health and gender inequality impacts of pornography and the sex industry (including lap-dancing and strip clubs), leadership and action are needed to end the “pornification” of Scottish society. **Recommendation: that the Scottish Government create and implement a plan for reducing the impact of pornography and the influence of the sex industry in Scotland?**

Women seeking asylum. Given that research has shown that approximately two-thirds of women seeking asylum in the UK will have experienced sexual and/or physical violence, and that women are routinely refused asylum when fleeing violence against women, Scotland has a

¹ 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>.

moral responsibility to ensure adequate support and advocacy services for women asylum seekers as for other women who report domestic and sexual violence in the Scotland.

Recommendation: that the Scottish Government resource appropriate support for women asylum seekers.

Conclusion

Finally, the disproportionate and negative impact on women of the current recession and changes in taxation and welfare schemes by the UK government inevitably will lead to increased harm and reduced resilience for women and children experiencing violence. We expect that the Scottish Government take prompt and effective action to alleviate that increased harm and disproportionate impact.