

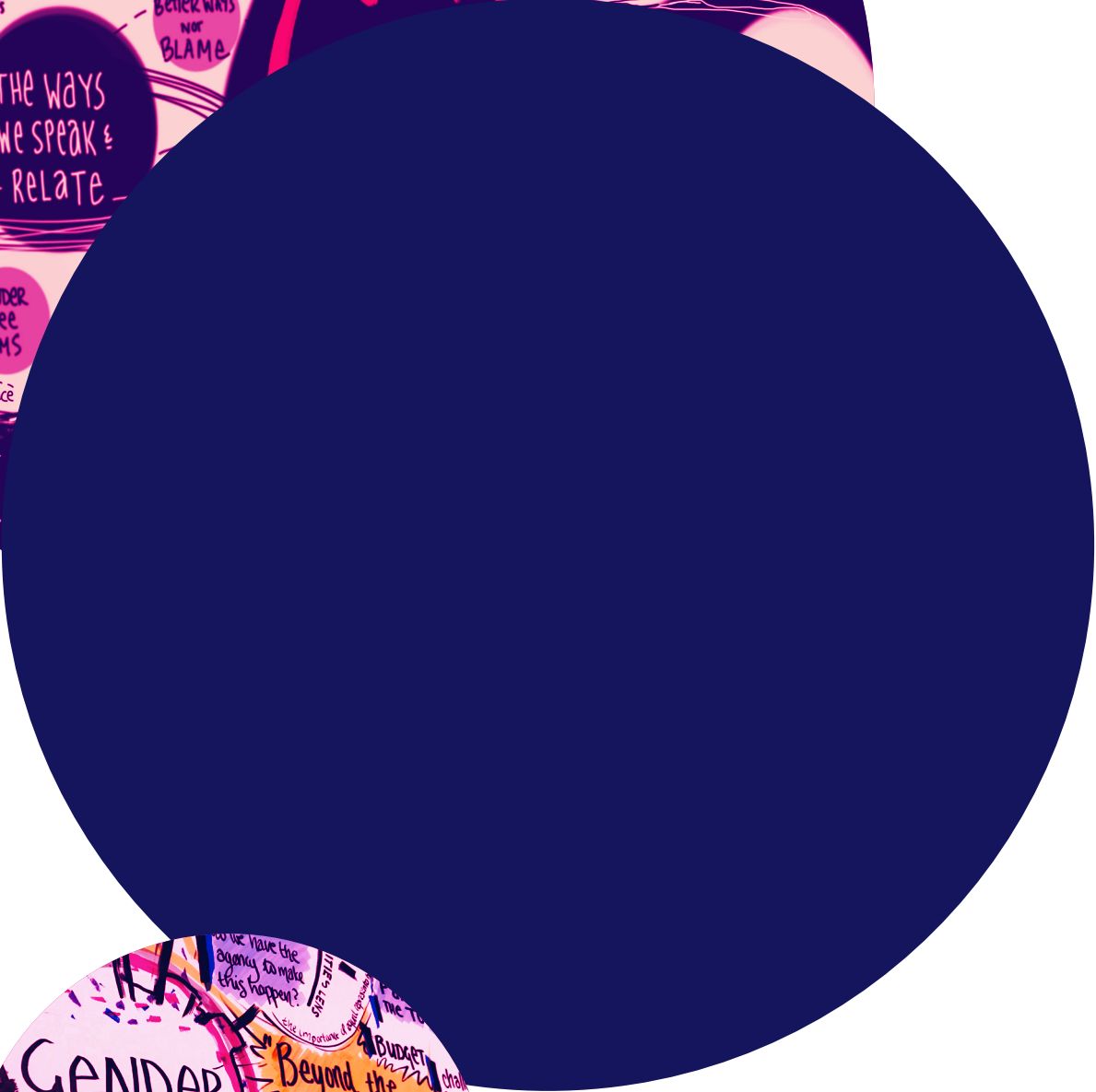


# Scottish Government Response to the **First Minister's National Advisory Council on Women and Girls** 2020 Report and Recommendations

December 2021



Scottish Government  
Riaghaltas na h-Alba  
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## Foreword First Minister



**Nicola Sturgeon**  
First Minister  
of Scotland

I am pleased to introduce the Scottish Government's response to the National Advisory Council on Women and Girls' (NACWG) 2020 Annual Report and Recommendations<sup>1</sup>, which brings to a close its initial three-year strategy.

