



The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

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Ministerial Foreword

“We the peoples of the United Nations determined ... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women”

Preamble, Charter of the United Nations, 26 June 1945

I am pleased to introduce the Scottish Government’s first Scottish ‘Position Statement’ on the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

Equal rights between men and women is a fundamental principle of the United Nations going back to its very establishment in 1945. More than 70 years later, the world is in some respects a very different place for women and girls. Nations across the globe have made significant inroads in challenging and addressing aspects of gender inequality, however, no nation in the world can say that it has achieved equality between women and men.

Which is why the Scottish Government will keep articulating its commitment to upholding women’s rights, and more importantly, will keep taking action to: tackle manifestations of gender inequality, whether that be the pay gap between men and women or all forms of gender based violence, and to challenge the underlying structures and attitudes which help to reinforce inequality.

The United Kingdom ratified the Convention in 1986. The Scottish Government contributes to the United Kingdom’s periodic reports to the UN and is an active participant in the oral examinations of the UK conducted by the UN Committee on the Elimination of All Forms of Discrimination Against Women. We will of course continue to do so.

In addition, through this Scottish ‘Position Statement’ we have an opportunity to set out a more expansive account of how the Scottish Government is implementing and upholding the terms of the Convention in Scotland. There is a significant amount of work being progressed across all areas of the Scottish Government.

We have for example, passed legislation this year to ensure that women are properly represented on public boards and to strengthen our response to domestic abuse; we are working hard to challenge stereotypes around ‘women’s work’ and encourage more girls into Science, Technology, Engineering and Maths (STEM) careers, and we are further expanding our commitment to free early learning and childcare.

This year the First Minister’s National Advisory Council on Women and Girls has been established. The Council will play a key leadership role in raising awareness of gender inequality, act as a champion for positive progress and a catalyst for change. It will add to an already active and engaged civil society in Scotland, including a women’s sector which not only campaigns and advocates for women’s rights, but which supports women and children who have

experienced all forms of gender based violence. We are immensely grateful to them for their work and for the knowledge and expertise that they bring to all of the issues associated with gender inequality.

This Position Statement allows us to take stock, acknowledge progress and chart our ongoing journey towards gender equality. I hope it also invites our partners in civil society and our international peers to do similarly. All governments should be challenged and held to account – a government which is not willing to listen cannot improve the lives of people.

I want Scotland to be a country where women and girls have equal rights and opportunities to men, equal access to power and resources, and live their lives free from gender based violence. We're not going to get there overnight but I do believe that Scotland can be a nation synonymous with equality, that is recognised in the international community for its commitment to and the steps it is taking to realise equality between women and men.



Angela Constance
Cabinet Secretary for Communities,
Social Security and Equalities



Introduction

In a vibrant, modern Scotland, everyone should be treated equally.

The focus of the Scottish Government is on making real improvements to the lives of people across all our communities. Equality is therefore central to our business and runs through our [Programme for Government](#).

Legal Framework

Gender equality is a prerequisite for any nation that believes in a society grounded in the principles of equality and social justice. A robust legal framework which eliminates discrimination, ensures rights and promotes access and representation is essential.

Equality

The [Equality Act 2010](#) provides a strong framework to combat discrimination in areas of life such as employment, education, access to goods and services, the exercise of public functions and membership of clubs and associations. As well as the characteristic of sex, the Act covers a number of other characteristics – age, disability, marriage and civil partnership, race, religion or belief, sexual orientation, gender reassignment and pregnancy and maternity. There are also provisions on equal pay between women and men. As well as tackling discrimination, the Act protects people from harassment. [The Equality and Human Rights Commission](#) has statutory powers to promote and enforce the Act.

Equality legislation is largely reserved and the 2010 Act is an Act of the UK Parliament. Exceptions to the equal opportunities reservation allow the Scottish Parliament to legislate on some aspects of how equal opportunities should apply to Scottish public authorities, including the performance of the public sector equality duty. This duty, which is part of the [Equality Act 2010](#), aims to embed an equality dimension into the everyday work of public authorities. In Scotland, we have set a framework to help public authorities improve their performance of the duty – the [Scottish specific duties](#). These help the Scottish Government to deliver on ambitions for a more equal and just Scotland.

The transfer of new powers to Scotland through the [Scotland Act 2016](#), including the ability to legislate to achieve gender balance on the boards of Scottish public authorities, will also help the Scottish Government to secure opportunities to advance equality. [The Gender Representation on Public Boards \(Scotland\) Act](#) received Royal Assent on 9 March 2018.

In addition to anti-discrimination legislation, a range of devolved Scottish legislation supports and advances women's rights, including:

- [the Prohibition of Female Genital Mutilation \(Scotland\) Act 2005](#);
- [the Forced Marriage etc \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#);
- [the Abusive Behaviour and Sexual Harm \(Scotland\) Act 2015](#);
- the [Gender Representation on Public Boards \(Scotland\) Act 2018](#);
- and the [Domestic Abuse \(Scotland\) Act 2018](#).

Human Rights

The [Scotland Act 1998](#), in combination with the [Human Rights Act 1998](#) (HRA), ensures that both Scottish legislation and the actions of public bodies are subject to an overriding requirement to comply with core human rights standards.

Legislation passed by the Scottish Parliament is ‘*not law*’ to the extent that it is incompatible with rights derived from the [European Convention on Human Rights](#). These ‘Convention Rights’ are formally defined in the HRA Scottish legislation can be challenged in the courts and independent judges are able to rule on whether the legislation breaches relevant Convention Rights. Where a court finds that legislation is incompatible, the legislation can be struck down and ceases to have effect. The Scottish Ministers similarly have no power to act in a manner that is incompatible with Convention Rights. Under the HRA it is unlawful for a public body to act incompatibly with the Convention Rights. The actions of both Scottish Ministers and public bodies can be challenged in the Scottish courts.

In addition to these legally-enforceable guarantees, the [Scottish Ministerial Code](#) explicitly reminds all Scottish Ministers of the overarching duty they have, as members of Scotland’s Government, ‘*to comply with the law, including international law and treaty obligations*’. These obligations include those arising through the UN Convention on the Elimination of All Forms of Discrimination Against Women as well as other United Nations and Council of Europe treaties ratified by the UK. The Scottish Government works closely with the UK Government to report on compliance with these treaty obligations as they apply in Scotland. Through contributing to UK state party reports and forming part of UK delegations in Geneva, the Scottish Government communicates Scotland’s distinctive approach internationally.

The Scottish Government’s commitment to giving better and further effect to international human rights obligations drives its ambition to achieve equality, social justice, and sustainable, inclusive growth so that everybody in Scotland can live a life of human dignity. The First Minister’s Advisory Group on Human Rights Leadership has been established to make recommendations, by the end of 2018, on how Scotland can continue to lead by example in human rights.

Policy Framework

The Scottish Government recognises that its actions and policies impact many aspects of people’s lives and public services including health, education, care, safety and wellbeing, access to justice, housing, employment, culture, and economy.

Since it was established in 1999 the Scottish Government has taken a “mainstreaming” approach, seeking to embed consideration of equality across the work of Government in all of those areas that affect people’s day to day lives. The legal framework provided by the public sector equality duty helps to drive this.

The overall approach to gender equality in policy making is co-ordinated through the [Scottish Government's Equality Unit](#). A suite of strategic plans set out the actions being taking to promote equality, including gender equality: [the Fairer Scotland Action Plan](#); [the Race Equality Framework for Scotland](#); [A Fairer Scotland for Disabled People](#); and the refreshed [Equally Safe: Scotland's Strategy to Prevent and Eradicate Violence against Women and Girls](#) and [Equally Safe - A Delivery Plan for Scotland's Strategy to Prevent Violence Against Women and Girls](#).

Since 2013, considerable focus has also been given to reflecting women's position more comprehensively in Scottish Government economic policy and strategies, and to tackling the inequalities which categorise women's interaction with the labour market. The Scottish Government:

- has delivered a *Returner's* programme to assist women to re-enter the workforce following a career break;
- is funding a range of projects tackling the underrepresentation of women in the STEM, finance, security and manufacturing sectors;
- is taking action to increase business start-up rates for women and the number of women in senior positions;
- and women in particular will benefit from increased funding for early learning and childcare.

The Scottish Government has also focussed on action to reduce violence against women and girls, including:

- passing legislation on a new criminal offence of domestic abuse;
- and publishing Scotland's first [National Action Plan](#) to prevent and eradicate female genital mutilation (FGM).

The Scottish Government has also taken action to challenge attitudes that can lead to the harassment, abuse, violence and bullying of women, and continues to call out the misogyny and sexism behind these attitudes. A key component of the [Equally Safe strategy](#), to eradicate violence against women, and girls, is ensuring that the harmful attitudes, acts and behaviours – those that start out, or are laughed off, as 'banter' – are addressed and prevented early.

Whether in the home, at work or in street, there is just no place for sexism or harassment and it should not be tolerated – culturally, socially or legally.

A Partnership Approach

Progress on gender equality in Scotland has been possible because of collaboration with a wide range of partners and because there are dedicated people across communities and sectors who continue to fight for change and improvement.

The Scottish Government continues to champion the [Partnership for Change 50/50 by 2020](#) campaign, encouraging organisations and businesses from the private, third, and public sectors, to make a voluntary commitment to work towards gender balance on their boards by 2020.

The Scottish Government is also leading by example by having one of the very few gender-balanced cabinets anywhere.

Over the next few years, one of the most significant transfers of power since devolution will be the social security powers being devolved through the [Scotland Act 2016](#). The delivery of a new system of social security in Scotland will be a significant undertaking and requires a collaborative work. It will demonstrate how the Scottish Government can do things differently and better, when the levers of change are devolved. The overarching aim is to create a social security system that is based on dignity, fairness and respect: which is there to help and support those who need it, when they need it. It will be a system of which all Scots can be proud. Women's organisations and other equality organisations are working with us to ensure that we get the new systems right.

Scottish Government equalities funding for [national and intermediary](#) bodies enables them to play an important role in the policymaking process by supporting and engaging communities and ensuring their voices are heard. Around £5 million per year has been allocated to this for 2017-20, with gender equality organisations receiving around £1 million per year.

As well as direct work with communities and their organisations, the Scottish Government works in partnership with statutory bodies such as the Equality and Human Rights Commission who are helping us to make progress. For example, the Commission is a key partner in the Scottish Government's approach to tackling pregnancy and maternity discrimination.

Progress

While there is much work still to do there are welcome developments in the drive towards gender equality, such as:

- the Scottish Government has had a gender balanced cabinet since 2014;
- the drop in the full time gender pay gap for Scotland from 18.4% in 1997 to 6.6% in 2017;
- At 1 January 2018, 35 (45.45%) of regulated public boards are balanced, or as balanced as is possible.

The most recent [Scottish Social Attitudes Survey \(2015\)](#) has also shown that the overall trend in Scotland of reducing discriminatory attitudes is continuing.

It's also important to recognise that different groups of women have different experiences and different needs – including older women, ethnic minority women, disabled women and lesbian, bisexual and trans women. Targeted interventions can be very important. For example, as part of the process of implementing Equally Safe the Scottish Government will engage with the [disabled people's panel](#) to identify specific actions to support disabled women and girls who experience gender-based violence.

The [2017-18 Programme for Government \(PfG\)](#) commits the Scottish Government to:

- press on with implementing Fairer Scotland for Disabled People and continue wider work to protect and promote the human rights of disabled people;
- publish and implement a Race Equality Action Plan, setting out key actions to drive forward race equality during this Parliament;
- progress [Gender Representation on Public Boards \(Scotland\) Bill](#) to ensure that women are properly represented on Scotland's public boards;
- confirm the full membership of the Advisory Council on Women and Girls by autumn 2017, to advise on the impact of government policies (Scottish, UK and local) on women and girls, and identify areas where action is needed to bring about positive change;
- work with the [Time for Inclusive Education \(TIE\)](#) campaign to deal with LGBTI bullying, discrimination and prejudice in schools;
- [consult](#) on reforming gender recognition legislation;
- publish the first [National Action Plan on British Sign Language \(BSL\)](#) in October 2017, improving access to information and services;
- implement the socioeconomic duty in the [Equality Act 2010](#);
- providing access to free sanitary products to students in schools, colleges and universities and consider further action to ensure those on low incomes are assisted.

