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Introduction

ENGENDER is a women's organisation based in Scotland, working on a feminist and anti-sexist agenda. We aim 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. Engender also works actively on the realisation of women's rights; to this end, we have created a cartoon superhero (<http://www.youtube.com/watch?v=HPJfBqoNH7Q>) to make CEDAW real for women in Scotland.

The period since the last examination of the UK by the CEDAW Committee has seen a clear and stark diminution of women's rights across the four countries of the United Kingdom. This statement focuses on areas of persistent and significant inequality and breach of women's rights, within the current economic climate and in the Scottish context. These are a set of systemically linked issues around women and work, mitigating austerity and welfare reform, temporary special measures and violence against women.

It is women who have borne the brunt of the impact of the austerity measures that have been the UK Government's response to the financial crisis and recession. It is women who have seen a withdrawal of essential public services, including refuges and support services. It is low-paid women and lone-mothers who will shoulder the cost of "welfare reforms" that will push people further into poverty and homelessness. It is women's jobs that have been lost and will be lost as the UK Government relentlessly seeks to shrink the public sector. It is women's lives and experience that are missing from the analysis as the UK Government sets its economic policy.

Scotland has separate and distinct judicial, education, and health systems from the rest of the UK; these have been further developed since the devolution of certain powers to Scotland in 1999. The effect of UK Government policy on women in Scotland is significant, and some important institutions and mechanisms exist at UK level, but there are also policy areas for which the Scottish Government must be held accountable.

Article 1: ELIMINATION OF DISCRIMINATION

The UK Government will introduce fees up to £1,200 for individuals to access employment tribunals, with discrimination and equal pay cases likely to have the highest level of upfront costs. At the same time, the UK Government has drastically reduced funding for the EHRC, which is the statutory equalities regulator in Scotland and also a provider of information and support to employees who are being unlawfully discriminated against by their employer.

- **UK Government must ensure that individuals who experience sex discrimination, including unequal pay, have access to justice, including information, advice, and access to the tribunal service in Scotland.**

Article 4: TEMPORARY SPECIAL MEASURES

The absence of women's voices from public discourse has a major impact on equality of outcomes across the spectrum of policymaking. The skewed representation of women in senior public positions in Scotland (2011) includes:

- 32 percent of all public appointments
- 31 percent of head teachers in secondary schools, despite considerable overrepresentation in the sector as a whole.
- 36 percent of Members of the Scottish Parliament
- 15 percent of senior police officers¹

Furthermore, fewer women hold public appointments in 2011 than in 2003. The 2012 council elections returned fewer than 25% of seats to women, intensifying long held concerns about the supply of candidates for selection in Scottish parliamentary elections. Women from BME communities, disabled women, LGBT women and women from other protected groups are significantly less represented still, and the impacts of this underrepresentation are very little understood in Scotland.

The UK claims that temporary special measures to reduce inequality have been introduced during the current reporting period. However, these measures are non-binding and therefore extremely limited in scope.

- **UK Government should promote temporary special measures such as parliamentary quotas, to increase women's political representation.**
- **Scottish Government should promote temporary measures to boost women's representation across public sector decision-making bodies.**

Article 10: EDUCATION

There are significant patterns of gendered segregation across subject choices at all levels of education in Scotland. Girls are massively underrepresented in science, technology, engineering and maths (STEM), and subsequently in STEM occupations. The modern apprenticeship (MA) programme in Scotland is heavily segregated.

Modern apprenticeship framework ⁱⁱ	% Female
Construction	1.3
Engineering	2.2
Plumbing	1.9
Early years care and education	97.6
Business Administration	76

- **Scottish government should develop a comprehensive plan to tackle gender segregation, incorporating education, skills and employability.**

Article 11: EMPLOYMENT

Work is seen as the key way of lifting women out of poverty, but profound gender pay gaps persist, including a 32% part-time pay gap in Scotland. The ICESCR Committee, in 2009, concluded that the UK should conduct a review of its work to tackle the gender pay gap.ⁱⁱⁱ This review has not taken place.

The Scottish Government's economic strategy focuses on investment and development support for male-dominated sectors. Women's entrepreneurship is low, even when compared to the rest of the UK. Meanwhile, cuts to Scotland's public services sector are driving some of the highest levels of female unemployment Scotland has seen in 24 years. The period July to December 2011 saw a decline of 32,000 women's jobs, an average rate of 352 per day.^{iv}

Finally, Scotland has some of the highest childcare costs in the UK. The Scottish Deputy First Minister has identified childcare provision as 'infrastructure', yet only 21% of local authorities can provide enough childcare for working parents, and only 10% where parents work non-traditional hours.^v Sufficient, affordable and quality childcare is needed to enable parents to participate in the formal labour market, as well as to meet the human rights of children in Scotland. Whilst welcome, the proposed increase from 475 to 600 hours annually in Scotland's Children and Young People Bill is a token gesture. This will not approach meeting needs of parents, including lone mothers. We need to see investment in childcare to match the Scottish Government's rhetoric and ambition.

