



INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Scottish Government
Response to List of Issues
March 2016

Response to List of Issues

1. In light of paragraph 15 of the State party's [report](#), please further explain to what extent the rights contained in the Covenant have been incorporated in the domestic legislation of the State party, including its Overseas Territories and Crown dependencies. Please provide additional information on the new Bill of Rights intended to replace the Human Rights Act 1998 and whether it will provide adequate protection of all the rights enshrined in the Covenant. Please also provide examples of cases where Covenant rights have been invoked before, and/or applied by, domestic courts.

The Scottish Government is committed to creating a modern, inclusive Scotland which protects, respects and realises internationally recognised human rights standards. Under the Scottish Ministerial Code,¹ all Scottish Ministers have an “overarching duty...to comply with the law, including international law and treaty obligations.” That requirement remains unaffected by the UK Government’s decision in October 2015 to delete the equivalent wording from its own, entirely separate, UK Ministerial Code. Important aspects of the Covenant already find expression in the Law of Scotland, for example in the context of health and safety or in the area of employment law, including in relation to maternity leave and equal pay. The Children and Young People (Scotland) Act 2014² places duties on Scottish Ministers and public authorities in relation to the UN Convention on the Rights of the Child, which sets out the civil and political, economic, social and cultural rights of all children and young people under 18 years of age. Scottish Government policy on higher education directly reflects the principle of accessibility for all, based on the ability to learn rather than the ability to pay. Since 2012, Scotland’s homelessness legislation has ensured that all those assessed as being homeless through no fault of their own are legally entitled to settled accommodation. The Community Empowerment (Scotland) Act 2015³ requires Ministers to have regard to the Covenant when making certain decisions relating to the community right to buy. The Land Reform Bill,⁴ passed by the Scottish Parliament on 16 March 2016, requires the Scottish Ministers to have regard, inter alia, to the Covenant when preparing a land rights and responsibilities statement for Scotland and guidance on engaging with communities in decisions relating to land.

A discussion paper, *Creating a Fairer Scotland*⁵ (June 2015) initiated a national conversation to identify practical steps to achieve, by 2030, a Scotland where people are healthier, happier and treated with respect, and where opportunities, wealth and power are spread more equally. A summary of the discussion so far was published in March 2016⁶ and will inform the development of a social justice action plan later in 2016.

The Scottish Government’s understanding of its wider human rights obligations is reflected in its commitment to equality, social justice and sustainable, inclusive

¹ <http://www.gov.scot/resource/doc/276226/0082926.pdf>

² <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

³ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/77926.aspx>

⁴ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/90675.aspx>

⁵ <http://www.gov.scot/Publications/2015/06/4845>

⁶ <http://www.gov.scot/Resource/0049/00496638.pdf>

growth, as set out in *A Stronger Scotland: The Government's Programme for Scotland 2015-16*.⁷ To mark the second anniversary of the launch of Scotland's National Action Plan for Human Rights (SNAP),⁸ on 9 December 2015 an Innovation Forum was held to discuss how best to give effect to Scotland's international obligations, including the possibility of further incorporation of human rights treaties. In her address to the Forum,⁹ Scotland's First Minister said:

"The Scottish Government wants to go beyond simply defending the Human Rights Act and the European Convention – hugely important though that is. In our view, the protections offered by the Act and the Convention should represent a floor rather than a ceiling. We should be looking to go further...In fact the key challenge for progressive governments is not finding ways to avoid human rights responsibilities - it is finding ways to embed those responsibilities across different areas of policy.

"Human rights are central to our concept of inclusive growth – the concept we have put at the heart of our strategy of building a stronger economy and a fairer society...That's why I so warmly welcome the growing interest in the role that human rights – including economic and social rights - can play in achieving the wealthier and fairer society we are seeking to create."

On 23 September 2015, in a significant speech to representatives of Scottish civil society,¹⁰ the First Minister underlined the Scottish Government's opposition to UK Government proposals to replace the Human Rights Act 1998 (HRA) with a "British Bill of Rights." Other government ministers have reiterated that view in subsequent speeches¹¹ and in evidence to parliamentary committees in both Edinburgh and London.¹² The Scottish Government believes that any attempt to replace the HRA would be misconceived in its intent and detrimental in its overall effect. The impacts would be felt not only by people in Scotland, but by individuals and communities across the UK as a whole. Adverse consequences would also be likely at the international level – with a perceived UK retreat from established norms undermining efforts to promote and protect human rights, and doing damage to the UK's international standing. The Scottish Government is firmly of the view that it is in the best interests of Scotland, and of the UK as a whole, for the Human Rights Act to be retained and for the UK to remain fully committed to the European Convention on Human Rights. Any proposal in the UK Parliament to repeal or replace the HRA would be likely to require the legislative consent of the Scottish Parliament under the Sewel Convention, and the Scottish Government has made clear that it would invite the Scottish Parliament to refuse such consent. On 11 November 2014 the Scottish Parliament made its own view on the matter clear when it passed a motion in support of the HRA by 100 votes to 10.¹³

⁷ <http://www.gov.scot/About/Performance/programme-for-government>

⁸ <http://www.scottishhumanrights.com/ourwork/actionplan>

⁹ <http://news.scotland.gov.uk/Speeches-Briefings/SNAP-Human-Rights-Innovation-Forum-2040.aspx>

¹⁰ <http://news.scotland.gov.uk/Speeches-Briefings/First-Minister-Human-Rights-1d7d.aspx>

¹¹ <http://www.gov.scot/Topics/Justice/policies/human-rights/domestic/supportthehumanrightsact-12Nov2015/SupportHRA-12Nov2015-cabeseccspeech>

¹²

http://www.scottish.parliament.uk/S4_EuropeanandExternalRelationsCommittee/General%20Documents/Scottish_Government.pdf

¹³ <http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=9616>

2. Please provide information on measures taken, including legislative, regulatory, policies and guidance, to ensure that corporations respect economic, social and cultural rights throughout their operations, including when operating abroad, in particular in the extractives sector and commercial operations involving the appropriation of land.

Scotland's National Action Plan for Human Rights (SNAP) contains a commitment to develop a coordinated plan of action to implement the UN Guiding Principles on Business and Human Rights (UNGPs) by Scotland, building on the UK's Action Plan. In line with internationally recognised best practice, the SNAP Better World Action Group, which includes, amongst others, the Scottish Government, Scottish Human Rights Commission, and Scottish Enterprise, has commissioned a national baseline assessment using a model developed by the Danish Institute for Human Rights and the International Corporate Accountability Roundtable.¹⁴ This will provide an evidence base to underpin the development of the action plan. Scottish Enterprise is also incorporating human rights into equality impact assessments conducted on services provided to client companies.

Regulation is necessary to protect consumers, businesses, communities, jobs and the environment, and better regulation is crucial to delivering sustainable economic growth. The Scottish Government's approach focuses on adopting five key principles of regulation, encouraging a risk-based and enabling approach. One of the enterprise elements of the Regulatory Reform (Scotland) Act 2014¹⁵ is the Scottish Regulators Code of Practice.¹⁶ The Code underpins a duty on regulators to contribute to achieving sustainable economic growth, requiring them to take economic factors appropriately into account and determine an appropriate balance where necessary. The Scottish Government is also committed to consulting with all parties potentially affected by proposals for new regulation, or where any regulation is being changed significantly. All policy changes which may have an impact upon business or the third sector should be accompanied by a Business and Regulatory Impact Assessment¹⁷ as this ensures that fullest consideration is given to the impact of Scottish regulation on Scottish businesses.

To drive good practice through procurement spending in the Scottish public sector, statutory guidance¹⁸ under the Procurement Reform (Scotland) Act 2014 was published on 5 October 2015, providing guidance to public bodies on how to evaluate fair work practices, including the Living Wage, when selecting tenderers and awarding contracts.

¹⁴ <http://www.humanrights.dk/sites/humanrights.dk/files/media/dokumenter/udgivelser/DIHR%20-%20ICAR%20National%20Action%20Plans%20%28NAPs%29%20Report.pdf>

¹⁵ <http://www.legislation.gov.uk/asp/2014/3/contents/enacted>

¹⁶ <http://www.gov.scot/Resource/0046/00467429.pdf>

¹⁷ <http://www.gov.scot/Topics/Business-Industry/support/better-regulation/partial-assessments>

¹⁸ <http://www.gov.scot/Publications/2015/10/2086>

Maximum available resources (Art. 2, paragraph 1)

4. Please provide information on the steps taken by the State party to ensure that austerity measures introduced through the Welfare Reform Act of 2012, do not disproportionately affect the enjoyment of economic, social and cultural rights, in particular of disadvantaged and marginalized individuals and groups.

The powers contained in the Welfare Reform Act 2012 are reserved to the UK Government; however the Scottish Government has made clear its continued opposition to the austerity measures contained in it and has provided a range of mitigation activities to help support marginalised groups and individuals.

The Scottish Government has invested £296 million (2013-14 to 2015-16) to mitigate the worst of UK Government welfare cuts and protect children and low income households, including those in disadvantaged and marginalised groups. This includes:

- £69 million since April 2013 for the Council Tax Reduction (CTR) Scheme (plus up to £51 million budget provision made available from local government), protecting over 525,000 vulnerable households in Scotland from increased Council Tax liabilities following the UK Government's 10% cut in Council Tax Benefit successor funding. In March 2015, over 290,000 CTR recipients (55.6% of total) were in one of the 30% most deprived areas in Scotland. At that time, the CTR scheme supported over 200,000 pensioners and 86,000 lone parents.
- £90 million since 2013 to mitigate the bedroom tax for 72,000 households.
- Around £81 million (April 2013 to September 2015) on providing Community Care Grants and Crisis Grants, through the Scottish Welfare Fund, to over 177,000 households in Scotland, including around 59,000 families with children. Over a third of awards were made to vulnerable households, such as those containing lone parents, or people with mental health problems, chronic illness or disabilities.
- Over £23 million since April 2013 for other welfare mitigation:
 - A range of advice provision designed to maximise income, support the transition to new benefits, support lone parents and tackle the unmet debt and financial capability needs of low income families;
 - £1 million for the Emergency Food Action Plan, which supports 26 projects, and the Charity Fareshare, which redistributes surplus food from the food industry to a wide range of community groups.

The Smith Commission, set up after the independence referendum of 2014, proposed that additional powers on social security should be devolved to the Scottish Parliament. The Scottish Government publication *Creating a Fairer Scotland: Social Security*¹⁹ sets out how new social security powers, despite their

¹⁹ <http://www.gov.scot/Publications/2015/10/3498/>

limited scope, will provide opportunities to develop different policies for Scotland which are fairer and help tackle inequalities and poverty, in line with the core purpose of the Scottish Government. The Scottish Government's vision is one which will include ensuring people are treated with respect and dignity.

Non-discrimination (Art. 2, paragraph 2)

5. Please explain whether the different anti-discrimination legal frameworks available in the State party, including the Equality Act 2010, provide equal level of protection and access to an independent equality body with regard to all grounds of discrimination, as provided for in Art. 2 paragraph 2 of the Covenant. Please indicate whether the State party has envisaged adopting comprehensive and harmonized non-discrimination legislation with applicability in all jurisdictions of the State party.

Currently, responsibility for legislation on equality is largely reserved to Westminster. The Equality Act 2010²⁰ enabled Scottish Ministers to place specific duties on Scottish public authorities to assist in delivery of the public sector equality duty (PSED). The Scottish specific duties²¹ came into force in May 2012 and require listed public authorities to:

- publish, every two years, a report on progress to mainstream the equality duty into its functions;
- publish, every four years, a set of equality outcomes and report on progress after two years;
- undertake equality impact assessments of new or revised policies and practices, and publish the results;
- gather and publish employee diversity data, including on recruitment, development and retention; and use this information to better perform the equality duty;
- publish, every two years, gender pay gap information;
- publish, every four years, statements on equal pay that include information on occupational segregation – starting with gender and, from 2017, also covering disability and race;
- consider equality within award criteria and conditions in relation to public procurement.