And as the [Race Equality Framework](#) is delivered, the Scottish Government will continue to work collaboratively with stakeholders and to take forward new work around intersectionality, including engagement with both young people and minority ethnic women to make sure their voices are heard.

Gender equality in Scotland will only be achieved through collaboration, significant progress has already been made and the Scottish Government will work hard to ensure this continues.

Scottish Position Statement

While this Scottish position statement cannot be formally submitted to the Committee, it does provide an opportunity for the Scottish Government to demonstrate its commitment to CEDAW, through the showcasing of a wide range of Scottish specific initiatives and policies which are supporting implementation of the Convention.

CEDAW was adopted in 1979 by the UN General Assembly, as such some of the wording of the articles is outdated. The text of each CEDAW Article is included at the start of each section in an italicised text box to provide context.

Some text is duplicated throughout this position statement and some articles have been combined - this is because policies and initiatives are often relevant to multiple articles. While this position statement is as up to date as possible at the time of publication, it is inevitable that it will quickly become out of date. The Scottish Government will endeavor to update this position statement in the lead up to the UN Committee's examination of the UK in 2019.

Article 1: Elimination of discrimination

For the purposes of the present Convention, the term “discrimination against women” shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Equality legislation is largely reserved to the UK Government. The [Equality Act 2010](#) applies across Great Britain and protects people from sex discrimination in areas of their lives such as employment, education, accessing goods and services and membership of clubs and associations.

1.1 Public Sector Equality Duty

The [Equality Act 2010](#) places a duty (generally known as the public sector equality duty or [PSED](#)) on public authorities to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and to foster good relations between people who share a protected characteristic and those who do not. In Scotland, the [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#) require most Scottish public authorities to undertake a range of activities that enable the better performance of the PSED. Those activities include: reporting on mainstreaming equality; setting equality outcomes and reporting on progress; carrying out equality impact assessments; gathering, using and publishing employee information; publishing a gender pay gap and an equal pay statement setting out equal pay policy; and information on occupational segregation.

Scottish Ministers also published proposals in 2013 to help Scottish public authorities to improve performance of the public sector equality duty. The work undertaken has included promoting good practice and knowledge transfer, and improving national and local data and evidence on equality. A review of the effectiveness of the public sector equality duty will be undertaken in 2018, with a view to implementing any changes from April 2019 onwards.

1.2 The Socio-economic Duty

The [Equality Act 2010](#) contained provisions for a duty on some public authorities to have due regard to the promotion of equality for those experiencing socio-economic disadvantage. This Socio-Economic Duty remained un-commenced by the UK Government. However, the power to commence this duty for Scottish public authorities was devolved to the Scottish Parliament in 2016. Following a consultation exercise, Angela Constance, the Cabinet Secretary for Social Security, Communities and Equalities, brought the new duty into force on 1 April 2018, renaming it the Fairer Scotland Duty; signalling more clearly what it was aiming to do.

Interim guidance on the Duty was published in April 2018 and looks to build on existing practice and provide public bodies with some flexibility on how to meet the duty in a three year implementation phase.

1.3 Minority Ethnic Women

In December 2017 the [Race Equality Action Plan](#) was published, setting out key actions for the current parliamentary session to drive positive change for minority ethnic communities. The plan acknowledges that there is a particular disadvantage for women from minority ethnic groups within the labour market. As such the Plan includes an action to: 'work in partnership with key delivery partners to develop and co-ordinate a Minority Ethnic Women's network to develop skills and understanding for women to participate in local and national decision making processes.'

The [Race Equality Framework for Scotland \(REF\)](#), published in March 2016, was developed to advance race equality and address the barriers that prevent people from minority ethnic communities realising their potential.

The [Race Equality Framework Implementation Approach](#), published in February 2017, looks at how the Framework can remain responsive and flexible to accommodate new evidence and change in the demographic and policy environments.

Intersectionality is a key principle underpinning the Framework. In summer 2016, the Scottish Government held a series of intersectional engagement activities, which specifically included stakeholders that represented disabled and older people, giving these groups the opportunity to discuss the delivery of and future actions in the Framework.

Throughout 2017 a series of Framework-themed roundtables have been held, involving policy officials and key experts from a range of statutory and third sector organisations and from academia.

1.4 Support for Gypsy/Travellers

The Scottish Government recognises that Gypsy/Traveller communities are among the most discriminated against in Scotland and is committed to tackling all forms of discrimination and promoting a multi-cultural society based on mutual trust, respect and understanding.

The Scottish Government has allocated over £300,000 from the Equality Fund to organisations working with Gypsy/Traveller and Roma communities in 2017-18. A [Race Equality Action Plan](#) was published in December 2017 that includes specific Scottish Government led activities for Gypsy/Travellers. Furthermore, a Ministerial Working Group, chaired by the Cabinet Secretary for Communities, Social Security and Equalities, has been established with membership including Ministers for: Local Government and Housing, Childcare and Early Years; Employability and Training and Public Health and Sport.

The Working Group will determine priorities for action and drive forward the changes required to start making improvements for Gypsy/Travellers across a range of issues in 2018.

Policy information on Gypsy/Travellers is published on the Scottish Government's Equality [webpage](#).

1.5 LGBTI

The Scottish Government is considered to be one of the most progressive countries in Europe regarding LGBTI equality and has a very clear position on promoting LGBTI rights. For example, the Scottish Government made provision through the [Marriage and Civil Partnership \(Scotland\) Act 2014](#) for same sex couples to marry, uses an inclusive definition of gender identity in its hate crime legislation, and added intersex equality to its approach to sexual orientation and gender identity equality and now uses the acronym LGBTI to support the inclusion of intersex people in Scotland.

In order to continue to progress LGBTI equality, the Scottish Government committed in Action 13 of its [Fairer Scotland Action Plan](#) to “review and reform gender recognition law so it’s in line with international best practice for people who are transgender or intersex”.

A consultation on the [Gender Recognition Act 2004](#) was opened 9 November 2017 and closed on 1 March 2018, this consultation sought views on whether and how the Gender Recognition Act 2004 should be amended in relation to the law in Scotland. The Scottish Government will use the views expressed in response to this consultation to help inform the Government’s decisions about further action.

Because people with intersex variations face issues that are distinct from those experienced by transgender people the Scottish Government will consult separately on this and seek views about how we should address the issues experienced by intersex people/people with variations of sex characteristics.

The Scottish Government has added intersex equality to its approach to sexual orientation and gender identity equality, and has provided £45,000 each year since 2015-16 to the [Equality Network](#) to facilitate engagement.


1.6 Disabled Women

[A Fairer Scotland for Disabled People - Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities](#) was published in December 2016.

A Fairer Scotland for Disabled People has five long-term ambitions aimed at changing the lives of disabled people in Scotland and ensuring that their human rights are realised. The plan sets out 93 actions which will be taken forward during the current parliamentary term, and includes halving the employment gap for disabled people; setting a target to increase the percentage of disabled people in the public sector workforce; and increasing supply of wheelchair accessible housing.

1.7 A Gender Index for Scotland

An action identified in the [Fairer Scotland Action Plan](#), published in October 2016, was to develop a Gender Index to track progress of indicators relevant to economic growth and across national and local areas. The Scottish Gender Index should enable the Scottish Government to draw out differences in gender equality and barriers to women’s progress. This will provide insight on where specific problems or barriers may need to be addressed in order to accelerate progress on gender equality and the reduction of the gender pay gap.



A [Gender Index Working Paper](#) was published in September 2017, which describes the process that the Scottish Government has followed to date to explore producing a Gender Index that brings together a range of indicators on inequalities facing both women and men in Scotland. The Scottish Government is working with stakeholders to develop the Gender Index into a robust and meaningful dataset.

1.8 Non-Governmental Organisations

The Scottish Government is committed to engagement with the third sector and community based organisations to ensure women's voices are heard.

The Scottish Government provides funding of almost £1.2 million from the Equality budget to organisations and projects that promote equality of opportunity for women in Scotland including - [Engender](#), [the Scottish Women's Convention](#), [Close the Gap](#), [Equate Scotland](#), [the Glasgow Women's Library](#); [Workers Education Association \(WEA\)](#) [Women in the Highlands](#) and the [Young Women's Movement \(YWCA\)](#).

Funding under the Equality Budget has been confirmed for 2017-19, and indicative amounts for 2019-20 have been provided. Final figures to be confirmed once the Equality Budget has been set for 2019-20 financial year.

Article 2: Obligations to eliminate discrimination

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;
- (d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;
- (e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;
- (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;
- (g) To repeal all national penal provisions which constitute discrimination against women.

The Scottish Government is committed to taking all appropriate and practicable measures to eliminate discrimination against women and girls.

2.1 Removal of fees for employment tribunals

The Scottish Government is pleased that the UK Supreme Court has ruled employment tribunal fees to be unlawful. The Scottish Government will continue to work with stakeholders, to ensure that the new employment tribunal system in Scotland provides access to justice and contributes to the Scottish Government's vision for Fair Work to be embedded in all workplaces in Scotland. This will help ensure that all women can challenge discrimination in the workplace and access justice.

In line with commitments in both the [Labour Market Strategy](#) and the [2016 Programme for Government](#) (PfG), an Employment Tribunals Stakeholders' Forum has been established, which will help frame how the Scottish Government can best use our new powers around employment tribunals to ensure that any new system in Scotland, based on the abolition of fees, will meet the needs of employees, businesses and society.

2.2 Women Offenders

Following a period of consultation in 2015, the Scottish Government [announced](#) the decision to build a new national prison for women on the current site of HMP & YOI Cornton Vale and up to five small community based custodial units across Scotland. All aspects of the custodial estate will be run and managed by the Scottish Prison Service but services will be delivered through multi-disciplinary teams working together to provide a consistent and holistic approach to the management of women who are held in custody and, importantly, linking them to the services they will need on their release back into the community.

Healthcare services in custody are provided by NHSScotland, and NHS standards for health care provision, including primary care, apply within the prison setting. The Scottish Government expects health boards to act appropriately to meet these standards.

Article 3: Development and advancement of women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4: Special measures to accelerate equality

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.
2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

4.1 The First Ministers National Advisory Council on Women and Girls

An [Advisory Council on Women and Girls](#) has been established to help drive forward action to tackle gender inequality. The role of the Advisory Council is to raise awareness of gender inequality; to act as a champion for positive progress and policies, and to provide effective challenge and be a catalyst for change where progress simply isn't good enough. The council is chaired by Louise Macdonald OBE, Chief Executive of [Young Scot](#) and has members from the third sector, government and business – including three members aged under 20 years old.

The Council will have a key leadership role in raising our awareness as a nation of gender inequality and the wide range of related issues experienced by women and girls in Scotland today.

- Act as a champion for positive progress and policies where these are making a meaningful difference to women and girls' lives; and encouraging Scotland to build on any success to become a beacon for gender equality;
- Act as a catalyst for change by providing a challenging voice to the First Minister and her government, and to actors in wider society, particularly where there are gaps in the work being undertaken to address gender inequality or where progress and policies are not effecting real change.

The Council first met on 6 December 2017 and again on 6 March 2018.

4.2 Funding for organisations focused on tackling gender inequality

The Scottish Government is committed to creating a modern, inclusive Scotland which protects, respects and realises internationally recognised human rights. The Scottish Government provides funding to a variety of organisations and projects that promote equality of opportunity for women and men in Scotland, this includes almost £1.2 million from the Equality budget to support a range of organisations focused on tackling gender inequality. Similar amounts will be invested in 2018-2020.

4.3 Gender Representation on Public Boards (Scotland) Act 2018

Using new powers transferred to the Scottish Parliament through the [Scotland Act 2016](#), the Scottish Government committed to bring forward legislation to improve the representation of women on the boards of public bodies in Scotland.