I am grateful to co-chairs Louise Macdonald and Ima Jackson for their leadership and commitment, and to each and every member of the Council for sharing their time and expertise. Over three-years, 2018 – 2020, the NACWG has produced three end-of-year reports containing a package of recommendations which have the potential to improve the lives of women and girls in Scotland. I asked the NACWG to be bold in telling us what action is needed to end gender inequality, and it has exceeded my expectations.

I also want to thank the NACWG's network of supporters, which include representatives of public, private and third sector organisations and members of the general public. Their knowledge and lived experience has informed and strengthened the Council's work. At every NACWG event I have attended, I am reminded of

the dedication and passion that exists in Scotland's communities and in civil society for challenging discrimination and inequality, and making our society fairer for all.

I have heard the NACWG's call for greater action to end gender inequality and the Scottish Government is delivering its recommendations across a range of policy areas. We will continue to do so.

The NACWG recommended that we incorporate the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) into Scots Law. In this parliamentary session, we will introduce a new Human Rights Bill, incorporating four international human rights treaties into Scots Law, as far as possible within devolved competence, including CEDAW.

The NACWG recommended that we create a world-leading process for complainants of sexual violence, including trauma-informed forensic medical examination. In 2021, the Scottish Parliament passed the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act, which puts a duty on health boards to give victims direct access to trauma-informed, person-centred forensic medical examination services without first needing to make a report to the police.

The NACWG recommended that we criminalise serious misogynistic harassment, filling gaps in existing laws. We have established an independent Working Group on Misogyny and Criminal Justice in Scotland, led by Baroness Helena Kennedy QC, which will consider gaps in the law that could be addressed by a specific criminal offence.

<sup>1</sup> 2020 Annual Report and Recommendations. The First Minister's National Advisory Council on Women and Girls, January 2021. URL: [https://onescotland.org/wp-content/uploads/2021/01/562006\\_SCT1120576152-002\\_NACWG.pdf](https://onescotland.org/wp-content/uploads/2021/01/562006_SCT1120576152-002_NACWG.pdf)

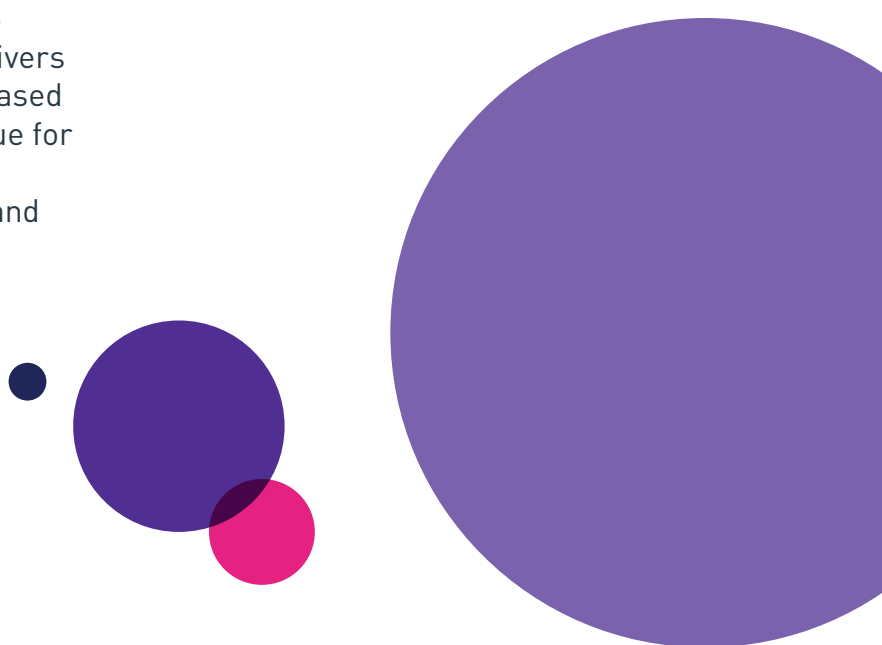
In response to the NACWG's recommendation for a standalone Equalities Directorate, we created a new Directorate for Equality, Inclusion and Human Rights, to help ensure that equality and human rights underpin decision-making and delivery across the work of government and the wider public sector in Scotland.

In our 2021-22 Programme for Government<sup>2</sup>, we commit to build a new system of wraparound childcare for school age children, beginning with the provision of funded early years education to all one- and two-year-olds from low-income households, to give their parents more opportunity to work, train or study. This builds on our previous expansion of childcare provision and responds to the clear message from the NACWG about the importance of funded, good-quality childcare to realising women's equality.

