

# Scottish CEDAW Shadow Report Forum

## Scottish Women's Convention

in partnership with

BEMIS

Scottish Federation of University Women

Scottish Refugee Council

Scottish Trade Union Congress

Scottish Women's Aid

Soroptimist International

WEA Women @ Work



This document has been produced in response to the UK Government's  
CEDAW report of June 2011

**June 2013**

[www.scottishwomensconvention.org](http://www.scottishwomensconvention.org)

## Executive Summary

There has undoubtedly been advancement in gender equality in Scotland. The Scottish Parliament has taken positive and pro-active steps in advancing equality, with the introduction of legislation, policies and practices in a number of key areas.

Despite this progress, women in Scotland continue to face barriers and discrimination. Confusion can arise with regards to matters which are devolved to the Scottish Parliament and those which are reserved to the UK Government. There is little engagement between the Scottish and UK Government, which has arguably led to much less of a gender focus in a number of areas. For example, the closure of the Women's National Commission in 2010 removed direct channels of communication between the devolved nations.

The Equality Act 2010, and the Public Sector Equality Duty which has arisen from this legislation, have yet to have much impact on the lives of grassroots women. The Equality and Human Rights Commission (EHRC) provides advice and support to those wanting to challenge discrimination and has an important statutory function with regards to the oversight of equality legislation. The organisation has faced drastic cuts in funding and activities which has significantly weakened the service in Scotland.

Women continue to be stereotyped in education, the workplace and in society in general. Few young women are steered towards 'non-traditional' roles such as science and engineering. Too many continue to be clustered in low paid, low skilled part time jobs. The media continually perpetuate an image of the 'perfect woman' and criticise those who do not fit the image.

Despite ratification of the Council of Europe Convention on Action against Human Trafficking, women continue to be brought into Scotland for the purposes of commercial sexual exploitation, forced labour and domestic servitude. There is much confusion around how to deal with the issue, mainly due to the split between devolved and reserved matters relating to human trafficking.

Women are not fully represented in political and public life, either in Local Government, the Scottish or the UK Parliament. Disabled and BME women are even less visible in these institutions.

Refugee and asylum-seeking women face significant barriers throughout the asylum process. A lack of childcare at substantive asylum interviews, very little gender sensitivity in the process and women being left with no recourse to public funds (NRPF) are some of the key areas of concern.

The economic downturn has had a significant impact on women. Cuts to budgets have seen a wave of redundancies in the public and voluntary sectors, where women predominate. Job losses in the private sector have tended to be in lower graded roles which are mostly undertaken by women. A lack of accessible, affordable and appropriate childcare severely curtails women's ability to fully participate in the labour market.

There are genuine health inequalities in Scotland. The poorest in society die earlier and have higher rates of disease, including mental illness. Scotland has a higher rate of teenage pregnancy than most other Western European countries. Maternity services are inconsistent throughout the country, with women in rural areas not afforded the same access to services as their urban peers.

Welfare Reform measures introduced by the UK Coalition Government have impacted hardest on women. Universal Credit (UC) will replace a range of benefits. Individual claimants will have to manage their accounts online and strict sanctions for non-compliance with 'work related requirements' will be imposed. Working hours thresholds for tax credit entitlement, which many women rely on to pay

childcare costs, are increasing. As a result women will be forced to increase their hours or seek other forms of employment in order to make ends meet..

94% of Scotland's land mass is considered rural. Women who live in these remote and super sparse areas face additional barriers when accessing education, employment and childcare. Public transport is poor and the cost of fuel continues to rise.

Despite a raft of legislation, policies and practices around Violence against Women, it is still a significant issue in Scotland. Rape conviction rates currently sit around 6%. Men who pay for sexual services are not subject to any punishment, however the women they buy face prosecution for having been purchased.

The Scottish and UK Governments continue to face a number of challenges in advancing gender equality. This report sets out key issues and recommendations for consideration.

## Introduction

This Shadow Report has been produced by the 'Scottish CEDAW Shadow Report Forum' – a partnership of women's organisations from throughout Scotland who have come together to prepare this document. The report reflects the voices of women throughout Scotland. This was achieved using networks, knowledge of subject areas and the voices of a wide range of women. Purple italics throughout the document indicate direct quotes from those consulted.

We have limited the scope of this report to those areas where we feel we can best provide useful evidence to the Committee. It does, however, contain valuable information from and about diverse groups of women from various geographical locations throughout Scotland.

The document reports on the reserved matters for which the UK Government have responsibility. Reference is also made to Scottish Government legislation and policies which have an impact on women.

Following the closure of the Women's National Commission (WNC) in December 2010, women's organisations in Scotland have found it increasing difficult to engage with the UK Government. There is no direct link with Government officials. Individual organisations and groups, with limited resources and no additional funding, have coordinated themselves in order to inform UK Government of key grassroots issues.

In February 2011, the organisations involved in the Scottish CEDAW Shadow Report Forum, who represent a cross section of women in Scotland, established a workplan. This defined how the Group would produce the attached report which will be used to inform CEDAW and the UK Government of the key issues affecting women in Scotland.

This document is in response to the UK Government's 7<sup>th</sup> Periodic Report submitted to CEDAW in June 2011.<sup>1</sup> It focuses on the key policy areas reserved to the UK Government.

The report also includes progress made on the 2008 Concluding Observations particularly around the principal areas of concern and recommendations<sup>2</sup>. It also considers the UK Government Response to the Issues and Questions raised at the pre-CEDAW meeting held in Geneva in October 2012.<sup>3</sup>

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<sup>1</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85456/7th-cedaw-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85456/7th-cedaw-report.pdf)

<sup>2</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement>

## Articles 1 – 4

# UK Approach to Tackling Discrimination and Advancing Gender Equality

### Legislative Approach to Obligations to Eliminate Discrimination

#### **The Equality Act 2010**

The 2010 Equality Act ('the Act') replaces anti-discrimination legislation with a single act designed to "make the law simpler and remove inconsistencies."<sup>4</sup> The legislation covers nine protected characteristics including gender. The Act repeals previous legislation, including the Equal Pay Act 1970 and the Sex Discrimination Act 1975.

The Public Sector Equality Duty (PSED), introduced under the Act, describes the ways in which public bodies have to consider the needs of individuals when shaping policy and delivering services. In 2012, Equality Act 2010 (Specific Duties) (Scotland) Regulations<sup>5</sup> were introduced, which place a duty on specific authorities to report on measures undertaken to eliminate discrimination.

While this legislation requires monitoring and evaluation by public authorities on the services they provide, some grassroots women in Scotland report very little awareness of a positive impact on their lives since its introduction.

*"It hasn't had any impact on me – I don't even really know what it is. If it's important then we should be given more information about what the public sector should be doing because of it."*

The introduction of the Equality Act provided the Government with an opportunity to embed its obligations under the Convention into legislation. The UK Government has failed to address this key area of concern from the 2008 concluding observations of the CEDAW committee.<sup>6</sup>

Not only has the UK Government failed to maximise the opportunities afforded by effective implementation of the Equality Act 2010, it has in fact moved rapidly to repeal certain sections, and to undertake a consultative exercise within the 'Red Tape Challenge' framework, to review the PSED.

Given that the legislation is new, and in Scotland the Specific Duties were only introduced in 2012, with public bodies reporting on their Equality outcomes by 30<sup>th</sup> April 2013, it is far too soon to conclude that the legislation is ineffective.

The Scottish Trades Union Congress (STUC) response to the Review of the PSED was submitted by the closing date of 19 April 2013. In its response, the STUC highlighted that the Government's Review steering group included no Scottish or Welsh representation, nor workplace, trade union or equality representatives. The Review is premature, with no opportunity for the experience within the devolved nations to be taken into account.

### Recommendation

- That the UK Government draw back from reviewing the PSED, instead strengthening the resources available to the EHRC to support effective implementation.
- That statutory time off for trade union equality representatives is considered as a way of strengthening knowledge of the PSED, and specific public sector outcomes, amongst women in the workplace.

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<sup>3</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N13/224/82/PDF/N1322482.pdf?OpenElement>

<sup>4</sup> <http://homeoffice.gov.uk/equalities/equality-act/>

<sup>5</sup> <http://www.legislation.gov.uk/sdsi/2012/9780111016718/contents>

<sup>6</sup> <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/555/92/PDF/N0955592.pdf?OpenElement> – para 261

## **Equality and Human Rights Commission**

The Equality and Human Rights Commission (EHRC) has a “*statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the “nine” protected grounds – age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.*”<sup>7</sup>

The organisation has suffered severe budgets cuts - falling from £70m in 2007 to £26.8m by the end of 2015. Staff numbers are being drastically cut. The helpline service, which gave information and advice on discrimination and human rights issues, has been outsourced to a private company by the Government Equalities Office (GEO). The replacement Equality Advisory Support Service (EASS) “*works collaboratively with the organisations from whom it receives referrals and where the individual consents, let them know the outcome of cases they refer. EASS works closely with EHRC, referring on potential test cases and sharing information to inform the EHRC’s wider work on equality.*”<sup>8</sup> The new service does not fulfil all of the functions of the previous helpline and there are no helpline advisors based in Scotland.

Provision of services from the EHRC has been demonstrably weakened in Scotland. Staff are finding it increasing difficult to carry out their workplan, meaning that other organisations are left to fill the gaps. The EHRC is not currently functioning as a “*stronger, more focused and efficient organisation.*”<sup>9</sup>

## **Recommendation**

- Resource the EHRC adequately to allow it to carry out its statutory functions, given vast cuts to the services it provides and against a backdrop of deteriorating staff morale.

## **Gender budgeting**

The Scottish Women’s Budget Group (SWBG)<sup>10</sup> was founded to promote gender equality in the Scottish Budget process. The voluntary group brings together a cross-section of women and aims to encourage the Scottish Parliament and Scottish Government to consider gender in public spending policies.