The [Gender Representation on Public Boards \(Scotland\) Act 2018](#) was introduced on 15 June 2017. The Bill sets a gender representation objective for a public board that it has 50% of non-executive members who are women.

The Bill received good cross-party support with the exception of the Scottish Conservatives who voted against the general principles of the Bill at stage 1.

The [Gender Representation on Public Boards \(Scotland\) Act 2018](#) received Royal Assent on 9 March 2018.

4.4 Celebrating the Centenary of Women's Suffrage

The Representation of the People Act 1918 extended the vote to some women in the United Kingdom for the first time. In the same year, the Parliament (Qualification of Women) Act allowed women to stand for election to become a Member of Parliament.

The centenary is an opportunity to remember and pay tribute to the individual women whose actions through the suffrage movement and to the war effort in 1914-18, eventually made Parliament take heed and grant at least some women the vote. It would, of course, take another 10 years and the passing of the Equal Franchise Act 1928 for women to be granted the vote on same terms as men.

On 6 February 2018 the First Minister [announced](#) that £500,000 has been made available to celebrate and commemorate the passing of the Representation of the People Act 1918 and to look forward to the future and how we can best support women's political participation here and now.

Article 5: Sex roles and stereotyping

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

5.1 Role of the Media

The Royal Charter on Self-Regulation of the Press was agreed by the Scottish and UK Governments, and was unanimously passed in the Scottish Parliament and by all the major parties at Westminster. The Royal Charter puts in place a process to implement the recommendations of the [Leveson Report](#). This process is ongoing.

Implementation of the principles of the Leveson Report is expected by Parliament and by the public. The Scottish Government is engaging with UK Government counterparts on the implementation of the Royal Charter and is aware of the current state of play with regards to the establishment of independent self-regulators. The Scottish Government is happy to engage with the Scottish press and other stakeholders on independent self-regulation and will base any further action on the progress made towards the implementation of the principles put forward in the Leveson Report.

In addition, the Scottish Government's [Equally Safe delivery plan](#), published in November 2017, which sets out actions to prevent and eradicate violence against women and girls, contains a commitment to 'convene organisations from a range of sectors to explore the role of the media in preventing violence against women and girls, and identify further steps that could be taken in this area.'

5.2 Equalities Action Plan for Modern Apprenticeships

In response to [Developing the Young Workforce \(DYW\) recommendations](#), [Skills Development Scotland \(SDS\)](#) published its [Equalities Action Plan for Modern Apprenticeships in Scotland](#) on 2 December 2015.

SDS's Equalities Action Plan for Modern Apprenticeships includes activity to address gender imbalance within some MA occupational frameworks (e.g. females in STEM related apprenticeships). Initial activity included the Construction Industry Training Board (CiTB) Positive Action on Recruitment which raised the awareness of non-traditional careers in construction. A number of similar approaches are being undertaken by SDS contracted providers to

enhance recruitment into non-traditional apprenticeships and providers are monitored upon the action they take to encourage more diverse recruitment.

- The Institute of Physics Improving Gender Balance project has been supported by the Scottish Government, Education Scotland and Skills Development Scotland over the past three years. The project aims to develop a national approach to challenging gender stereotyping in the delivery of all school subjects. In line with the Government's STEM Strategy, we intend to embed good practice from this project across all schools by 2022.
- A grant of £40,000 between Sept 2016 and August 2017 was awarded to [Equate](#) by SDS to develop a model of mentoring for young women undertaking apprenticeships in occupationally segregated industries that optimises their chances of success. This project has been extended to create a legacy that can be disseminated through all SDS contracted training providers and Scottish employers, showcasing effective practice in relation to how employers can work with young women apprentices in non-traditional sectors, supporting them to succeed in their chosen occupation.
- SDS are working in conjunction with the [Scottish Apprenticeship Advisory Board \(SAAB\)](#) to develop a suite of inclusive recruitment practises that are easily accessible and promote recruitment of protected characteristics groups and addressing gender imbalance. This includes showcasing and signposting support for employers on how to take positive action in recruitment in relation to how they market, undertake selection processes, and support young women in the workplace where they are in the minority.
- SDS have a specific project as part of their ICT Skills Investment Plan to take positive action in recruitment for ICT frameworks.
- SDS continue to take positive action in their marketing regarding apprentices with over 70% of images being female and many challenging traditional "male" orientated occupations in STEM apprenticeship frameworks (eg. construction, engineering).

SDS published the [first annual MA Equality Action Plan review](#) on Tuesday 18 July 2017.

The Scottish Government remains committed to working in partnership to address underrepresentation of women in STEM courses and careers. Tackling gender stereotyping in STEM at school and spreading best practice is an area of significant priority and features within the Government's [STEM Strategy](#) which was published in October 2017. The Scottish Government's STEM Strategy offers a comprehensive plan to improve STEM learning and teaching in the school curriculum. This will be achieved through enhanced professional learning and a new network of STEM specialist advisers.

5.3 Equally Safe

The Scottish Government is implementing [Equally Safe Scotland's strategy to tackle all forms of violence against women and girls](#). The Scottish Government wants every child and young person in Scotland to develop mutually respectful, responsible and confident relationships with other children, young people and adults.

In 2014 updated [guidance](#) for teachers on relationships, sexual health and parenthood education (RSHP) was published – it encourages equality and mutual respect from an early age and will support teachers to deal with issues such as misogyny in schools. It was developed by the Scottish Government and [The Convention of Scottish Local Authorities \(COSLA\)](#) in association with a wide range of partners from public and third sector organisations. Central to the Scottish Government approach is primary prevention of violence against women, which seeks to change attitudes and tackle inequality. This primary prevention approach seeks to change societal attitudes, values and the structures which produce inequality.

RSHP education is an integral part of the health and wellbeing area of the school curriculum in Scotland. The curriculum is not statutory and it is for local authorities and schools to decide how to deliver the curriculum based on local needs and circumstances. The Scottish Government has provided funding of £1.85 million to [Rape Crisis Scotland](#) from, the justice budget, this includes support to deliver their sexual prevention work in schools and funding [Zero Tolerance](#) and Rape Crisis Scotland to pilot a whole schools approach to tackling gender based violence.

5.4 Women's Sector

The Scottish Government provides funding to a number of organisations that work to challenge stereotypes and elimination of prejudices such as: [Engender](#), [Zero Tolerance](#) and the [Young Women's Movement \(YWCA\)](#).

Article 6: Exploitation of women

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

6.1 Human Trafficking

The Scottish Government held a [Human Trafficking Summit](#) in October 2012, which led to the development of the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#). Among other things, the Act consolidates and strengthens criminal law against human trafficking and exploitation. The offences in the Act now carry a maximum sentence of life imprisonment. It also introduces trafficking and exploitation prevention and risk orders. The Act also takes forward improved protection for victims, through the Lord Advocate's instructions on the presumption against the prosecution of victims of trafficking and exploitation in certain circumstances, and by placing a duty on Scottish Ministers to provide support and assistance for adult victims of human trafficking. The first provisions came into force on 31 May 2016 and most of the provisions are now in force.

Children are supported through the child protection system and eligible children are given the additional support of an independent child trafficking guardian. The 2015 Act also requires the Scottish Government to develop a [Trafficking and Exploitation Strategy](#), and this was published in May 2017. The Strategy sets out a range of actions and outcomes to be achieved grouped into three broad areas: supporting victims of trafficking, tackling perpetrators, and addressing the conditions which foster trafficking. A range of activity is now underway to implement the Strategy, and Ministers will update Parliament on its progress on a yearly basis. The Strategy will be reviewed every three years.

6.2 Legislation

The [Victims and Witnesses \(Scotland\) Act 2014](#) obliges Police Scotland to direct victims of crime towards the [Victims' Code for Scotland](#), which contains information about compensation and is available in a number of languages. In addition, victim support organisations routinely assist victims in understanding the support that may be available. In Scotland, the position of victims of trafficking in criminal proceedings and their access to legal aid is no different to that of other victims of crime with an interest in a criminal case. Access to legal aid on some human trafficking matters is not contingent on formal recognition of victim status. Beyond the provision of legal aid, assistance can be provided through grant funding programmes. An assessment of the provision of legal aid to victims of trafficking was recently carried out by the Scottish Legal Aid Board (SLAB).

In October 2015 the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) was passed, which consolidates and strengthens criminal law against human trafficking and exploitation. The 2015 Act requires the development of a Trafficking and Exploitation Strategy, which was laid before the Scottish Parliament on 30 May 2017 and will be reviewed every three years.

The Scottish Government introduced the [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) this Act created a specific offence of sharing private intimate images without consent (commonly known as 'revenge porn'), with a maximum penalty of five years' imprisonment, which came into force on 3 July 2017. The Act also includes a new statutory domestic abuse aggravator to ensure courts take domestic abuse into account when sentencing an offender and statutory jury directions for certain sexual offence cases.

In March 2017, the [Domestic Abuse \(Scotland\) Act 2018](#) was introduced to Parliament. This creates a specific offence of domestic abuse that will cover not just physical abuse but also other forms of psychological abuse and coercive and controlling behaviour that cannot easily be prosecuted using the existing criminal law. The bill passed stage 3 on 1 February 2018 and received Royal Assent on 9 March 2018.

6.3 Prostitution

The Scottish Government's Justice Directorate commissioned a [national scoping exercise](#) of advocacy services relating to the criminal justice system for victims of violence against women and girls. The exercise included advocacy services for victims of domestic abuse, prostitution, human trafficking, rape and sexual assault, and advocacy services available for children and for men where these may have an impact on women's services.

On 24 November 2017, the Scottish Government published a [delivery plan](#) to implement Equally Safe, Scotland's strategy to prevent and eradicate all forms of violence against women and girls, including commercial sexual exploitation. This includes a commitment to establish a multi-agency group to strengthen collective efforts to tackle commercial sexual exploitation.

The focus is on a prevention and reduction of harm. The Scottish Government continues to work with both the [Challenge Demand Project](#), which raises the awareness of commercial sexual exploitation, and the [Women's Support Project](#) to build capacity to deliver this across organisations.

Article 7: Political and public life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof, and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organisations and associations concerned with the public and political life of the country.

Article 8: Women as international representatives

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organisations.

8.1 Women's Representation in Political and Public Life

Scotland is one of the few countries in the world to have a gender balanced cabinet. This has been the case since 2014.

The Scottish Parliament, which is just over a third female, has better gender representation than the UK, however there is still work to be done to achieve a gender balanced parliament. 35% of members in the Scottish Parliament are women and 29% of councillors are women. 59% of ministerial public appointments made in Scotland in 2016 were women.

8.2 Access to Elected Office Fund

The Scottish Government is determined to increase the representation of disabled people in our democratic institutions: the Access to Elected Office Fund Scotland that supported candidates for local authority elections in May 2017 where 15 disabled candidates were successful, of which seven are women. This Fund will remain in place until the Scottish Parliament elections in 2021. The fund helps to meet the additional costs disabled people face when seeking election.

8.3 Gender Representation on Public Boards (Scotland) Act 2018

The Scottish Government introduced the [Gender Representation on Public Boards \(Scotland\) Act 2018](#) on 15 June 2017. The Bill sets a “gender representation objective” for public boards in Scotland that 50% of the board’s non-executive members are women, and requires certain steps to be taken in the appointing of non-executive members to achieve the objective. The Bill also requires steps to be taken to encourage women to apply to become a non-executive member of a public board.

The bill passed stage 3 on 30 January 2018 and received Royal Assent on 9 March 2018.

8.4 Partnership for Change

The Scottish Government does not have power to legislate in relation to women's representation on private company or third sector boards. In June 2015 the First Minister launched the Partnership for Change: 50/50 by 2020 campaign. This campaign asked the private sector, public sector and third sector to commit to making progress on gender balance by putting in place progressive practices in their business and signing up to the 'Partnership for Change' by setting a voluntary commitment to work towards gender balance on their boards by 2020 – 50/50 by 2020.

As of April 2018 there are 217 signatories to the Partnership for Change.