The Scottish Ministers are subject to an additional duty to publish proposals to assist Scottish public authorities to better perform the PSED, and report on progress in this area. The proposals published on 18 December 2013²² are being delivered by the Scottish National Equality Improvement Project (SNEIP), led by the Scottish Government, in partnership with the Equality and Human Rights Commission (EHRC) and other partners across the public sector. A progress report was published on 23 December 2015.²³

²⁰ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

²¹ <http://www.legislation.gov.uk/ssi/2012/162/contents/made>

²² <http://www.gov.scot/Publications/2013/12/9408>

²³ <http://www.gov.scot/Publications/2015/12/2411>

In Scotland, a range of institutions exist to provide advice and assistance in relation to human rights and equality:

- The Scottish Human Rights Commission (SHRC)^{24 25} is Scotland's national human rights institution and has a general duty to promote awareness, understanding and respect for all human rights to everyone, everywhere in Scotland, and to encourage best practice in relation to human rights. However, the Commission is not able to provide advice or assistance on individual legal claims or potential legal proceedings.²⁶
- The Equality and Human Rights Commission promotes and enforces the laws that protect people from discrimination across Great Britain. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and promote and protect human rights. It is accredited by the UN as an 'A status' National Human Rights Institution.
- The Scottish Public Services Ombudsman²⁷ is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water and sewerage providers, the Scottish Government, its agencies and departments, and most Scottish authorities.
- The Children and Young People's Commissioner Scotland²⁸ raises awareness and understanding of children's rights and helps children to assert their rights. The Commissioner has powers to undertake investigations in respect of whether service providers have regard to the rights, interests and views of groups of children and young people in taking decisions or actions that affect them. When commenced, provisions in the Children and Young People (Scotland) Act 2014 will empower the Commissioner to conduct such investigations on behalf of individual children.
- The Equality Advisory and Support Service²⁹ advises and assists individuals on issues relating to equality and human rights across Great Britain.

6. Please explain to what extent the measures taken to combat discrimination in all jurisdictions of the State party, including Overseas Territories and Crown Dependencies, have improved the enjoyment of economic, social and cultural rights by marginalized and disadvantaged individuals and groups.

The Scottish Government invested over £60 million during 2012-15 to tackle inequality and discrimination, and is investing over £20 million in 2015-16. In Summer 2014 the Scottish Government launched its *One Scotland* campaign,³⁰ which promotes Scotland as a country and a people that believe in equality.

²⁴ <http://www.scottishhumanrights.com/>

²⁵ Note: The SHRC, the Children and Young People's Commissioner Scotland and the Scottish Public Services Ombudsman are independent of both government and parliament, and this independence is guaranteed by statute. The SHRC is a UN-accredited National Human Rights Institution, which fully meets the requirements of the Paris Principles.

²⁶ <http://www.legislation.gov.uk/asp/2006/16/section/6>

²⁷ <http://www.spsso.org.uk/>

²⁸ <http://www.cypcs.org.uk/>

²⁹ <https://www.equalityadvisoryservice.com/>

³⁰ <http://onescotland.org/>

Disabled people: In September 2015 the Scottish Government published a draft delivery plan for consultation,³¹ setting out how it will implement the UN Convention on the Rights of Persons with Disabilities. The plan contains over fifty commitments to practical actions across all areas of government to improve outcomes for disabled people. The consultation closed on 18 January 2016 and responses received will be used to develop and strengthen the plan. Scotland's first Disabled People's Summit, which met on 3 December 2015, was attended by approximately 150 disabled people and their supporters to discuss the theme of "Getting our rights right." The recently established Ministerial Advisory Group on Disability met on 16 June 2015 and 2 March 2016 to advance disabled people's equality and human rights. Further meetings are being arranged for 2016-17. The Scottish Government has safeguarded support to 2,800 disabled people with high support needs through establishing a new Scottish Independent Living Fund (from 1 July 2015), and is providing an extra £5 million to open the fund to new applicants. The Self-Directed Support Act 2013³² and ten year Self Directed Support strategy,³³ backed by £50 million over five years (2011-16), will give everyone in Scotland who requires social care support greater choice and control over their lives. This includes people with disabilities, children, people in recovery from addiction and those making their way out of the criminal justice system. The Scottish Government recognised British Sign Language as a language in 2011 and supported a member's British Sign Language (Scotland) Bill,³⁴ which was passed unanimously by Parliament in 2015. The Scottish Government has invested £5.4 million over two years to improve learning disability services in Scotland, and NHS Scotland's expenditure on mental health has increased by 3.4% since 2011-12 to represent 12% of total NHS spending. The Scottish Government *Mental Health Strategy for Scotland: 2012-15*³⁵ has a specific commitment around identification of the most effective programme to support people with mental health issues to prepare for employment, engage in employment and retain employment. The use of the Work Programme³⁶ (mandatory) and Work Choice³⁷ (voluntary) for those with disability is a component of this review and further development of other employability support processes, such as supported employment, social enterprise, social firms and Individual Placement and Support schemes.

Carers: The Scottish Government has invested over £122 million (2007-16) to support and improve outcomes for carers and young carers, for example the Carer Positive initiative³⁸ to combat discrimination and raise awareness of and support for carers in the workplace. As of March 2016, 50 organisations had been assessed as being Carer Positive, with a further 40 organisations either indicating an interest or being in the process of applying. The total number of employees working for Carer Positive organisations in Scotland currently stands at over 180,000. The Carers (Scotland) Act 2016,³⁹ due to commence 2017-18, will contribute towards the improvement of unpaid carers' health and wellbeing, ensuring that they can continue

³¹ <http://www.gov.scot/Resource/0048/00484854.pdf>

³² <http://www.legislation.gov.uk/asp/2013/1/contents/enacted>

³³ <http://www.gov.scot/Publications/2010/11/05120810/0>

³⁴ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/82853.aspx>

³⁵ <http://www.gov.scot/Topics/Health/Services/Mental-Health/Strategy>

³⁶ <https://www.gov.uk/moving-from-benefits-to-work/job-search-programmes>

³⁷ <https://www.gov.uk/work-choice/overview>

³⁸ <http://www.carerpositive.org/>

³⁹ <http://www.legislation.gov.uk/asp/2016/9/contents/enacted>

to care and have a life alongside caring. As part of this Act, Scottish Ministers must prepare a carers' charter setting out the rights of carers as provided for under this Act. Nothing in the charter is to give rise to any new rights, or alter any existing rights. The charter or revised charter should be published in such manner as Scottish Ministers consider appropriate.

Children: Part 1 of the Children and Young People (Scotland) Act 2014 places specific duties on Scottish Ministers to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland to the UN Convention on the Rights of the Child (CRC), to take steps identified by that consideration, and to promote public awareness and understanding of children's rights. The Act requires Scottish Ministers to report to Parliament every three years on progress made in meeting these duties and their plans for the following three years, and also sets out responsibilities for a wide range of public sector bodies to report on how they are addressing the CRC. In June 2015, Child Rights and Wellbeing Impact Assessments⁴⁰ were introduced to ensure that all parts of the Scottish Government consider the impact of proposed policies and legislation on the rights and wellbeing of children and young people.

Race: On 21 March 2016, the Minister for Local Government and Community Empowerment launched a new Race Equality Framework for Scotland.⁴¹ The Framework, developed with support from the Coalition for Racial Equality & Rights (CRER),⁴² sets out the Scottish Government's approach to promoting race equality and tackling racism and inequality between 2016 and 2030. Based on the priorities, needs and experiences of Scotland's minority ethnic communities, with expertise contributed by the public and voluntary sectors and academia to ensure that it is practical and deliverable, the Framework describes how the Scottish Government will work in partnership with its agencies and other key stakeholders to address a wide range of opportunities for progress in six key areas of work.

Gypsy/Travellers: The Scottish Government *Equality Outcomes and Mainstreaming Report*⁴³ (April 2015) reports on progress on the equality outcome "Gypsy/Travellers experience less discrimination and more positive attitudes towards their culture and way of life by 2017." A working group of stakeholders, including members of the Gypsy/Traveller community, has been overseeing the development of an overarching strategy and action plan to address a range of issues affecting Gypsy/Travellers in Scotland.

Refugees: The *New Scots* refugee integration strategy⁴⁴ (December 2013), developed in partnership with the Convention of Scottish Local Authorities (COSLA) and the Scottish Refugee Council, provides a framework to support refugees in Scotland. Scotland is proud to have received over 550 Syrian refugees under the Syrian Resettlement Programme since October 2015. A Refugee Taskforce, which brings together the Scottish and UK Governments, local government and a range of

⁴⁰ <http://www.gov.scot/Topics/People/Young-People/families/rights/child-rights-wellbeing-impact-assessment>

⁴¹ <http://www.gov.scot/Publications/2016/03/4084>

⁴² <http://www.crer.org.uk/>

⁴³ <http://www.gov.scot/Publications/2015/04/7781>

⁴⁴ <http://www.gov.scot/Publications/2013/12/4581>

key stakeholders, is co-ordinating Scotland's humanitarian and practical response to the refugee crisis, and looking at longer term integration in areas such as housing, language support, health and any additional support needs, access to education and befriending. This will help to connect refugees with relevant groups and agencies and secure their immediate personal needs, as well as preparing local communities for their arrival.

Faith/belief: The Scottish Government has allocated almost half a million pounds to fund faith and belief organisations in 2015-16 to undertake projects to raise awareness of faith/belief in Scottish society and strengthen interfaith engagement. The Scottish Government supports Scottish Interfaith Week annually and hosts an annual Interfaith Summit, which raises the profile of interfaith work and aims to address the concerns of faith and belief communities in Scotland.

LGBTI people: In 2015-16, the Scottish Government provided over £800,000 to third sector organisations in Scotland to progress sexual orientation, gender identity and intersex equality. This includes £45,000 for Equality Network to facilitate engagement between intersex people and relevant organisations to develop an understanding of intersex equality, rights and inclusion in Scotland. This investment followed the Scottish Government's adoption of an LGBTI equality approach in April 2014 that recognises intersex equality in its own right.

Hate crime: The Offences (Aggravation by Prejudice) (Scotland) Act 2009⁴⁵ extends protection already in place for victims of crime motivated by racial or religious prejudice to cover LGBT and disabled people. The Criminal Justice and Licensing (Scotland) Act 2010⁴⁶ created a new offence of engaging in threatening or abusive behaviour, and sought to harmonise the application of existing hate crime law and improve recording of racial and religiously aggravated offences. The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012⁴⁷ criminalises the communication of threats of serious violence and threats intended to incite religious hatred, whether sent through the post or posted on the internet. The *Speak Up Against Hate Crime* campaign (launched February 2014) urged people who have suffered or witnessed crime based on prejudice to report all incidents to Police Scotland. The Scottish Government has also established an Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion.

Linguistic minorities: Provision is made in Scotland covering two autochthonous minority languages.

Gaelic / Gàidhlig

The Gaelic Language (Scotland) Act 2005⁴⁸ places a number of duties on Bòrd na Gàidhlig in relation to the promotion and enhancement of Gaelic language and culture, including the production of a National Gaelic Language Plan and statutory powers to require other public bodies and local authorities to produce their own Gaelic Language Plans. In April 2015, the Scottish Government consulted on the

⁴⁵ <http://www.legislation.gov.uk/asp/2009/8/contents>

⁴⁶ <http://www.legislation.gov.uk/asp/2010/13/contents>

⁴⁷ <http://www.legislation.gov.uk/asp/2012/1/contents/enacted>

⁴⁸ <http://www.legislation.gov.uk/asp/2005/7/contents>

renewal of its own Gaelic Language Plan.⁴⁹ The Education (Scotland) Bill⁵⁰ passed by the Scottish Parliament on 2 February 2016 places a duty on local authorities to promote Gaelic-medium education (GME) and also to give parents a right to request GME for their child. A request will initiate a detailed process to establish GME viability within the local area. The Scottish Government funds MG ALBA, which works in partnership with the BBC to produce the television channel BBC ALBA and the Gaelic radio station Radio nan Gàidheal. Stòrlann,⁵¹ the Gaelic resource body (funded by the Scottish Government), has produced a framework for teacher continuous professional development, available to all local authorities free of charge, which will enable the delivery of Gaelic learner education in primary schools. In addition, it produces a variety of school resources for fluent speakers and learners, and also provides online support to parents with children in GME. The Scottish Government supports local authorities through the Gaelic Capital Fund, which contributes to building development and repair of Gaelic schools and units, and the Gaelic Specific Grant, which is used for teacher recruitment, resources and transportation. In addition, the Scottish Government provides funding to Sabhal Mòr Ostaig, Gaelic College, which delivers undergraduate and postgraduate courses through the medium of Gaelic.