These are just some examples of the work underway to deliver the NACWG's recommendations. I am clear that realising our shared ambition for gender equality is a long term endeavour, not a quick fix. Welcoming recommendations is easy, putting them into practice in a way that is meaningful and delivers real change, is often not. I am therefore pleased to accept the NACWG's advice that it continue for a further three-years, with a refreshed membership and a focus on accountability and monitoring implementation of its 2018-2020 recommendations.

I have said before, that gender equality is an unwon cause. That is true here in Scotland and around the world. I say this, not to minimise the positive changes and the progress that we have made, but because complacency can be dangerous when it makes us numb to the status quo. It is why I appointed the NACWG and why I want it to continue.

In conclusion, I want to remember the life of one woman who dedicated a large part of herself to challenging the status quo and speaking out against gender inequality and men's violence against women and girls. Emma Ritch, NACWG member and Executive Director of feminist organisation Engender, who died on 9 July 2021, was a beacon of the women's sector in Scotland and a passionate advocate for equality. I hear her voice in the NACWG's work, forthright about what needs to change to make gender equality real, and unapologetically so. We owe her a debt of gratitude and a promise to keep forging ahead, until in the NACWG's words, gender inequality is an historical curiosity.



<sup>2</sup> A fairer, greener Scotland, Programme for Government 2021-22. The Scottish Government, September 2021.  
URL: [A Fairer, Greener Scotland: Programme for Government 2021-22 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/programme-for-government-2021-22/pages/1-10-introduction-to-the-programme-for-government-2021-22.aspx)





## Summary of our response

NACWG Recommendation	Our Response
We call for Scottish Government to advocate for the full devolution of equality legislation and policy-making to the Scottish Parliament.	We accept the NACWG's recommendation, and while our position is that independence is the surest way to protect and enhance the powers of the Scottish Parliament, we will continue to press for additional powers for the Scottish Government and Parliament for as long as Scotland remains within the UK.
We call on the Scottish Government to integrate intersectional gender budget analysis into the Scottish Budget process, and to give this a statutory footing.	We accept the principle of the NACWG's recommendation and will engage with the NACWG, the Equality Budget Advisory Group and others, to develop and approach to further integrate intersectional gender analysis into the Scottish Budget process as part of our wider work on equality and human rights budgeting. We will also consider giving this a statutory footing, including through our work to review the Public Sector Equality Duty (PSED) as it operates in Scotland.
<p>We call on the Scottish Government as part of the current review of the PSED regulations in Scotland to place additional specific duties on listed Public Bodies to:</p> <ul style="list-style-type: none"> <li>• Gather and use intersectional data, including employment and service user data, to advance equality between protected groups, including men and women;</li> <li>• Integrate intersectional gender budget analysis into their budget setting procedures.</li> </ul>	As part of our ongoing review of the operation of the PSED in Scotland, we published a consultation in December 2021 which includes seeking views on the NACWG's recommendation that additional duties should be placed on listed authorities relating to intersectional data collection and usage, and intersectional gender budgeting. <sup>3</sup>
We also call for the expansion of the mandate of the Scottish Human Rights Commission, with sufficient resourcing to allow it to take on cases on behalf of individuals.	We accept the NACWG's recommendation and will engage with the SHRC and the Scottish Parliament to consider how an extension of powers could be delivered and adequately resourced.

<sup>3</sup> <https://consult.gov.scot/mainstreaming-policy-team/public-sector-equality-duty-review/>

## Introduction

In 2017, the First Minister appointed the National Advisory Council on Women and Girls (NACWG), to advise the Scottish Government on what action is needed to achieve gender equality in Scotland. It is made up of 17 women and girls aged 17+, from different backgrounds, and is co-chaired by Louise Macdonald, formerly Chief Executive of Young Scot, and Dr Ima Jackson, a Senior Lecturer in the Department for Nursing and Community Health at Glasgow Caledonian University.

The NACWG agreed a three-year work plan from 2018 to 2020, choosing to explore a different topic each year. It published its 2018 first annual report on the topic of Attitudes and Culture Change in January 2019, setting out 11 recommendations for the Scottish Government in areas from education to justice, women's political representation and childcare.

The NACWG published its 2019 second annual report in January 2020 on the topic of "Policy Coherence". In this report, the NACWG was interested in exploring how policies are made, the processes and people that are involved in policy-making and the environment and culture within which policy-makers operate. The NACWG concluded that significant improvement is needed to ensure that policy-making is gender-sensitive and capable of realising the best outcomes for women and girls, and it made six recommendations to the Scottish Government addressing areas such as leadership, resourcing and accountability.

A list of the NACWG's 2018 and 2019 recommendations to the Scottish Government can be found at Annex B, together with a brief summary of the action we are taking to deliver these recommendations.