8.5 Electoral Reform

Under the [Scotland Act 2016](#) the Scottish Parliament and Government have new powers and responsibilities relating to elections to the Scottish Parliament. These complement their existing responsibilities for local government elections.

The Scottish Government is committed to increasing participation in elections, both in terms of voter turnout and encouraging citizens to stand for election. Democratic participation challenges the inequalities of power and influence that exist in society. We need an electoral system that supports and empowers the engagement of the Scottish people in their own elections.

The Scottish Government launched its Electoral Reform [consultation](#) ran between 19 December 2017 and 29 March 2018. It is the first step towards these reforms and includes a number of suggestions as to how the new powers could be used. The Scottish Government will use the results of this consultation process to develop policy proposals that may be taken forward in future legislation.

We know that, at both local and national levels, the diversity of Scotland's population is not properly reflected in structures of governance. The Scottish Government believes that fair, proportionate representation at both local and national levels is essential to achieving equality. It is important that those individuals and communities who are at greatest risk of lower representation are enabled to contribute to decision making, in order to reach relevant solutions and build capacity and wellbeing.

The consultation asked for other actions that the Scottish Government could take to widen access to, and remove barriers to voting an elected office and best support gender balance in those elected as MSPs or local councillors.

8.6 Gender Balanced Cabinet

In 2014 the First Minister appointed a gender balanced cabinet, after pledging to put equality at the heart of government. There has been a gender balanced cabinet in Scotland since. The First Minister has said that this is a clear demonstration the Scottish Government will work hard in all areas to promote women, to create gender equality and it sends out a strong message that the business of redressing the gender balance in public life starts in government.

Article 9: Nationality

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure, in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.
2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

9.1 New Scots strategy


The Scottish Government believes that asylum seekers must be treated fairly and with dignity and respect at all stages of the asylum process. The approach that integration should begin from day one, and not just when leave to remain has been granted, is reflected in the [New Scots Refugee Integration Strategy 2018 - 2022](#). The strategy assists in co-ordinating the work of the Scottish Government, its partner organisations and others in the public, private and third sectors. It is led by the Scottish Government, [The Convention of Scottish Local Authorities \(COSLA\)](#) and the [Scottish Refugee Council](#). Engagement to develop the strategy took place over Summer 2017 and involved professionals and volunteers supporting refugees, our communities, and crucially refugees and asylum seekers themselves.

New Scots recognises that refugee and asylum seeking women can face particular challenges which limit or prevent their integration. The strategy has committed to ensuring that the particular needs of women refugees and asylum seekers are better understood, and that appropriate action is taken to enable their participation in the work of New Scots.

NHSScotland provides health services to all asylum seekers in Scotland, including those whose claims have been refused, and asylum seekers in Scotland have access to legal services and legal aid to enable them to pursue their cases. Furthermore, the Scottish Government believes that asylum seekers should be able to work while their claims are under consideration.

9.2 Scottish Guardianship Service (SGS)

The Scottish Government part-funded the establishment of the [Scottish Guardianship Service](#) (SGS) in 2010 to offer local authorities specific support with issues affecting unaccompanied children. The SGS has enabled separated children to learn about the welfare and immigration processes directly, making the information relevant to their specific circumstances. The Scottish Government currently provides £300,000 grant aid per year to the SGS, which has enabled the provision of assistance, support and representation to over 200 unaccompanied asylum seeking children since the service started.



Under the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#), the independent child trafficking guardian has been put on a statutory footing. A child's eligibility for this service will be where there is reason to believe that the child has been subject to trafficking or is at risk of trafficking, and where there is no one with parental rights and responsibilities for that child. The Scottish Government will consult on the role of the Independent Child Trafficking Guardians (ICTG) in 2018.

Refugees are entitled to be reunited with certain family members who remain abroad, and the Scottish Government believes that the process should be made easier and quicker. Scottish Ministers have pressed the UK Government on issues such as 30 day visas and the extension of eligibility criteria.

The Scottish Government welcomed the Scottish Parliament's Equalities and Human Rights Committee's (EHRiC) report, [Hidden Lives – New Beginnings: Destitution, asylum and insecure immigration status in Scotland](#). The report recommends that the scope of the Destitute Domestic Violence Concession should be extended to cover all women with insecure immigration status, including asylum seekers.

Article 10: Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

- (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural, as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;
- (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;
- (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;
- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and wellbeing of families, including information and advice on family planning.

10.1 Relationships, Sexual Health and Parenthood Education

The Scottish Government published updated [guidance](#) for teachers on RSHP education in 2014. The guidance encourages equality and mutual respect from an early age and will support teachers to deal with issues such as misogyny in schools. The Scottish Government also provides funding for Rape Crisis Scotland from the justice budget, which includes support to deliver their [sexual violence prevention work in schools](#).

The Scottish Government is committed, through the [Mental Health Strategy](#) published in March 2017, to undertaking a national review of personal and social education and the role of guidance in local authority schools, and also a review of services for counselling and their evidence base for children and young people.

A partnership group of health boards and local authorities, led by NHS Greater Glasgow and Clyde, have commissioned an independent consultancy to deliver a new RSHP web-based teaching resource for 3-18 year olds in line with the [Curriculum for Excellence](#) and other national policy guidance.

10.2 STEM – Science, Technology, Engineering and Mathematics

The Scottish Government has set out how it will tackle gender imbalances and promote equality of access in relation to subject and career choices through [Developing the Young Workforce](#), Scotland's Youth Employment Strategy; the [Modern Apprenticeship Equality Action Plan](#) and Scottish Funding Council [Gender Action Plan](#) for colleges and universities.

The Scottish Government is also working to improve women and girls' representation in STEM.

Women and girls are underrepresented in STEM subjects and careers, as part of the [Developing the Young Workforce](#) to address this underrepresentation:

- the Institute of Physics is supporting two Project Officers who are working with Education Scotland on a project to improve gender balance in STEM
- the [CareerWISE programme](#) has been developed through [Equate Scotland](#) so that female undergraduates have the opportunity to take part in STEM work experience placements

In addition, the Scottish Government published a [STEM Strategy](#) in October 2017. The Strategy offers an ambitious and comprehensive plan to drive forward improvements in STEM across the education and training landscape. The Strategy includes new measures to tackle inequality and inequity, including gender stereotypes, in STEM learning and careers.

10.3 Modern Apprenticeships

[Skills Development Scotland \(SDS\)](#) published its [Equalities Action Plan for Modern Apprenticeships in Scotland](#) on 2 December 2015. It outlines the actions that SDS and its partners will take to improve underrepresented groups' participation in the Modern Apprentice (MA) programme. The plan includes activity to address gender imbalance within some MA occupation frameworks (e.g. females in STEM related apprenticeships). Initial activity included the Construction Industry Training Board (CiTB) Positive Action on Recruitment which raised the awareness of non-traditional careers in construction; Year 1 funding (£180,000 2015/16) to the Institute of Physics (IoP) to support the Improving Gender Balance (IGB) Scotland pilot project. This pilot focused on challenging gender stereotypes in STEM subject areas.

On 25 August 2017 the Scottish Government launched a [consultation](#) on the future of the national concessionary travel scheme. The consultation sought views on options to safeguard the longer term sustainability of the existing free bus travel scheme and on providing free bus travel to young modern apprentices to support their travel costs. The consultation closed on 17 November with close to 3,000 responses. This is a considerable response and the views expressed are being carefully considered. No decisions have been taken yet about possible changes to the scheme but Ministers have given assurances that anyone who already enjoys a concessionary bus pass will continue to keep it.

10.4 Education and international development

Since 2013 the Scottish Government has provided funding to the [Women's Scholarship Programme](#). This programme has already provided £670,000 funding to benefit 3,400 Pakistani women and children from disadvantaged backgrounds. The programme supports children to stay in school by paying for education essentials including books, uniform and transport. It also allows women to study Masters courses in education, health, food security and agriculture, and sustainable energy.

In August 2017 it was announced that a further £650,000 would be given to the successful programme. The funding will be split among 400 women (200 each year) and about 2,000 school children (1,000 each year). Forty per cent of the scholarships will be awarded to children with disabilities and those belonging to minority groups.

10.5 Tackling bullying in schools

The Scottish Government is committed to refreshing [the National Approach to Anti-Bullying for Scotland's Children and Young People](#) to ensure that it remains current. [Respect for All: National Approach to Anti-Bullying for Scotland's Children and Young People](#), aims to provide an overarching framework and context for all anti-bullying work that is undertaken in Scotland. The purpose of Respect for All is to ensure that all sectors and communities are consistently and coherently contributing to a holistic approach to anti-bullying regardless of the type of bullying - it will help everyone involved in the lives of children and young people to identify and address bullying, including racist, homophobic and abusive behaviour, whether it happens online or offline. The Scottish Government will continue to fund [respectme](#), a national anti-bullying service, to build confidence and capacity to address all types of bullying effectively.

Article 11: Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:
 - (a) The right to work as an inalienable right of all human beings;
 - (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
 - (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service, and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
 - (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;
 - (e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;
 - (f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.
2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:
 - (a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;
 - (b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;
 - (c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;
 - (d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.
3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

11.1 Living Wage

The Scottish Government actively promotes payment of the real Living Wage of £8.75 per hour, which is paid to all of its employees who are 18 years old and over.

The Scottish Government has long championed payment of the Living Wage and the real benefits to Scotland's economy of treating people more fairly. It has demonstrated its commitment by becoming an [Accredited Living Wage Employer](#) and by reaching our challenging target of over 1,000 Accredited Living Wage employers by autumn 2017.

The Scottish Government is using all the powers at its disposal to promote fair pay and conditions, and continues to encourage every organisation, regardless of size, sector or location, to ensure that all members of staff receive a fair level of pay.

The Scottish Government committed to paying the Living Wage to adult social care workers from 1 October 2016, and has been working closely with health and social care partnerships and providers to make delivery successful. This is an ambitious commitment, which will allow councils to commission adult social care from the independent and voluntary sectors on the basis that care workers are paid the real Living Wage, giving up to 40,000 people, mainly women, doing some of the most valuable work in Scotland a well-deserved pay rise.

Fair pay is also at the heart of the planned expansion of early years and childcare to 1,140 hours in 2020. The Scottish Government will enable payment of the Living Wage to all childcare staff delivering the funded entitlement by 2020.

11.2 Public Sector Pay

In December 2017 the Scottish Government published [Public Sector Pay Policy for 2018-19](#) for devolved public bodies demonstrates a progressive approach to pay. It is designed to support the economy, tackle inequality and demonstrate commitment to investing in our high quality services for all. Women are highly represented in the public sector workforce.

The Pay Policy is underpinned by commitment to the real Living Wage and to lifting the 1% public sector pay cap. As part of the package to secure support for the Budget Bill, the Scottish Government has raised the threshold of the guaranteed 3% pay increase from £30,000 to £36,500. This decision means that the guaranteed 3% pay increase now has the potential to benefit 75% of our public sector workforce.

It will now provide for an increase of up to 2% on the cost of baseline salaries of those earning between £36,500 and £80,000.

A basic pay increase of up to £1,600 for those earning over £80,000 – recognising there is a need for the most senior leaders in the public sector to take a lead in demonstrating restraint in their pay settlements. This Pay Policy now goes further on delivering a fair deal for public sector workers. It goes further to support those on lower incomes and balances the need to protect

public sector jobs and services while delivering value for money for the people of Scotland.

Significantly the Pay Policy increases the opportunity to use savings (up to 1% of paybill) to address inequalities (gender pay gaps, equal pay issues, etc.)

11.3 Employment Rate

As of March 2018 compared to the UK, Scotland has a higher female employment rate (71.5% vs. 70.9%), a lower female unemployment rate (3.8% vs. 4.4%) and a lower female inactivity rate (25.6% vs. 25.7%).

11.4 Gender Pay Gap

In Scotland, the gender pay gap for full-time employees decreased from 7.7% in 2015 to 6.6% in 2017. This is below the UK wide gender pay gap of 9.1%. The full-time pay gap is down from 11.9% in 2007 and 16.7% in 1999. The official measure of the gender pay gap is median hourly earnings excluding overtime for full-time workers. Stakeholders also use the mean and others use the respective median and mean for all workers.