Scots

The Scottish Government's Scots Language Policy⁵² (September 2015) sets out its aims for the language and the practical steps it will take. Creative Scotland's Scots policy⁵³ (July 2015) includes the appointment of a Scots Screiver, who will utilise the National Library of Scotland's collections to produce original works on Scots, and will have explicit responsibility for raising the language's profile and developing appreciation of it. In 2014, the Scottish Government appointed four Scots language co-ordinators, who have developed a suite of educational resources and worked with practitioners in schools. Also in 2014, the Scottish Qualifications Authority introduced a Scots Language Award and a Scottish Studies Award (which can incorporate either/both Scots and Gaelic).⁵⁴ The language is increasingly being taught from early years through to secondary in varying dialects throughout the country.

Community Empowerment: The Community Empowerment (Scotland) Act 2015⁵⁵ enables communities to take over land and buildings and to bring forward ideas to improve local services. Part 2 of the Act introduces new duties on community planning partnerships and community planning partners to improve the achievement of locally agreed outcomes whilst acting with a view to reducing inequalities. It also introduces duties on community planning partners to contribute such funds, staff and resources as the community planning partnership considers appropriate to secure the participation of communities throughout, having regard in particular to those community bodies which represent the interests of those experiencing disadvantage.

⁴⁹ <http://www.gov.scot/Publications/2015/04/6007>

⁵⁰ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/87330.aspx>

⁵¹ <http://www.storlann.co.uk/>

⁵² <http://www.gov.scot/Topics/ArtsCultureSport/arts/Scots/ScotsLanguagePolicy>

⁵³ http://www.creativescotland.com/_data/assets/pdf_file/0018/31590/Scots-Language-Policy-June-2015.pdf

⁵⁴ <http://www.sqa.org.uk/sqa/70056.html>

⁵⁵ <http://www.legislation.gov.uk/asp/2015/6/contents/enacted>

There are specific provisions in the Act in relation to the reduction of socio-economic inequalities, for example:

Section 1(4): *“In determining the national outcomes, the Scottish Ministers must have regard to the reduction of inequalities of outcome which result from socio-economic disadvantage.”*

Section 5: *“In carrying out functions conferred by this Part, a community planning partnership must act with a view to reducing inequalities of outcome which result from socio-economic disadvantage unless the partnership considers that it would be inappropriate to do so.”*

The National Standards for Community Engagement⁵⁶ help organisations ensure that they include groups within the community in engagement or participation activities.

Equal rights of men and women (Art. 3)

7. Please provide information on the results of the implementation of the State party’s strategy to overcome gender inequalities, set out in the “Building a Fairer Britain” paper and the “Think, Act, Report” Initiative (E/C.12/GBR/6, para 21), particularly with regard to the enjoyment of economic, social and cultural rights of women.

Scotland’s *Economic Strategy*,⁵⁷ which sets out an over-arching framework for a more productive, cohesive and fairer Scotland, recognises that maximising economic opportunities for women to participate fully in the economy, and the wider social role they provide, is key to improving economic performance and tackling inequality. The role of the Ministerial Strategic Group on Women and Work⁵⁸ has been strengthened to have a more economic focus, specifically on tackling the barriers women face in entering and progressing in the labour market. The Scottish Government’s Programme for Government has consistently prioritised work to tackle gender inequality, including measures to close the gender pay gap, end pregnancy and maternity discrimination, and remove Employment Tribunal fees.

The Scottish Government acknowledges the particular importance of demonstrating public sector leadership in achieving gender balance, including by:

- placing a new duty on listed public authorities to publish the gender composition of their boards and produce a diversity succession plan to increase the diversity of their board;
- bringing forward legislation to require gender balance on the boards of public bodies in the first year following Scottish Parliament elections in May 2016;
- supporting the Partnership for Change voluntary network, through which organisations from across Scotland’s public, private and third sectors commit

⁵⁶ <http://www.gov.scot/Topics/People/engage/NationalStandards>

⁵⁷ <http://www.gov.scot/Topics/Economy/EconomicStrategy>

⁵⁸ <http://www.employabilityinScotland.com/key-clients/women-and-work/strategic-group-on-women-and-work/>

to improving the diversity of their boards and working towards achieving a 50/50 gender balance by 2020.⁵⁹

8. Please also provide information on the measures taken to address the existing gender pay gap and the vertical and horizontal occupational sex segregation, in all jurisdictions, including Overseas Territories and Crown Dependencies.

The full-time gender pay gap in Scotland decreased from 9.1% in 2014 to 7.3% in 2015.⁶⁰ In the UK the corresponding figures were 9.6% and 9.4%. The Scottish Government is clear that tackling the gender pay gap requires a broad and dynamic approach that covers a range of devolved and currently reserved powers, and which challenges the different drivers of the gender pay gap, such as: differences in patterns of employment (horizontal occupational segregation); concentration of women at lower levels and under-representation at senior management and board levels (vertical occupational segregation); pregnancy and maternity discrimination; unequal pay; and the availability or lack of affordable childcare and quality flexible working jobs. The Scottish Government is taking action to address the gender pay gap, including:

- using powers to be transferred by the Scotland Bill⁶¹ to remove employment tribunal fees to ensure there are no barriers to women accessing justice;
- working with EHRC to consider what more can be done to challenge pregnancy and maternity discrimination;
- lowering the threshold (from 150 to 20 employees) for listed public authorities to publish their gender pay gap every two years and an equal pay statement every four years;
- providing funding of over £600,000 in 2015-16 to tackle occupational segregation and encourage girls to consider a career in STEM (science, technology, engineering and maths);
- providing £500 million to increase and improve high quality, flexible early learning and childcare, from 475 to 600 hours per year for all 3-4 year olds, and over a quarter of 2 year olds who will benefit most; and committed to almost doubling this entitlement to 1,140 hours p.a. by the end of the parliament elected in 2016;
- working with employers and their representative bodies to promote and support flexible working, including funding for the Family Friendly Working Scotland Partnership (£211,000 in 2015-16).⁶²

⁵⁹ <http://onescotland.org/equality-themes/5050-by-2020/>

⁶⁰ [Tables 4 and 6, Annual Survey of Hours and Earnings 2015 - Scottish Government Analysis](#)

⁶¹ <http://services.parliament.uk/bills/2015-16/scotland.html>

⁶² <http://familyfriendlyworkingscotland.org.uk/>

The Right to work (Art. 6)

9. In light of the Committee's previous recommendations ([E/C.12/GBR/CO/5](#), para 20), please provide information on the impact of the measures adopted to address unemployment and how they have improved access to work opportunities among the most disadvantaged and marginalized individuals and groups, including persons with disabilities and ethnic minorities, as well as young people. Please also provide comprehensive data on access to employment, disaggregated by age, sex, ethnic groups, and regions, including Overseas Territories and Crown Dependencies.

It should be noted that under the current constitutional settlement, even taking into account extra powers being devolved through the Smith Commission process, the Scottish Government has only limited powers to address equality, welfare or taxation. The setting of the minimum wage is reserved to the UK Government.

*Scotland's Economic Strategy*⁶³ sets out an overarching framework for increasing competitiveness and tackling inequality in Scotland through a range of policy initiatives such as an agenda for fair work, the Scottish Business Pledge, support for the Living Wage and gender balance on corporate boards.

The aim of the Scottish Government's **Youth Employment Strategy**, *Developing the Young Workforce*,⁶⁴ is to improve the transition of all young people from education into sustainable, productive employment, reducing 2014 levels of youth unemployment by 40% by 2021. The Scottish Government published the first annual progress report on 9 December 2015.⁶⁵ Initiatives such as Community Jobs Scotland,⁶⁶ the Youth Employment Scotland Fund,⁶⁷ Opportunities for All⁶⁸ and Scotland's Employer Recruitment Incentive⁶⁹ (SERI) act to address the long term effects of unemployment. In 2015-16, the Employability Fund, delivered by Skills Development Scotland (SDS), will provide 17,150 pre-employment skills training places to unemployed people. Individual Learning Accounts⁷⁰ enable those in low paid, low skilled work or who are unemployed to access up to £200 towards the cost of training. All of this together is achieving successful outcomes into employment, self-employment, a Modern Apprenticeship (MA), advanced learning and/or a recognised qualification. An SDS survey showed that 92% of MA completers are still in work six months later.⁷¹

⁶³ <http://www.gov.scot/Publications/2015/03/5984>

⁶⁴ <http://www.gov.scot/Publications/2014/12/7750>

⁶⁵ <http://www.gov.scot/Publications/2015/12/7463>

⁶⁶ <http://jobs.scvo.org.uk/>

⁶⁷ <http://www.employabilityinscotland.com/policy-and-partnership/youth-employment/youth-employment-scotland-fund/>

⁶⁸ <http://www.gov.scot/Publications/2012/11/7618>

⁶⁹ <https://www.mygov.scot/scotlands-employer-recruitment-incentive-eri/>

⁷⁰ <https://www.skillsdevelopmentscotland.co.uk/what-we-do/our-products/sds-individual-learning-accounts/>

⁷¹ https://www.skillsdevelopmentscotland.co.uk/media/35597/ma_outcomes_report_-_29jan13_-_final_1_.pdf

In response to recommendations contained in *Developing the Young Workforce*,⁷² SDS published an *Equalities Action Plan for Modern Apprenticeships in Scotland*⁷³ on 2 December 2015. This plan outlines the challenges to be addressed and the actions SDS will undertake with partners to improve the participation of under-represented groups within the MA programme. The plan was drawn up with the support of equality groups and stakeholders from across Scotland with a focus to increase the number of young disabled people, black and minority ethnic people, and care leavers entering MAs. The five-year plan also aims to address gender disparities within some MA frameworks. As part of the Youth Employment Strategy, the Scottish Chambers of Commerce have been commissioned to look at how barriers to employment for young disabled people and other vulnerable groups can be addressed. This work will conclude in 2016 and is likely to recommend ongoing actions to support businesses to employ young disabled and other vulnerable young people.

One of the Scottish Government's main employability policies for **disabled people**⁷⁴ focuses on the supported employment model, generally delivered by local authorities, which enables people to learn on the job with support from colleagues and a job coach. The Scottish Government is working with stakeholders, including the Scottish Union of Supported Employment, to ensure that it becomes a more integrated part of the local services available to those seeking work. The Scottish Government has developed a Personal Development Awards Qualification for supported employment workers⁷⁵ and a Supported Employment Outcomes framework.⁷⁶ The Scottish Government's Mental Health and Learning Disabilities (*Keys to Life*) strategies⁷⁷ promote the value of employment to health. The Scottish Government prioritises helping disabled people into mainstream employment wherever possible, however supported businesses⁷⁹ can play a valuable role both as a stepping stone towards mainstream employment and for those who are unable to progress. The Scottish Government provided City of Edinburgh Council with £17,000 until the end of March 2016 to develop a tool on the organisation of an effective supported employment service locally and the use of the supported employment personal development qualification.

Scotland has a higher **female employment** rate (71.2%) than the UK average and one of the highest in the EU, and a lower female economic inactivity rate than the UK as a whole. However, women are more likely to be in low paid and part-time work than men, and to be underemployed in terms of hours worked and skills levels.

⁷² <http://www.gov.scot/Topics/Education/edandtrainingforyoungple/ScottishGovernmentResponse>

⁷³ https://www.skillsdevelopmentscotland.co.uk/media/40691/2869_sds_equalities_action_plan_digital_v7.pdf

⁷⁴ <http://www.gov.scot/resource/doc/303584/0095164.pdf>

⁷⁵ <http://www.sqa.org.uk/sqa/58040.html>

⁷⁶ http://www.susescotland.co.uk/media/61773/finalreport_on_supported_employment_outcomes.pdf

⁷⁷ <http://www.gov.scot/resource/0039/00398762.pdf>

⁷⁸ <http://www.gov.scot/Publications/2013/06/1123>

⁷⁹ European Directives have set a change in scope for the award of reserved contracts, which the Scottish Government must transpose in to Scottish Law, that includes a change of definition from 50% *disabled* to 30% *disadvantaged* in terms of composition of workforce. At present, the Scottish Government cannot legitimately do anything to define the change without risking over or under implementing regulations, and is awaiting further guidance from the European Commission.

