



## Engender Call for Evidence: CEDAW

**Background:** Together welcomes the opportunity to respond to Engender's Call for Evidence on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Engender is currently gathering evidence on the status of women's and girls' rights in Scotland to inform their shadow report to the Committee on the Elimination of All Forms of Discrimination Against Women, which will provide a civil society perspective in the lead up to the Committee's review of the implementation of CEDAW in the UK.

### About Together (Scottish Alliance for Children's Rights)

Together (Scottish Alliance for Children's Rights) is an alliance of children's charities that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) in Scotland. We have over 380 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs. Our activities include collating an annual *State of Children's Rights* report to set out the progress made to implement the UNCRC in Scotland. The views expressed in this submission are based on the UNCRC and other international human rights treaties and do not necessarily reflect the specific views of every one of our member organisations.

### Question 1: What is the current status of the concerns identified by the UN CEDAW Committee in its last report on the UK? In other words, what are your outstanding concerns with women's rights in these areas (or any other areas) in Scotland?

In the 2013 Concluding Observations, particular issues relating to girls' rights were raised by CEDAW, including combatting trafficking and gender inequality in education.<sup>1</sup> Since the 2013 CEDAW Concluding Observations, wider concerns have been raised by other international treaty bodies in relation to girls' rights. These include the impact of multiple and intersectional discrimination against girls with disabilities (CRPD, 2017); girls with a disability being subject to involuntary medical treatment (CRPD, 2017); violence against women and girls with a disability (CESCR, 2016); and many areas where there are prominent inequalities between girls and boys including mental health, homelessness and experiences of violence (CRC, 2016).

**Sexual and reproductive health education** in educational institutions and its importance in promoting gender equality was raised by CEDAW in 2013 and by the UN Committee on the Rights of the Child (the Committee) in the 2016 Concluding Observations.<sup>2</sup> Both Committees raised concerns over the non-mandatory nature of sexual health education in schools and recommended the

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<sup>1</sup> CEDAW/C/GBR/CO/7: Para 39 and 45.

<sup>2</sup> CRC/C/GBR/CO/5: Para 65(b).

introduction of age-appropriate education into the school curriculum. Together members continue to highlight several issues relating to sexual health education in Scotland.<sup>3</sup> These include the lack of LGBTI+ specific education which can result in young people who identify as LGBTI+ not receiving adequate information on protection from sexually transmitted infections (STIs), relationships, or domestic abuse. This can lead to outcomes that are detrimental to their physical and mental health. A further concern is the impact of information technologies on those children and young people who can turn to resources such as pornography for information on sexual and reproductive health practices. Girls report that increased exposure to sexualised and misogynistic online content affects the expectations of partners and impacts on their mental and physical health. Despite the Scottish Government revising the Relationship, Sexual Health and Parenthood (RSHPE) Education guidance in 2014, RSHPE remains non-mandatory. Further, a parent can opt their child out of RSHPE even if this is against the child's wishes. This is in direct conflict with a child's right to have their views heard in decisions that affect them as outlined in Article 12 of the UNCRC.

In relation to **inequalities in mental wellbeing**, [Scottish Government data](#) shows that girls have worse mental health and wellbeing than boys. Mental health and wellbeing is also worsening amongst girls with the number of 15-year-old girls with a borderline or abnormal mental health and wellbeing score rising from 28% to 41% between the years 2010 and 2013.<sup>4</sup>

There are also prominent inequalities in relation to girls' and boys' experiences of **homelessness**. Although there has been an overall decrease in the number of homelessness applications made by 16 and 17-year-olds in Scotland, girls continue to account for a higher percentage of the total application made. In 2015/16, 16 and 17-year-old boys accounted for 3% of total applications made, whereas girls accounted for 6%. Females experiencing homelessness are incredibly vulnerable as they often lack access to basic services and experience higher rates of assault and verbal abuse and harassment than their male counterparts.<sup>5</sup>

**Gender-based violence** also remains a significant issue in Scotland. Many women and children who experience violence specifically because of their gender face multiple discrimination across other protected characteristics, and are more likely to live in poverty and have limited literacy skills. As a result, they may face additional barriers to accessing services. Of all incidents of domestic abuse in 2016-17 where gender was recorded, 79% of victims were female with a male perpetrator.<sup>6</sup> 'Honour-based' violence, including female genital mutilation (FGM), disproportionately affects girls from minority ethnic communities.<sup>7</sup> Further, specific cultural issues that minority ethnic women face can limit their access to support and protection should they experience violence. However, there is limited data available on the prevalence of honour-based violence and FGM in Scotland.

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<sup>3</sup> Together (2016). State of Children's Rights report, p.103.

<http://www.togetherscotland.org.uk/pdfs/TogetherReport2016.pdf>. [Date accessed: 3.4.18].

<sup>4</sup> Scottish Government (2015). Mental health and wellbeing among adolescents in Scotland: profiles and trends.

<http://www.gov.scot/Resource/0048/00488358.pdf> [Date accessed: 4.4.18].

<sup>5</sup> Crisis (2016). "'It's no life at all": Rough sleepers' experiences of violence and abuse on the streets of England and Wales.' [https://www.crisis.org.uk/media/20502/crisis\\_its\\_no\\_life\\_at\\_all2016.pdf](https://www.crisis.org.uk/media/20502/crisis_its_no_life_at_all2016.pdf) [Date accessed: 4.4.18].

<sup>6</sup> Scottish Government (2017). Domestic abuse recorded by the police in Scotland, 2016-17.

<https://beta.gov.scot/publications/domestic-abuse-recorded-police-scotland-2016-17/> [Date accessed: 3.4.18].