This report is the Scottish Government's response to the NACWG's 2020 third annual report on the topic of "Creating an Intersectional Gender Architecture", which it published in January 2021. In doing so, the NACWG brought its initial three-year work plan to a close.

In its 2020 annual report, the NACWG has focused on the wider 'gender architecture' that exists to support gender equality. It defines "gender architecture" as "the structures that are designed to advance women's equality and rights – like ministries, regulators, equality laws, duties, indicators, policy processes and any accountability mechanisms".

The NACWG says that the current gender architecture does not work for all women and girls and that equality falls short in many places due to a lack of awareness about how intersecting inequality and multiple oppression can perpetuate poorer outcomes for the most marginalised women and girls.

Intersectionality simply isn't hardwired into the fabric of our systems, says the NACWG, and this needs to change.

In order to deliver the change required, the NACWG calls on the Scottish Government to advocate for the full devolution of equal opportunities, to integrate intersectional gender budgeting into the Scottish Budget process, to place certain additional legislative duties on public authorities and expand the remit of the Scottish Human Rights Commission (SHRC).

This report sets out our response to the NACWG's recommendations and how we will take them forward in such a way as to deliver better outcomes for all women and girls.

The NACWG also makes recommendations to the Scottish Parliament and the SHRC. We touch briefly upon these recommendations in our response, but we recognise that it is for the Scottish Parliament and the SHRC to consider and respond to these recommendations.

Our final chapter sets out the future planned direction of the NACWG, now that its initial three-year work plan has come to an end.





## Leadership

The NACWG makes two recommendations to the Scottish Government under the theme of “Leadership”, calling on the Scottish Government to advocate for the devolution of equality to the Scottish Parliament and to integrate gender budgeting into the Scottish Budget process.

1. “We call for Scottish Government to advocate for the full devolution of Equality legislation and policy making to the Scottish Parliament.”
2. “We call on the Scottish Government to integrate intersectional Gender Budget Analysis into the Scottish Budget process, and to give this a statutory footing.”

### Devolving equal opportunities

The NACWG calls for the Scottish Government “to advocate for the full devolution of Equality legislation and policy making to the Scottish Parliament” and says that “the Scottish Government must dedicate considerable effort to the devolution of equality through existing inter-governmental mechanisms”.

The NACWG sets out its view that only the full devolution of equality would allow the Scottish Parliament to make distinct equality law in Scotland and enable us to challenge entrenched inequality in new ways.

We accept the NACWG’s recommendation. While our position is that independence is the surest way to protect and enhance the powers of the Scottish Parliament, we will continue to press for additional powers for the Scottish Government and Parliament for as long as Scotland remains within the UK.

Under the current devolution framework, as set out in the Scotland Act 1998, as amended by the Scotland Act 2016, equal opportunities is a reserved matter. This means that equal opportunities is reserved to the Westminster Parliament and the Scottish Parliament cannot legislate on any matter which falls within the equal opportunities reservation.

There are a small number of exceptions to the general reservation of equal opportunities. In response to recommendations made by the Smith Commission following the Scottish Independence Referendum in 2014, the Scotland Act 2016 devolved additional powers to the Scottish Parliament, including two new exceptions to the general equal opportunities reservation.

These limited exceptions allow for the Scottish Parliament to legislate for the inclusion of persons with protected characteristics in non-executive posts on the boards of Scottish public authorities and equal opportunities in relation to the Scottish functions of Scottish public authorities. The first exception allowed the Scottish Parliament to pass the Gender Representation on Public Boards (Scotland) Act 2018.

The Scottish Government is committed to promoting equality and upholding human rights, to the fullest extent possible within the current devolution framework. We will continue to take action where we can, including delivering our commitment to introduce a new Human Rights Bill for Scotland, in this parliamentary session, to give effect in Scots Law to a wide range of internationally recognised human rights, as far as possible within devolved competence.

This will include the incorporation of CEDAW, as was recommended by the NACWG in its 2018 Annual Report<sup>4</sup>. The Bill will strengthen domestic legal protections by making these rights enforceable in Scots law, as far as possible within devolved competence.

The Bill is part of taking forward the 30 recommendations from the National Taskforce for Human Rights Leadership for a new human rights framework for Scotland, published on 12 March 2021<sup>5</sup>. The Scottish Government has accepted all of these recommendations.

Collaboration with stakeholders, including rights-holders, will be essential in developing – and implementing – the Bill. As outlined in the 2021-22 Programme for Government, we will consult on the Bill in the coming year.