Promotion of the living wage, improved access to flexible working, increased early years and childcare provision, and support to tackle youth unemployment in Scotland are all helping to improve the quality of work for women. The Scottish Government funds the Family Friendly Working Scotland Partnership, and works with a range of organisations, to support the development of family-friendly workplaces across Scotland. The Scottish Government plans to increase early years and childcare provision from 600 to 1,140 hours per year (30 hours per week) by the end of the parliamentary term that begins in 2016. Female Modern Apprentices increased from 27% in 2008-9 to 40% in 2014-15, and the Scottish Government has supported Skills Development Scotland (SDS) to develop and deliver a Modern Apprenticeship Equalities Action Plan (see above). Women form the majority of college students in Scotland, and the Scottish Funding Council will create and implement a gender action plan to address gender imbalance on specific courses.

The employment rate for people from **minority ethnic groups** in Scotland increased from 55.8% to 60.1% over the year to December 2014.⁸⁰ In the year to end of June 2015 the figure was 56.9%, compared with an overall employment rate (16-64) in Scotland of 72.9%. Employment rates for females from minority ethnic groups are typically around 20% lower than for males; whereas the gap between all males and females living in Scotland is approximately 7%. The Scottish Government supports stakeholders in developing local multi-agency employability partnerships within the broader Community Planning Partnership framework. The Scottish Government awarded £110,496 to a venture between Bridges Programmes, Glasgow City College and the Dundee International Women's Centre, to develop a year-long vocational English as a Second or Other Language (ESOL) employability programme. Part of the £3 million *Developing the Young Workforce* funding allocated to SDS in 2014-15 will fund a pilot with BEMIS and Rathbone to support around 75 minority ethnic young people into Modern Apprenticeships. Key issues around employment emerging from the Scottish Government's engagement activities to develop a new race equality framework for Scotland include the need to:

- identify and promote practice that works in reducing employment inequalities
- recognise and address issues around recruitment, and the different barriers to entering employment, workplace progression and retention
- provide support for minority ethnic people who are new to the labour market, including school leavers
- review the role of the public sector equality duty in developing a standardised approach to improving race equality in employment across the public sector.

In 2014-15 the Scottish Government **Partnership Action for Continuing Employment** (PACE) initiative⁸¹ supported 12,161 individuals and 252 employers over 392 sites.⁸² 72% of surveyed recipients obtained employment within six months.⁸³ The Scottish Government provided £250,000 in 2015-16 to support **family friendly and flexible working**, which helps to retain experienced staff with health or caring needs.

⁸⁰ Office for National Statistics

⁸¹ <http://www.gov.scot/Topics/Business-Industry/support/15419>

⁸² Source: Skills Development Scotland

⁸³ <http://www.gov.scot/Resource/0046/00460000.pdf>

The Scottish Government publishes comprehensive employment data for Scotland annually. The publication, *Local Area Labour Markets in Scotland: Statistics from the Annual Population Survey, 2014*⁸⁴ noted a record high employment level in Scotland, driven by increasing female employment; a record number of older workers (aged 50 or over); decreasing underemployment; and the lowest level of NEET (not in employment, education or training) since comparable records began in 2004. The associated data tables⁸⁵ provide data by region: by age (table 1.4), sex (tables 1.2 and 1.3), ethnic group (table 1.6), disability (table 1.5) and religion (table 1.7). In December 2015, the Office for National Statistics published employment statistics, including regional statistics for Scotland.⁸⁶

The right to just and favourable conditions of work (Art. 7)

10. Please indicate whether the national minimum wage that has been introduced in the State party provides workers and their families a decent living.

The National Minimum Wage (NMW) is a matter currently reserved to Westminster.

The Scottish Government has consistently supported the principle of the Living Wage as an important part of its overall approach to fair work and building a fairer Scotland. The Living Wage is calculated according to the basic cost of living and therefore takes account of the adequacy of household incomes for achieving an acceptable minimum living standard. The Scottish Government pays the Living Wage to its staff and encourages other organisations to do so, notably through public procurement. In June 2015 the Scottish Government became accredited as a Living Wage Employer and is funding the Poverty Alliance to administer the Scottish Living Wage Accreditation Initiative⁸⁷ on behalf of the Living Wage Foundation. The number of Scots-based Living Wage Accredited Employers is now over 500⁸⁸ and a new target has been set to reach 1,000 by Autumn 2017.

The “National Living Wage” announced by the UK Government in July 2015 is not a Living Wage; rather it is an enhancement of the NMW, though the proposed increase does not support young people aged under 25 – one of the groups most affected by the recession; indeed, it offers the real risk of devaluing the work they do. The Scottish Government is also concerned that the introduction of the new rate of the NMW adds to the unnecessary complexity of the minimum wage arrangements already in place. It will create five different rates, causing further confusion for employers and employees, and introducing further inequalities into the structure. The continued differential treatment of young people and apprentices is a particular cause for concern.

⁸⁴ <http://www.gov.scot/Publications/2015/05/3466>

⁸⁵ <http://www.gov.scot/Topics/Statistics/Browse/Labour-Market/Local-Authority-Tables>

⁸⁶ <http://www.ons.gov.uk/ons/rel/subnational-labour/regional-labour-market-statistics/december-2015/index.html>

⁸⁷ <http://scottishlivingwage.org/>

⁸⁸ <http://www.scottishlivingwage.org/accredited>

11. Please provide information on the specific measures adopted and their impact to ensure that the working conditions of all migrant workers are in compliance with article 7 of the Covenant. Please provide information on how the new Modern Day Slavery Act of March 2015 is being enforced and whether dissemination activities on the content of such Act have been carried out among employers and migrant workers. Please provide information on the investigations and sanctions imposed for cases where the right to just and favourable conditions of work of migrant workers has been violated.

Immigration matters are fully reserved to the UK Government and the Modern Day Slavery Act is a UK Act. However, the Smith Commission recommended the devolution of all powers in relation to the management and operation of all employment tribunals. Clause 33 of the Scotland Bill makes provision for the devolution of these tribunals and will set out the parameters of the transfer of legislative competence to the Scottish Parliament. In doing so, the Scottish Government aims to ensure that all workers have protection and access to justice where those protections have been infringed, and has therefore committed to abolishing employment tribunal fees once responsibility has transferred.

12. Please provide information on measures adopted by the State party for the prevention of accidents and work-related diseases and to ensure that occupational health services, including compensation are available for all workers throughout all the State party's jurisdictions.

Regulation of occupational health and safety is an issue reserved to the UK Government, as are issues relating to compensation. The Scottish Government provides access to information and advice on a wider range of issues relating to workplace health, safety and wellbeing through the Scottish Centre for Healthy Working Lives.⁸⁹ The Scottish Government and the Centre collaborate with a wide range of partners, including the Health and Safety Executive (Partnership on Health and Safety in Scotland),⁹⁰ trade unions and employers, to develop a health and safety system for Scotland aimed at producing appropriate outcomes for both employees and employers. In 2009 the Scottish Government published *Health Works*,⁹¹ a review of the Scottish Government Healthy Working Lives Strategy, which aims to improve health outcomes for workers by encouraging and supporting employers to promote health and wellbeing in and through the workplace.

⁸⁹ <http://www.healthyworkinglives.com/>

⁹⁰ <http://www.hse.gov.uk/scotland/partnership.htm>

⁹¹ <http://www.gov.scot/Publications/2009/12/11095000/0>

Trade union rights (Art. 8)

13. **Please provide information on the measures adopted to effectively enforce the new regulation adopted to prevent Blacklisting of trade union members. Please also provide information on the adoption and content of the trade unions bill and whether it contains any exemptions to the trade union rights, as contained in the Covenant.**

Blacklisting

The new Public Contracts (Scotland) Regulations 2015,⁹² which were laid in the Scottish Parliament on 18 December, contain a provision to ensure that companies that are involved in blacklisting will be excluded from bidding for public contracts. This will come into force on 18 April 2016, after which it will be a legal requirement for public bodies to exclude businesses which are found to have breached the Employment Relations Act 1999 (Blacklists) Regulations 2010,⁹³ or which have admitted to doing so, until such time as they have taken appropriate remedial measures or a period of three years has elapsed (the longest period of exclusion allowed under EU law). The legal requirement to exclude such companies replaces the previous guidelines for public bodies,⁹⁴ which required companies seeking public sector contracts to disclose whether they have been involved in the practice.

Trade Union legislation

The Scottish Government is strongly opposed to the UK Government's Trade Union Bill, which presents a direct threat to the fundamental rights of workers and to Scotland's approach to industrial relations. In particular, the Scottish Government has concerns around the potential impact the Bill's provisions have on Article 8(1)(c) of the Covenant – the right of trade unions to function freely. The UK Government's Trade Union Bill would require a 50% turnout requirement for industrial action alongside a 40% support requirement in important public services. Further measures will be introduced on the timings and duration of industrial action, with proposals to tighten restrictions on picketing during industrial action. In the public sector there is a proposed cap on 'facility time' and the practice of 'check-off' will be banned. Further restrictions will be applied to the application of funds for political objects. Although it is not included in the Bill, there is a further proposal to end the ban on the use of agency workers during strike action. All of these proposals would have negative implications for both the enjoyment of rights recognised in the Covenant and for industrial relations in Scotland.

The Scottish Government strategy, outlined in *Working Together for a Fairer Scotland; Scottish Government Response to the Working Together Review*,⁹⁵ underlines the belief that a progressive approach to industrial relations and to trade unionism is at the heart of a fairer, more successful society. Recognising the importance of ensuring effective consultation and involvement of staff, the Scottish Government encourages staff to join and play an active part in an appropriate trade

⁹² http://www.legislation.gov.uk/ssi/2015/446/pdfs/ssi_20150446_en.pdf

⁹³ <http://www.legislation.gov.uk/ukSI/2010/493/contents/made>

⁹⁴ <http://www.gov.scot/Resource/0043/00438311.pdf>

⁹⁵ <http://www.gov.scot/Publications/2015/08/7871>

union. In Scotland, the number of days lost to strike action has reduced by 84% since 2007, through working together not by sanctioning workers. Where strikes do occur, the Scottish Government has given a guarantee that it would not employ agency staff to cover strike action.

Right to social security (Art. 9)

14. Please clarify what social assistance schemes are available for persons working in the informal economy, as well as for non-nationals, including asylum seekers, refugees and migrants. Please also provide information on whether essential services for rejected asylum-seekers are available throughout the State party.

Immigration and asylum are reserved to the UK Government along with the vast majority of social security provision. Refugees living in Scotland are entitled to receive UK welfare benefits, and the benefits they receive will depend on their individual circumstances. Whether migrants can receive welfare benefits will depend on their immigration status. Financial support for asylum seekers living in Scotland is managed by the Home Office. In certain circumstances, refused asylum seekers can continue to receive financial support from the Home Office. However, if they have been refused financial support and have no recourse to public funds, the Scottish Government is not permitted to provide alternative financial support.

The Scottish Welfare Fund⁹⁶ acts as a safety net for those most in need by providing Crisis and Community Care Grants to vulnerable people on low incomes. Since its establishment by the Scottish Government in April 2013, around 178,000 households⁹⁷ have received help to obtain essential everyday items such as food, cookers and beds. Applicants are not required to have a National Insurance Number and therefore the scheme is accessible to those working in the informal economy and refugees. Home Office rules regarding asylum seekers apply to the SWF and they are not eligible for support.

15. Please indicate whether the new proposed reforms to the social security system in the Full Employment and Welfare Benefits Bill will ensure a minimum amount of social assistance benefits that provides an adequate standard of living for its beneficiaries and their families.