There are many drivers of the gender pay gap and no one solution to closing it. The Scottish Government has committed to undertake a scoping exercise to determine the feasibility of having a coordinated cross Government action plan aligned to the Labour Market Strategy. The second session of a working group to take this action forward has taken place with stakeholders such as Close the Gap and Engender taking part.

In February 2016, the Scottish Government reduced the threshold for listed public authorities to report their gender pay gap and publish statements on equal pay and occupational segregation, from those with more than 150 employees to those with more than 20 employees. The Scottish Government are providing funding of £205,000 to Close the Gap for July 2017 - June 2018 to challenge and change employment practices and workplace cultures to support gender equality and close the pay gap.

11.5 Women in Enterprise

In Scotland the [Women in Enterprise Action Framework](#) was launched on 4 March, it is being led by partners from all sectors to deliver actions. A refresh of the Framework, was [published](#) on 31 August 2017, identifying priority areas of action and how best these actions can be collaboratively supported. The Scottish Government is doubling the overall support from £200,000 in 2016/17 to £400,000 in 2017/18 into actions delivered through the [Women in Enterprise Action Framework](#). At least three projects are sharing the funding:

[Women's Enterprise Ambassadors Project](#). The programme provides a public platform for case studies and good practice examples of women on the enterprise journey. This year, ten new Ambassadors will be recruited and trained, and their business case studies and personal stories will achieve significant reach.

[Investing Women's Catalyst Programme](#). Investing Women are a Scottish social enterprise which supports women-led businesses. Their Catalyst education programme aims to increase the investment-readiness of women-led businesses and to educate and encourage successful businesswomen towards investing. Through workshops, conferences and other platforms, over 1,000 participants have engaged in the programme; creating a positive impact and a healthy return on investment.

Business Women Scotland's delivery of the #BWSLiveEvents programme which informs women about the support landscape for female entrepreneurs and encourages women to network and gain confidence to grow their businesses.

11.6 Improving access to employment for women with disabilities

On 2 December 2016 the Minister for Social Security launched [A Fairer Scotland for Disabled People: Our Delivery Plan to 2021 for the United Nations Convention on the Rights of Persons with Disabilities](#). The plan represents the culmination of over two years of detailed discussion, negotiation and co-production with disabled people's organisations and with individual disabled people. Implementation of the plan is now under way across Government and our partnership with the sector will continue as we drive forward the specific actions which have been identified. Specific actions in the plan include:

- Piloting a work experience scheme specifically for young disabled people;
- Actively promoting the Department for Work and Pensions' Access to Work scheme to employers and disabled people to ensure a higher uptake and use of the scheme in Scotland;
- Explore innovative ways of integrating health, disability and employment support in Scotland;
- Supporting disabled young people through the [Developing the Young Workforce Scotland's Youth Employment Strategy](#);
- Removing the barriers that have previously prevented young disabled people entering Modern Apprenticeships (MA), through the implementation of [The Equalities Action Plan for Modern Apprenticeships in Scotland](#);
- Provide young disabled people with the highest level of Modern Apprenticeship funding;
- Publishing information on equal pay policy and occupational segregation for disabled people;
- Delivering a disability internship programme;
- Holding a major congress on Disability, Employment and the Workplace.

11.7 Improving access to employment for Minority Ethnic Women

The Scottish Government is determined to advance race equality and are taking forward a range of actions to tackle the causes of the pay gaps. This includes implementing the [Developing the Young Workforce Scotland's Youth Employment Strategy](#) recommendations, increasing flexible childcare provision; promotion of the living wage, and launching the [Workplace Equalities Fund](#). This aim of this £500,000 fund is to address long standing barriers in accessing the labour market and reducing employment inequalities so that everyone – irrespective of gender, race, age or disability – has the opportunity to fulfil their potential.

Individuals from different ethnic backgrounds enrich Scotland socially, culturally and economically. The Scottish Government is committed to doing all it can to address the barriers that prevent people from minority ethnic communities from realising their true potential and accessing employment. One project under the Scottish Government Returner's Fund that specifically supports black and minority ethnic women into the manufacturing sector workforce.

Furthermore the Scottish Government acknowledges that refugees are particularly vulnerable, hard to reach and face additional barriers to employment. We are therefore committed to enhancing the employability and skills of refugees and migrants through various measures such as our New Scots integration strategy, of which a refreshed second version was launched on 10 January 2018; the [Welcoming Our Learners, Scotland's ESOL Strategy](#); and funding for recognition of overseas qualifications, and a skills and learning pilot project being led by a key stakeholder group and carried out over two phases.

Ethnic Minority Women's Network

An ethnic minority women's network has been established, with support from the [Council of Ethnic Minority Voluntary Sector Organisations \(CEMVO\)](#) with events being held in 2017 to link into the Race Equality Framework (REF) actions. The first event was held on 22 February 2017 with over 90 women attending. As well as looking at the vision, purpose and structure of the network, employability issues were discussed which will feed into the on-going implementation of the Framework. Further events were held on 22 May 2017 and 20 September 2017, with the latter of these focusing on violence against women.

Feedback from this event was used to inform development of employment actions in the Race Equality Action Plan, which was published in December 2017.

11.8 Family Friendly Working

The Scottish Government awarded £169,000 funding to the [Family Friendly Working Scotland Partnership](#) for 2017-18, working in partnership with Working Families (a leading UK work-life balance organisation), [Parenting Across Scotland](#) and [Fathers Network Scotland](#) to support and promote the development of family-friendly workplaces across Scotland.

On 7 September 2017, the Scottish Government delivered a key commitment of the [Fairer Scotland Action Plan](#) and launched the [Flexible Jobs Index Scotland](#). [Timewise](#) were commissioned to produce the Index, which analysed the flexible jobs market in Scotland for the first time. The index showed that demand for flexible working outstrips supply, meaning that there is a significant opportunity to grow the flexible jobs market - with benefits for employers, workers and families. The Cabinet Secretary for Communities, Social Security and Equalities and the Minister for Childcare and Early Years launched the Index with a visit to Lloyds Banking Group.

11.9 Combatting pregnancy discrimination at work

The Scottish Government is working with the [Equality and Human Rights Commission \(EHRC\)](#) to tackle pregnancy and maternity discrimination. A working group has been created, chaired by the Minister of Employability and Training. It has a remit to create guidelines for employers to ensure best practice and improve access to guidance for pregnant women and new mothers.

To date the Working Group has membership from the public, private, union and third sectors and is gender balanced. The last meeting took place on 21 February 2018.

The group are tackling discrimination against new and expectant mothers by:

- ensuring guidelines are readily available for employers to promote best practice in the recruitment, retention, training and development of pregnant workers;
- including best practice information about managing pregnancy and maternity in the Scottish Business Pledge; and
- strengthening employer advice (including information on employment rights) to ensure that work environments are safe and healthy for pregnant women and new mothers.

11.10 Returners Programmes

The Scottish Government has made good on its commitment to deliver a [Returner's Programme](#) to assist experienced women to return to the workplace after a break. Many women struggle to return to work after a career break due to factors such as a lack of access to flexible working to support care commitments but they can also feel a lack of confidence and lack relevant skills, especially in sectors where technology has moved on at a rapid pace. Programmes will help women to update their skills and knowledge while enabling employers to gain from retaining skilled, experienced staff.

Seven projects have been approved to date with a total value above £235,000. These projects will address the underrepresentation of women in the STEM, finance, security and manufacturing sectors; increase business start-up rates for women and the number of women in senior positions and also encourage men into childcare which will help to change the perception of caring as a 'women's role'. One project specifically supports black and minority ethnic women back into the workplace.

11.11 Workplace Equality Fund

In early February 2018 the Scottish Government called for applications to the £500,000 [Workplace Equality Fund](#). The aim of the fund is to deliver employer-led innovative solutions to reduce employment inequalities so that everyone – irrespective of gender, race, age or disability – has the opportunity to fulfil their potential, and improve Scotland's economic performance as a result. A second funding round will open on 2 July 2018.



A commitment to establish this Fund was made in the [Labour Market Strategy](#) published on 15 August 2016. The Programme for Government for 2016-17 recognised that the labour market did not provide good outcomes for many equality groups and that a [Workplace Equalities Fund](#) would draw on the recommendations made in the [Race Equality Framework](#) and the findings of the Scottish Parliament's Equal Opportunities Committee inquiry into [Removing Barriers: Race, Ethnicity and Employment](#), published in January 2016.

Article 12: Women's health

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.
2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

The Scottish Government acknowledged that reducing health inequalities is a significant challenge; they are a symptom of wider social inequalities. The Scottish Government is working to address the underlying causes: ending poverty, fair wages, supporting families, and improving our physical and social environments. Measures to tackle these inequalities are driving investment; affordable housing, free school meals, free prescriptions, concessionary travel and free personal care. The Scottish Government is also taking decisive action to address alcohol consumption, smoking rates, active living, healthy eating, and investment to improve mental health services.

12.1 Tackling Health Inequalities in Scotland

The Community Links Worker (CLW) programme, funded by the Scottish Government, involves a dedicated individual working in GP surgeries, helping patients on a one-to-one basis with non-medical problems that are making them feel unwell. The programme is being delivered in areas of socio-economic deprivation (including widespread and pocket deprivation, in both urban and rural/remote areas). It is focused on mitigating health inequalities and alleviating pressures in GP practice teams. Forty CLWs were in place by September 2017 and the Scottish Government will increase the number in disadvantaged areas to 250 over the next five years.

The Scottish Government is expanding access to [Family Nurse Partnership \(FNP\)](#), an intensive, preventive, one-to-one home visiting programme for young, first time mothers and their children from early pregnancy until the child reaches the age of two. FNP aims to break the cycle of disadvantage by working directly with young mothers and their children to improve their health and wellbeing. It is currently available to first time mothers aged up to 19 in ten NHS health board areas and supports almost two-thirds of the first time, young mother population at any one time. There are high levels of engagement and retention. The expansion will widen the programme offered to eligible first time mothers up to age 24.

Since 2014-15, NHS Health Scotland has used an internal prioritisation tool that includes consideration of human rights when planning work to help it focus resources on the things that will make the biggest difference in reducing health inequalities. This is being refined through an internal improvement project to align with a rights based approach.

In June 2017, NHS Health Scotland produced a new resource to support NHS Boards in reducing health inequalities. [‘Maximising the Role of NHSScotland in Reducing Health Inequalities’](#), aims to provide senior NHS staff with advice on how they can contribute to reducing health inequalities. It describes practical actions they can put in place to reduce health inequalities to ensure the best attainable health outcomes for both the people and communities they serve and the staff they employ. The resource has been shared with all Scottish NHS Health Boards.

12.2 Maternity

The report of the Scottish Government commissioned review of maternity and neonatal services – [‘The Best Start: A Five Year Forward Plan for Maternity and Neonatal Care in Scotland’](#) was published in January 2017. The report contained 76 recommendations that will fundamentally reshape services to truly put the mother, baby and family at the centre of service planning and care delivery, and to keep mother and baby together as much as possible. Implementation of the recommendations is underway and early changes will include a move to a continuity of carer model of care.

12.3 Baby Box

The Scottish Government is determined that every child, regardless of their circumstances, should get the best start in life, and [Scotland’s Baby Box](#) ensures that families have access to essential items in the first few months of a child’s life. It has been awarded British Safety Standard accreditation as a crib for domestic use and, as well as health care items for babies, contains breast pads and maternity towels. The registration process for Scotland’s Baby Box offers health professionals the opportunity to engage with parents at timely intervals throughout pregnancy. This is an important step in encouraging the small number of expectant mothers who do not currently register for ante-natal services to do so, and to receive appropriate support and health care for themselves and their baby. The Baby Box also provides health professionals with a timely opportunity to introduce expectant parents to a wide range of health promotion information, such as adopting healthy eating and lifestyle habits, smoking cessation and carbon monoxide monitoring, as well as ‘no alcohol’ messaging. Registration for Scotland Baby Box opened on 15 June 2017, with over 10,000 registrations. [Delivery](#) began on 15 August 2017 and over 3,000 boxes have already been despatched. From 1 November 2017, Baby Boxes will be delivered at least four weeks before the baby’s due date.