The Human Rights Bill exemplifies how the Scottish Government will utilise the powers at our disposal to advance equality and respect, protect and fulfil human rights. But the extent of our powers does not meet the extent of our ambition for equality in Scotland. The full devolution of equal opportunities to the Scottish Parliament would allow the Scottish Government to make choices about the use and extension of measures to advance equality, whilst guaranteeing the strength of existing equality legislation within Scotland.

### **How will we take this recommendation forward?**

We will write to the UK Government to reassert our position that the full devolution of equal opportunities to the Scottish Parliament is in the best interests of the Scottish people.

In advance of doing so, we will work with equality organisations and other key stakeholders to continue to build consensus and establish an

evidence-based rationale to support the devolution of equal opportunities to the Scottish Parliament. This rationale will be grounded in evidence and a clear understanding of how additional powers could be used in Scotland to tackle inequality and realise our vision for a fairer, more prosperous nation. We believe that this will afford us the best possible opportunity to make a strong and persuasive case to the UK Government for additional powers in this area.

We recognise, however, that the Scottish Government and Scottish Parliament also have a duty to work within the legal framework, and to support cooperative working with the UK Government and other devolved administrations in equal partnership, and by consensus, to secure Scotland's interests. We will raise with UK Government and the other devolved administrations, opportunities to strengthen four nations joint working in respect of measures to advance equality.

### **Integrating intersectional gender budget analysis into the Scottish Budget process**

The NACWG calls on the Scottish Government to “integrate intersectional Gender Budget Analysis into the Scottish Budget process, and to give this a statutory footing”.

We accept the principle of the NACWG's recommendation and will engage with the NACWG, the Equality Budget Advisory Group and others, to develop an approach to further integrate intersectional gender analysis into the Scottish Budget process as part of our wider work on equality and human rights budgeting. We will also consider giving this a statutory footing, including through our work to review the PSED as it operates in Scotland.

4 2018 First Report and Recommendations. The First Minister's National Advisory Council on Women and Girls, November 2020. URL: [2018report.pdf \(onescotland.org\)](https://www.onescotland.org/2018report.pdf)

5 National Taskforce for Human Rights Leadership Report. The Scottish Government, March 2021. URL: [national-taskforce-human-rights-leadership-report \(5\).pdf](https://www.scotland.nhs.uk/national-taskforce-human-rights-leadership-report-5.pdf)

Gender budgeting, sometimes called gender-sensitive or gender-responsive budgeting, is a way of analysing the budget for its effect on gender equality<sup>6</sup>. The NACWG defines it as “a means of preparing budgets or analysing them from a gender perspective”.

Gender budgeting does not mean that there should be separate budgets for women, or that money should be divided equally between women and men, but acknowledges that spending and taxation can affect women and men differently because of their different situations, needs and priorities, including how they experience paid and unpaid work, access education, and use services. Gender budgeting helps us to examine and restructure revenue and spending decisions in order to eliminate unequal outcomes between women and men<sup>7</sup>.

In its recommendation, the NACWG places emphasis on intersectional gender budgeting. In their 2020 Report and Recommendations, the NACWG define intersectionality as “**a framework for understanding how multiple categories of identity (such as gender, race and class) interact in ways that create complex systems of oppression and power**”. This means an approach to gender budgeting that recognises how multiple factors, such as gender, race and socio-economic status interact to produce different outcomes for some groups.

An intersectional gender budgeting approach would involve analysing budgets by more than one category, for example, examining not only how a spending proposal might impact women and girls compared to men and boys, but additionally, how that proposal might impact disabled women compared to non-disabled women and women of different socio-economic statuses. This should draw on analysis undertaken at the options scoping and appraisal stages of policy

development, so that it is embedded in the decisions reflected in the budget.

In order to successfully implement an intersectional gender budgeting approach, we need good intersectional data and evidence to support analysis. Urgently addressing data gaps has been identified by the NACWG as a fundamental action required to support the implementation of its recommendations, and the Scottish Government is taking action to improve the availability and use of intersectional data by policy-makers. This work is described in greater detail in the following chapter.

### Existing actions to analyse the Scottish budget from a gender and equality perspective.

We have committed to take steps to further embed equality and human rights in all stages of the Budget process in the Scottish Government’s Programme for Government 2021-22, and in the Scottish Government and Scottish Green Party Shared Policy Programme. However, we recognise that there is more to do in this area, and in particular to meet the NACWG’s ambitions for integrated intersectional gender budget analysis.

The Scottish Government already takes certain steps to analyse the Scottish budget from a gender and wider equality perspective and we have sought to continually improve how equality is embedded in the budget process over a number of years. A key part of our work is the publication of the Equality and Fairer Scotland Budget Statement alongside the Scottish Budget. This statement assesses the impact of the Budget on groups of people who share protected characteristics and people experiencing socio-economic disadvantage and in more recent years additionally considers human rights.