The majority of social security provision is reserved to Westminster and the Bill is being taken forward by the UK Government. However, the Scottish Government uses the powers it has under the current constitutional settlement to look to ensure an adequate standard of living for people in Scotland. The Scottish Government has provided £280,000 to the Poverty Alliance to promote take up of the Living Wage Accreditation Scheme and increase the number of employers across Scotland paying the Living Wage. Scotland has the second highest proportion of employees paid the Living Wage or more (80.5%) across the countries and regions of the UK, behind the South East (81.6%). Following the achievement of the target of 150 Accredited Living Wage Employers eight months ahead of schedule, on 28 March

⁹⁶ <http://www.gov.scot/Topics/People/fairerscotland/scottishwelfarefund>
⁹⁷ <http://www.gov.scot/Topics/Statistics/Browse/Social-Welfare/swf>

2015 Scotland's First Minister announced a new target of 500 by the end of March 2016. The number of Accredited Employers is now over 500⁹⁸ and a new target has been set to reach 1,000 by Autumn 2017.

Further devolution of competence for aspects of social security provision is currently the subject of legislation in the UK Parliament. Responsibility for eleven existing benefits will be devolved to the Scottish Parliament, as well as the power to top-up other benefits and to create new benefits. Current expenditure on the benefits to be devolved in Scotland is around £2.7 billion and represents 15.3% of total expenditure on benefits in Scotland. The Scottish Government has made clear that implementation and delivery of new social security powers in Scotland will be guided by principles which recognise the centrality of dignity and respect, and the importance of challenging the stigma that unfairly surrounds those who are in receipt of benefits.

Protection of the family, mothers and children (Art. 10)

16. Please provide information on the concrete measures that have been adopted to make childcare services available, accessible and affordable throughout the State party. Please also clarify to what extent the costs of childcare services prevent the disadvantaged groups from accessing it.

The Children and Young People (Scotland) Act 2014 has increased the amount of funded early learning and childcare to 600 hours per year for all 3-4 year olds. This has been extended to over a quarter of 2-year olds who will 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 Act also places a statutory duty on local authorities to consult with representative groups of local parents on a range of patterns of hours, leading to year-on-year improvements in flexibility and choice.

A range of evidence shows that a lack of affordable childcare poses a significant barrier to work and that childcare costs are a concern for many parents. A recent DWP survey on childcare and work decisions found that 48% of parents who used childcare for work purposes reported difficulty meeting the cost; whereas 21% found it easy or very easy.⁹⁹ Amongst families reporting that they wanted to work more, a third cited the main reason for not doing so to be related to the affordability of formal childcare. Childcare costs as a proportion of family income in the UK were the highest across the OECD in 2012, comprising 29% of net family income. A survey by Save the Children and Daycare Trust¹⁰⁰ (which included Scottish parents) found that cost is a major barrier preventing parents on the lowest incomes from accessing childcare. The *Growing Up in Scotland* study¹⁰¹ found that over half of unemployed parents would prefer to work or study if they were able to afford good quality reliable

⁹⁸ <http://www.scottishlivingwage.org/accredited>

⁹⁹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221221/WP114.pdf

¹⁰⁰ <http://www.savethechildren.org.uk/resources/online-library/making-work-pay-%E2%80%93-childcare-trap>

¹⁰¹ <http://www.gov.scot/Resource/Doc/162295/0044116.pdf>

childcare. International evidence reviewed by IPPR¹⁰² suggests that, as countries make childcare more available and affordable, those mothers on the margins of employment are most likely to increase their hours of work.

17. Please provide information on access to justice and on the protection and support services available to victims of domestic and gender-based violence. Please indicate the number of cases investigated and brought before the courts, and the penalties imposed to the perpetrators.

Legal aid is available to victims of domestic and 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 and gender-based violence have the status of a '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 £215,000, through the Scottish Legal Aid Board, to support the Scottish Women's Rights Centre,¹⁰³ which offers free legal information and advice to women who have experienced gender-based violence, including a national helpline.

Scotland's strategy for preventing and eradicating violence against women and girls, *Equally Safe* (2014),¹⁰⁴ states that: "*Gender-based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.*" This definition is recognised by criminal justice agencies such as Police Scotland, Scottish courts and social work services.

There is no specific or free-standing criminal offence of committing domestic abuse in Scotland. Instead, a range of offences may be committed within a context in which domestic abuse is occurring and a variety of legal provisions can be used to prosecute incidents of domestic abuse. Statistical information on domestic abuse incidents is collated by adding a specific marker to any offence where the conduct falls within the overall category of domestic abuse. In the financial year 2013-14, proceedings were initiated against 13,590 people in Scottish courts for an offence with a domestic abuse marker and resulted in 11,072 convictions.¹⁰⁵ The penalties for people convicted of an offence with a domestic abuse marker included custodial sentences (13%), community sentences (28%), financial penalties (27%) and other sentences (32%), which were mostly made up of admonishments.¹⁰⁶ In October

¹⁰² <http://ippr.org/read/women-and-flexible-working-improving-female-employment-outcomes-in-europe#>

¹⁰³ <http://www.rapecrisisscotland.org.uk/news/scottish-womens-rights-centre-free-legal-surgeries/>

¹⁰⁴ <http://www.gov.scot/Publications/2014/06/7483>

¹⁰⁵

<http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S4W-28953>

¹⁰⁶

<http://www.scottish.parliament.uk/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S4W-28953>

2015, the Scottish Government introduced the Abusive Behaviour and Sexual Harm Bill,¹⁰⁷ which will (if approved) create a new offence of sharing private intimate images and introduce a new statutory domestic abuse aggravator to ensure courts take domestic abuse into account when sentencing an offender. In December 2015, the Scottish Government published a consultation seeking views on a draft specific offence criminalising domestic abuse.

The Victims and Witnesses (Scotland) Act 2014¹⁰⁸ introduces measures to improve support for victims and witnesses and helps meet Scotland's obligations under European Directive 2012/29/EU,¹⁰⁹ which establishes minimum standards on the rights, support and protection of victims of crime. The Act is being implemented in stages but measures already in force include:

- a new right for alleged victims of sexual offences, domestic abuse, human trafficking and stalking to specify the gender of their police interviewer;
- a new right for victims and witnesses to access information about the progress of their case, so they can keep informed of what is happening;
- the publication of standards of service for victims and witnesses so they know what to expect from the criminal justice agencies;
- an individual assessment of every witness to ensure that any vulnerability is identified and appropriate special measures* considered;
- automatic eligibility to the standard special measures** for alleged victims of certain crimes (sexual offences, domestic abuse, human trafficking, stalking);
- a new category of vulnerability where there is considered a significant risk of harm to a person as a result of them giving evidence;
- raising the age at which individuals are treated as child witnesses from under 16 to under 18, in both criminal and civil proceedings.

(*Special measures for the purposes of a vulnerable witness giving evidence are: the use of a supporter; giving evidence by way of a TV link; the use of screens to shield the witness from the accused; giving evidence by way of a prior statement; giving evidence by way of a commissioner; and a closed court (excluding certain persons from the court whilst the vulnerable witness is giving their evidence)).

(**Standard special measures are those which are automatically available to child and deemed vulnerable witnesses and are: the use of a supporter; giving evidence by way of a TV link; and the use of screens to shield the witness from the accused).

¹⁰⁷ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/92672.aspx>

¹⁰⁸ <http://www.gov.scot/Topics/Justice/policies/victims-witnesses>

¹⁰⁹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

18. Please provide information on the experience of the State party in preventing child and forced marriages, as well as to effectively implement its legislation on female genital mutilation (FGM). Please provide information on the number of cases that have been investigated and prosecuted and explain what specific mechanisms have been established to provide effective protection, support and rehabilitation services for victims of FGM, including awareness raising and training of frontline service agencies.

Forced Marriage is an indefensible practice that is recognised as a form of violence against women and men, and, when children are involved, child abuse. The law in Scotland provides both civil and criminal protection for those at risk. The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011¹¹⁰ introduced a civil Forced Marriage Protection Order (FMPO) to protect people who are threatened with or already in a forced marriage. It is a criminal offence to breach a FMPO, of which there are seven currently in force in Scotland. None has been breached since the legislation came into force. Section 122 of the Anti-Social Behaviour, Crime and Policing Act 2014¹¹¹ (which came into force on 30 September 2014) made forcing a person into marriage a criminal offence under the law of Scotland. The 2011 Act and 2014 Act work alongside one another to protect those at risk: victims can use the 2011 Act to apply to the civil court for a FMPO; the police and the Crown Office and Procurator Fiscal Service (COPFS) undertake criminal investigations or proceedings under the 2014 Act.

To coincide with criminalisation of forced marriage in September 2014, the Scottish Government updated all relevant guidance for statutory and third sector bodies; developed and published a range of printed and on-line awareness raising materials;^{112 113 114} and funded multi-agency training for practitioners to help them understand the legislation and respond to reports of forced marriage. The Scottish Government has commissioned independent research to inform future thinking on tackling the issue, and a final report is expected by April 2016. The Scottish Government funds a range of third sector organisations in Scotland who provide support and advice to those at risk of, or who have been victims of, forced marriage.

Female Genital Mutilation (FGM) reflects deep-rooted inequality and constitutes an extreme form of discrimination against women. It is recognised internationally as a violation of the human rights of girls and women, and has been unlawful in Scotland since 1985.¹¹⁵ The Female Genital Mutilation (Scotland) Act 2005¹¹⁶ gave those offences extra-territorial powers, making it a criminal offence to have FGM carried out either in Scotland or abroad. In May 2015 the Scottish Government closed a loophole in the law by extending the reach of the extra-territorial offences to habitual (as well as permanent) UK residents by means of a legislative consent motion in the

¹¹⁰ <http://www.legislation.gov.uk/asp/2011/15/contents/enacted>

¹¹¹ <http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm>

¹¹² <http://www.gov.scot/Topics/People/Equality/violence-women/forcedmarriage/Guidance>

¹¹³ <http://www.gov.scot/Topics/People/Equality/violence-women/forcedmarriage/publicationsandresources>

¹¹⁴ <http://onescotland.org/equality-themes/gender-equality/>

¹¹⁵ Prohibition of Female Circumcision Act 1985
(<http://www.legislation.gov.uk/ukpga/1985/38/contents>)

¹¹⁶ <http://www.legislation.gov.uk/asp/2005/8/contents>

Serious Crime Act 2015.¹¹⁷ From 1 April 2013, when the new national police force, Police Scotland, became operational, to 31 March 2015, there were 31 referrals or child welfare concerns made to the police from partner agencies about FGM, which initiated an Inter-Agency Referral Discussion (IRD) for 34 girls. In all cases, the referrals related to concerns that girls were at risk of having FGM performed on them. These concerns have been fully investigated and no criminality established. From 1 April 2015 to September 2015 there were 16 referrals for 5 girls and, again, no criminality has been established.

The Scottish Government is funding a range of training, awareness raising and research to increase understanding of the issue and to inform thinking on any relevant new legislation. *Scotland's National Action Plan to Prevent and Eradicate FGM* was published on 4 February 2016.¹¹⁸ A Service Specification for Health Care Services to help services identify and respond to the needs of survivors of FGM, protect those at risk and prevent FGM was also published in February 2016,¹¹⁹ and multi-agency national practice guidance to support frontline staff and their organisations will be published later in the year. The Scottish Government has supported the development and publication of a range of training and information materials on FGM, available in hard copy and on-line. Materials include an FGM Statement, a DVD, information leaflets for practitioners highlighting key points, good practice, resources and services, and a standardised training package and risk assessment tool.^{120 121} Letters from the Chief Medical Officer (CMO) / Chief Nursing Officer (CNO) were sent to Health Boards in 2014 and 2015, explaining that they should record all types of FGM, and reminding health professionals in Scotland of the resources available to support people who have had FGM or are at risk of FGM. The letters include a reminder to be alert to young girls being taken out of Scotland to have FGM performed. The Scottish Government funded the printing of 2,000 copies of a joint FGM statement, circulated widely among stakeholders, which a person who may be at risk can show to family friends and/or relatives when travelling abroad, to remind them that FGM is a serious offence in Scotland and the UK.¹²² The statement was used to support Police Scotland's 'Operation Atlas' which ran at all Scottish airports and a seaport prior to and during the 2015 summer school holidays, as school holidays are historically the time when girls are taken out of the country to have FGM performed. The Scottish Government funds and works closely with a number of third sector organisations which support those at risk of, or who are survivors of, FGM.

19. Please provide updated information on concrete measures that have been adopted to combat human trafficking throughout the State party, including in the Overseas Territories and the Crown Dependencies.