The SWBG believes: “*the national Budget process is not a neutral process that simply outlines spending plans and allocates money. It specifically assigns resources in line with the Government’s social and economic priorities. This makes it all the more important to make the connection between policy priorities and resource allocation.*”

The Scottish Government produces an annual Equality Statement to accompany their Draft Budget. The Equal Opportunities Committee of the Scottish Parliament scrutinises the budget process. In 2013, the Committee agreed to emphasise gender issues within the draft budget response.

The Scottish Women’s Convention (SWC) also produces a response to the Equality Statement<sup>11</sup> each year, which is informed by the voices of women throughout Scotland. Although some issues are

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<sup>7</sup> <http://www.equalityhumanrights.com/about-us/>

<sup>8</sup> <http://www.equalityhumanrights.com/about-us/equality-advisory-support-service/>

<sup>9</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85456/7th-cedaw-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85456/7th-cedaw-report.pdf) - para 31

<sup>10</sup> <http://www.swbg.org.uk/>

<sup>11</sup> <http://www.scottishwomensconvention.org/userfiles/files/Response%20to%20Equality%20Statement%20of%20the%20Scottish%20Draft%20Budget%202013-14.pdf>

specific to certain geographical areas, in the main, women have key concerns and opinions regarding services such as transport, health, employment, education, childcare and housing.

Without full analysis of the effects of public spending, the economic position and wellbeing of women will be undermined.

### **Recommendation**

- Both the UK and Scottish Governments should ensure that gender perspective and analysis are given full consideration throughout budgetary processes.

## **The Development and Advancement of Women**

### **National Machinery for Engaging with Women**

Gender equality in the UK is currently the brief of the GEO, which was previously part of the Home Office. Following a Government reshuffle in September 2012, the GEO is now part of the Culture, Media and Sport Department.

The closure of the WNC in December 2010 has had a detrimental impact on the National Machinery for the advancement of women. The GEO, which has responsibility for coordinating both domestic and international gender equality issues, reports that it “fulfils the function of the UK National Women’s Machinery.”<sup>12</sup> It may have ‘absorbed’ the principles of the WNC, however it has not continued the work of the organisation. The Gender Equality Offices of the 4 devolved nations have regular dialogue to ensure that they are engaged on priority themes. There is, however, no national mechanism for engaging with women.

Without a dedicated, independent engagement process, the specific views, issues and concerns of women in Scotland are not truly represented. The SWC responded to a UK Government consultation in June 2011 regarding ‘*Strengthening Women’s Voices.*’ Overwhelmingly, women want direct engagement with Government officials and elected representatives.<sup>13</sup> The least favoured method of engagement was through IT platforms. The GEO currently produces a quarterly ‘Women’s Engagement’ Newsletter. This appears to be the main conduit for “*bringing women’s voices to Government*”.

At the final event for WNC Partner organisations in Scotland in December 2010<sup>14</sup> and in the STUC submission to the UK Government’s GEO Strengthening Women’s Voices consultation in 2011, organisations raised many concerns. These included the proposed reliance on the internet; the isolation of vulnerable groups of women from consultative processes; the loss of a four nations approach to policy; and lack of clarity of engagement with UK Government Ministers with regards to women’s equality. To date, the majority of those concerns remain unaddressed.

There is a lack of engagement between women’s organisations throughout the devolved nations following the closure of the WNC. While individual organisations, with similar policy priorities, may meet or have dialogue, there is no overarching mechanism for engagement at a UK level. Restricted funding and resource commitments hinder the advancement of an effective gender architecture.

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<sup>12</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85456/7th-cedaw-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85456/7th-cedaw-report.pdf) - Pg5, para 4.

<sup>13</sup> <http://www.scottishwomensconvention.org/userfiles/files/GEO%20-%20Women's%20Engagement%20Consultation%20June%202011.pdf> – page 5

<sup>14</sup> [http://wnc.equalities.gov.uk/publications/cat\\_view/142-corporate-documents.html?orderby=dmdate\\_published](http://wnc.equalities.gov.uk/publications/cat_view/142-corporate-documents.html?orderby=dmdate_published)  
– WNC Legacy Document

## **Recommendation**

- Strengthen engagement between the GEO and women's organisations throughout the country, as well as between the GEO and the Equality Unit of the Scottish Government.

## **Scottish Human Rights Commission**

Scotland has a separate Human Rights Commission which is independent of Scottish and UK Governments. Established under the Scottish Commission for Human Rights Act 2006, it has a general duty to promote awareness, understanding and respect for all human rights - economic, social, political, cultural and civil - to everyone, everywhere in Scotland.

## **Women-only Statistics**

The Scottish Government and its agencies collect, analyse and publish equality evidence across a wide range of policy areas. The Evidence Finder<sup>15</sup> provides information and statistics by equality characteristic, by policy area, or by policy area and equality characteristic. Gender and policy areas which affect women are included in the resource.

## **Measures to eliminate discrimination targeting specific group**

### ***Women Offenders***

A Commission on Women Offenders was established by the Scottish Government in June 2011 to look at ways to improve outcomes for women in the criminal justice system. The Commission was chaired by Rt Hon Dame Eilish Angiolini DBE QC and operated independently of the Scottish Government.

The Commission produced a report in April 2012<sup>16</sup> which outlined a number of recommendations. The Commission found that:

*"Many women in the criminal justice system are frequent re-offenders with complex needs that relate to their social circumstances, previous histories of abuse and mental health and addiction problems. It has been widely recognised that there is an urgent need for action to reduce the number of women reoffending and going to prison."<sup>17</sup>*

Some of the key points raised in the report:

- Short term prison sentences have little or no impact on re-offending. 70% of female offenders who received a prison sentence of three months or less were re-convicted within two years.
- There are clear differences between male and female offenders. Women are a lower risk to public safety, tend to be imprisoned for 'dishonesty' payments (non-payment of fines etc), have higher rates of mental health and drug problems, are more likely to have been abused and also have children.
- Services for women offenders are not consistently provided throughout Scotland.
- HMP Cornton Vale (the only women's prison in Scotland) is unsuitable. Overcrowding, inadequate mental health provision and high levels of self harm are all prevalent.

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<sup>15</sup> <http://www.scotland.gov.uk/Topics/People/Equality/Equalities/DataGrid>

<sup>16</sup> <http://www.scotland.gov.uk/Resource/0039/00391828.pdf>

<sup>17</sup> <http://www.scotland.gov.uk/Resource/0039/00391828.pdf> - page 3

- There are not enough support services for women who exit the criminal justice system.

The report made 37 recommendations. Proposals included acknowledging the specific needs of women offenders throughout the criminal justice system and tackling the root causes of women's offending. The Scottish Government responded in June 2012<sup>18</sup>. All but 4 of the recommendations put forward were accepted, with the remaining being considered in further detail.

A number of positive changes will be introduced by the Scottish Government, including the establishment of mentoring support throughout the country. This will ensure that women offenders are able to *"comply with court orders, build positive relationships and networks of support and opportunities, and, crucially, to desist from crime."*<sup>19</sup> Measures are also being considered to replace HMP Cornton Vale with a more suitable national facility for women offenders.

### **Recommendation**

- The Scottish Government should take positive steps to implement all recommendations set out by the Commission on Women Offenders.

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<sup>18</sup> <http://www.scotland.gov.uk/Publications/2012/06/2387>

<sup>19</sup> idib – para 20.

## Article 5 – Sex Roles and Stereotyping

While the Curriculum for Excellence (CfE) makes provision for young people to learn and understand their rights and recognise the needs and abilities of others, there is no specific information on tackling gender inequalities.

Gender streaming within schools continues to be prevalent, resulting in young women entering traditional employment roles which offer few opportunities for training and progression. Whilst the constraints on the conditions and opportunities in these sectors need to be addressed, wider choices should be available for all women.

Scotland's young women are often denied the possibility of studying or training for work in new careers areas such as technology and renewable energy. Barriers also exist for older women seeking to retrain or return to work. The Scottish Resource Centre for Women in Science, Engineering and Technology (SRCSET), situated within Edinburgh Napier University, are the "*Scottish Government's delivery partner for projects to increase the participation of women in SET education and employment in Scotland.*"<sup>20</sup> The work of the SRC is vital in ensuring that women are given the information, support and confidence to pursue careers in what are traditionally seen as 'men's jobs'.

The Royal Society of Edinburgh report 'Tapping All Our Talents'<sup>21</sup> provided a number of recommendations for Government and all of those with an interest in this field. The report highlights the disproportionate number of women graduates who leave the sector, compared to the number of male graduates.

At a recent Conference reviewing the Report one year on, delegates highlighted concerns about schools reducing timetabling options for young people looking to study more than once science option. Attention will be given to this at the implementation of CfE progresses.

### **Portrayal of Women in the Media**

A conference, organised by the SWC in 2011, explored the portrayal of women by the media and the impact on individuals.<sup>22</sup> Women who are in the public eye, regardless of their age, face significantly different criticisms than their male counterparts. Comments regarding age, body shape and clothing disproportionately target women.

Girls are influenced by the media from a young age. Magazines aimed at 3-10 year olds contain articles on, for example, fashion and beauty tips. Publications aimed at teenagers include references to sex and sexuality, cosmetic surgery and encourage criticism towards other girls. The self-esteem and self-worth of young women is measured by how they look and not how they feel within themselves.

Women's magazines constantly contain articles on health and beauty and criticism of those who do not appear 'perfect'. In contrast, magazines aimed at young boys and men tend to be centred on sport, with no reference to diets, staying slim and looking young.

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<sup>20</sup> <http://www.napier.ac.uk/research/centresandprojects/src/about-us/Pages/About-us.aspx>

<sup>21</sup> [http://www.royalsoced.org.uk/cms/files/advice-papers/inquiry/women\\_in\\_stem/tapping\\_talents.pdf](http://www.royalsoced.org.uk/cms/files/advice-papers/inquiry/women_in_stem/tapping_talents.pdf)

<sup>22</sup> <http://www.scottishwomensconvention.org/userfiles/files/Women%20and%20the%20Media%20Conference%20Final%20Presentation%20Report.pdf>

The normalisation of lap dancing and glamour modelling portrays the image that it is “*just a bit of harmless fun*” or an “*easy way to make money*”. An increase in the use of social media, such as Facebook and Twitter, has served to encourage the objectification of women and promote cyber peer pressure.