<sup>6</sup> [What is Gender Responsive Budgeting? - Women’s Budget Group \(wbg.org.uk\)](https://www.wbg.org.uk/what-is-gender-responsive-budgeting/)

<sup>7</sup> [Tackling inequality: guidance on making budget decisions - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/tackling-inequality/guidance-on-making-budget-decisions/pages/1-1-introduction.aspx)

The budget in this way is important because it helps the Scottish Government to make the best use of public money to deliver positive outcomes and help those who need it most. It also helps us to discharge our legal responsibilities under the PSED and the Fairer Scotland Duty, as set out in the Equality Act 2010.

In August 2019, Equality Budget Advisory Group (EBAG) and the Scottish Government produced informal guidance for policy-makers on equality and human rights budgeting<sup>8</sup>.

We recognise that in order to improve the integration of gender into budgeting both within the Scottish Government in the wider third sector and public sector, we need to build capacity and understanding of how this can be done in practice. We have awarded funding of £220K over three-years (2021-24) to the Scottish Women's Budget Group to work with civil society groups and local authorities to raise awareness of, and build capacity in gender budgeting.

Using a combination of approaches, including mentoring support, the development of a toolkit, and training sessions, the Scottish Women's Budget Group aims to improve the quality of equality impact assessments to ensure that decision-makers take into account how budget decisions could impact women and men differently and as a result either exacerbate or help to reduce gender inequality.

## Other recommendations to improve equality and human rights budget analysis

Interest in understanding budgets from various perspectives has mounted in recent years and, in addition to the NACWG's recommendation, a number of other recommendations and proposals relating to budgeting have been made to the Scottish Government. In its January 2021 report<sup>9</sup> to the Scottish Government, the Social Renewal Advisory Board focused on the integration of equality and human rights budgeting into the Scottish Budget with a shift towards prevention and a greater use of participatory budgeting. Other recommendations have been made on wider equality, wellbeing<sup>10</sup>, children's rights and human rights budgeting<sup>11</sup>.

In May 2021, the Equality Budget Advisory Group (EBAG) presented the Scottish Government with a comprehensive set of recommendations<sup>12</sup> to enable further embedding of equality and human rights into the budget process. These were presented to the incoming administration in summer 2021 and work is being taken forward to consider the recommendations both to embed immediate improvements as well as in the context of longer term budget improvement work. We will respond to the EBAG recommendations in full in Spring 2022.

We recognise the importance of developing a coherent approach to respond to these recommendations, one that delivers practical improvements to the budget process which translate into better outcomes for Scotland's communities, especially for those most marginalised.

8 Improving People's Wellbeing – 6 key questions to ask when making budget decisions. The Scottish Government, August 2019. URL: [Improving People's Wellbeing - 6 key questions to ask when making budget decisions \(www.gov.scot\)](https://www.gov.scot/publications/improving-people-s-wellbeing-6-key-questions-to-ask-when-making-budget-decisions/pages/1-6-key-questions-to-ask-when-making-budget-decisions.aspx)

9 If Not Now, When? The Social Renewal Advisory Board Report. The Scottish Government, (January 2021). URL: ["If not now, when?" The Social Renewal Advisory Board Report \(www.gov.scot\)](https://www.gov.scot/publications/if-not-now-when-the-social-renewal-advisory-board-report/pages/1-if-not-now-when-the-social-renewal-advisory-board-report.aspx)

10 [Children in Scotland](https://www.gov.scot/publications/children-in-scotland/pages/1-children-in-scotland.aspx)

11 [scotland-2019-obi-summary-report-vfinal.pdf \(scottishhumanrights.com\)](https://www.gov.scot/publications/scotland-2019-obi-summary-report-vfinal.pdf/pages/1-scotland-2019-obi-summary-report-vfinal.pdf.aspx)

12 [Equality Budget Advisory Group: recommendations for equality and human rights budgeting - 2021-2026 parliamentary session - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/equality-budget-advisory-group-recommendations-for-equality-and-human-rights-budgeting-2021-2026-parliamentary-session/pages/1-equality-budget-advisory-group-recommendations-for-equality-and-human-rights-budgeting-2021-2026-parliamentary-session.aspx)



## How will we take this recommendation forward?

### *Integrating intersectional gender budget analysis*

This work will be taken forward through wider work to improve equality and human rights budget analysis processes including responding to recommendations made by the Equality Budget Advisory Group (EBAG).