- **UK Government must review its work to tackle the gender pay gap.**
- **Scottish Government must ensure that the action plan to be developed from the recent *Women's Employment Summit* delivers significant and measurable outcomes, and tackles all of the causes of women's economic inequality.**
- **Scottish Government should deliver a costed assessment of childcare needs and outline plans for delivery of quality universal provision, in line with its framing of childcare as infrastructure.**

Article 13: ECONOMIC AND SOCIAL BENEFITS

The UK's 'welfare reform', including £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 do men.^{vi} The payment of Universal Credit to a single recipient within the household is set to transfer resources from women to men. This will reduce women's financial independence and thus increase vulnerability to gender-based violence (GBV) and coercive control.

In parallel, significant cuts to public services will impact most severely on families headed by lone parents, 92% of whom are women.^{vii} These households will lose services and benefits worth 19% of their total net income. The UK claims that "[a]s we take the difficult decisions necessary to tackle the UK's record deficit we are determined to do so fairly whilst protecting the most vulnerable",^{viii} however it remains entirely unclear how this will be achieved.

- **UK Government should conduct a Cumulative Impact Assessment of key policies such as Universal Credit and Personal Independence Payment implemented under the banner of Welfare Reform**
- **Scottish Government should identify areas in which it can mitigate the impact of the UK's welfare reform programme with a broad review of the impacts on women. This should include particular attention to disabled women and lone mothers who will be amongst the hardest hit.**
- **Scottish Government should invest in gender-sensitive employability and related support services for women forced either into the part-time labour market or out of the labour market due to the design of the UK's welfare and tax reform policies.**

VIOLENCE AGAINST WOMEN

Like women across the world, our inequality in Scotland means that women experience men's violence, including rape, domestic abuse, female genital mutilation, prostitution and pornography. Our equality begins with our physical safety and autonomy.

Corroboration

Scotland's criminal justice system requires that all key evidence in criminal prosecution must be backed by two sources. This 'corroboration' has been identified as underpinning the fact that 75% of rape complaints do not progress to court. The Carloway Review of the criminal justice system recommended that an improved system should be based on quality rather than quantity of evidence.^{ix}

- **To ensure that the removal of the requirement for corroboration does not lead to an even more heightened focus on the credibility of complainers, a system of independent legal representation specifically to enable complainers of sexual offences to assert their privacy rights in the content of a rape or sexual offence trial should be considered.**

FGM:

Estimates show that over 68,000 women and girls living in the UK have experienced or are at risk of female genital mutilation (FGM),^x with increasing numbers of asylum seekers and refugees arriving and settling in Scotland. However, taboos surrounding discussions about sex in practising communities, along with lack of understanding and concerns about racial/cultural sensitivity amongst those tasked with enforcing the FGM (Scotland) Act (2005) have combined to mean no FGM-related prosecutions or protection orders to date.

- **To implement the FGM (Scotland) Act in line with its definition of VAW, the Scottish Government must develop a National Action Plan which focuses on raising awareness of legal, social and health consequences in FGM-practising communities, as well as amongst those responsible for implementation.**

Legal Aid:

Women's access to justice in Scotland is undermined by the requirement that they pay a contribution to legal costs to obtain a civil order protecting them from an abusive partner. It is unacceptable that women's socioeconomic status should bear on the protection of their human rights. This is in line with CSW57 Agreed Conclusion A(f) on effective legal assistance.^{xi}

- **Scottish Government must ensure that women can afford legal aid and that the system of legal aid contributions does not add to women's disadvantage. This should include gender-disaggregated data collection.**

Prostitution:

In a recent Scottish study, a third of men stated that prostitution provided an opportunity to have "freedom to do anything they want in a consequence free environment" and indicated that sanctions could deter them from buying sex. The study also found that 34% stated that rape happens because their sex drive "gets out of control" and 12% believed the rape of a prostitute or call girl was not possible^{xii}

- **Scottish Government includes prostitution in its definition of VAW. This must now be reflected in a targeted strategy to criminalise demand and to develop or support the development of exit services.**

Endnotes

ⁱ **EHRC** (2011) *Sex and Power 2011 Scotland* (p.6)

ⁱⁱ **Skills Development Scotland** (2011)

ⁱⁱⁱ **CESCR** (2009) E/C.12/GBR/CO/5 *Concluding Observations of reports submitted by State Parties* (p.5)

^{iv} **WiSE and Save the Children** (2012) *Child Poverty and Mothers Employment Patterns* (p.6)

^v **Daycare Trust and Children in Scotland** (2012) *The Scottish Childcare Lottery* (p.2)

^{vi} **The Fawcett Society** (2012) *The Impact of Austerity on Women* (p.33)

^{vii} **Office for National Statistics** (2008) *Social Trends*, 39.

^{viii} **CEDAW** (2013) CEDAW/C/GBR/Q/7/Add.1 *Replies of UK [re:] its seventh periodic report* (p.2)

^{ix} **Lord Carloway** (2011) *The Carloway Review*

^x **Forward** (2007) *A Statistical Study to Estimate the Prevalence of FGM in England and Wales* (p.27)

^{xi} **CSW** (2013) E/CN.6/2013/L.5 *CSW57 Agreed Conclusions* (p.6)

^{xii} **Macleod, J. et al** (2008) *Challenging Men's Demand for Prostitution in Scotland*.