



CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Violence against women (VAW)

CEDAW Concerns	CEDAW Recommendations	How does this apply to Scotland?
Continued VAW, including domestic violence, particularly against BME women.	Ratify the Istanbul Convention; increase efforts to protect women against all forms of violence; and continue public awareness-raising campaigns on all forms of VAW.	Power to ratify the Istanbul Convention rests with the UK Parliament. However, this does not preclude the Scottish Government from aligning its policies and laws with the principles and practices outlined in the Convention. With respect to violence against women and girls, including continued public awareness of the issue, the Scottish Government developed Equally Safe , Scotland's strategy for preventing and eradicating violence against women and girls.
Negative police attitudes towards women who are victims of domestic violence.	Intensify efforts to train police officers to eliminate prejudices concerning the credibility of victims of domestic violence.	Training of police officers falls within the remit of the Scottish Parliament. Most police powers and functions are devolved to the Scottish Parliament. Areas for which legislative responsibility remains with UK Government include national security, terrorism, firearms and drugs.

Legal aid and access to justice

CEDAW Concerns	CEDAW Recommendations	How does this apply to Scotland?
Women's access to civil legal aid is restricted in England and Wales. Legal aid available for some	Ensure women can access courts/tribunals effectively, especially survivors of violence, and	The CEDAW Committee was particularly concerned with the application of the Legal Aid, Sentencing and



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CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

family law issues, but conditions are attached (e.g., providing proof of abuse for victims of violence).

continually assess how reforms to legal aid affect the protection of women’s rights.

Punishment of Offenders Act 2012 (LASPO Act), which came into force in 2013 and narrowed the scope of civil legal aid in England and Wales. It did not apply in Scotland. The CEDAW Committee noted that Scotland had not limited access to legal aid in the same way, and has a distinct Scottish Legal Aid Board.

The court fees imposed on employment tribunals raised concerns that women, particularly ethnic minority women, were pushed into informal community arbitration systems, including faith-based tribunals, which are often not in conformity with CEDAW.

Ensure women are protected from informal justice systems, which may not be in line with CEDAW and may violate their rights.

The introduction of employment tribunal fees, by virtue of the Employment Appeal Tribunal Fees Order 2013, applied across England, Wales and Scotland.

In July 2013, the UK Government introduced fees of up to £950 for employment tribunal hearings, payable by the claimants in England, Wales and Scotland. This is in addition to a fee of up to £250 for issuing the claim.

In Scotland, requirement for corroborating evidence in cases of rape and sexual violence acts as a barrier to prosecuting these cases.

Put into practice the recommendations of the Carloway Review, especially with regard to corroborating evidence.

In Scotland, prosecutors need two independent pieces of evidence to corroborate an allegation of criminal conduct. In 2015, the Scottish Government dropped proposals to abolish the requirement for corroboration in criminal cases. At the time, the Scottish Minister of Justice committed to reviewing the requirement for corroborating evidence after the 2016 Holyrood election.

The three-year limit (the ‘time bar’) for taking civil cases to claim compensation for sexual abuse cases limits access to justice for victims.

Extend the limitation period for civil claims regarding abuse, so that a woman can bring a case as an adult if crime took place when she was a child.

This recommendation applied to Scotland. However, in 2017, the Scottish Parliament removed the three-year limit. At present, no time limit applies so long as the victim was a child under the age of 18 when the sexual abuse occurred.





CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Women in prison

CEDAW Concerns

Increased number of women in prison for non-violent offences, and overrepresentation of BME women in prison.

Limited access to mental health care in prisons.

CEDAW Recommendations

Develop alternative sentencing and custodial strategies. Address the root causes of overrepresentation of BME women in prison.

Improve provision of mental health care in all prisons.

How does this apply to Scotland?

The Scottish Government is responsible for the Crown Office and Procurator Fiscal Service as well as the execution of prison sentences and the custody of prisoners via the Scottish Prison Service.

In 2015, the Scottish Government announced its plans to reform the women's custodial estate, including the development of a new 80-bed prison for women and several smaller community custody units.

In England and Wales, there is an overrepresentation of BME women in prison. In Scotland, [the Scottish Centre for Crime and Justice Research](#) notes that the proportion of BME individuals in prison is numerically proportionate to the general population.

The Scottish Parliament has powers over health as well as law and order.

In 2011, healthcare responsibilities transferred from the Scottish Prison Service to NHS Scotland. The Scottish Government's [Mental Health Strategy](#) 2017-2017 sets the vision for mental health care across Scotland over the next decade, including within prisons.





CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Some women in prison have been trafficked and lack services to integrate them into society.

Ensure authorities can recognise women who have been trafficked, and provide services to support women's reintegration into society.

In 2017, Scotland published its [Trafficking and Exploitation Strategy](#), setting a vision for preventing and eradicating human trafficking.

Trafficking and exploitation of prostitution

CEDAW Concerns

CEDAW Recommendations

How does this apply to Scotland?

Lack of a comprehensive national framework on trafficking.

Adopt a national framework to combat trafficking in women and girls.