Recognising the complexities of what may be required to integrate intersectional gender budgeting, we have engaged with EBAG sharing the recommendations and seeking their advice on the best approaches. The group highlighted that alignment to other proposals was essential. Additionally, improvements to data collection including specifically intersectional data collection and analysis will be critical enablers of this work. Current progress in these areas are covered later in this response.

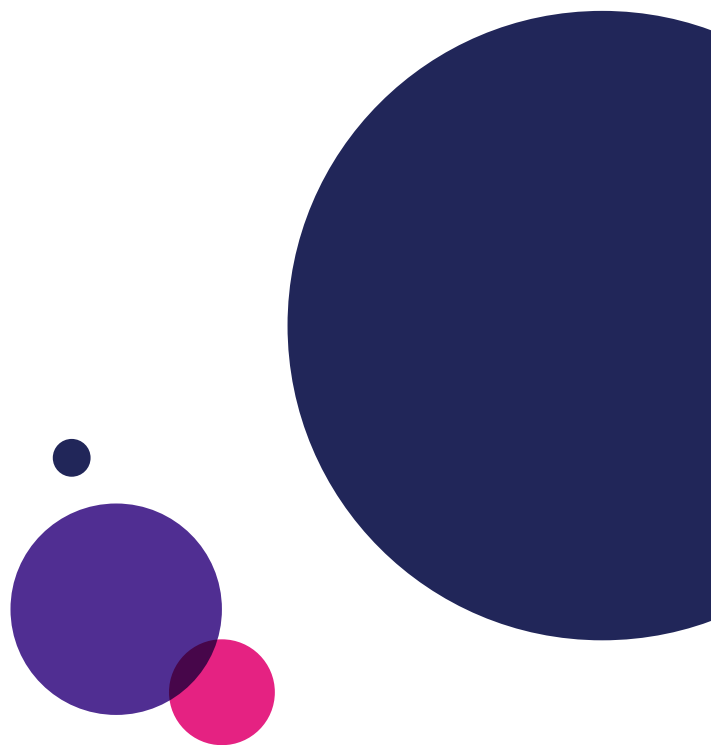
The process of integrating intersectional gender budget analysis into the budget approaches should, therefore, be considered alongside the recommendations from the Equality Budget Advisory Group (EBAG). These recommendations will enable overall equality and human rights budgetary improvements and will consequently positively impact on intersectional gender budget analysis. Likewise, the improvements to budgeting processes must be built upon underpinning improvements in data investment and policy option appraisal and evaluation.

The Scottish Government will, to ensure alignment, set out thinking on this specific Advisory Council recommendation, in spring 2022 alongside consideration of the EBAG recommendations.

### *Placing intersectional gender budgeting on a statutory footing*

We will also consider giving this a statutory footing, including through our work to review the PSED as it operates in Scotland. In December this year, the Scottish Government published a consultation on reforming the operation of the PSED in Scotland. This seeks views from stakeholders on the merits and practical implications of placing intersectional gender budgeting on a statutory footing through PSED.

Following the consultation, we will carefully consider next steps before bringing forward, in mid-2022, regulations to reform the operation of the PSED in Scotland.



## Accountability

The NACWG makes the following recommendation to the Scottish Government under the theme of Accountability:

“We call on the Scottish Government as part of the current review of the Public Sector Equality Duty (PSED) regulations in Scotland to place additional specific duties on listed Public Bodies to:

- Gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women;
- Integrate intersectional gender budget analysis into their budget setting procedures.”

It goes on to call on the Scottish Government “to mandate Scottish regulators, ombudspersons and oversight bodies to advance equality and rights”.

The NACWG says that these additional duties would enhance the gender-mainstreaming impact of the PSED in Scotland.

### Placing additional legislative duties on public bodies

The Scottish Government recognises that national and local policy-makers must have access to a wide-ranging and robust equality evidence base in order to develop inclusive policies and to measure the impact of policies on equality groups<sup>13</sup>. This is also essential in order to undertake intersectional budget analysis, whether specifically in relation to gender, or equality and human rights more widely.

The importance of intersectional data was brought to the fore by the coronavirus pandemic and it was highlighted by the Expert Reference Group on COVID-19 and Ethnicity<sup>14</sup>, and the Social Renewal Advisory Board<sup>15</sup>.

As part of our ongoing review of the operation of the PSED in Scotland, we published a consultation in December 2021 which includes seeking views on the NACWG's recommendation that additional duties be placed on listed authorities relating to intersectional data collection and usage, and intersectional gender budgeting.

We will also take non-legislative measures to improve the availability and use of intersectional data through our Equality Data Improvement Programme.