The Human Trafficking and Exploitation (Scotland) Act 2015¹²³ consolidates and strengthens existing criminal law against traffickers and those who exploit others;

¹¹⁷ <http://www.legislation.gov.uk/ukpga/2015/9/contents/enacted>

¹¹⁸ <http://www.gov.scot/Publications/2016/02/8232>

¹¹⁹ [http://www.sehd.scot.nhs.uk/cmo/CMO\(2016\)05.pdf](http://www.sehd.scot.nhs.uk/cmo/CMO(2016)05.pdf)

¹²⁰ <http://onescotland.org/equality-themes/gender-equality/>

¹²¹ <http://www.gov.scot/Topics/People/Equality/violence-women/FGM/FGMResources>

¹²² <http://www.gov.scot/Topics/People/Equality/violence-women/FGM/FGMResources>

¹²³ <http://www.legislation.gov.uk/asp/2015/12/contents/enacted>

enhances the status of and support available for victims of trafficking and exploitation; and requires relevant bodies to work with the Scottish Government to develop and implement a statutory Scottish Anti-Trafficking Strategy. The Strategy, which will be reviewed and reported on every three years, may set out actions to raise awareness of human trafficking, develop arrangements to facilitate prevention and detection of trafficking and exploitation, and provide support to victims.

The Act will provide, for the first time, a single offence for all kinds of trafficking, making action easier to take, and increase the maximum penalty for human trafficking to life imprisonment. This part of the Act will commence on 31 May 2016. It gives police and prosecutors in Scotland greater powers to detect and prosecute those responsible, and provides a new set of tools to prevent and punish trafficking, such as prevention and risk orders.

The Scottish Government provides support and assistance to potential and confirmed adult victims of trafficking through two support organisations: Migrant Help¹²⁴ and the Trafficking Awareness Raising Alliance (TARA).¹²⁵ The support package provided includes, as required, access to safe accommodation and material assistance, as well as help to access information and specialised care such as medical treatment, psychological assistance and counselling. Potential adult victims are also provided with access to translation, interpretation, legal services and help to access compensation. The 2015 Act puts support for adult victims on a statutory basis, and also provides discretion for support to be provided out-with a reflection and recovery period.

Local authorities have responsibility for providing support to child victims of trafficking under existing child protection and children's services legislation in Scotland. The Scottish Guardianship Service,¹²⁶ funded by the Scottish Government, already provides guardianship services to certain unaccompanied children, and the 2015 Act will place, in statute, a duty on Scottish Ministers to ensure that guardians are available for all children who reasonably appear to have been trafficked or to be vulnerable to being trafficked, where no one in the UK holds parental rights and responsibilities in relation to such a child.

In addition, the 2015 Act provides protection for people compelled to commit a crime as a consequence of human trafficking, by requiring the Lord Advocate to issue instructions to prosecutors about factors they must consider when deciding whether to prosecute trafficking victims. The Crown Office and Procurator Fiscal Service (COPFS) provides guidance to its staff on how to deal with such cases, and also receives input from TARA on staff training. COPFS has a National Lead Prosecutor for Human Trafficking and Exploitation, who is also the head of the National Sexual Crimes Unit, and four Federation Lead Prosecutors for Human Trafficking and Exploitation, who take the lead at a local level. COPFS works closely with Police Scotland, including through knowledge sharing, and with other prosecution agencies around the UK. In September 2014, the Lord Advocate hosted a summit on human trafficking in Edinburgh, involving the heads of prosecution services in England &

¹²⁴ <http://www.migranthehelpuk.org/>

¹²⁵ <http://www.communitysafetyglasgow.org/what-we-do/supporting-victims-of-gender-based-violence/%EF%BF%BC%EF%BF%BCtara/>

¹²⁶ <http://www.gov.scot/Topics/People/Young-People/protecting/lac/guardianship>

Wales, Northern Ireland, Ireland and Scotland. At a further summit in London in February 2016 the heads of the prosecution services signed a series of commitments to ensure that a consistent, robust approach is taken to the prosecution of human trafficking offences. They agreed to work closely together, and with law enforcement partners, to disrupt networks, prosecute traffickers and safeguard victims' rights within the criminal justice process. They said they will do so by building stronger cases; ensuring that the rights and welfare of victims are at the heart of their approach to investigation and prosecution; continuing to deliver training and development to prosecutors and law enforcement; and by working closely together to learn lessons, exchange good practice and share relevant information, data and contacts.

In 2013, Police Scotland formed the National Human Trafficking Unit, which focusses on the development of intelligence, tactical advice and leading some national investigations. Police Scotland has also identified a champion for human trafficking in each of its 13 divisions, to lead divisional investigations and act as a point of specialist contact for all officers. Police Scotland has provided training for more than 200 frontline officers and has developed an e-training module on human trafficking. It has developed and widely distributed a *Reading the Signs*¹²⁷ leaflet to promote general awareness of trafficking indicators. The resources available to police officers include an aide memoire, a handbook, and interview and victim care strategies to assist with victim identification and support.

20. Please provide information on cases of human trafficking for sexual exploitation during the reporting period, including the number of cases brought before the courts and their outcome in terms of remedies provided to victims and sanctions imposed against perpetrators.

Human trafficking is carried out for different exploitative purposes, of which sexual exploitation is one. The number of cases of human trafficking, for both sexual and labour exploitation, commenced in court in Scotland since 2009 is as follows:¹²⁸

Year	No. of cases proceeding in court*		No. of accused convicted**	
	Sexual	Labour	Sexual	Labour
2009	0	0	0	0
2010	3	0	2	0
2011	2	1	0	0
2012	3	1	1	3
2013	3	2	0	1
2014	3	4	0	0
2015	4	1	1	0

*Number of cases commenced in court (even if subsequently discontinued) where there was one or more charge relating to human trafficking and/or exploitation.

¹²⁷ <http://www.scotland.police.uk/assets/pdf/174967/human-trafficking?view=Standard>

¹²⁸ Statistics provided by COPFS, accurate as at 6 October 2015; figures are based on year that the case was reported to COPFS

**Number of accused (i.e. individuals) convicted in cases where there was one or more charge of human trafficking and/or exploitation. More than one accused may have been convicted in relation to a single case.

It is important to note that there may be a number of other cases where there was a background of human trafficking which resulted in convictions but where there was not sufficient evidence to establish in law that trafficking had taken place.

The sentences received by those convicted for sexual exploitation were for 40 months; three years; 27 months and 18 months imprisonment. Each individual convicted of an offence involving labour exploitation received a sentence of three years imprisonment. There have also been confiscation orders made in two cases, totalling £46,940.

The right to adequate standard of living (Art. 11)

21. Please clarify how the poverty line is determined in all jurisdictions of the State party, including in the Overseas Territories and the Crown Dependencies, and where it currently stands in relation to the cost of living. Please provide updated disaggregated data on the poverty rate in the State party and information on measures adopted to reduce poverty, particularly among children and the most marginalized and disadvantaged individuals and groups.

In 2013-14, relative poverty in Scotland (BHC) decreased, reflecting increases in employment and number of hours worked. However, after housing costs (AHC), poverty did not decrease to the same extent, which reflects increases in rental values greater than increases in earnings, and changes to housing benefit eligibility, meaning little improvement in the standard of living for low income households. The proportion of children living in low income and material deprivation continued to increase in 2013-14. In that year in Scotland:

- 14% of people (730,000) were in relative poverty¹²⁹ BHC (140,000 children, 440,000 working age adults and 160,000 pensioners);
- 18% of people (940,000) were in relative poverty AHC. (210,000 children, 600,000 working age adults and 120,000 pensioners);
- 15% of people (800,000) were in absolute poverty¹³⁰ BHC (150,000 children, 480,000 working age adults and 170,000 pensioners);
- 20% of people (1,030,000) were in absolute poverty AHC (240,000 children, 650,000 working age adults and 140,000 pensioners);
- 13% of children (130,000) were in low income and material deprivation¹³¹ BHC, and 14% (140,000) AHC.

¹²⁹ **Relative poverty:** living in a household with equivalised household income (EHI) less than 60% UK median EHI in the current year. In 2013-14 this was £272 per week, before housing costs (BHC), for a couple with no children; £232 per week, after housing costs (AHC).

¹³⁰ **Absolute poverty:** living in a household with EHI less than 60% UK median EHI in 2010-11 (the base year), adjusted for inflation. In 2013-14, this was £280 per week (BHC) for a couple with no children; £242 (AHC).

(Full details on the poverty definitions and values for 2013-14 are available in *Poverty and Income Inequality in Scotland 2013-14*,¹³² and further information on material deprivation prevalence scores are available in *Households below average income (HBAI) quality and methodology information report 2013-14*.¹³³)

The biggest impacts from UK Government changes were expected in 2014-15 and 2015-16, therefore are not reflected in the figures cited above. Official poverty statistics for 2014-15 will be published in Summer 2016. Further UK Government welfare cuts of £12 billion annually (approximately £1 billion in Scotland) are expected to make poverty worse.

The Scottish Government is taking a long term approach to tackling the drivers of poverty and inequality, as articulated in the 2015 Programme for Government and the revised *Child Poverty Strategy for Scotland 2014-17*.¹³⁴ The Scottish Government is spending £104 million in 2015-16 to mitigate the effects of welfare reform. This includes the Scottish Welfare Fund (£38 million); “spare room subsidy removal” (bedroom tax) support (£35 million); Council Tax Reduction Scheme (£23 million); and other welfare reform mitigation activity, including for advice services (£8 million). The £90 million provided to local authorities (2013-16) to support those affected by the spare room subsidy removal in Scotland will help up to 72,000 households, 80% of which contain a disabled adult and around 11,000 with one or more children.¹³⁵

The Scottish Government has spent around £81 million (April 2013 to September 2015) providing Community Care Grants and Crisis Grants to over 177,000 households in Scotland, including around 59,000 families with children. Over a third of awards were made to vulnerable households, such as people with mental health problems, lone parents, disabled people or those suffering from chronic illness.

The Scottish Government has provided £500 million to increase the amount of funded early learning and childcare, which will save families around £780 per child annually compared to 2007 entitlements; and to extend this to over a quarter of 2 year olds. The Education Maintenance Allowance¹³⁶ has been protected and, in academic year 2013-14, benefited 34,955 young people, with 34% (11,875) of recipients living in Scotland’s 20% most deprived areas. The collective investment of over £274 million (with partners) in the Early Years Change Fund¹³⁷ includes establishment of the Early Years Collaborative, which is supporting local improvements in early years services, for example increasing the uptake of Healthy Start vouchers, reducing the length of time for looked after children to achieve

¹³¹ **Children living in low income and material deprivation:** living in a household with EHI less than 70% UK median EHI in the current year, and a household prevalence weighted score of 25 or more for the basic necessities.

¹³² <http://www.gov.scot/Publications/2015/06/7453>

¹³³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437251/households-below-average-income-quality-methodology-2013-14.pdf

¹³⁴ <http://www.gov.scot/Resource/0044/00445863.pdf>

¹³⁵ <http://www.gov.scot/Topics/Built-Environment/Housing/supply-demand/chma/Benefitchanges/underoccupancy-penalty>

¹³⁶ <http://www.gov.scot/Topics/Statistics/Browse/Lifelong-learning/EMAtrend>

¹³⁷ <http://www.gov.scot/Resource/0045/00457644.pdf>

permanency, and increasing the number of families receiving income maximisation advice. Free school meals for all primary 1 to 3 children, introduced in January 2015, save families around £380 per child per year. The Council Tax Reduction Scheme has protected over 505,000 vulnerable households in Scotland from increased Council Tax liabilities, and in March 2015 supported over 200,000 recipients aged 65 and over, and more than 86,000 single parents. The Scottish Government has allocated over half a billion pounds since 2009 for fuel poverty and energy efficiency programmes, and in 2015-16 a record budget of £119 million is being made available. The Trussell Trust reported that 117,689 people (including 36,114 children) collected a three-day supply of groceries from their Scottish foodbanks in 2014-15 (more than eight times the number in 2012-13¹³⁸). The Scottish Government has made available £1 million of funding (2014-16) to help combat food poverty.