Scotland has purview to develop policy and legislation in certain areas of human trafficking. In 2017, the Scottish Government launched its [Trafficking and Exploitation Strategy](#). The aims of the strategy are, broadly, three-fold: 1) identify victims and support them to safety and recovery; 2) identify perpetrators and disrupt their activity; and 3) address the conditions that foster trafficking and exploitation.

Weaknesses in identifying victims of trafficking and inadequate support for them.

Properly identify and adequately support and protect victims.

Participation in public and political life

CEDAW Concerns

CEDAW Recommendations

How does this apply to Scotland?

Women continue to be significantly underrepresented in certain fields (e.g., Parliament, the judiciary).

Targeted measures needed to improve representation of women in Parliament and the judiciary, particularly BME women and women with disabilities.

Scotland does not currently have the power to introduce legislated candidate quotas into electoral law. The use of parliamentary quotas and 'temporary special measures' is reserved to the UK Parliament. Certain temporary special measures, including all-women shortlists, require exemptions from the Equality Act 2010, which prohibits

Underrepresentation of BME women and women with disabilities in political life.

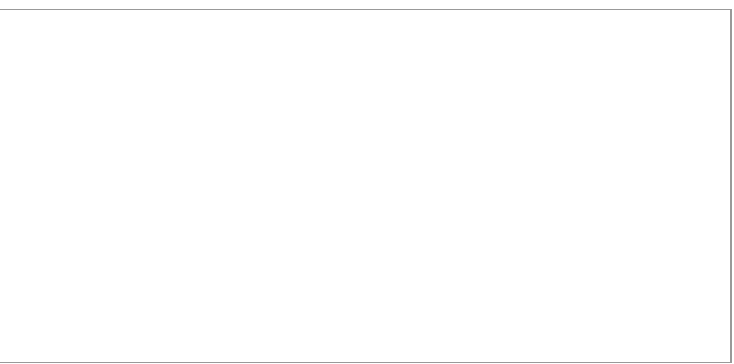
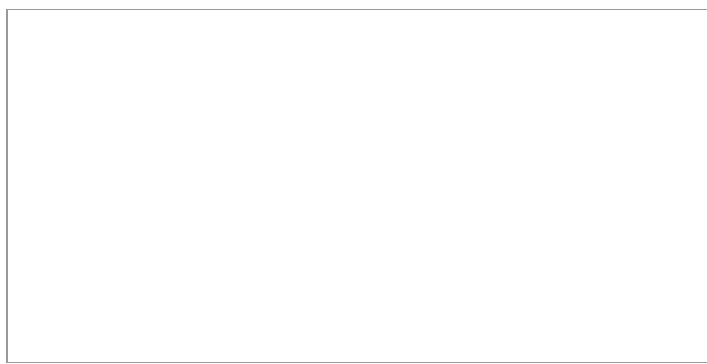


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CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN



discrimination on the grounds of sex. Equality law is reserved to the UK Parliament.

The UK policy on political quotas applies in Scotland. The UK has an extended temporary special measure in place, which allows parties to adopt all-women shortlists for candidates. However, this is non-binding.

Temporary special measures

CEDAW Concerns

Lack of action to introduce measures to address women’s under-representation in decision-making positions in public and political life.

Continued reliance on the less effective Voluntary Search Code.¹

CEDAW Recommendations

Evaluate impact of the Voluntary Search Code and consider using more prescriptive measures to improve the representation of women in public and political life.

How does this apply to Scotland?

The Scottish Government has power to set quotas for public boards. As mentioned above, Westminster has exclusive power to set parliamentary quotas.

In 2017, the Scottish Government introduced the [Gender Representation on Public Boards \(Scotland\) Bill](#).

¹ The Voluntary Search Code aims to address gender diversity on corporate boards and sets out best practice for the related search processes.



CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Education

CEDAW Concerns

It is not compulsory to provide personal, social and health education in schools or education on sexual relationships in all schools.

Bullying, expressions of racist sentiments and harassment of girls in school.

Persistence of traditional attitudes and stereotypes, including the choice of studies.

Underrepresentation of women in STEM and in apprenticeships, especially in Scotland.

CEDAW Recommendations

Introduce mandatory sexual and reproductive rights in school curricula.

Enhance measures to prevent, punish and eradicate all forms of violence against women and girls, including bullying and expression of racist sentiments.

Intensify career guidance activities to encourage girls to pursue non-traditional paths.

Coordinated measures to encourage girls' increased participation in STEM and apprenticeships.

How does this apply to Scotland?

Education is a devolved power, meaning it falls within the remit of the Scottish Government.

During the Programme for Government speech in 2017, the First Minister made clear that the Education (Scotland) Bill 2018 would be central to the Scottish Government's legislative agenda in the upcoming year. While the Bill has yet to be introduced, it is expected to include a number of [provisions](#) on reforming how schools are run as well as introducing a teacher-led education system.

With respect to violence against women and girls, the Scottish Government launched its [Equally Safe](#): A Delivery Plan for Scotland's Strategy to Prevent and Eradicate Violence Against Women and Girls in 2017. The Delivery Plan includes educational reforms as part of its plans to prevent and eradicate violence against women and girls.