12.4 Sexual Health and Wellbeing

The first [Sexual Health and Blood Borne Virus Framework](#) was published by the Scottish Government in 2011 and was [refreshed in 2015](#). The Framework brought together policy on sexual health and wellbeing, HIV and viral hepatitis for the first time. It sets out five high-level outcomes, and sought to strengthen and improve the way in which the NHS, the third sector and Local Authorities supported and worked with individuals at risk of poor sexual health or blood borne viruses.

In Scotland the [Pregnancy and Parenthood in Young People Strategy](#) (PPYP Strategy), published in 2016, specifically mentions the importance of supporting positive relationships, high quality sexual health education, as well as the need for comprehensive sexual and reproductive health services in relation to young people. The Strategy was developed with the input of young people from across Scotland.

12.5 Abortion Services in Scotland

In Scotland, abortion is carried out under the terms of the [Abortion Act 1967](#). This means an abortion must be certified by two registered medical practitioners and justified under one or more of the seven statutory grounds set out in the Act. Most commonly this will mean that the doctors agree an abortion would cause less risk to a woman's physical or mental health (or that of her existing children) than continuing with the pregnancy. Abortion is available up to 24 weeks into pregnancy, however in rare circumstances, where it is necessary to save the woman's life, prevent severe permanent injury to the physical or mental health of the pregnant woman or if there is a substantial risk the child would be born with physical or mental abnormalities and be seriously handicapped, it can be provided after 24 weeks.

12.6 Supporting access to abortion services for women in Northern Ireland

The Scottish Government believes that a woman from Northern Ireland, in Scotland, should be able to access an abortion for free on the same basis as women in Scotland. A statutory instrument came in to force on 6 November 2017 which provides a legal basis for NHS Boards to provide free abortion care, in Scotland, to women from Northern Ireland.

12.7 Mental Health

The Scottish Government's vision for mental health is of a Scotland where people can get the right help at the right time, expect recovery, and fully enjoy their rights, free from discrimination and stigma. The Scottish Government was the first part of the UK to have a Ministerial post dedicated to mental health, and the [Mental Health Strategy 2017-2027](#) was published in March 2017. The Strategy contains a vision of a Scotland where people can get the right help at the right time, expect recovery, and fully enjoy their rights, free from discrimination and stigma. It sets out how, over the 10 year lifespan of the Strategy, the Government will work on achieving parity between mental and physical health.

The strategy contains an initial 40 actions, and progress will be reported on through a bi-annual stakeholder forum and through the annual report that the Minister for Mental Health will present to Parliament, starting in Summer 2018.

Article 13: Social and economic benefits

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;
- (b) The right to bank loans, mortgages and other forms of financial credit;
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.

13.1 Social Security Benefits

The UK Government began rolling out Universal Credit (UC) in early 2015. The roll-out of full service Universal Credit in Scotland began in March 2016. One feature of this new benefit is that it will be paid to households, not individuals.

The Scottish Government is concerned that this may put women at greater risk of financial abuse.

The Scottish Government has a clear commitment to exploring how and when split payments of Universal Credit can be delivered in Scotland, a commitment we are already progressing. An amendment to introduce automatic split payments of the Universal Credit award, with the option to opt out, was accepted and passed at Stage 3 of the Social Security (Scotland) Bill on 25 April 2018. We have been engaging with a wide range of stakeholders, including women's organisations, to develop policy options for delivering split payments of the Universal Credit award and we will be undertaking further work over the coming months. This will include discussions with the Department of Work and Pensions (DWP) on the feasibility, operational and cost implications of delivering split payments in Scotland.

We will make an announcement in due course on how and when split payments can be delivered.

The Scottish Government has committed to taking a rights based approach to the delivery of devolved social security benefits and has made express provision for this on the face of the [Social Security \(Scotland\) Bill](#). In line with these principles, the Scottish Government has continually looked for ways to extend the adequacy of assistance by increasing payment levels, widen eligibility and to provide a more supportive, positive experience for people who will rely on the new system for support.

13.2 Women and Girls in Sport

In 2017 a [Women and Girls in Sport Advisory Board](#) was established to provide independent advice to the Minister for Public Health and Sport on female participation and awareness raising in all areas of sport and physical activity. It is intended that this group will recommend further improvements to drive participation in sport and physical activity amongst women and girls and discuss how more private and media investment could be attracted into the sector.

13.3 The Scottish Welfare Fund

[The Scottish Welfare Fund](#) is a vital lifeline for people across Scotland. It aims to provide a safety net to people on low incomes by the provision of Crisis Grants and Community Care Grants. From April 2013 to 31 March 2017 more than 254,000 individual households in Scotland have been helped with awards totalling £132.6 million from the Scottish Welfare Fund. Of the 254,000 low income households, almost 137,000 were single person households and more than 84,000 were families with children.

In the same period almost 170,000 Community Care Grants were awarded to enable people to live, or continue to live independently preventing the need for institutional care, and help families facing exceptional pressure. The awards were typically for floor coverings, white goods and furnishings. Crisis Grants provide a safety net when someone experiences an emergency situation, and where there is an immediate threat to health and safety. Just over 400,000 Crisis Grants were awarded and most of the expenditure was on food, essential heating costs and other living expenses.

13.4 Early Learning and Childcare

In Scotland, [Children and Young People \(Scotland\) Act 2014](#) increased the amount of funded early learning and childcare to 600 hours per year for all three to four-year olds. This has been extended to around a quarter of two-year olds who may benefit most, including those with a parent in receipt of out of work benefits or on low income; and those who are looked after, the subject of a kinship care order, or with a parent appointed guardian.

The statutory entitlement will be increasing to 1140 hours a year by 2020. This expansion in entitlement will be underpinned by a funding follows the child model, which prioritises quality provision while enhancing parental choice and increasing flexibility. The total public sector investment in delivery of early learning and childcare is expected to reach £840 million by the end of this Parliament (2021-22). Local authorities are already starting to phase in this expansion and have been asked to prioritise phasing in the areas of highest deprivation.

13.5 Fairer Scotland Action Plan

The Scottish Government's [Fairer Scotland Action Plan](#) sets out Scotland's vision for a fairer and more equal Scotland and includes 50 concrete actions that we will take in this Parliamentary term.

Considerable progress has been made on delivery of these actions: [the first annual progress report](#) was published in November 2017; on 9 February, [Child Poverty \(Scotland\) Bill](#) was introduced which will establish Scotland as the only part of the UK with ambitious statutory income targets to reduce child poverty by 2030. The Bill was passed by the Scottish Parliament on 8 November 2017.

The Scottish Government has consulted on a socio-economic duty which came into force on 1 April 2018, ensuring that public bodies take full consideration of socio-economic disadvantage when making key decisions. Other key actions include almost doubling Early Learning and Childcare provision by 2020, investing in our £750 million attainment programme to close the gap for pupils

from the most deprived areas, and the establishment of a national poverty and inequality commission. Alongside these actions to develop a fairer future we continue to protect the most vulnerable and those on low incomes by mitigating the worst impacts of the UK Government's welfare cuts.

The Scottish Government will take new steps to tackle poverty in the short term and consider changes for the longer term. These were outlined in the [2017-18 Programme for Government \(PfG\)](#) and include: establishing a new £50 million [Tackling Child Poverty Fund](#) and providing access to free sanitary products to students in schools, colleges and universities.

13.6 Carers Allowance

[59%](#) of carers in Scotland are women and in 2015, 69% of Carers Allowance (CA) recipients were female. The Scottish Government is making the following changes to Carer's Allowance:

The Scottish Government is increasing Carer's Allowance to the level of Jobseekers' Allowance from summer 2018, backdated to April 2018, an increase of £10.40 a week. From autumn 2019, a [Young Carer Grant](#) of £300 a year will be paid to all 16 and 17-year olds and 18-year olds still in school who have significant caring responsibilities. Within the current parliamentary term there will also be additional support introduced for those caring for more than one disabled child.

Article 14: Rural women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.
2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (a) To participate in the elaboration and implementation of development planning at all levels;
 - (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
 - (c) To benefit directly from social security programmes;
 - (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
 - (e) To organise self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;
 - (f) To participate in all community activities;
 - (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
 - (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, and transport and communications.

14.1 Women in Agriculture

In 2016, the Scottish Government's Rural and Environment Science and Analytical Services Division (RESAS) commissioned research on [Women in farming and the Agriculture Sector](#). The overall purpose of this research was to "establish a baseline position on women in farming and the agriculture sector, which then will influence future policies to enhance the role of women in these sectors going forward". The specific aim of this research project is to investigate the role of women in farming and the agriculture sector in Scotland under five headings: daily life; aspirations; career paths; leadership; and comparative analysis with other family businesses.

The Scottish Government responded to the '[Women in Farming and the Agricultural Sector](#)' Research Report published on 23 June 2017 by announcing the formation of a task force, co-chaired by Fergus Ewing, Cabinet Secretary for the Rural Economy and Connectivity, and Joyce Campbell, a working farmer and entrepreneur based in North Sutherland who, along with the other members, are committed to developing and driving forward real change.

14.2 Forensic Examination

The Scottish Government is committed to ensuring women in rural locations have access to vital services. With the creation of the [£20 million Violence Against Women and Girls Justice budget](#) an additional £1.85 million was provided over three years to Rape Crisis Scotland to safeguard the existing [National Sexual Violence Prevention Co-ordinator post](#); expand capacity of the existing network of 14 rape crisis centres across Scotland and [establish a rape crisis service on Orkney and Shetland](#) in partnership with Women's Aid and the Highland Centre. This work has been a success and, in particular, the work of the advocacy workers in the islands has given victims a voice which has focussed efforts of Government and led to commitments from both Health Boards to deliver local services for adult victims who require a forensic medical examination.

In August 2017 Mr Matheson, Cabinet Secretary for Justice visited each local rape crisis centre in Shetland and Orkney and attended meetings with NHS partners, confirming our commitment to do all we can to move this agenda forward and deliver a consistent service across Scotland, which meets the needs of victims.

On 17 August 2017 additional funding of £76,000 to NHS Education Scotland (NES) was [announced](#) to make the current training course for doctors who want to receive training more accessible and portable. This will be piloted in Shetland over coming months. This funding will also see the appointment of a lead clinician to work with NES to become a champion for forensic medical services and to offer a mentoring service to newly trained doctors.

14.3 Access to Broadband

The Scottish Government recognises it is particularly critical for remote and rural communities to be digitally connected in terms of economic viability and growth. Modern digital connectivity is one of the essential components of creating a successful country. For businesses and social enterprises, it enhances productivity and drives innovation. In rural communities and fragile areas, it has the potential to boost economic development, retain young people and attract new residents. Connectivity, both fixed and mobile, is central to the successful development of emerging sectors such as renewables, digital healthcare and cloud computing, but also to more traditional sectors, such as tourism or business services, which are increasingly using digital technologies.

[Scotland's Digital Future: Infrastructure Action Plan](#) outlines the commitment to a world-class, future-proofed infrastructure that will deliver digital connectivity across the whole of Scotland by 2020. So far, over £240 million of public sector funding has been committed to taking forward the Infrastructure Action plan.

14.4 Transport

The Scottish Government understands the fundamental need for efficient transport and connectivity in our rural communities, particularly for the benefit of women. Annually, the Scottish Government provides over £1 billion for public transport and other sustainable options and are fully engaged with the [Regional Transport Partnerships](#) to ensure specific issues for each area are addressed within our national plans. A passenger rail service has been successfully reintroduced to the Borders for the first time since 1969, opening up communities in the South-East of Scotland as new places to live, work and visit. The Scottish Government will also examine the case for an extension of the railway along with improvements to the A1, A7, and A68. Scottish Rural Action, as a member of the [National Transport Strategy Review Partnership Group](#), is having a say in influencing the development of transport policy, infrastructure and services at local, regional and national level, as the Scottish Government takes the National Transport Strategy Review forward. The review will produce a successor strategy, setting out a compelling vision for the kind of transport system we want for Scotland over the next 20 years. One of the review working groups is focussing on tackling inequality and will set out policy proposals on how transport can assist in addressing inequality and differences between groups of people to make Scotland a fairer place.