*“Demoting women is becoming acceptable. Social networking is just an extension to main media stereotypes but is arguably more dangerous as so much of what is said and done is carried out anonymously.”*

### **Recommendations**

- Encourage responsibility within the media to promote positive female role models as well as discourage the sexualisation of women through advertising, airbrushing in magazines etc.
- Careers services and schools should encourage more young women to enter into what are considered ‘non-traditional’ roles and study STEM subjects.

## Article 6 - Exploitation of Women

### Human Trafficking

The UK has ratified the Council of Europe Convention on Action against Human Trafficking (2008) and subsequently revised its Action Plan to combat human trafficking in 2009. Part of this process was the creation of the National Referral Mechanism (NRM) to identify and support victims of trafficking. The NRM includes provision for the granting of a 'rest and recovery' period for individuals to recover from their ordeal and gather evidence for their case. The Anti-Trafficking Monitoring Group has, however, identified serious problems with the NRM process, ultimately concluding that it is failing victims of trafficking and is not fit for purpose in children's cases.<sup>23</sup>

The UK has also agreed to opt-in to the new EU Directive on preventing and combating human trafficking in the European Union.

Scottish Refugee Council (SRC) has raised concerns about the presence of trafficked women and girls in Scotland. It appears that victims are brought from both within Europe and outside the EEA (European Economic Area), as well as from other parts of the UK. There is evidence of trafficking for domestic servitude, sexual and labour exploitation.

Across the UK, specialist services for women and girls who have been trafficked have had their funding removed. There is one specialist service in Scotland, the TARA (Trafficking Awareness Raising Alliance) Project, which supports adult female victims of trafficking for the purposes of sexual exploitation. Migrant Help supports other adult victims of trafficking.

There are no dedicated safe houses or refuges for children under 18 years who are victims of trafficking in Scotland. The Scottish Guardianship Service<sup>24</sup>, developed by SRC and Aberlour Child Care Trust, assists children and young people who are seeking asylum in Scotland without a parent or legal guardian. Although the service supports a number of young people who have been trafficked, it is not a specialist service for victims of child trafficking.

A 2010 report<sup>25</sup> by Scotland's Commissioner for Children and Young People describes the extent of child trafficking in Scotland. Key recommendations for tackling the problem are the establishment of a Scottish centre for victims of human trafficking, a Scottish rapporteur and Scottish sensitive procedures for identifying and supporting victims of trafficking.

### The Equality and Human Rights Commission Inquiry into Human Trafficking

The EHRC funded an Inquiry into Human Trafficking in Scotland, which was chaired by Baroness Helena Kennedy. The Inquiry *"aimed to identify the nature and estimate the extent of human trafficking, understand its underlying influences and causes, as well as learn how and where policy and practice needed to improve."*<sup>26</sup>

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<sup>23</sup> The Anti-Trafficking Monitoring Group (2010) *Wrong Kind of Victim? One Year On: an analysis of UK measures to protect trafficked persons*,

[http://www.antislavery.org/includes/documents/cm\\_docs/2010/a/1\\_atmg\\_report\\_for\\_web.pdf](http://www.antislavery.org/includes/documents/cm_docs/2010/a/1_atmg_report_for_web.pdf)

<sup>24</sup> [http://www.scottishrefugeecouncil.org.uk/policy\\_and\\_research/responding\\_to\\_policy/guardianship\\_project](http://www.scottishrefugeecouncil.org.uk/policy_and_research/responding_to_policy/guardianship_project)

<sup>25</sup> [http://www.sccyp.org.uk/uploaded\\_docs/policy/sccyp%20child%20trafficking%20report.pdf](http://www.sccyp.org.uk/uploaded_docs/policy/sccyp%20child%20trafficking%20report.pdf)

<sup>26</sup> [http://www.equalityhumanrights.com/uploaded\\_files/Scotland/Human\\_Trafficking\\_in\\_Scotland/\\_ht\\_follow\\_on\\_fi nal\\_web.pdf](http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland/_ht_follow_on_fi nal_web.pdf)

The Inquiry report made 10 recommendations. The overarching view was that the Scottish Government should work more closely with the UK Government, as well as agencies and services associated with human trafficking.

A follow-on report<sup>27</sup> was published in February 2013. Positive developments, particularly around information gathering and approaches from the law enforcement agencies, as well as the establishment of the Anti-Trafficking Progress Group (ATPG), were reported. ATPG *“will have the central role in developing a coherent and co-ordinated response to trafficking in Scotland. There are opportunities for this group to work to fully address the recommendations of the Inquiry.”*<sup>28</sup>

### **Scottish Government Summit on Human Trafficking (October 2012)**<sup>29</sup>

The summit coincided with the publication of the UK-wide Inter-Departmental Ministerial Group Report on Trafficking.<sup>30</sup> Senior representatives of organisations that have a clear role in challenging trafficking and supporting victims of trafficking, as well as representatives from the UK Government and Northern Ireland Executive, attended.

Scottish statistics from the report showed that:

- 93 potential victims of trafficking were referred to the National Referral Mechanism (NRM) in 2011.
- The majority of victims of trafficking recovered in Scotland came from Romania, the Czech Republic and Slovakia.

One of the key outcomes from the Summit was the proposed introduction of statutory aggravation legislation into Scots law. This means that if a crime is committed and is associated with Human Trafficking, the offence will be considered more serious and the punishment more harsh.

### **SWC Conference Against Human Trafficking (October 2012)**<sup>31</sup>

*“Rightfully described as ‘modern day slavery’, the trafficking of men, women and children is one of the most heinous and abhorrent crimes in the world.”*

Sexual exploitation is the most common purpose of trafficking. Women, therefore, are the majority of victims. They often suffer from low self-esteem, substance misuse, mental health issues and often live in poverty prior to being trafficked.

The Scottish Parliament has established a Cross Party Group on Human Trafficking, which will consider and explore the issue further. With Glasgow hosting the Commonwealth Games in 2014, an increase in trafficking for the purposes of forced labour and sexual exploitation is presumed. People may be trafficked through airports and ports throughout the country in order to be brought to Glasgow.

*“It’s important that any efforts made to tackle trafficking before the Games are not just centred around the central belt. It happens all over the country.”*

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<sup>27</sup> [http://www.equalityhumanrights.com/uploaded\\_files/Scotland/Human\\_Trafficking\\_in\\_Scotland/\\_ht\\_follow\\_on\\_final\\_web.pdf](http://www.equalityhumanrights.com/uploaded_files/Scotland/Human_Trafficking_in_Scotland/_ht_follow_on_final_web.pdf)

<sup>28</sup> Ibid; p66

<sup>29</sup> <http://www.scotland.gov.uk/News/Releases/2012/10/humantrafficking18102012>

<sup>30</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118116/human-trafficking-report.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118116/human-trafficking-report.pdf)

<sup>31</sup> <http://www.scottishwomensconvention.org/userfiles/files/Conference%20Against%20Human%20Trafficking%20Report.pdf>

Main discussion points from the event:

- There is confusion amongst the public as to the issues and extent of human trafficking.
- Use of the media is vital. The Government should work with the media, as well as agencies who work with victims of trafficking in order to coordinate awareness raising campaigns.
- More training for those likely to come in contact with victims of trafficking. A more holistic approach to the identification of and support for victims.  
“*These workers have to be given the tools to be able to recognise human trafficking.*”
- Legislation in Scotland to tackle human trafficking is “*piecemeal*”, with little clarity as to where definitions lie within Scots law.

## **Prostitution**

Most girls and young women do not enter prostitution through choice. The men who purchase sex are the only ones who make a free choice and at present face no repercussions for doing so.

The *Prostitution (Public Places) (Scotland) Act 2007*<sup>32</sup> is used to prosecute those who seek to purchase sex from those engaged in street prostitution. Under the Act, a person commits an offence when they solicit (the act of offering or attempting to purchase goods or services), in a relevant place, for the purposes of obtaining the services of someone engaged in prostitution.

The *Criminalisation of the Purchase of Sex (Scotland) Bill (2)*<sup>33</sup> is currently under consultation within the Scottish Parliament. If successful, this will make it an offence to purchase a sexual service, be it through street or indoor prostitution.

The lack of legislation in Scotland criminalising the purchaser of sex allows a degree of “*invisible protection*”. Attitudes such as “*men have needs*” and “*boys will be boys*” are perpetuated as those who buy sex are, at present, not accountable in the eyes of the law. Criminalising the purchaser will also reduce demand. It is hoped that this, in turn, will contribute to a decline in the number of women trafficked for the purpose of commercial sexual exploitation.

Lap dancing clubs are subject to the same licensing requirements that are imposed upon cafes and gyms, under the *Civic Government (Scotland) Act 1982*. A Bill to introduce special licences for lap dancing clubs will be consulted on in the coming year.

## **Recommendations**

- Reports and discussions focus on the issues, however, both the UK and Scottish Governments have failed to address the concerns around the exploitation of women. Legislation and policies do not protect or support victims. Public awareness is a key measure required to increase knowledge and understanding of the issues. By working in partnership, the public and organisations can assist Governments in targeting perpetrators and safeguard women.
- The Scottish Government should support proposals to criminalise the purchaser of sex, as well as providing assistance and support for women to exit prostitution.

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<sup>32</sup> <http://www.legislation.gov.uk/asp/2007/11/contents>

<sup>33</sup> [http://www.scottish.parliament.uk/S4\\_MembersBills/Criminalisation\\_of\\_the\\_Purchase\\_of\\_Sex\\_\(2\)\\_Consultation.pdf](http://www.scottish.parliament.uk/S4_MembersBills/Criminalisation_of_the_Purchase_of_Sex_(2)_Consultation.pdf)

## Article 7 - Political and Public Life

Women represent over 50% of Scotland's population but are not proportionately represented in political and public life.