The CEDAW Committee specifically noted concerns with Scotland the number of women in STEM.



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CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

		<p>In November 2017, the Scottish Government launched its STEM Strategy for Education and Training.</p>
<p>Lack of data on the number of women heading academic institutions and the low number of women in professorial positions.</p>	<p>Collect data on women in positions at all levels of academic institutions and improve representation of women at higher echelons.</p>	<p>Scotland has 19 autonomous higher education institutions, whose funding is provided by the Scottish Funding Council. In 2016, the Higher Education Governance (Scotland) Act came into force, modernising the framework of higher education governance in an attempt to make it more inclusive and accountable.</p> <p>Data on women’s representation in academia in Scotland is not currently collected and published publically, but is available through direct correspondence with Universities Scotland, which is the representative body of Scotland’s 19 universities.</p>

Employment and economic development

CEDAW Concerns	CEDAW Recommendations	How does this apply to Scotland?
<p>Persistent discrimination of pregnant women in employment, and concerns over their access to justice.</p> <p>Concerned at existing occupational segregation and persisting gender pay gap.</p>	<p>Intensify efforts to promote flexible working arrangements, and introduce shared parental leave to encourage men to participate equally in childcare responsibilities.</p> <p>Proactive and concrete measures to eliminate occupational segregation and to narrow pay gap.</p>	<p>Employment powers are reserved to the UK Parliament. That said, Scotland has powers over childcare entitlements; can take steps to better protect women in the workplace and improve employer practice (e.g., with respect to parental leave); can take action on generating opportunities for disabled women in the labour market; and work towards closing the gender pay gap.</p>



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CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

High levels of unemployment for women with disabilities.

Create more opportunities for women with disabilities to access employment.

Assess effectiveness of voluntary reporting of salaries in enterprises.

With respect to the gender pay gap, the Scottish Government was obliged under the Public Sector Equality Duty to publish a set of equality outcomes. One concerned women and employment: “Women’s position in the economy and in employment is improved in the long term, and reflected more comprehensively in Scottish Government economic policy and strategies by 2017”.

Stereotypes

CEDAW Concerns

High degree of stereotyping and use of sexual images of women by the media and in advertising.

CEDAW Recommendations

Continue to work with the media and advertising industries to stop them presenting women and girls in a stereotypical way.

How does this apply to Scotland?

Press regulation is devolved to the Scottish Parliament.

Female Genital Mutilation (FGM)

CEDAW Concerns

FGM persists across the UK.

CEDAW Recommendations

Ensure the full implementation of UK legislation on FGM, and provide Crown Prosecution Service with necessary support to effectively prosecute perpetrators of FGM.

How does this apply to Scotland?

The Prohibition of Female Genital Mutilation (Scotland) Act 2005 made it a criminal offence to have female genital mutilation carried out in Scotland or abroad, and increased the maximum penalty from five to 14 years imprisonment.



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CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

In 2016, the Scottish Government launched its [National Action Plan to Prevent and Eradicate FGM](#), which includes several recommendations on criminal justice responses to FGM.

National machinery for the advancement of women

CEDAW Concerns

The UK Government decision to replace the Women’s National Commission with the Government Equalities Office (GEO), whose mandate does not extend to Northern Ireland.

CEDAW Recommendations

Ensure GEO has a dedicated section for the coordination of gender equality in all parts of the UK.

UK should assess impact of the new approach for engagement with women’s organisations and introduce measures to mitigate the negative impact on their abilities for adequate engagement.

How does this apply to Scotland?

This recommendation has little relevance for Scotland, as the remit of the GEO falls outside powers of the Scottish Government and Parliament.

Legal status and implementation of CEDAW

CEDAW Concerns

Role of national Parliaments in implementing CEDAW, including UK reservations to CEDAW and the status of CEDAW in UK legislation.

CEDAW Recommendations

Parliaments take steps to implement CEDAW Committee recommendations.

Withdraw and narrow UK reservations to CEDAW, and incorporate CEDAW provisions into UK law.

How does this apply to Scotland?

The Scottish Parliament was captured in the CEDAW Committee’s recommendation that UK Parliament’s implement its recommendations.

The public sector equality duty (PSED) and its predecessor – the gender equality duty – were intended



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CEDAW

THE CONVENTION ON THE ELIMINATION OF ALL
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The new, single public sector equality duty (PSED) may be less effective than the previous Gender Equality Duty.

Impact of austerity measures on organisations providing social services to women.

Use the opportunity of the review of PSED to improve the law, and ensure that public authorities put it into practice, including the idea of 'substantive equality'.

Provide the same guidance on the PSED across England, Wales and Scotland.

Mitigate impact of austerity measures on women and services provided to women, particularly women with disabilities and older women.

to enable mainstreaming in the UK *and* Scotland. Whilst the Equality Act 2010 (under which PSED is found) falls under the UK Parliament, nothing precludes Scotland from developing coherence on gender equality in its policies and across government departments.



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