Scotland's first [Accessible Travel Framework](#) was launched in September 2016. 48 key barriers to accessible travel were identified by disabled people's organisations. They are now working with transport operators, local government and the Scottish Government as part of the steering group to implement the Framework's ten year plan to tackle these. The Framework contains a vision and four outcomes which were agreed by disabled people, their representatives and people who work in transport. The vision is that "all disabled people can travel with the same freedom, choice and dignity and opportunity as other citizens". The Framework has been developed in close engagement with disabled people from across Scotland and one of its aims is to change the way we do things throughout transport, to include disabled people to make improvements in transport accessibility. The Framework details how that engagement will continue over the next ten years.

On 25 August 2017 the Scottish Government launched a [consultation](#) on the future of the national concessionary travel scheme. The consultation sought views on options to safeguard the longer term sustainability of the existing free bus travel scheme and on providing free bus travel to young modern apprentices to support their travel costs. The consultation closed on 17 November with close to 3,000 responses. This is a considerable response and the views expressed are being carefully considered. No decisions have been taken yet about possible changes to the scheme but Ministers have given assurances that anyone who already enjoys a concessionary bus pass will continue to keep it.

14.5 Social Isolation

The challenge presented by isolation is keenly felt by many in our rural communities. [The National Rural Mental Health Forum](#) has been established to help people in rural areas maintain good mental health and wellbeing.

On 16 January 2018, the Scottish Government published "[A Connected Scotland: Tackling social isolation and loneliness and building stronger social connections](#)" for consultation. Although this is a draft strategy, it clearly sets out the Government's vision for a Scotland where individuals and communities are more connected and everyone has the opportunity to develop meaningful relationships regardless of age, status, circumstance or identity.

Because social isolation and loneliness can affect anyone at any point in life, this draft strategy does not seek to present a comprehensive list of groups affected by social isolation. However the Scottish Government recognises that woman can be at particular risk for a number of reasons. For example, life events such as becoming a young mother can leave women feeling isolated due to the fact they suddenly find themselves with different priorities from peers that make up their social network.

The final strategy will be shaped through engagement with stakeholders and communities in line with our commitment to coproducing solutions with communities.

Article 15: Equality before the law and civil matters

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

15.1 Employment tribunal fees

The Scottish Government wants all employers to adopt fair working practices but where this doesn't happen workers should have fair access to justice. The [2015 Programme for Government](#) committed to abolishing the fees in Scotland when the management and operation of employment tribunals were devolved; the Scottish Government is delighted that in 2017 the UK Supreme Court ruled employment tribunal fees to be unlawful. The Scottish Government will continue to work with stakeholders, to ensure that the new employment tribunal system in Scotland provides access to justice and contributes to the Scottish Government's vision for Fair Work to be embedded in all workplaces in Scotland.

15.2 Legal Aid

The Scottish Government is committed to protecting access to justice by ensuring legal aid is available to those who need it most. Changes to Legal Aid eligibility in England and Wales are not reflected in the Scottish system.

Scottish Government provides funding for the [Scottish Women's Rights Centre](#) - a resource to ensure that women in Scotland who have or are experiencing gender based violence are able to access timely and appropriate legal advice and information. Access to legal advice is recognised as an important tool in improving the outcomes for women who have been affected by gender based violence. A woman contacting the Centre will either be assisted to access other models of support, advocacy and legal services that exist, or taken on as a client if she fits within one of the targeted legal objectives the centre has set itself. The [Scottish Women's Rights Centre](#) has an Advisory Group which has partners such as the European Human Rights Centre and Scottish Women's Aid.

Additional resources have been provided to the [Scottish Women's Rights Centre](#) to significantly increase direct legal support in Glasgow, Lanarkshire and, for the first time, Dundee and the Highlands. This is part of a larger area of work under the [Equally Safe strategy](#) which recognises that widening access to specialist support such as legal advice is an important tool in ensuring the victims of gender based violence can effectively represent their interests in any resultant legal matters in the appropriate forums.

15.3 Corroboration Reform

The Scottish Government proposed abolishing the corroboration requirement in all criminal proceedings in the [Criminal Justice \(Scotland\) Bill](#). Part of the intention behind this was to improve access to justice for victims of crimes committed in private. There was however some concern that additional safeguards and changes to law and practice may be needed to the criminal justice system following the planned abolition of the corroboration requirement. Lord Bonomy was therefore appointed to head an independent review to consider what changes might be necessary. One of the recommendations from the review was that jury research should be undertaken. The Scottish Government recently announced that the contract for taking forward this research has been awarded to Ipsos Mori. The research is expected to take two years to complete. Future consideration of corroboration reform needs to await the findings of jury research and be considered in the wider context of that and the other recommendations of Lord Bonomy's group and any other related reforms.

15.4 Addressing historical institutional abuses

[The Scottish Child Abuse Inquiry](#), chaired by Lady Anne Smith, is looking into abuse of children in care and is expected to report within four years of starting work on 1 October 2015. The Inquiry will raise public awareness of the abuse of children in care. It will provide an opportunity for public acknowledgement of the suffering of the children. It will be a forum for validation of their experience and testimony. The Inquiry will report to Scottish Government Ministers within four years with recommendations for the future to improve the law, policies and practices in Scotland. The report must also be presented to the Scottish Parliament. The Inquiry is currently taking evidence from people who were abused.

Article 16: Equality in marriage and family law

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage;
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;
 - (c) The same rights and responsibilities during marriage and at its dissolution;
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.
2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

16.1 Forced Marriage

[The Forced Marriage etc. \(Protection and Jurisdiction\) Scotland Act 2011](#) introduced a civil Forced Marriage Protection Order, breach of which is a criminal offence. From 30 September 2014, [section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014](#) made it a criminal offence to force a person into marriage. The Scottish Government funds a number of specialist organisations (almost £500,000 for 2017-18) that provide support and assistance to those affected or who may be affected by forced marriage. The Scottish Government commissioned independent research into forced marriage in Scotland and a [final research report](#) was published at the end of January 2017. Findings from this research are being used to inform future thinking on tackling the issue.

[The Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011 \(Relevant Third Party\) Order 2017](#) came into effect on 19 March 2018.

This has made Police Scotland a relevant third party and allow them to directly make applications for Forced Marriage Protection Orders, thus streamlining the process.

16.2 Equal protection for women's and men's property rights

The law on property rights is gender-neutral, there is therefore equal protection for women's and men's property rights under the law that applies to a particular relationship (family law on divorce or the dissolution of a civil partnership, and civil law on property, contracts and trusts where couples had cohabited but were not in a legal union). The UK Government is considering whether further reform to the family justice system in England and Wales is needed to make sure it is delivering the best outcomes for children and families, and protecting the most vulnerable users of the system. The Scottish Government is considering whether similar changes are required in Scotland.

16.3 Corporal Punishment

The existing legislation in Scotland makes it illegal to punish children by shaking, hitting on the head or using an implement. The Scottish Government remains opposed to physical punishment of children. John Finnie MSP has indicated that he intends to bring forward a member's Bill in the Scottish Parliament to remove the defence for parents and ban all forms of physical punishment of children. The Scottish Government's [2017/18 PfG](#) confirms plans to support Mr Finnie's proposal.

Article 17: Eliminating Violence Against Women and Girls

17. Eliminating Violence Against Women and Girls

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) does not explicitly mention violence against women and girls but [General Recommendations 12 and 19](#) clarify that the Convention includes violence against women and makes detailed recommendations to States parties¹.

The Scottish Government adopts a gendered analysis of violence against women and has undertaken a significant amount of work to prevent and eradicate violence against women and girls. The following section outlines some of the work undertaken by the Scottish Government to prevent and eradicate gender based violence; to improve services for victims and to improve the justice response.

17.1 Equally Safe, Scotland's strategy to tackle all forms of violence against women and girls

The [Equally Safe strategy](#) is the Scottish Government and COSLA's joint strategy to prevent and eradicate violence against women and girls (VaWG), it was first published in June 2014, with an updated version published in March 2016. The strategy was developed in consultation with a wide range of statutory and third sector partners and was also informed by feedback from women who use services. The [Equally Safe Delivery Plan](#) was published on 24 November 2017.

To implement Equally Safe the Scottish Government is working with stakeholders to prevent violence from occurring in the first place, build the capability and capacity of mainstream and specialist services to support survivors and those at risk, and strengthen the Justice response to victims and perpetrators. Equally Safe states that VaWG in any form has no place in Scotland; we believe it to impact adversely on health and wellbeing, limit freedom of potential and violates human rights. VaWG is underpinned by gender inequality, and in order to prevent and eradicate it from society we must focus our efforts on delivering greater gender equality, tackling perpetrators, and intervening early and effectively to prevent violence. The [Equally Safe strategy](#) therefore complements and contributes to wider efforts to achieve gender equality.

The aim of Equally Safe is to create a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from such abuse – and the attitudes that help perpetuate it.

Four priorities areas are identified to contribute to the overarching aim of the strategy:

1 <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>

Scottish society embraces equality and mutual respect, and rejects all forms of violence against women and girls	Women and girls thrive as equal citizens: socially, culturally, economically and politically	Interventions are early and effective, preventing violence and maximising the safety and wellbeing of women, children and young people	Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response
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The [Equally Safe strategy](#) sets out a shared understanding of the causes, risk factors and scale of the problem. It highlights the need to prioritise prevention, and it sets out how we will develop the performance framework which allows us to know whether we are realising our ambitions. The Scottish Government is committed to working collaboratively with partners and achieve change by making best use of available resources and with a clear governance framework underpinning delivery. Equally Safe established a Violence against Women and Girls Joint Strategic Board which is co-chaired by the Scottish Government and CoSLA and comprises senior leaders from across the public sector, third sector and academia. It provides oversight and direction of the implementation of Equally Safe, holding key partners to account for delivery.

Equally Safe also established three thematic workstreams (focused on Primary Prevention, Capability and Capacity, and Justice) and a further workstream focused on accountability. The members of the different workstream groups are drawn from a wide range of partners with a wealth of experience and informed by the experience of women, girls, children and young people who have been subject to violence or abuse. Working groups have contributed to the development of a delivery plan for Equally Safe.

Actions taken forward since publication of Equally Safe include:

- **Strengthened partnership working** including: meetings of the Equally Safe JSB; four workstreams themed around Primary Prevention, Capability and Capacity, Justice and Accountability were established and have contributed to proposals contained within the Delivery Plan; the establishment of a Children and Young People stakeholder reference group was established, to input to this Delivery Plan and inform our approach to implementation; and, with the support and input of the Improvement Service and CoSLA, guidance for Violence against Women Partnerships was published in August 2016.
- **Increased funding:** £20 million from Justice budgets has been allocated towards tackling violence against women 2015-18; in June 2017, a further £11.8 million was announced by the Equalities Secretary to support efforts to tackle violence against women and provide support for victims, bringing the total investment from the Equality Budget to almost £30 million over 2017 to 2020 and in February 2017, the Scottish Government announced three year rolling funding for equality and violence against women organisations.
- **Legislative change** including the passing of: the [Human Trafficking and Exploitation \(Scotland\) Act 2015](#); the [Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#); the [Domestic Abuse \(Scotland\) Act 2018](#) and [Gender Representation on Public Boards \(Scotland\) Act 2018](#).
- **Improvement of services** including: the continuation of significant levels of funding in front line services supporting victims and survivors of domestic abuse and sexual violence; publication of guidance for local authorities on

the commissioning of domestic abuse services by local authorities by CoSLA and Scottish Women's Aid; and the establishment of a Taskforce for the Improvement of Services for children and adults who have experienced rape and sexual assault, to strengthen the governance arrangements for services and improve the provision of appropriate services and facilities for victims who require a forensic examination.