In Scotland, political representation is made up as follows:

Representative Body	Percentage of Women Representatives
UK Parliament	22%
Scottish Parliament	33%
Local Authorities	24.3%

At present, there is no requirement to publish gender-specific statistics after elections – either with regards to the number of women seeking election or the number of successful candidates. Publication of these statistics would not only show the percentage of women elected into public office, but would help to identify gaps in representation.

Disabled and BME women should be actively encouraged to become involved in political processes. In 2012, the UK Government launched the 'Access to Elected Office'<sup>34</sup> campaign, aimed at supporting disabled people seeking election. Through this strategy there have been opportunities for disabled people to participate in online training courses and internships, as well as guidance for political parties regarding the legal requirement to provide reasonable adjustments. There is no such equivalent programme in Scotland.

### **SWC Women and the Vote Conference<sup>35</sup>**

*"Having a vote is about having a voice"*

This event focussed on the importance of women being involved in the political decision making process. Collectively, women make changes that affect other women. The Scottish Parliament is a particular example of this. Women MSPs challenge the women's agenda and ensure that, by working together, key areas of concern are not forgotten.

In 1999 the Scottish Parliament had *"lots of promise"* with just over 40% of elected members being women. Scotland is now, however, *"falling behind"* in terms of women's representation, particularly in Local Government where only around 24% of councillors are women.

Joining a political party, attending meetings etc does not always appeal to women. Lack of childcare and transport, as well as other commitments, often hinder those who want to engage in the political process. Political parties need to look at the way they engage with women in order to encourage more to become involved with political and public life.

*"The women's agenda must be pushed more to the forefront of Scottish life. This will ensure issues such as cuts to public services, childcare and Welfare Reform measures are kept in the spotlight."*

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<sup>34</sup> <https://www.access-to-elected-office-fund.org.uk/>

<sup>35</sup> <http://www.scottishwomensconvention.org/userfiles/files/ConferenceReportReduced.pdf>

Childcare is a significant barrier for women seeking elected positions. Glasgow City Chambers, for example, which houses Scotland's largest Local Authority, has no childcare facilities. A baby changing facility only became available after much persuasion from a female councillor with a young son.

Women throughout the world do not all have access to the vote, let alone the opportunity to stand for an elected position. Young refugee and asylum seeking women in Scotland have said:

*"Voting is a very powerful weapon for change. These changes may come about after a slow process but being able to cast a vote is an opportunity which every woman should grab with both hands."*

## **Public Life**

There is a widely held view that positive action or special measures will be needed to maintain gains made, although there may not be agreement on quotas or the exact form those measures should take.

## **50/50 Campaign**

In 1989, in response to the Women's Issues Group of the Scottish Constitutional Convention, the STUC Women's Committee called for a Scottish Parliament with

- family friendly hours,
- childcare arrangements available for members and staff,
- mainstreaming equal opportunities,
- openness and accountability and
- a new politics, which would help to improve the lives of women, men and children in Scotland.

The most radical proposal, however, was for equal numbers of women and men as elected representatives. The 50/50 campaign emerged as the most significant principle of fairness, justice and equality in the devolution debate.

This campaign, led by women throughout Scotland, helped to ensure that Scottish Labour and Scottish Liberal Democrats agreed an Electoral Pact in November 1995 to operate a specific mechanism to achieve a gender balance in the Scottish Parliament. In 1999, 37% of elected members of the first Scottish Parliament were women.

Due to a fall in the number of women in political life, the Women's Committee has re-launched the 50/50 campaign, bringing together university research, political parties and women's groups.

## **Recommendations**

- Women need Government support and strategies to access and sustain a place within political and public life. Political parties should encourage gender equality when selecting candidates and assist those women elected to remain fully engaged.
- Government, public and private sector organisations must actively work in partnership to promote and encourage women to be representative in public life.
- The publication of gender-specific data should be a requirement following both local and national elections, in order to ascertain the percentage of women elected.

## Article 9 – Nationality

Since the UK Government published its report, the management of borders, asylum and immigration has undergone significant change. The UK Border Agency was abolished by the Home Secretary in March 2013 and its responsibilities were brought back into the Home Office. As such, we refer to ‘the Home Office’ here where responsibility may have formerly lain with the UK Border Agency.

### **Childcare at substantive asylum interviews**

Contrary to claims made by the UK Government in its report, it is not the case that all regional Home Office centres have adequate arrangements for childcare during asylum interviews. In Glasgow, childcare has not been available for the last six months apparently due to a lack of security clearance for staff; and when it was available, it was only offered on one half-day a week, was not available during school holidays and was only available for children over 1 year-old.

The standard Home Office invitation to substantive interview letter has not been updated to reflect the existence of childcare facilities in different regions and still encourages families to make other arrangements for childcare, despite refugee women writing to the UK Border Agency to raise this matter with them directly in 2011. No information is included in this letter about how to access childcare provision at Home Office regional offices.

### **Gender sensitivity in the asylum process**

Referrals and pathways of care in Scotland for women asylum seekers who have experienced torture, trauma and/or sexual violence must be improved through better service integration and the adoption of referral protocols between the Home Office, service providers and the different NHS health teams across different geographical regions. Special procedures that exist when a woman reports rape or sexual violence in the criminal justice system do not exist in the asylum system.

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, stigma around sexual violence and mental health.

Particular barriers to accessing justice and support exist for women who present wishing to make an in-country claim for asylum in Scotland. Unless these women are identified as victims of trafficking, have children or have severe, evidenced health issues affecting their mobility, they are required to make an additional journey to Croydon in order to access the asylum process. Scottish Refugee Council internal data shows that around half of new arrivals presenting at the office in Glasgow are required to make that journey. Until they lodge an application in person at the Croydon Asylum Screening Unit women are not entitled to any form of support, accommodation or assistance. Most people who seek protection are destitute and must therefore rely on charitable donations to make the journey, alone, from Glasgow to Croydon. The implications for vulnerable asylum seekers making this enforced journey without any recourse to support or any legal rights are very concerning.

The Home Office’s continued strategic focus on gender is welcomed, and in particular its decision to redesign and implement gender training for all asylum decision makers in all of the regions. However, it will be important to monitor gender sensitive practice and decision making in Scotland and other regional offices to ensure training and improvements to practice have a positive impact on women’s experiences of the asylum process and the quality of decision making in women’s cases.<sup>36</sup>

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<sup>36</sup> Asylum Aid (2011) *Unsustainable: the quality of initial decision making in women’s asylum claims* (online) [www.asylumaid.org.uk/data/files/unsustainableweb.pdf](http://www.asylumaid.org.uk/data/files/unsustainableweb.pdf)

### **Unaccompanied asylum seeking girls**

Evidence from the final evaluation report of the Scottish Guardianship Service Pilot, suggests that having an independent advocate to accompany and support minors to engage with the asylum process and the different agencies involved in their lives as they progress through it, is beneficial to the young person.<sup>37</sup>

### **Women with No Recourse to Public Funds**

Women often come to live in the UK with their spouse. Most of these women have no recourse to public funds (NRPF) due to their immigration status and as a result do not qualify for any welfare benefits or other forms of assistance. If the woman is in an abusive relationship, this makes it very difficult for her to leave her home.

*“If women with NRPF are able to leave an abusive relationship, the courts will often appoint the father as the children’s carer. This means these women can have little to no contact with their children.”*

### **Recommendations**

- Childcare for children of all ages should routinely be provided for all asylum interviews, including screening interviews. The availability of childcare facilities and how to request them should be clearly indicated in all correspondence relating to asylum interviews.
- Coordinated referrals pathways must be put in place between statutory and voluntary, specialist and mainstream, service providers to ensure women receive adequate support during their asylum journey from beginning to end.
- A comprehensive referrals procedure should be established to respond adequately to women who report experiences of rape and sexual violence to authorities such as the Home Office or other frontline service providers.
- There should be wider sampling across the different Home Office regional asylum decision making teams for any future thematic reviews on the quality of decision making in women’s asylum claims in order to properly assess the understanding and implementation of the Gender Guidelines<sup>38</sup> across the different regions of operation.
- The Scottish Government should consider implementing national standards for interpreting and a national registrar of accredited interpreters. Training in the needs and experiences of asylum seeking women should be made obligatory to all interpreters working in this area. All frontline service providers working with interpreters should undergo appropriate training.
- Women presenting in Scotland to make an application for asylum should not be required to travel to Croydon to lodge their application (and therefore access support) when Home Office facilities for screening are available nearby.
- Improve advocacy for women with NRPF to access services and support.

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<sup>37</sup> Crawley, H & Kohli, RVS (2013) ‘She Endures With Me’ An evaluation of the Scottish Guardianship Service pilot

[http://www.scottishrefugeecouncil.org.uk/assets/0000/5864/Final\\_Report\\_2504\\_2.pdf](http://www.scottishrefugeecouncil.org.uk/assets/0000/5864/Final_Report_2504_2.pdf)

<sup>38</sup> Home Office (UK Border Agency), Gender Issues in the Asylum Claim Asylum Policy Instruction (online)

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumpolicyinstructions/apis/gender-issue-in-the-asylum.pdf?view=Binary>

## Article 10 – Education

In 2010-2011, the Scottish Government implemented its 'Curriculum for Excellence' (CfE), which aims *"to achieve a transformation in education in Scotland by providing a coherent, more flexible and enriched curriculum from 3 to 18. The curriculum includes the totality of experiences which are planned for children and young people through their education, wherever they are being educated."*<sup>39</sup>

The Curriculum is encapsulated into four 'capacities' which seek to enable each child or young person to be a successful learner, a confident individual, a responsible citizen and an effective contributor<sup>40</sup>.