<sup>7</sup> NHS (2017). Female Genital Mutilation Annual Report 2016/17, p.16. <http://digital.nhs.uk/catalogue/PUB30015> [Date accessed: 4.4.18].

### **Question 3: In the last five years, are you aware of any legislative initiatives and/or policy programmes or reforms put in place to promote women's rights and gender equality in Scotland?**

Together has been involved in the following legislative initiatives which promote gender equality:

- **Period poverty:** [Together responded](#) to the Scottish Parliament consultation on Proposed Sanitary Products (Free Provision) (Scotland) Bill in order to highlight why period poverty is a child rights issue.
- **Equally Safe:** Together has welcomed the development of the Equally Safe strategy and has contributed to the Advisory Group on the draft Delivery Plan. Although Equally Safe and the draft delivery plan address many of the UNCRC's 2016 Concluding Observations, Together [highlighted in our consultation response](#) that more needs to be done to explicitly reference children and young people throughout the delivery plan and the strategy, particularly girls.
- **Trafficking:** The Human Trafficking and Exploitation (Scotland) Act 2015 and the accompanying Trafficking and Exploitation Strategy works to combat trafficking in Scotland. Together submitted a [joint response on the strategy](#) along with Children in Scotland to recommend how the strategy could be strengthened in taking a child rights-based approach.

### **Question 4: Is there anything else you would like to share with the UN CEDAW Committee in respect of women's rights in Scotland?**

Gender inequality starts pre-birth. The enforcement of harmful stereotypes and discriminatory practices can have a lasting effect on girls and can lead to significant gender inequalities at all stages of life including in education, family life, the workplace, health, and many other areas. Girls themselves [have spoken about](#) their opportunities being more restricted than they are for boys when being involved in local sports and club, particularly as they get older.<sup>8</sup> By experiencing enforced gender roles and being restricted from certain activities which are typically seen as 'male', gender inequalities become embedded in childhood, making it significantly more difficult to change these patterns later on in life and to prevent the negative impact that arise from these inequalities.

The Committee has stated that it is 'essential to focus on the girl child in order to break down the cycle of harmful traditions and prejudices about women.' It also highlights that it is:

*"only through a comprehensive strategy to promote and protect the rights of girls, starting with the younger generation, would it be possible to build a shared and lasting approach and a wide movement of advocacy and awareness aimed at promoting the self-esteem of women"*

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<sup>8</sup> Children's Parliament (2017). What Kind of Scotland? <https://www.childrensparliament.org.uk/about-us/what-kind-of-scotland/> [Date accessed: 3.4.18].

*and allowing for the acquisition of skills which will prepare them to participate actively in decisions and activities affecting them.”<sup>9</sup>*

Culture change is therefore essential to ensure girls are afforded the same opportunities as boys in all areas of their lives and that their self-esteem is not impacted by negative representations of girls or persistent gender inequalities. Invoking this culture change will empower girls and work towards eliminating gender inequalities that are perpetuated from birth.

Both CEDAW and the Committee have highlighted areas of particular concern to girls’ rights such as sexual exploitation and education. A wider, more holistic approach must be taken to ensure the unique needs and vulnerabilities of girls are continually highlighted to decision-makers. The Committee has reiterated the importance of ‘recognising the complementary and mutually reinforcing nature of the CRC and CEDAW’.<sup>10</sup> The rights of girls should therefore be framed as an intersection of women’s rights and children’s rights to make sure that gender equality is promoted and embedded from birth.

The reinforcing nature of CEDAW and the CRC is also relevant when considering the role of women as predominant carers of children. In Scotland, nine out of ten lone parents are female.<sup>11</sup> Lone parents tend to be more disadvantaged than parents in couple households as they have lower employment rates, less financial stability, and are less likely to report good health.<sup>12</sup> This can have a significant impact on their children and steps should be taken to support parents in guaranteeing and promoting the rights of the child, as outlined in the UNCRC.

To support the children’s rights duties enshrined in the Children and Young People (Scotland) Act 2014<sup>13</sup>, the Scottish Government undertakes [Child Rights and Wellbeing Impact Assessments \(CRWIA\)](#) to support the development of new policy and legislation. The Scottish Government should be encouraged to use CRWIA to assess the impact of policy and legislation on girls and on women as predominant primary carers of children. This would ensure that any negative impacts on the rights of girls and women are identified and mitigated, and opportunities to further girls’ rights are progressed.

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**For further information, please contact Joanna Shepherd, Assistant Policy Officer  
Together (Scottish Alliance for Children's Rights)  
Tel: 0131 337 9015 Email: [joanna@togetherscotland.org.uk](mailto:joanna@togetherscotland.org.uk)  
Together, Level 1, Rosebery House, 9 Haymarket Terrace, Edinburgh EH12 5EZ  
Company Number 199725 Scottish Charity SC029403**

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<sup>9</sup> Committee on the Rights of the Child (1995). Report on the eighth session, para 284. [http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/Recommendations/Recommendations1995\\_2.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/Discussions/Recommendations/Recommendations1995_2.pdf) [Date accessed: 3.4.18].

<sup>10</sup> Ibid, para. 282.

<sup>11</sup> One Parent Families Scotland (2016). Lone parents in Scotland, Great Britain and the UK: health, employment and social security. <http://www.scotpho.org.uk/downloads/scotphoreports/scotpho161123-lone-parents-scotland-gb-uk.pdf> [Date accessed: 3.4.18].

<sup>12</sup> Ibid.

<sup>13</sup> Children and Young People (Scotland) Act 2014. <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>.