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**Follow-up to the Fourth World Conference on Women
and to the special session of the General Assembly entitled
“Women 2000: gender equality, development and peace
for the twenty-first century”: implementation of strategic
objectives and action in critical areas of concern and
further actions and initiatives**

Statement submitted by Engender, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



Statement

Engender is a national feminist information, research and networking organization in Scotland. Established in 1990, the organization has had special consultative status with the Economic and Social Council for over 10 years. Its work makes visible the impact of sexism on women, men, children and society and on social, cultural, economic and political development. It does this by making the causes and impact of women's inequality visible, promoting gender equality in policy and practice, and increasing women's power and influence. Its policy priorities are addressing women's poverty and violence against women and promoting women's participation in public life.

The organization seeks to highlight the challenges of its work on violence against women in Scotland. Scotland has laws, policies and services that are separate and distinct from those of the rest of the United Kingdom of Great Britain and Northern Ireland. They have been further developed since the Scottish Parliament was set up in 1999 along with an elected Scottish Government, based in Edinburgh. The services and policies that surround women and children experiencing male violence in Scotland are to a great degree controlled by Scottish courts, health services, police and schools. All these are distinct institutions governed by the Scottish Government and are often invisible in the consideration by the United Nations of progress on women's human rights in the United Kingdom. We therefore seek to make the experience of Scottish women visible in United Nations processes, including those of the Commission on the Status of Women.

Scotland has long enjoyed an active and effective sector addressing violence against women. That sector is largely responsible for the gendered definition of violence against women that the Scottish Government adopted in 2000 as part of its strategy to address violence against women. While the organization celebrates this gendered approach, it must comment on a number of areas that require immediate and sustained improvement.

Priority areas

Criminal justice outcomes. A quirk of Scotland's criminal justice system is the requirement that all key evidence presented in a criminal prosecution be backed by two sources. This "corroboration" has been identified as underpinning the fact that 75 per cent of rape complaints do not progress to court. Lord Carloway's review of the criminal justice system recommended that there be an improved system based on "quality of evidence" rather than on "quantity of evidence". Engender is of the view that corroboration is a barrier to improving conviction rates for rape and other crimes involving violence against women. (For example, rape conviction rates are currently assumed to be approximately 7 per cent, on the basis of the most recent figures produced by the Crown Office for the period 2008-2009.) The organization recommends that the Scottish Government give effect to the recommendations arising from the Carloway review in Scotland, relevant to the prosecution of rape and sexual assault, in particular to removing the requirement for two sources of corroboration.

Survivors' rights to privacy and freedom from inhumane treatment. When survivors of sexual assault engage with the criminal justice system, their right to privacy, especially with regard to their medical records and sexual histories, is

routinely abridged. The State needs to provide greater protection in respect of access to medical records and sexual history; survivors need access to representation to enable them to assert and/or defend their rights. The current system fails to protect the right to privacy. The organization recommends that the Scottish Government address threats to survivors' rights to privacy and to protection from inhumane treatment in the prosecution of sexual and domestic abuse through the provision of legal representation.

Access to civil justice. Women seeking civil protection from an abusive ex-partner are required to pay a means-tested contribution to the legal costs of the order. Research indicates that this is a significant barrier to women being able to seek protection and that inability to obtain protective orders compromises the safety of women and their children. The organization recommends that the Scottish Government remove the requirement to contribute to legal aid costs in cases in which a civil protective order is required to protect a woman from ongoing abuse by an ex-partner.

Prostitution. United Kingdom studies of prostitution indicate that a majority of those involved in prostitution are unwilling participants: 75 per cent of women involved in prostitution in the United Kingdom became involved when they were children, 70 per cent spent time in care, and 45 per cent report having experienced familial sexual abuse. The report *Challenging Men's Demand for Prostitution in Scotland* was based on interviews with 110 men who had paid for sexual activity with women. A third of these men stated that prostitution provided them with an opportunity to have "freedom to do anything they want in a consequence-free environment".

The study also indicated that a number of sanctions, effectively enforced, could deter potential purchasers from buying sex. Prostitution has been defined as a form of violence against women in Scotland since 2000, but little has been done to reduce the demand for it. For some time, the sector addressing violence against women in Scotland has made the case for criminalizing the purchase of sex and resourcing exit programmes for the women, men and children involved in prostitution. The benefits are clear and the evidence from Sweden compelling that this approach reduces the harm and creates a hostile environment for trafficking. The organization recommends that Scotland take immediate action to reduce the demand for prostitution.

Female genital mutilation. According to conservative estimates, there are 62,000 women from communities practising female genital mutilation living in the United Kingdom, with some 61 per cent of them having been mutilated or at risk of mutilation. The age demographics of this population means that about 15,000 of these women are at high risk of mutilation and 13,000 have very specific health needs as a result of having been mutilated.

As the number of immigrant, asylum-seeking and refugee women in Scotland increases, so does the potential risk that a child in Scotland will be mutilated or that a child living in Scotland will be sent home during the holidays to be mutilated. However, the hidden nature of female genital mutilation, the taboos surrounding discussions about sex in practising communities and lack of knowledge and understanding, combined with concerns about racial/cultural sensitivity among those tasked with enforcing the Prohibition of Female Genital Mutilation (Scotland) Act 2005, means that there have been no prosecutions or protection orders related to

female genital mutilation to date. The organization recommends the Scottish Government enforce the Prohibition of Female Genital Mutilation (Scotland) Act 2005 to prevent girls from being sent away on “female genital mutilation holidays” and to ensure that those who seek help will be responded to effectively, given that many of the women involved will themselves have been mutilated.

Pornography and the sex industry. Given the significant public health and gender inequality impacts of pornography and the sex industry (including lap-dancing and strip clubs), leadership and action are needed to end the “pornification” of Scottish society. The organization recommends that the Scottish Government create and implement a plan for reducing the impact of pornography and the influence of the sex industry in Scotland.

Women seeking asylum. As research has shown that approximately two thirds of women seeking asylum in the United Kingdom will have experienced sexual and/or physical violence, and that women are routinely refused asylum when fleeing violence against them, Scotland has a moral responsibility to ensure adequate support and advocacy services for women asylum seekers and other women who report domestic and sexual violence in Scotland. The organization recommends that the Scottish Government resource appropriate support for women asylum seekers.

Conclusion

The disproportionate and negative impact on women of the current recession and changes in taxation and welfare schemes by the Government of the United Kingdom will inevitably lead to increased harm to and reduced resilience on the part of women and children experiencing violence. We expect that the Scottish Government will take prompt and effective action to alleviate such increased harm and disproportionate impact.