17.2 The Abusive Behaviour and Sexual Harm (Scotland) Act 2016

[The Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#) modernises the law on domestic and sexual abuse. This Act includes the introduction of a 'statutory domestic abuse aggravator' to ensure courts take domestic abuse into account when sentencing offenders; it gives courts power to make non-harassment orders in cases where they cannot do so at present; requires judges to give juries specific directions when dealing with sexual offence cases to help improve access to justice for victims; extends Scottish courts extra-territorial jurisdiction over sexual offences committed against children to cover the other jurisdictions of the United Kingdom. It has also created a specific offence of sharing private intimate images without consent (commonly known as 'revenge porn') with a maximum penalty of five years' imprisonment. Through the work of the [Equally Safe Justice Expert Group](#), the Scottish Government is looking at both medium and longer term improvements that can be made to the justice system for all victims of this type of violence including domestic abuse victims and their children.

The Scottish Government undertook a publicity campaign to coincide with the commencement of the offence criminalising the non-consensual sharing of intimate images contained in [The Abusive Behaviour and Sexual Harm \(Scotland\) Act 2016](#). The campaign aimed both to raise awareness of the new offence and to challenge 'victim blaming' attitudes.

17.3 The Domestic Abuse (Scotland) Act 2018

[The Domestic Abuse \(Scotland\) Act 2018](#) was passed by the Scottish Parliament on 1 February and received Royal Assent on 9 March 2018.

This bill creates a specific offence of domestic abuse that will cover not just physical abuse but also other forms of psychological abuse and coercive and controlling behaviour that cannot easily be prosecuted using the existing criminal law. Significantly, the Bill reflects the fact that children are harmed by domestic abuse by providing for a statutory aggravation that the offender either directed behaviour at a child, involved a child in the commission of the abuse, or that a child saw, heard or was present during the abuse. When the new offence comes into force, it will be preceded by a public information campaign by the Scottish Government.

The Scottish Government has committed to provide additional funding specifically to train frontline officers and staff. This dedicated [funding](#) will enable Police Scotland to train officers and staff to identify the new offence.

Scottish Women's Aid will also receive Scottish Government [funding](#) to develop training to help communities better understand the new legislation.

17.4 Female Genital Mutilation (FGM)

FGM has been unlawful in Scotland since 1985. The [Prohibition of Female Genital Mutilation \(Scotland\) Act 2005](#) re-enacted [the Prohibition of Female Circumcision Act 1985](#) and extended protection by making it a criminal offence to have FGM carried out either in Scotland or abroad by giving those offences extra-territorial powers. Amendments made by the [Serious Crime Act 2015](#) closed a loophole in the 2005 Act to extend the reach of the extra-territorial offences to habitual (as well as permanent) UK residents.

The Scottish Government has been looking closely at the legislative provisions in the Serious Crime Act 2015 (England and Wales) (Part 5 71-75). Scottish Ministers are considering next steps.

On 4 February 2016 the Scottish Government published a [National Action Plan to prevent and eradicate FGM](#). The purpose of the National Action Plan is to foster an environment of prevention in Scotland and to improve the welfare and quality of life of FGM survivors, with a focus on the linked areas of prevention, protecting girls at risk of FGM; and provision of appropriate support and sensitive services for survivors of FGM. To support the action plan, over £271,620 has been invested (2017-18) and the Scottish Government will continue to invest a similar amount over the period 2017-20.

In November 2017 the Scottish Government published '[Responding to Female Genital Mutilation \(FGM\) In Scotland - Multi Agency Guidance](#)'. This guidance provides a framework within which agencies and practitioners can develop and agree processes for working collaboratively and individually to promote the safety and wellbeing of women and girls and supplements agencies and organisations own policies and procedures on FGM. It was developed with partners in the statutory and third sectors along with affected communities.

To date there have been no convictions in Scotland, nor in any other part of the UK, for FGM related offences. Every referral or child welfare concern that is brought to the police relating to concerns that girls have been at risk of having FGM performed on them has been fully investigated by Police Scotland, and no criminality has been found.

17.5 Child Sexual Exploitation

An updated [National Action Plan to Prevent and Tackle Child Sexual Exploitation](#), published in March 2016, was developed with partners including local authorities, Police Scotland, health services and the third sector to focus on prevention, providing support to those at risk of or experiencing sexual exploitation, bringing perpetrators to justice and reducing cultural and social barriers to preventing and tackling child sexual exploitation (CSE). Actions have included developing a national definition of CSE; funding to third sector organisations to support victims and those identified as vulnerable; funding for organisations working with perpetrators; and CSE awareness-raising campaigns. The Scottish Government continues to work with the [National Child Sexual Exploitation Group](#) on the implementation of actions.

In 2015, Police Scotland launched a [National Child Abuse Investigation Unit \(NCAIU\)](#) to provide local policing teams with support for investigations into reports of complex child abuse and neglect, including child sexual exploitation and online child abuse.

17.6 Funding

In the face of significant austerity, equality funding has been held in Scotland at similar levels since 2012. The Scottish Government is investing significant levels of funding to tackle violence against women and girls including nearly £30 million over 2017/2020 from the equality budget to support a range of projects and initiatives to tackle VaWG. This includes direct provision for front line domestic abuse and sexual assault services, as well as funding for the [National Domestic Abuse and Forced Marriage Helpline](#) and the [Rape Crisis Helpline](#). We have also invested an additional £20 million over 2015-18 from Justice budgets, which includes increased support for advocacy provision.

17.7 Legal Aid

Legal aid is available to victims of domestic abuse and other forms of gender based violence seeking protection through civil actions, where they meet the statutory eligibility criteria. There is no residency test and no requirement to demonstrate that domestic abuse has taken place. In criminal cases, the state investigates offences and prosecutes alleged offenders. Victims of domestic abuse and other forms of gender based violence have the status of 'complainer' and can access advice and assistance on the criminal process. In addition to the general availability of publicly-funded legal assistance, the Scottish Government has provided funding, through the [Scottish Legal Aid Board](#), to support the Scottish Women's Rights Centre, which offers free legal information and advice to women who have experienced gender-based violence, including a national helpline. The Scottish Government has also made available publicly funded legal assistance for those seeking representation in recovery proceedings where sensitive records are sought, following the judgment in [WF v Scottish Ministers \[2016\] CSOH 27](#).

17.8 Istanbul Convention

The Scottish Government was active in pressing the UK Government to set out a clear timetable for ratifying the Istanbul Convention, and we welcomed the passage of [the Preventing and Combating Violence Against Women and Domestic Violence \(Ratification of Convention\) Act 2017](#). Under the Act; the UK Government was required to lay a report to Parliament by 1 November 2017 setting out how they intend to progress towards ratification. Scottish Government officials have already fed into this report to reflect the on-going work in Scotland on addressing outstanding areas of compliance. Through Equally Safe, we expect there to be on-going discussion and reflection on what more we can do to ensure realisation of the Convention in Scotland. The Scottish Government introduced an amendment to [the Domestic Abuse \(Scotland\) Bill](#) to provide the Scottish courts with extra-territorial jurisdiction with respect to the offence of domestic abuse, in line with the requirements of the Convention.

17.9 Children and Young People

Equally Safe states that the definition we have adopted of violence against women and girls explicitly includes children of all genders as subject to harm through violence and that we will seek to reflect this in our work. The Scottish Government will continue to strengthen links with the [Child Protection Improvement Programme](#), the [Action Plan on internet safety for children and young people](#), the [Action Plan to tackle child sexual exploitation](#), and the [Child Abuse Prevention Framework](#) which will be an integral part of our National Child Abuse Prevention Plan.

The Scottish Government will develop a Child Rights and Wellbeing Impact Assessment with the assistance of children's organisations, and use this to inform our approach going forward.

The [Equally Safe Delivery Plan](#) includes a number of commitments to better protect children and young people, including:

- Develop an information resource about gender based violence for children and young people, to provide better access to information and support;
- Deliver the 'Voices Unheard' programme in order to support LGBT young people experiencing violence and build capacity within violence against women services to ensure that they are LGBT inclusive;
- Improve the experience of vulnerable witnesses in criminal justice cases, initially focusing on child complainers and witnesses by bringing forward legislation to enable the greater use of pre-recording of their evidence;
- Consider the prohibition of the personal examination of a child or other vulnerable witness in court proceedings under the [Children's Hearings \(Scotland\) Act 2011](#) by where the subject matter of the proceedings relates to conduct by that party towards that witness, or to other conduct which concerns the welfare of that witness;
- In relation to child witnesses, support implementation of the [Joint Investigative Interviews workstream project report](#);
- Ensure that children's interests are better reflected in the civil justice system and that their voice is heard, including through review of the process used to obtain the voice of the child in contact and residence cases;
- Incorporate the views of children and young people with experience of domestic abuse through the Power Up Power Down project into the review of part 1 of the [Children \(Scotland\) Act 1995](#);
- Consider the application of lessons from various international examples of the 'Barnahus' concept for child victims in criminal justice cases and how these could potentially apply within the Scottish context;
- Establish a Safe and Together Institute for Scotland, and support the development of a demonstration project on the 'Safe and Together' model of child protection in a domestic abuse setting – encouraging a common understanding that perpetrators of abuse should be assessed and held accountable on their parenting choices which includes the perpetration of domestic abuse;

- Consult on the terms of the child cruelty and neglect offence contained in the [Children and Young Persons Act 1937](#), including whether the offence requires to be modernised to include emotional and psychological abuse and archaic language removed; and
- Work with the Scottish Civil Justice Council on case management in family actions, including in relation to child welfare hearings – recognising that these types of hearings and contact cases require careful consideration to ensure that victims of domestic abuse are protected from further abuse.

17.10 Domestic Abuse Taskforce

Police Scotland has established a National Domestic Abuse Taskforce to target the most prolific perpetrators, and the Crown Office has a dedicated National Prosecutor for Domestic Abuse and a new [Joint Protocol](#) has been published which commits Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) to a consistent and robust approach to domestic abuse, and recognises the significant and enduring impact that domestic abuse can have on victims and children.

17.11 Justice


The Scottish Government's Justice Directorate commissioned a [national scoping exercise](#) of advocacy services relating to the criminal justice system for victims of violence against women and girls. The scoping exercise included advocacy services for victims of domestic abuse, prostitution, human trafficking, rape and sexual assault. It also covered advocacy services available for children and for men where these may have an impact on women's services.

The Scottish Government provided additional funding of £30,000 from the £20 million Violence against Women and Girls Justice to Rape Crisis Scotland to develop an awareness campaign to increase public understanding of responses to rape. The campaign complements the jury directions provisions introduced by the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, which introduce a requirement for judges to give directions to juries on how people may respond to becoming a victim of rape, which are designed to ensure any pre-conceived views about how someone who has been raped should react do not influence how a jury reaches a decision in a case.

17.12 Minority Ethnic Women

The Scottish Government provides funding to a number of women's support organisations which provide specialist services for minority ethnic women, for instance [Shakti Women's Aid](#), [Saheliya](#), Kenyan Women in Scotland Association (KWISA) and [Hemat Gryffe Women's Aid](#). These community based organisations work to support women affected by gender based violence, so called honour based violence, including female genital mutilation (FGM) and forced marriage, and domestic abuse.

The Scottish Government is working with [CEMVO Scotland](#), a national intermediary organisation and strategic partner of the Scottish Government, to establish a facilitate a ethnic minority women's network.



The Scottish Government welcomed the Equalities and Human Rights Committee's 3rd Report 2017 entitled [Hidden Lives – New Beginnings: Destitution, asylum and insecure immigration status in Scotland](#) following the Committee's Inquiry into Destitution, Asylum and Insecure Immigration Status in Scotland.

The Destitute Domestic Violence Concession, which was introduced in 2012, increases front line service providers' capacity to support women who are affected by the No Recourse to Public Funds (NRPF) rule. However, as immigration is reserved to the UK Government, the Scottish Government's options for helping those affected are limited.



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Any enquiries regarding this publication should be sent to us at
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EH1 3DG

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