*"Education is not only the route out of poverty, but it is the only way to really avoid first, second and third generation unemployment."*

Cuts to education budgets mean that subject choices are becoming less broad, with a renewed focus on mainly academic courses. The cost of vocational and more practical subjects is viewed as a contributing factor to their lack of presence in many schools. This excludes pupils whose talents do not lie in academically focused subjects. Funding cuts are limiting the career opportunities for young people, which goes against the ethos of CfE itself.

Community and adult education services have undergone significant reductions in funding. Women undertake courses in order to gain skills and qualifications which, in turn, enhance employment opportunities. With limited availability to retrain, women are often unable to enter or sustain jobs.

Recent reductions in Further Education College funding in Scotland are impacting differentially on men and women. The reduction in part-time courses, as reported in a Herald newspaper research report<sup>41</sup>, and in college based nursery provision, is making it more difficult for women to take up courses.

Where higher education facilities are available, the range of courses offered can be very gender specific – for example hairdressing, beauty, childcare etc. Many of the subjects are only offered at more centralised campuses. This can exclude women, particularly those who rely on public transport which can be costly, infrequent and in some cases completely non-existent.

### **Recommendations**

- The Curriculum for Excellence must promote gender equality.
- Information must be made accessible on the range of education and training opportunities available so that young women are able to make informed choices.
- Childcare support to be provided as a service that allows women to take up both full and part time education courses.

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<sup>39</sup> <http://www.educationscotland.gov.uk/thecurriculum/whatiscurriculumforexcellence/index.asp>

<sup>40</sup> <http://www.educationscotland.gov.uk/thecurriculum/whatiscurriculumforexcellence/thepurposeofthecurriculum/index.asp>

<sup>41</sup> <http://www.heraldscotland.com/comment/herald-view/female-students-pay-price-for-cuts.19318604>

## Article 11 – Employment

UK Government policies and the economic downturn are having a profound detrimental impact on women's ability to access, sustain and progress in the workplace.

The Low Pay Commission has identified social care and childcare as sectors where low wages are particularly prevalent. These are sectors with a high number of female workers. One of the recommendations of the Low Pay Commission 2012 Report<sup>42</sup> was that all commissioning and contracting out by local authorities for services should include at least the National Minimum Wage to be paid for care service providers.

The Scottish Social Services Sector workforce Skills Survey 2012<sup>43</sup> identifies that zero hours contracts and other 'flexible' practices will account for low wages and poor conditions of employment.

### Labour Market Statistics<sup>44</sup>

Labour Market Statistics, published in March 2013, show that the UK employment rate for women is currently 66.6% (for the period November 2012 – January 2013).

There are, however, 2.31 million people who are economically inactive as a result of looking after the family/home. The majority are women, however the latest data does show an increase in men undertaking family responsibilities as a reason for economic inactivity.

A fall in the number of economically inactive people who have retired before reaching the age of 65 reflects changes to the state pension age for women. Fewer are retiring between the ages of 60-65.

Between April 2011-March 2012 and the same period three years earlier, there were:

- 53,000 less women in full-time work;
- 26,000 more women were in part-time jobs;
- 33,000 less women were in employee jobs;
- 4,000 more women were in self-employment.

### The Economic Downturn

Drastic cuts to funding have resulted in vast redundancies across the public and voluntary sectors, where the majority of employees are women.

Job losses result in individuals applying for full time posts with lower wage/skill requirements or part-time/short-term/temporary contracts. This is creating underemployment for women.

*"I started work on a temporary 18 hour post with a Local Authority, gained this post on a permanent basis and was then seconded into a 36 hour temporary post which has increased my skills, knowledge and earning potential. However, if this secondment is not extended, I will have to revert to my 18 hour contract."*

Private sector redundancies often result in the lower grade posts, in which women predominate, being hardest hit.

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<sup>42</sup> [http://www.lowpay.gov.uk/lowpay/report/pdf/8990-BIS-Low%20Pay\\_Tagged.pdf](http://www.lowpay.gov.uk/lowpay/report/pdf/8990-BIS-Low%20Pay_Tagged.pdf)

<sup>43</sup> [http://www.sssc.uk.com/cat\\_view/67-social-services-workforce/69-statistics-and-reports](http://www.sssc.uk.com/cat_view/67-social-services-workforce/69-statistics-and-reports)

<sup>44</sup> [http://www.ons.gov.uk/ons/dcp171778\\_301631.pdf](http://www.ons.gov.uk/ons/dcp171778_301631.pdf)

Women graduates struggle to enter the field of employment for which they have studied. A consequence is lower paid employment, resulting in loss of earning potential and loss of confidence which is bad for economic growth.

## **Women and Work**

### ***Part-time Work***

For some, part-time employment is an informed choice, however for many others it is the only option available. Family, caring responsibilities and poor public transport mean that part-time work is often the most feasible means of employment. Low wages mean it is common for women to undertake more than one job in order to have more income.

The Institute for Public Policy Research report 'Great Expectations'<sup>45</sup> highlights that in other northern European countries, part time work is used as a tool to retain workers and promote a healthy family life. In the UK the growth of part time work has been a consequence of weak statutory regulation and the promotion of a more 'flexible' labour market.

Limited access to training and development curtail a part-time worker's ability to progress in the workplace, resulting in lower earning potential. Many employers do not invest because *"they're only part time"*.

Welfare benefits are often required to 'top up' low incomes. Changes to the Welfare Benefits system, which support childcare costs as well as increase family income, will result in part-time workers being required to work more hours before benefits can be claimed. Women will therefore be forced to source additional work as well as encounter additional childcare and transport costs.

Supportive infrastructure (i.e. childcare and public transport provision) as well as payment of a living wage would allow women to fully engage with the workplace, feel valued and provide less of a reliance on welfare benefits.

Campaigning for and securing the Living Wage is progressive for women's income. It is, however, important that it does not lead to a reduction in hours or the introduction of other costs for staff, such as health and safety equipment, protective footwear, or changes to contractual terms and the extension of zero hours contracts.

### ***Progression in the Workplace***

The glass ceiling still exists. Women report *"hidden discrimination"* taking place – i.e. not being considered for promotion if:

- they work part-time;
- they are seen as being of *"child bearing"* age;
- they are unable to work longer hours, additional hours at short notice etc because of caring responsibilities.

*"Women often find themselves stuck in the 'marzipan layer' at work – they have progressed to a certain level but are unable to be promoted to attain the 'icing' benefits worthy of their talents. In the main, this is due to child bearing and caring commitments."*

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<sup>45</sup> <http://www.ippr.org/publication/55/10562/great-expectations-exploring-the-promises-of-gender-equality>

### **Family Friendly Employment Policies**

Despite the existence of legislation designed to enhance family friendly working<sup>46</sup>, inflexibility and discrimination is still persistent within workplaces.

Employers often make returning to work difficult for women after Statutory Maternity Leave, which is currently one year. Statutory Maternity Pay and Maternity Allowance are paid for 39 weeks. Therefore although women can take a year off work to care for a child, no income will be received for the final 13 weeks. Very few women can afford this luxury. Proposals from the UK Government to increase Paternity leave and look at sharing leave are to be welcomed, but with adequate pay.

Women's roles can be changed and lines of responsibility altered while they are on maternity leave. Employees have the right to request flexible working arrangements. Employers, however, have the right to refuse. This lack of flexibility can lead to underemployment, which diminishes skills, affords little career progression and therefore curtails earning potential. The Scottish Government has indicated a willingness to encourage businesses to take on the economic benefits that flexible working brings.

Recent research published by the STUC, 'Performance Management and the New Workplace Tyranny', by Professor Phil Taylor<sup>47</sup>, shows the increasing pressure that workers are under.

### **Barriers**

#### **Occupational Segregation**

The Close the Gap<sup>48</sup> project is funded by the Scottish Government to work with employers and employees to address the gender pay gap and occupational segregation. Partnership working is central to addressing the issues experienced by women in accessing non-traditional workplace roles.

The SRCSET, aims to increase women's participation in STEM during education and in employment. Again, by working in partnership with educational establishments and employers, the organisation is able to engage, encourage and support women to enter non-traditional careers.

### **Childcare**

*"If employment is the route out of poverty and onto a better life, then childcare is the bridge"*

Accessible, affordable, appropriate childcare is necessary for women to fully engage in employment.

*A Scotland for Children: A Consultation on the Children and Young People Bill*<sup>49</sup> proposes to increase Scottish Government funded childcare for 3 – 5 year olds to 600 hours per year. It also proposes extending the availability to looked-after 2 year olds. The current provision is 475 hours per year.

While this is a welcome measure to support working parents, it does not tackle the issue of wrap-around childcare. Changes to working patterns, 24 hour workplaces and shift work all impact on available childcare options, which still support a 9 – 5 working culture.

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<sup>46</sup> <http://www.legislation.gov.uk/ukpga/2006/18/contents>

<sup>47</sup> <http://www.stuc.org.uk/files/Document%20download/Workplace%20tyranny/STUC%20Performance%20Management%20Final%20Edit.pdf>

<sup>48</sup> <http://www.closesthegap.org.uk/>

<sup>49</sup> <http://www.scotland.gov.uk/Publications/2012/07/7181>

Parents rely on private nurseries, childminders, family and friends in order to 'top up' childcare requirements. The additional costs associated with this, as well as the inflexibility of childcare provision, is increasing stress on vulnerable employees in a time of recession.

*"I was a bank manager in a town approximately 30 miles from where I live. Travelling there every day plus the cost of childcare meant it was not worth my while returning after maternity leave. I now work part-time at weekends. Financially, we are better off than when I worked 6 days a week as a bank manager."*

Changes to the working hours thresholds for tax credit entitlement will have a huge impact on women. Many rely upon this financial assistance in order to cover the cost of childcare.

*"There are no guarantees my employer will increase my hours so I still qualify for tax credits. I need this money to pay for my childcare. If they can't increase my hours I really don't know how I'm going to manage."*

The cost of childcare is often prohibitive, with many women choosing to stay at home rather than work, as the majority of earnings would absorb costs incurred. Childcare workers, however, are amongst the lowest paid.