The Scottish Government does not support the changes being made to the Child Poverty Act 2010 by the UK Government's Welfare Reform and Work Bill. In particular, the proposals for revised targets focus on worklessness and educational attainment, and child poverty aspects are to be removed from the Social Mobility and Child Poverty Commission's remit. The Scottish Government has asked the UK Government to amend the Bill to repeal all parts of the 2010 Act imposing any duty on Scottish Ministers. In consultation with its Ministerial Advisory Group on Child Poverty, its Independent Poverty Advisor and other stakeholders, the Scottish Government will continue to develop a Scottish approach to tackling child poverty, including measurement and reporting of outcomes.

22. Please provide information on how the State party ensures that all individuals, in particular disadvantaged and marginalized groups, have access to adequate and affordable food. Please also provide information on measures adopted to address the food insecurity and to reduce the reliance on emergency food aid from food-banks.

The Scottish Government's Emergency Food Action Plan is providing £1 million over 2014-15 and 2015-16 to help combat food poverty in Scotland, through supporting:

- 26 emergency food aid projects in 17 local authority areas to respond to immediate demands and help to address the underlying causes of food poverty. Actions range from increasing food provision to promoting healthy eating, benefits and other advice, and in some cases linking food providers across a local area.
- FareShare, which takes good quality surplus food from the food industry and makes it available to charities and community groups. Between 1 April 2015 and 31 December 2015, FareShare distributed over 790 tonnes of surplus food to over 300 local community groups across the country. FareShare estimates that on average the provision of surplus food saves each of its 'Charity Food Members' £13,000 per year.

The Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, Alex Neil MSP, has asked Martin Johnstone, Secretary of the Church of Scotland's

¹³⁸ In 2012/13, 14,332 people (including 4,572 children) were provided with 3 days emergency food.

Church and Society Council, to chair a short-life working group to identify the issues which push people into food poverty and make recommendations on how they can be addressed. Membership of the group includes poverty organisations such as Oxfam and Poverty Alliance; emergency food providers such as the Trussell Trust; other organisations with an interest in food poverty such as Fareshare, Nourish Scotland; local government; and independent funders such as the Robertson Trust and The Hunter Foundation. Martin Johnstone provided the Cabinet Secretary with an update on the early work of the group on 9 December 2015. Full recommendations from the group will be published later in the year and will feed into the Social Justice Action Plan to be published in 2016.

23. Please provide concrete information on how the current housing policies and the welfare reform are contributing to address the housing deficit in the State party. Please provide statistical information on the supply of social and affordable housing, especially for the most disadvantaged and marginalized individuals and groups, including middle- and low-income individuals and households, young people, and persons with disabilities. Please also provide information on how the security of tenure is guaranteed, particularly in the private rental sector and the measures adopted to protect tenants from forced evictions.

The Scottish Government is providing local authorities with £90 million between 2013 and 2016 for mitigation of the “bedroom tax” (the reduction of UK Social Security payments to some households in the social rented sector) through Discretionary Housing Payments (DHPs). The distribution methodology enables full mitigation and protects DHP funding for those affected by the benefit cap and local housing allowance.

The Scottish Government's Affordable Housing Supply Programme (AHSP)¹³⁹ target for the parliamentary term 2011-16 is to deliver 30,000 affordable homes, backed with funding of over £1.7 billion. The majority of the 30,000 target is for social rent, based on the principle that rents should be affordable for tenants in low paid employment without recourse to benefits. By the end of December 2015, 31,034 affordable homes had been delivered, including 20,854 for social rent and, within that, 5,405 council homes.^{140 141}

Since 2012-13, the AHSP has adopted a three-year resource planning approach. This enables each council to exercise its strategic role more flexibly and to put forward to the Scottish Government strategic local proposals for social and affordable housing developments, based on their local housing strategy (LHS) and associated Strategic Housing Investment Plan (SHIP). This would include information on the mix of types of housing required, including requirements for housing adapted for purpose designed wheelchair homes. The AHSP supports the delivery of flexible housing capable of being adapted to suit peoples’ changing requirements. Therefore, wherever possible, housing projects receiving grant funding should comply with published guidance on the essential aspects of Housing for

¹³⁹ <http://www.gov.scot/Topics/Built-Environment/Housing/investment/ahsp>

¹⁴⁰ <http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/HSfS/NewBuild/AHSPtables>

¹⁴¹ <http://www.gov.scot/Resource/0049/00496688.pdf>

Varying Needs (HfVN).¹⁴² As well as meeting the HfVN guidance, new social housing must be constructed in accordance with national building regulations.

The Scottish Government is also committed to helping people on low to moderate incomes access home ownership, where this is sensible and sustainable for them. The Low-cost Initiative for First Time Buyers (LIFT)¹⁴³ includes the Open Market Shared Equity Scheme (OMSE)¹⁴⁴ to help first-time buyers buy a home on the open market; the New Supply Shared Equity Scheme (NSSE)¹⁴⁵ to help first-time buyers buy a new build home from a housing association; and a shared ownership scheme where a percentage share can be bought in a house or flat owned by a housing association. All Scottish Government LIFT schemes provide priority access to social renters, serving members of the armed forces, veterans who have left in the past two years and widows, widowers or partners of service personnel who have been killed in action within the past two years, as long as the applicants meet the scheme's eligibility criteria. From April 2007 to the end of March 2015, the LIFT schemes above have helped over 10,600 people get a foot on the property ladder. According to sales forms returned to administering agents, buyers aged 18-34 have accounted for around 50% of all sales.

In Scotland, council and housing association tenants generally have a Scottish Secure Tenancy, which is a tenancy for life or for as long as the tenant wants it, and which can only be ended by the tenant giving up the tenancy, or where the landlord successfully recovers the tenancy through a court process where the tenant has seriously breached the conditions of their tenancy. The Private Housing (Tenancies) (Scotland) Bill¹⁴⁶ was introduced to the Scottish Parliament on 7 October 2015 and improves security of tenure for tenants in the private rented sector. It introduces the new Private Residential Tenancy, which is a modern open-ended tenancy where landlords cannot evict a tenant simply because their tenancy agreement has reached its end date (otherwise known as the 'no-fault' ground). Instead, landlords will use new, modernised grounds for repossession, which cover circumstances such as wanting to sell or rent arrears. This should allow tenants to assert their rights, for example to repairs, without fear of arbitrary eviction.

24. Please provide updated data on the extent of homelessness in the State party, disaggregated by sex, region and ethnic group. Please also explain to what extent the measures adopted by the State party have contributed to reduce homelessness and indicate the number of reception facilities, including emergency shelters, hostels and social rehabilitation centres are available in the State party.

Annual statistics on homelessness in Scotland for 2014-15 were published in June 2015,¹⁴⁷ and quarterly statistics for July-September 2015 were published on 12 January 2016.¹⁴⁸

¹⁴²

<http://www.gov.scot/Topics/Built-Environment/Housing/investment/guidancenotes/olderguidance/csgn200412>

¹⁴³ <http://www.gov.scot/resource/doc/235963/0064685.pdf>

¹⁴⁴ <http://www.gov.scot/Topics/Built-Environment/Housing/BuyingSelling/lift/FTBOMSEP>

¹⁴⁵ <http://www.gov.scot/Topics/Built-Environment/Housing/BuyingSelling/lift/FTBNSSSES>

¹⁴⁶ <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/92310.aspx>

¹⁴⁷ <http://www.gov.scot/Resource/0048/00480524.pdf>

In Scotland, all those assessed as being homeless are legally entitled to temporary accommodation and all those assessed by local authorities as being homeless unintentionally are entitled to settled accommodation and possibly also to housing support to sustain tenancies where this need is identified by local authorities.¹⁴⁹ ¹⁵⁰ Recorded homelessness in Scotland has been falling in recent years, with strong housing rights underpinned by a focus on prevention through the development of the person-centred 'housing options' approach,¹⁵¹ which looks at the range of issues that may help to prevent homelessness. This approach has been promoted through five regional local authority-led hubs across Scotland.

The Scottish Government is working with stakeholders to focus on improving outcomes for those with the most complex needs, which may include rough sleepers. The Homelessness Prevention and Strategy Group (HPSG) is the key cross sector strategic homelessness policy group in Scotland, attended by the Minister for Housing and Welfare, along with local authority partners, Scottish Federation of Housing Associations, NHS Health Scotland, Shelter Scotland and Homeless Action Scotland. This group is now focussing on addressing the improvement of outcomes for those with the most complex needs that may not have benefitted from recent progress in addressing homelessness in Scotland. The establishment of a cross sector Health and Homelessness Group, facilitated by NHS Health Scotland, is also an important part of addressing issues around individuals for whom accessing housing and low level support may not be enough to prevent repeat homelessness.

Delivery of the legal duty on homelessness and the provision of services to achieve this, including shelters and hostels, is the responsibility of the 32 local authorities in Scotland. Local needs will be reflected in each individual Local Housing Strategy.

25. Please provide information on the measures adopted to ensure that Gypsies and Traveller communities have access to appropriate and culturally adequate residential and transit accommodation across the State party, with adequate access to basic services, such as water and sanitation. Please also indicate what measures have been adopted to protect persons living in informal settlements from forced evictions.

The Scottish Government believes that decisions about the provision of Gypsy/Traveller sites are best made at the local level, by those with local knowledge and accountability. Local authorities have a legal responsibility to identify the accommodation needs of those in their area, including Gypsy/Travellers, and to consider in their Local Housing Strategies how best to meet those needs. The decision on whether or not to provide a Gypsy/Traveller site is one for the relevant local authority. The Scottish Government's role is to set a robust framework and promote good practice so that the most effective approaches are used across the whole country to meet the needs both of the Gypsy/Traveller community and the settled community. In 2014 the Scottish Government published revised guidance for

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<http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/RefTables/HomelessJultoSep2015>

¹⁴⁹ <http://www.gov.scot/News/Releases/2012/11/tackling-homelessness21112012>

¹⁵⁰ <http://www.legislation.gov.uk/ssi/2012/330/introduction/made>

¹⁵¹ <http://www.gov.scot/Topics/Built-Environment/Housing/homeless/HomelessnessPrevention/hubs>

housing need and demand assessments and for Local Housing Strategies,¹⁵² which contains a section on the accommodation needs of Gypsy/Travellers. The Scottish Government has also published minimum quality standards for Gypsy/Traveller sites and core rights and responsibilities for site tenants (May 2015).¹⁵³ These were developed in consultation with Gypsy/Traveller site tenants, local authorities, and other stakeholders.

In 2004, the Scottish Government issued guidelines on managing unauthorised camping,¹⁵⁴ based on the two principles that unauthorised sites should be managed to minimise disruption for all concerned and that the same standards of behaviour should be expected from all members of the community. The guidelines are currently being reviewed, with input from Police Scotland, local authorities, Gypsy/Travellers, and others.

Right to health (Art. 12)

26. Please provide statistical updated information on how the implementation of the Health and Social Care Act 2012 and the Equality Delivery Systems in England, and the Healthcare Quality Strategy for National Health Service in Scotland have contributed to reduce inequalities in access to healthcare services. Please provide additional information on measures taken to ensure the accessibility and affordability of healthcare services to all individuals and groups, including migrants, asylum-seekers and refugees, as well as Gypsies and Travellers.

The delivery of flexible access to healthcare services to all individuals, including migrants, asylum-seekers and refugees, and Gypsy/Travellers is a priority for the Scottish Government. A national standard has been introduced to ensure 48-hour access, or advance booking, to an appropriate member of the GP practice team during core hours, through either a face-to-face or a telephone consultation. Health Boards are expected to design and put in place service models that best reflect local circumstances.

Asylum seekers who have made an application to the Home Office are entitled to the full range of NHS care and services while in Scotland, regardless of the status of their application, and that includes those whose applications have been refused. Asylum seekers who have been recognised as refugees continue to have access to the NHS at no charge. Non-EEA migrant workers and international students are exempt from NHS charges for hospital treatment in Scotland, though they will have been subject to the Home Office's Immigration Health Surcharge in order to enter the UK. GPs have a certain amount of discretion in taking registration decisions. However, people who are in Scotland legally and for a specific purpose are able to register with GP practices to receive NHS general medical services at no cost. This includes asylum seekers, refugees, migrant workers, students and those joining their families.