Informal caring is becoming increasingly relied upon, with many women in the *"middle layer of caring, looking after both young grandchildren and elderly grandparents"*. The physical and mental wellbeing of these women is suffering. Many continue to work as well as experience an increased demand to fill gaps in welfare provision.

## **Training and Development**

### ***Modern Apprenticeships***

In 2012/13, and in each year of the current Parliament, the Scottish Government will offer 25,000 Modern Apprenticeship opportunities within an overall total of 46,000 training places.

This scheme could be an excellent way to tackle occupational segregation, however, there are limited opportunities in many areas of Scotland. Apprenticeships are also gender specific, with young men entering fields such as construction, joinery, and engineering. Young women tend to take up careers in areas such as childcare and hairdressing.

Young women are seldom offered information about Modern Apprenticeships through careers advice and are therefore not aware of the opportunities available to them. Careers in subjects such as engineering tend to be pursued through higher education. This option, however, is not suitable for all.

While it is important to encourage young women to consider 'non-traditional' roles, it is also vital that the work traditionally carried out by women is valued.

*"Plumbers are paid more than, say, Early Years Practitioners. Why is fixing pipes worth more than looking after our children?"*

## Youth Employment

The Scottish Government Youth Employment Strategy<sup>50</sup>, published in June 2012, reports on the mechanisms adopted by the Scottish Government to support young people access work. These include *Opportunities For All*<sup>51</sup>, a strategy to support all young people to participate in post-16 learning, training or work. There is, however, no gender-specific provision in the Strategy nor are resources being focused on young parents and supporting their efforts to enter or remain in the workplace.

## Older Women and Employment

A survey and conference<sup>52</sup>, organised by the SWC, explored the barriers experienced by older women accessing, sustaining and progressing in the workplace. Lack of training opportunities, low wages and inflexible working practices were all reported by delegates.

*“Opportunities are not always presented to older women. Once you hit a certain age it’s assumed that you have no drive or ambition left.”*

Harriet Harman, as part of the Older Women’s Commission, requested the age and status of women employed by the BBC. It was found that 80% of those over 50 working at the BBC were men.

## Women’s Employment Summit<sup>53</sup>

On 12 September 2012 the first ever Scottish Women’s Employment Summit took place in Edinburgh hosted jointly by the Scottish Government and STUC.

The Summit identified areas for joint action on occupational segregation; childcare; rural employment; women and enterprise; research analysis gaps and labour market regulation and workplace health issues. This work is ongoing but was helpful in bringing together a range of agencies, organisations, trade unions and Government.

The Summit identified the value that unpaid work also brings to the economy, and the importance of attaching greater value to the work that at the moment is primarily done by women in the social care sector, for example.<sup>54</sup>

The Ministerial Strategic Group on Women and Work will be reporting back to the Scottish Parliament in late 2013.

## Equal Opportunities Committee Inquiry into Women and Work<sup>55</sup>

The Equal Opportunities Committee of the Scottish Parliament is currently undertaking an inquiry into Women and Work. As well as gathering written submissions<sup>56</sup>, the Committee has heard oral evidence from a number of key women’s organisations and individuals. A report of findings is due to be published.

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<sup>50</sup> <http://www.scotland.gov.uk/Resource/0039/00396371.pdf>

<sup>51</sup> <http://www.scotland.gov.uk/Resource/0040/00408815.pdf>

<sup>52</sup> [http://www.scottishwomensconvention.org/userfiles/files/Older%20Women%20and%20Employment%20Report \(1\).pdf](http://www.scottishwomensconvention.org/userfiles/files/Older%20Women%20and%20Employment%20Report%20(1).pdf)

<sup>53</sup> <http://www.employabilityinScotland.com/womensemploymentsummitdocuments>

<sup>54</sup> <http://www.employabilityinScotland.com/key-themes/key-clients/womens-employment-summit>

<sup>55</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/52317.aspx>

<sup>56</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/57895.aspx>

## **Recommendations**

- Policies should be introduced to ensure that part-time workers are afforded the same training and development opportunities as full-time colleagues.
- Government should advise employers of the productivity and staff benefits afforded when family friendly policies are implemented.
- The Scottish Government should encourage women to undertake non-traditional Modern Apprenticeship opportunities.
- Accessible, affordable, appropriate childcare is essential to ensure women can fully participate in the labour market.
- Mandatory pay audits will alleviate pay discrimination in the workplace.
- The Care sector workforce is seriously undervalued and underpaid. Wages, conditions, training, career progression and opportunities all need to be addressed, both in terms of improving women's economic position, but also to ensure that a sustainable service can be delivered.

## Article 12 – Health

NHS Scotland is overseen by fourteen regional Health Boards. They have responsibility for the protection and improvement of their population’s health and for the delivery of frontline healthcare services<sup>57</sup>.

There are a number of health inequalities in Scotland, with women in deprived inner city areas living much shorter lives than their peers in less populated, less deprived parts of the country. Services, such as maternity provision, are not consistent and women in rural areas often have to travel long distances to access basic support.

The Scottish Government published the ‘Equally Well: Report of the Ministerial Task Force on Health Inequalities’ in 2008<sup>58</sup>. The report recognised that “*health inequalities remain a significant challenge in Scotland*” and outlined a number of steps that the Government should take in order to address these. The taskforce noted:

- The poorest in society die earlier and have higher rates of disease, including mental illness.
- More babies born to mothers living in the most deprived fifth of areas have a low birth weight than those born to mothers living in the most affluent areas: 9% compared to 5%.
- People struggling with poverty and low income have poorer mental health and wellbeing than those with higher incomes or who find it easy to manage financially.

In 2010 the Scottish Government published ‘Equally Well Review 2010: Report by the Ministerial Task Force on implementing Equally Well, the Early Years Framework and Achieving Our Potential’.<sup>59</sup> The review set the Scottish Government’s and COSLA’s shared approach to tackling the major and intractable social problems that have affected Scotland for generations. The three social policy frameworks recognise that children’s start in life, cycles of poverty and poor health are interlinked.

As part of a range of measures to tackle health inequalities, the Scottish Government passed legislation in 2011 to abolish prescription charges for all patients in Scotland. The Patients Rights (Scotland) Act 2011<sup>60</sup> legislates to improve patient’s experiences of accessing health care and also to encourage more people to become involved with their health and health care.

The Scottish Government’s human rights based approach to providing healthcare to all at the point of need should be welcomed. In particular, its commitment to providing free access to NHS healthcare on the same basis as an ordinary resident to all those who have made a formal application for asylum (whether pending or unsuccessful) is endorsed.<sup>61</sup>

### Mental Health Provision

The support services currently available are highly valued by their users and “*should never be underestimated*”. Those suffering from mental health problems “*should not be a hidden group in society*”.

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<sup>57</sup> <http://www.scotland.gov.uk/Topics/Health/NHS-Workforce/NHS-Boards>

<sup>58</sup> <http://www.scotland.gov.uk/Publications/2008/06/25104032/16>

<sup>59</sup> <http://www.scotland.gov.uk/Resource/Doc/315880/0100454.pdf>

<sup>60</sup> <http://www.legislation.gov.uk/asp/2011/5/contents>

<sup>61</sup> [http://www.sehd.scot.nhs.uk/mels/CEL2010\\_09.pdf](http://www.sehd.scot.nhs.uk/mels/CEL2010_09.pdf)

The Mental Health Strategy 2012-2015<sup>62</sup> sets out how the Scottish Government intends to improve the mental health and wellbeing of patients as well as preventative measures. The strategy is seen to be “*person centred, safe and effective*”<sup>63</sup> and focuses on seven themes. The introduction of an on-line portal should not, however, replace the face-to-face support required by women.

Stigmas around mental health are often more acute in rural areas and are more likely to ‘stick’ to a person due to “*small town mentality*”. The role of the family and carers in tackling mental illness is vital. Caring responsibilities are, in the main, undertaken by women. Carers must receive adequate support.

Mental Health issues were a key contributor to women’s offending and to the likelihood of prison as a disposal in the Commission on Women Offenders Report. The Commission identified the need to improve the treatment and support offered to women before, during and after imprisonment.

### **Sexual Health**

‘The Sexual Health and Blood Borne Virus Framework 2011-2015<sup>64</sup>’ sets out the Scottish Government’s agenda in relation to sexual health, HIV, Hepatitis B and Hepatitis C.

*“For the first time, these four policy areas have been brought together into a single integrated strategy. Building on the solid foundations of proven and successful Scottish Government policy, notably Respect and Responsibility (Scottish Executive, 2005) and the Hepatitis C Action Plan (Scottish Executive, 2006a Scottish Government, 2008a).”*<sup>65</sup>

The Scottish Government has also established the Sexual Health Scotland website<sup>66</sup>, which provides advice and information on a range of sexual health issues including sex and relationships, contraception, pregnancy and STI clinics.

### **Teenage Pregnancy**

Scotland has a higher rate of teenage pregnancy than most other Western European countries. The rate of teenage pregnancy among young women under 16 in the most deprived areas was five times the rate for those under 16 who lived in the least deprived areas.<sup>67</sup> The number of pregnancies which ended in delivery among young women living in the most deprived areas of Scotland was ten times higher than for those living in the least deprived.<sup>68</sup>

The Scottish Parliament Health and Sport Committee has undertaken an inquiry into teenage pregnancy in Scotland, with the remit:

- to assess whether the action being taken in Scotland is sufficient to bring about real and sustained reductions in unplanned teenage pregnancy; and
- to explore with witnesses what further action may be required to ensure that those young people at risk of pregnancy at a young age, or who have a baby when they are very young, are able to gain access to appropriate support and services.

The Committee has taken both written and oral evidence and will report on its findings in May 2013.

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<sup>62</sup> <http://www.scotland.gov.uk/Publications/2012/08/9714>

<sup>63</sup> Ibid, P13

<sup>64</sup> <http://www.scotland.gov.uk/Resource/Doc/356286/0120395.pdf>

<sup>65</sup> Ibid, Pg 1

<sup>66</sup> <http://www.sexualhealthscotland.co.uk/>

<sup>67</sup> Ibid, P4

<sup>68</sup> Ibid

## **Maternity Services**

'A Refreshed Framework for Maternity Care in Scotland: The Maternity Services Action Group'<sup>69</sup>, published by the Scottish Government, considers all aspects of maternity care, from conception, throughout pregnancy and onto the postnatal phase.

In rural areas of Scotland, women often feel isolated in the services offered around maternity care. In some cases, air ambulances are used to uplift women in labour, resulting in women giving birth alone without a family or support network surrounding them.

Rural women also report a distinct lack of health visitor and midwife presence, particularly on Scotland's islands. Many must leave their island 38 weeks into their pregnancy, creating childcare issues, as well as removing major support networks.

## **Alcohol and Drugs Misuse**

There are 30 Alcohol and Drug Partnerships (ADPs) throughout Scotland, with commission evidence-based, person-centred and recovery-focused treatment services which meet the needs of service users. These are accountable to local Community Planning Partnerships and were created as a result of the ADP Framework, launched in 2009.<sup>70</sup>

There are no specific drug and/or alcohol programmes for women in Scotland. The Gender Issues Network on Alcohol (GINA), which worked to reduce the level of alcohol harm for women, had its funding withdrawn in March 2010.

In order to attempt to reduce the alcohol consumption levels of people in Scotland, the Alcohol (Minimum Pricing) (Scotland) Act was passed in June 2012. The legislation "*will pave the way for the introduction of a preferred minimum price of 50p per unit.*"<sup>71</sup>

The Scottish Government has also published 'The Road to Recovery: A New Approach to Tackling Scotland's Drug Problem'<sup>72</sup> in 2008. This strategy continued to receive cross party support from the Scottish Parliament.

## **Recommendations**

- Ensure regular, gendered review of policy framework to tackle health inequalities.
- Take steps to reduce teenage pregnancy rates, looking in particular at the links with deprivation, through consultation with service providers, midwives, young pregnant women, and those who have had children at a young age.
- Women in rural areas must be given equal access to maternity care services as those in urban areas. Ensure, on the islands of Scotland in particular, that there is a health visitor and midwife presence to support women through pregnancy and onto the post-natal phase.
- Introduce gender-specific programmes which tackle the root causes of drug and alcohol misuse and which support women in rehabilitation and recovery.

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<sup>69</sup> <http://www.scotland.gov.uk/Resource/Doc/337644/0110854.pdf>

<sup>70</sup> <http://www.scotland.gov.uk/Publications/2009/03/04144703/0>

<sup>71</sup> <http://www.scotland.gov.uk/Topics/Health/Services/Alcohol/minimum-pricing>

<sup>72</sup> <http://www.scotland.gov.uk/Publications/2008/05/22161610/0>

## Article 13 – Social and Economic Benefits

In March 2012, the Welfare Reform Act 2012<sup>73</sup>, introduced by the UK Coalition Government, received Royal Assent. The Act *“introduces a wide range of reforms to make the benefits and tax credits system fairer and simpler by creating the right incentives to get more people into work, protecting the most vulnerable in our society and delivering fairness to those claiming benefit and to the tax payer”*

The Act defines the basics of Welfare Reform - i.e. the new benefits that will be available, sanctions, claimant responsibilities etc. The funds available under these benefits and the conditions associated with them will be laid out in Regulations, which are in the process of being drafted.

The two main changes implemented under the Act are the introduction of Universal Credit and Personal Independence Payment.

### Universal Credit (UC)

UC will replace a range of benefits, including Jobseeker’s Allowance, Child and Working Tax Credits and Housing and Council Tax Benefits. UC will be available both to those out of work and those in work on low incomes.

Applications will be made online and the claimant must manage their claim through an online account. The benefit will be paid to claimants on a monthly basis, in arrears.

The Act creates new sanctions for those who do not comply with the ‘work related requirements’ introduced. Those who fail ‘for no good reason’ to undertake work preparation requirements will see a reduction in their benefit. The Act does not, however, define what will be considered a ‘good reason’.

### Personal Independence Payment (PIP)

Personal Independence Payment (PIP) will replace Disability Living Allowance for people of working age from April 2013. Individuals will reapply for the new benefit and be subjected to medical assessments.

Possible reductions in benefit payments could result in individuals being unable to pay for basic care requirements. There will, therefore, be a greater reliance on unpaid carers, the majority of whom are women.

Women, as paid carers, may also lose employment. Set against a backdrop of redundancies across all job sectors, the impact of this on women could be far-reaching.

The Work Capability Assessment<sup>74</sup> has been heavily criticised. This scheme, introduced by the UK Government, is an independent medical assessment which considers an individual’s health condition or disability. There are 2 components – capability for work and capability for work related activity. This work is being undertaken by ATOS, a private company which was awarded the contract by the Department of Work and Pensions (DWP).

*“It’s totally humiliating. You’re sitting at the mercy of an interviewer. It’s up to them whether they think you’re fit for work or not. The whole system is demeaning.”*

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<sup>73</sup> <http://www.legislation.gov.uk/ukpga/2012/5/contents/enacted>

<sup>74</sup> [http://www.direct.gov.uk/prod\\_consum\\_dg/groups/dg\\_digitalassets/@dg/@en/@disabled/documents/digitalasset/dg\\_177366.pdf](http://www.direct.gov.uk/prod_consum_dg/groups/dg_digitalassets/@dg/@en/@disabled/documents/digitalasset/dg_177366.pdf)

## **Passported Benefits**

Under the new system, being in receipt of UC or PIP will not provide an automatic entitlement to 'passported benefits'<sup>75</sup>.

These benefits assist, in the main, low income families. With women accounting for over 90% of lone parents, supplementary income ensures that those in need receive additional finance on a regular basis.

*“There is so much anxiety in families concerned about the support they require, at a practical and financial level, just disappearing at the stroke of a pen.”*

## **Housing and Council Tax Benefits**

The availability of affordable, safe and secure housing is further under threat by the removal and reduction of council tax and housing benefit brought about by the introduction of UC.

The so-called 'bedroom tax' will have a significant impact. Any person 'under-occupying' their home will see a reduction in their housing benefit if they are deemed to exceed the number of bedrooms to which they are entitled. Those who cannot pay this bedroom tax could face eviction, although a number of Scottish Local Authorities have made clear that they will not evict any tenants.

With a greater reliance on high-cost private let homes, women are sourcing unregulated, high interest 'payday loans' or credit cards in order to pay increased housing costs.

## **Application Process for New Benefits**

Individuals must take responsibility for completing their on-line application for benefits. Consideration has not been given, however, to those who do not have access to a computer or are not computer literate. Advice and support agency funding cuts have resulted in many services not being available to assist vulnerable individuals. Local Jobcentres, in the past, provided a 'one stop shop' where claimants could speak with advisors, complete forms and seek advice. Under the proposed changes, this will no longer be an option.

Service points, libraries, internet cafes etc, where computers can be accessed, do not have adequate privacy. Women are uncomfortable completing personal forms in such an open environment.

## **Welfare Reform and Women**

The introduction of UC and PIP will have a profound impact on the women who depend on benefits to support themselves and their families. Many rely on the additional income to support part-time, low paid employment or childcare costs

*“The Welfare Reform measures are a financial assault on women. All of the cuts are impacting on women more than men due to the inequalities we are exposed to in the first place.”*

While simplification of the benefits system is welcomed, the “*radical changes*” being introduced by the new Act will have a number of negative consequences, particularly for women. The UK legislation has been described as “*skeletal*”. Further regulations will be drafted to determine implementation of the changes.

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<sup>75</sup> <http://www.scotland.gov.uk/Topics/People/welfarereform/passportedbenefits/aboutpassportedbenefits>

## **Welfare Reform in Scotland**

The Welfare Reform Committee of the Scottish Parliament was established in January 2012. The Committee is reviewing and monitoring the implementation of the Welfare Reform Act 2012, as well as its impact on the people of Scotland. The Committee also has responsibility over consideration of relevant Scottish legislation.

The Welfare Reform (Further Provision) (Scotland) Act<sup>76</sup> was passed by the Scottish Parliament in August 2012. This legislation gives the Scottish Government powers to introduce regulations under the Welfare Reform Act (“the UK Act”) and amend other Scottish legislation relating to the UK Act.

## **Recommendations**

- UK and Scottish Government must consider practical measures to support women experiencing financial hardship as a result of Welfare Reform, including providing financial planning advice.
- Monitoring of disability benefits to ensure that women do not undertake additional caring responsibilities due to public sector funding cuts.
- Under the new legislation, payment will only be made to one member of a household. Provision must be made to ensure that women’s financial independence remains.

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<sup>76</sup> <http://www.legislation.gov.uk/asp/2012/10/enacted?view=interweave>

## Article 14 – Rural Women

Although rural Scotland registers 18% of the total population in Scotland, it accounts for 94% of the land mass in Scotland. This reflects the dispersed nature of the population in rural areas. In contrast the rest of Scotland accounts for 82% of the population of Scotland but only 6% of the land mass.

The highest population density is around the 'Central Belt', which means a number of services are 'centralised' to this area. Those who live in rural areas are often expected to travel to access hospital appointments, colleges and universities, airports and other services.

The Scottish Government Urban Rural Classification provides a standard definition of rural areas in Scotland. A 'rural' area is classed a settlement with a population of less than 3,000. Rural areas are further broken down as shown below:

- Accessible - Settlements of less than 3,000 but within drive time of 30 mins to settlement over 10,000
- Remote - Settlements of less than 3,000 but a drive time of over 30 mins to settlement over 10,000
- Very Remote - Settlements of less than 3,000 with drive time of over 60 mins to settlement over 10,000

### **Priority Challenges for Rural Women in Scotland**

For women in rural Scotland, access to employment often involves travelling long distances, which in turn means travelling to access childcare.