¹⁵² <http://www.gov.scot/Publications/2014/08/3070>

¹⁵³ <http://www.gov.scot/Publications/2015/05/4938>

¹⁵⁴ <http://www.gov.scot/Publications/2004/12/20417/48825>

Following the Prime Minister's announcement that the UK will take 20,000 people from Syria over five years, the Home Office is managing a new Syrian Resettlement Programme. The Scottish Government is working with NHS Boards and local authorities to support effective planning and readiness preparation. A healthcare framework, based on experience from previous refugee intakes, is intended to support a single, co-ordinated and consistent process to help ensure families receive the care and support they need. It includes:

- The 'pre arrival' process by which NHS Boards, Scottish local authorities and the Home Office will agree the healthcare needs and medical costs for families relocated to Scotland.
- Health checklists that aim to ensure that, post-arrival, NHS Scotland's Public Health and Primary Care teams are able to take the necessary health-related action to safely support families relocating to Scotland.

27. Please indicate what steps are being taken to ensure the availability and accessibility of adequate mental health services throughout the State party, including Overseas Territories and Crown Dependencies. Please also provide information on the legal framework in place to prevent involuntary hospitalization and the use of involuntary medical treatment in the State Party.

The Scottish Government sets national direction of policy on mental health and provides funding to NHS Boards to support implementation and to deliver health services in Scotland. NHS Boards are responsible for delivering fit-for-purpose services which respond to the needs of their local population. The Scottish Government Health Directorates work closely with all Health Boards to support improvements and address particular challenges. The Annual Review process allows Scottish Ministers to hold NHS Boards to account for their delivery of services and their use of the substantial amount of public funds made available to them each year.

In general, detention in hospital and treatment on an involuntary basis would not be lawful in Scotland, but is authorised in restricted circumstances under the Mental Health (Care and Treatment) (Scotland) Act 2003,¹⁵⁵ which provides the framework for detention in hospital and compulsory medical treatment for those with a medical disorder; and the Adults with Incapacity (Scotland) Act 2000,¹⁵⁶ which provides for medical treatment to safeguard or promote the physical or mental health of an adult who is unable to consent.

The 2003 Act is underpinned by a set of principles and also contains various measures to protect the rights of those detained. A person can only be detained if strict criteria are met (including that they have a mental disorder, that the person's decision making ability is significantly impaired by the mental disorder, that without treatment there is a significant risk to the person or others, and that the order or certificate is necessary). Any civil order longer than 28 days must be granted by the independent Mental Health Tribunal for Scotland or the courts and must be regularly reviewed. Rights contained in the Act include making an advance statement, access to independent advocacy, and to appoint a 'named person' (often a family member

¹⁵⁵ <http://www.legislation.gov.uk/asp/2003/13/contents>

¹⁵⁶ <http://www.legislation.gov.uk/asp/2000/4/contents>

or carer) to represent the person's interests. Anyone carrying out functions under the 2003 Act must have regard to certain principles, including having regard to the present and past views and feelings of the patient, the importance of the patient participating as fully as possible, and carrying out functions that involve the minimum restriction on the freedom of the patient as is necessary. There are additional safeguards with regard to certain treatments and additional provisions relating to children. Treatment can only be given without consent under certain strict circumstances, with certain treatments subject to additional safeguards.

The 2000 Act has a range of provisions covering the personal welfare and financial affairs of adults who lack capacity to make some or all decisions on their own behalf, and provides safeguards for such adults through the roles and functions of the statutory bodies involved. It sets out arrangements for guardianship orders and intervention orders made by the Sheriff Court, which provide legal authority for someone to make decisions and act on behalf of the person with impaired capacity, to safeguard and promote their interests. Authority to make welfare decisions can include placement in care settings if specified. All parties with an interest in the welfare of the adult must be notified of an application to ensure that anyone who may object has an opportunity to make their views known to the Sheriff. The Act allows for a person with capacity to give a power of attorney to someone they trust in the event of loss of capacity and, if they are given health care decision-making powers, they can give consent for medical treatment. Where there is no proxy, a doctor is authorised to provide medical treatment in that specific instance, subject to certain safeguards and exceptions. This Act is also underpinned by principles, and the law contains a presumption of capacity. The principles include that any action or decision must benefit the person in a way that cannot be reasonably achieved without the action or decision; be the least restrictive to the person's freedom; and take account of the wishes of the person.

Following the Scottish Law Commission's review of the 2000 Act on compliance with Article 5 of the European Convention on Human Rights, specifically in relation to deprivation of liberty in hospital and care home settings, the Scottish Government is consulting on the Commission's recommendations. Thereafter, a scoping exercise will be carried out in relation to a wider review of policies on guardianship and will consider circumstances in which supported decision making can be promoted.

The independent Mental Welfare Commission for Scotland has a statutory duty to monitor the 2003 Act and the welfare aspects of the 2000 Act.

Right to education (Art. 13 and 14)

29. Please provide information on the measures taken to ensure equal access to primary and secondary education by all children, especially by children belonging to ethnic minorities, Gypsies and Travelers communities, as well as children of migrants, refugees and asylum-seekers.

Under the Education (Scotland) Act 1980¹⁵⁷ local authorities have a duty to make adequate and efficient provision of school education for all children residing in their

¹⁵⁷ <http://www.legislation.gov.uk/ukpga/1980/44/contents>

local area. This duty does not distinguish between children and young people on the basis of their race, belief or religion, refugee status, or any other such factor. The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended)¹⁵⁸ places a duty on local authorities to identify, meet and keep under review the additional support needs of pupils for whose education they are responsible. Additional support may be required to overcome needs arising from learning environment, health or disability, family circumstances or social and emotional factors. Support would therefore be provided where, for example, English is an additional language or a child experiences interrupted learning.

The Scottish Government has an education-specific equality outcome:

“Within the longer-term outcome that all children and young people will be able to make the most of the education opportunities available to them to reach their full potential, there will be progress by 2017 in the experience of those with a protected characteristic who are currently underperforming.”

The Scottish Government reported progress towards this outcome in 2015.¹⁵⁹ *Improving Schools in Scotland: An OECD perspective* (15 December 2015)¹⁶⁰ states: “Scottish schools are inclusive. Scottish schools do very well on measures of social inclusion and mix....” It goes on: “Scottish immigrant students achieve at higher levels than their non-immigrant peers, and Scotland enjoys one of the smallest proportions of low performers among its immigrant students.” However, Gypsy/Traveller children and young people continue to experience barriers to learning and underperform quite significantly compared to other ethnic groups. In addition to wider work on raising attainment,¹⁶¹ the Scottish Government has a Scottish Traveller Education Review Group, which is working to improve equality of access to education for all Traveller children, including European Roma People who have made their home in Scotland. The Group is developing guidance to support the inclusion of more young Travellers in education by encouraging tailored approaches that deliver the entitlements of children and young people within Scotland's Curriculum for Excellence,¹⁶² and in this way to improve their educational outcomes.

State-funded education through the medium of the Gaelic language is available in Scotland at pre-school, primary, secondary and tertiary level. Recent legislation has made further provision in relation to access to Gaelic-medium education. Additional information is provided above, in the response to Question 6.

¹⁵⁸ <http://www.legislation.gov.uk/asp/2004/4/contents>

¹⁵⁹ <http://www.gov.scot/Publications/2015/04/7781/7#education>

¹⁶⁰ <http://www.oecd.org/edu/Improving-Schools-in-Scotland-An-OECD-Perspective.pdf>

¹⁶¹ <http://www.gov.scot/Topics/Education/Schools/Raisingeducationalattainment>

¹⁶²

<http://www.educationscotland.gov.uk/learningandteaching/thecurriculum/whatiscurriculumforexcellence/>

30. Please provide information on the measures taken by the State party to ensure that higher education, in practice, is accessible to all, in particular by gradually decreasing university fees.

Believing that access to higher education should be based on the ability to learn and not the ability to pay, the Scottish Government pays tuition fees for eligible full-time Scottish domiciled and EU students studying for their first undergraduate degree at Scottish higher education institutions. These students are also eligible to access free funded university places. Bursaries and student loans are available to ensure that Scottish-domiciled university students are able to support themselves. A minimum income guarantee provides living-cost support (through a mixture of bursaries and loans) of up to £7,625 to students from the poorest households. Since 2006, there has been a 35% increase in the proportion of 18 year olds from the most deprived areas in Scotland accepted to attend university. The Scottish Government's ambition is that every child, regardless of socio-economic background, should have an equal chance of entering university, and a Commission on Widening Access¹⁶³ has been established to advise on the steps necessary to achieve this.

Cultural rights (Art. 15)

32. Please provide information on the steps taken by the State party to ensure that everyone benefits from scientific progress and its applications, the development and dissemination of science and culture, as well as the development of international contacts and cooperation in the scientific and cultural fields.

Higher education research in Scotland is internationally respected for its quality and delivers tangible economic and social benefits. Scottish Government funding, allocated through the Scottish Funding Council (SFC), accounts for one third of university research income, with a further quarter secured through competitive funding via the UK Research Councils through the dual funding system. The Scottish Government is investing £282 million (2015-16) through SFC in core research and knowledge exchange, building on increasing levels of funding since 2007. Results of the Research Excellence Framework 2014¹⁶⁴ showed that 77% of university research in Scotland is "world-leading" or "internationally excellent," slightly higher than the UK as a whole. Scottish universities have extensive partnerships and collaborations within Scotland (through Research Pools), throughout the UK (UK Catapult Programme¹⁶⁵) and internationally (the first Max Planck International Partnership in the UK¹⁶⁶).

Fostering a culture of innovation and research and development is at the heart of the Scottish Government's 2015-16 Programme for Government and is a pillar of *Scotland's Economic Strategy*.¹⁶⁷ The purpose of the Innovation Scotland Policy Forum¹⁶⁸ is to strengthen and stimulate economically productive links between

¹⁶³ <http://www.commissiononwideningaccess.co.uk/>

¹⁶⁴ <http://www.ref.ac.uk/pubs/201401/>

¹⁶⁵ <https://www.catapult.org.uk/>

¹⁶⁶ <http://www.impp.uk/>

¹⁶⁷ <http://www.gov.scot/Publications/2015/03/5984>

¹⁶⁸ <http://www.sfc.ac.uk/innovationscotlandforum>

universities and business in order to translate research into commercial opportunities. The Scottish Government, through SFC, has also funded an ambitious programme of Innovation Centres (up to £124 million over 2013-19). These are large-scale, ambitious collaborations between universities, businesses and others to enhance innovation in and across Scotland's key economic sectors.

The Scottish Government invests more than £3 million per year in public science engagement activities to make STEM (science, technology, engineering and maths) accessible to a wide audience. Every year around 650,000 people of all ages visit one of Scotland's four science centres and there are up to 18 science festivals, attended by a total of around 225,000 people. These provide opportunities for people of all ages, abilities, locations and backgrounds to find out more about the importance of STEM to Scotland's past, present and future, as well as the work of scientists and engineers and the world-leading research being carried out in Scotland. The Scottish Government also funds initiatives that support formal STEM learning for young people, encouraging them to study STEM subjects and consider a STEM-related career. These initiatives include Generation Science,¹⁶⁹ which is a touring programme of science shows and workshops for primary schools, run by Edinburgh International Science Festival; and the network of Young Engineers and Science Clubs,¹⁷⁰ which operates across primary and secondary schools in Scotland.

Scotland's historic buildings have attracted around 30 million visitors (2007-15) and contribute to Scotland's cultural, social and economic wellbeing with help from sustained Scottish Government investment, including £12 million to refurbish the royal apartments at Stirling Castle. Free access to Scotland's world class museums and galleries ensures that all people, irrespective of income and background, can experience and enjoy Scotland's cultural treasures. Since 2007, 27 million visits to Scotland's national collections have been recorded. The Scottish Government is helping to transform children's lives, including in some of Scotland's most impoverished communities, by providing more than 1.1 million music opportunities through investment in the Youth Music Initiative.¹⁷¹ Internationally, Scotland has signed cultural memoranda of understanding with China and France, which has increased cultural exchange and co-operation. In 2012 and 2014 Scotland hosted two International Ministerial Culture Summits to encourage debate and dialogue.

¹⁶⁹ <http://www.sciencefestival.co.uk/generation-science>

¹⁷⁰ <http://www.yecscotland.co.uk/>

¹⁷¹ <http://www.creativescotland.com/funding/funding-programmes/targeted-funding/youth-music-initiative>