Public transport, which women rely on more than men, is described as "*patchy and inconsistent*". Timetables are subject to frequent changes and many routes stop before 7pm. Fares are much higher than those in urban areas.

Transport issues, coupled with a lack of childcare, have a strong influence on employment for women in rural Scotland. This is especially the case as much of the work available is part-time, seasonal and temporary.

*"The three points are interlinked – employment opportunities are often limited by availability of transport and childcare, hence the need for quality part-time work."*

### **Employment**

Tourism, which attracts part-time seasonal or low paid workers, is the main source of employment. Some women establish their own businesses relying on local support and networking to promote their enterprise. Local Authorities and the National Health Service (NHS) are also major employers within rural Scotland. The current loss of public sector jobs is having a detrimental impact on rural communities, in particular on the women employed to provide necessary local services.

*"The public sector employs 40% of workers in this region. The majority of these are women. It stands to reason we will be the most likely to feel the repercussions of policy decisions."*

Rural women often accept short-term, low paid jobs to fit in with cultural stereotypes, limited childcare and poor transport. The work they do often does not reflect their skills, abilities or qualifications.

Small, remote businesses with poor transport links rely on internet services to promote and conduct business activities. Some areas of rural Scotland have no access to broadband which results in restricted business opportunities.

*“Lack of high speed broadband limits so many social and business opportunities as a slow internet connection stops people working from home and being able to shop online.”*

Online application forms are invited by employers attracting applicants. Accredited workplace training is curtailed by a lack of reliable, affordable and accessible internet services.

*“Lack of high speed broadband is also a major disadvantage in terms of applying for jobs, with more and more organisations accepting online applications only.”*

Young women who wish to pursue non-academic careers are often discouraged from pursuing their choices through lack of opportunity and support. Occupational segregation and gender streaming need to be discouraged through education and employer stereotypes.

*“More needs to be done to encourage girls into non-traditional careers – we expect renewables to become an important employment sector, but girls at the local secondary school are not taking up technical subjects in order to gain a share of the opportunities being created.”*

### **Recommendations**

- Consideration must be undertaken of the barriers faced by rural women when policies are being drafted.
- Accessible, affordable, appropriate childcare provision coupled with an integrated, reliable public transport system is necessary to ensure women fully participate in the labour market.

## Article 16 - Equality in Marriage and Family Law

The Scottish Government is committed to the eradication of violence against women and children. The Gender Equality Duty creates a "general duty" on public authorities to eliminate unlawful sex discrimination and harassment. Under this duty, Scottish Ministers are required to set priorities for the advancement of equality of opportunity between men and women. It was decided in June 2009 that tackling Violence Against Women (VAW) would be a 'Ministerial Priority'. There are a number of practices and policy documents, as well as extensive legislation, which show that Scotland will not tolerate VAW.

### ***Safer Lives: Changed Lives***<sup>77</sup>

'Safer Lives: Changed Lives' is a strategic document, whose purpose is to provide a shared understanding and approach to guide the work of all partners to tackle VAW in Scotland.

### ***National Group to Address Violence Against Women***<sup>78</sup>

This is a significant partnership in the VAW sector, providing a forum for collaboration between Ministers, the Scottish Government, the Convention of Scottish Local Authorities (COSLA) and a range of statutory and voluntary policy interests.

### ***The Caledonian System***<sup>79</sup>

This is an integrated approach to address men's abusive behaviours and to improve the lives of women, children and men. The system works with men convicted of domestic abuse related offences on a programme to reduce their reoffending while offering integrated services to women and children.

### **Domestic Abuse**

- Figures suggest between one in three and one in five women experience some form of domestic abuse in the course of their lifetime.<sup>80</sup>
- There were 59,847 incidents of domestic abuse recorded by police in 2011-12, compared to 55,698 incidents recorded in 2010-11.<sup>81</sup>

### **Rape and Sexual Assault**

Offences relating to rape and sexual assault are covered by The Sexual Offences (Scotland) Act<sup>82</sup>

- In 2009-10, there were 884 recorded cases of rape and 112 assaults with intent to rape<sup>83</sup>.
- The Scottish Crime and Justice Survey 2010 found that 53% of adults who had experienced serious sexual assault since the age of 16 were assaulted by their partner, with 91% stating the offender was male.<sup>84</sup>

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<sup>77</sup> <http://www.scotland.gov.uk/Publications/2009/06/02153519/0>

<sup>78</sup> <http://www.scotland.gov.uk/Topics/People/Equality/violence-women/DomAbuseDelivPlan>

<sup>79</sup> <http://www.scotland.gov.uk/Topics/People/Equality/violence-women/CaledonianSystem>

<sup>80</sup> Recommendation (2002) 5 of the Committee of Ministers to member states on the prevention of violence against women, adopted 30 April 2002. Council of Europe.

<sup>81</sup> <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/TrendDomesticAbuse>

<sup>82</sup> <http://www.legislation.gov.uk/asp/2009/9/contents>

<sup>83</sup> Scottish Government 2010, Statistical Bulletin Crime and Justice Series: Recorded Crime in Scotland 2009-10

<sup>84</sup> MacLeod, P et al (2010) Scottish Crime and Justice Survey: Sexual Victimization and Stalking

Rape Crisis Scotland<sup>85</sup> supports victims of rape and sexual assault. There are a number of centres throughout Scotland which offer emotional and practical support, information and advocacy to anyone affected by sexual violence. Rape Crisis also have a helpline, open from 6pm and 12pm 365 days a year.

### ***The Carloway Review***<sup>86</sup>

Lord Carloway, in his review of criminal law and practice in Scotland, recommended that corroboration in criminal cases be removed. Corroboration requires at least two different and independent sources of evidence in support of each crucial fact before a defendant can be convicted of a crime. The removal of this requirement will hopefully lead to more rape prosecutions in Scotland, as it is often virtually impossible to obtain two separate pieces of evidence in relation to rape. The Scottish Government agrees with the recommendations set out in the Carloway review and will proceed to consultation on the matter.

### **Stalking and Harassment**

Offences relating to stalking and harassment are covered by The Criminal Justice and Licensing (Scotland) Act 2010<sup>87</sup>.

Studies show that between 78% and 86% of stalking victims are women, with between 18% and 31% experiencing sexual violence within the context of stalking behaviour<sup>88</sup>.

### **Commercial Sexual Exploitation**

Most offences relating to prostitution are currently covered by The *Prostitution (Public Places) (Scotland) Act 2007*<sup>89</sup>.

The *Criminalisation of the Purchase of Sex (Scotland) Bill (2)* is also currently under consultation within the Scottish Parliament. If successful, this will make it an offence to purchase a sexual service, be it through street or indoor prostitution.

Lap dancing clubs are subject to the same licensing requirements that are imposed upon cafes and gyms, under the *Civic Government (Scotland) Act 1982*. In the past the Scottish Government has rejected proposals to introduce a separate licence for these types of clubs. A Bill to introduce special licences for lap dancing clubs will be consulted on in the coming year.

### **Forced Marriage**

Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011<sup>90</sup> was introduced to protect women from being forced to marry against their wishes. It also protects those who have already been forced into a marriage without consent.

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<sup>85</sup> <http://www.rapecrisisscotland.org.uk/>

<sup>86</sup> <http://www.scotland.gov.uk/About/Review/CarlowayReview>

<sup>87</sup> <http://www.legislation.gov.uk/asp/2010/13/contents>

<sup>88</sup> <http://www.scotland.gov.uk/Publications/2009/06/02153519/0>

<sup>89</sup> <http://www.legislation.gov.uk/asp/2007/11/contents>

<sup>90</sup> <http://www.legislation.gov.uk/asp/2011/15/contents/enacted>

## **VAW Services**

The value of VAW services is undeniable. The provision of refuge accommodation, as well as assistance with applications for housing, welfare benefits and a host of other support mechanisms allow women to recognise, survive and exit abusive relationships. VAW services allow women to move forward with their lives.

*“I wouldn't be where I am today without the support and assistance I've received. They have saved my life.”*

Women who live in remote, rural and super sparse areas of Scotland are not afforded the same access to services as those living in more urban parts of the country. Services such as Women's Aid run outreach programmes, however increasingly stretched funding and the vast distances they have to travel leaves many without the help they require.

There is also a strong patriarchal culture in Scotland which is especially apparent in rural areas. This can make it very difficult for women to 'speak out' and report incidents of violence, often due to fear of community repercussions. VAW is seen as a *“hidden evil”* in many rural areas and a *“behind closed doors”* mentality is often displayed. The lack of female police officers in more remote parts of Scotland can also create barriers to reporting domestic abuse, rape etc. Both male and female police officers are also known in the community which can make it even more difficult to disclose incidents of violence.

*“I don't want to be talking about my private life with the son or daughter of someone I have known for years. I would rather discuss these things with a complete stranger.”*

There are not enough VAW services to support BME Women. Shakti Women's Aid in Edinburgh and Hemat Gryffe Women's Aid in Glasgow are the only specialist services which exist in Scotland.

*“There are some but not many and women are not aware of the ones that are available.”*

Specialist domestic abuse courts provide further support for victims of domestic abuse and ensure that the perpetrators are brought to justice quickly. The courts have a dedicated Procurator Fiscal (the public prosecutor in Scotland), Sheriff and Sheriff Clerk (most senior civil servant, charged directly with the management of the court). Women have called for domestic abuse courts to be set up in more areas throughout Scotland.

## **Recommendations**

- Services for victims and survivors of VAW must be provided with sufficient funding. Recognise the geography of Scotland and ensure that women in rural areas are given equal access to support as those in urban areas.
- Improve and increase service provision for BME and disabled women, including culturally-sensitive and specially adapted refuge accommodation.
- Establish specialist domestic abuse responses throughout Scotland to allow women from all areas equal access to services and justice.