### How will we take this recommendation forward?

#### *Reviewing the Public Sector Equality Duty*

The Scottish Government is currently taking forward a review of the operation of the PSED in Scotland. In March 2021, we completed stage one<sup>16</sup> of the review which noted the need to make better use of evidence and data. There is widespread recognition of the importance of improving the collection and use of intersectional data from equality advocacy groups and listed authorities, although there are concerns from listed authorities on their capacity and capability to do this effectively in the short term.

We are seeking further views on how the PSED can be utilised to strengthen the collection and use of intersectional equality data, through a public consultation which was published in December 2021. This focuses on potential regulatory changes to strengthen duties on relevant public bodies, and includes consulting on the specific recommendation from the NACWG.

13 Scotland's Equality Evidence Strategy 2017-21: [Scotland's equality evidence strategy 2017-2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/equality-evidence-strategy-2017-21/pages/12.aspx)

14 [Expert Reference Group on COVID-19 and Ethnicity - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/expert-reference-group-on-covid-19-and-ethnicity/pages/1.aspx)

15 [Social Renewal Advisory Board - gov.scot \(webarchive.org.uk\)](https://www.gov.scot/publications/social-renewal-advisory-board/pages/1.aspx)

16 [Equality outcomes and mainstreaming: report 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/equality-outcomes-and-mainstreaming-report-2021/pages/1.aspx)

## Equality Data Improvement Programme

To complement our work to review the operation of the PSED in Scotland, we established the Equality Data Improvement Programme (EDIP) in April 2021. This is a multi-phase programme of work that aims to strengthen Scotland's equality evidence base enabling policy-makers to develop sound and inclusive policy. The EDIP is one part of a broader programme of mainstreaming equality and human rights within the public sector.

An EDIP Project Board has been established, chaired jointly by the Scottish Government's Chief Social Researcher and Chief Statistician, which reports to the Minister for Equalities and Older People. The Project Board brings together Scottish Government officials with representatives from a range of external partner public sector bodies. An internal network of lead analysts from each analytical area in the Scottish Government has also been established to support the programme.

The purpose of the first phase of the EDIP is to (1) build the knowledge and skills required to analyse, report and use equality data among policy-makers and analysts and (2) increase the availability of robust equality datasets. We will work with equality stakeholders in drafting forward plans to ensure that we are identifying important gaps and prioritising the right data sets. The first phase will conclude with the publication of a revised equality evidence strategy in late 2022.

There are a number of actions within the first phase of the EDIP that aim to improve the collection, analysis and use of intersectional equality data including:

- Producing a report to build knowledge of intersectionality among public sector analysts, covering what is meant by "intersectionality", examples of how the concept of intersectionality has been used to identify and understand structural inequality, and statistical approaches to carrying out intersectional data analysis.
- Systematically examining key population survey and administrative datasets to identify where intersectional data breakdowns are already published and where intersectional breakdowns could be provided, noting the protected characteristic variables collected and available sample size.
- Producing a new equalities dataset through the secure linkage of existing administrative and Census data, to support robust intersectional equality data analysis.
- Commissioning independent research with people with lived experience of different and intersecting protected characteristics to explore response issues, to investigate data fears and to understand what positive messaging would help to reduce fears and encourage participation in surveys. The research findings will be used to develop guidance for public sector data collectors.

## **Mandating Scottish regulators, ombudspersons and oversight bodies to advance equality and rights**

In addition to placing certain additional duties on listed public authorities, the NACWG also calls on the Scottish Government “to mandate all Scottish regulators, ombudspersons and oversight bodies to advance equality and rights”.

The NACWG says that this would help to ensure that gender is a core consideration for these bodies in exercising their scrutiny and accountability functions.

The National Taskforce for Human Rights Leadership has also made a recommendation that the Scottish Government “further consider specific duties being placed upon front-line complaint handling mechanisms and scrutiny bodies in order to enhance access to justice and ensure human rights obligations are given effect by all public authorities.”

The PSED, as set out section 149 of the Equality Act 2010, requires that public authorities, in the exercise of their functions, must have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Part 3 of Schedule 19 of the Equality Act 2010 provides a list of Scottish public authorities that are subject to the PSED. The PSED also applies to bodies which are not public authorities when those bodies exercise public functions. The Scottish Specific Duties require relevant public bodies (those specified within the Scottish Specific Duties Regulations to take certain steps to assist in their better performance of the PSED.

As part of our review of the operation of the PSED in Scotland, we are reviewing which bodies are covered by the Scottish Specific Duties and we will seek to ensure that all bodies which should be covered by the Scottish Specific Duties are specified in the regulations, which may include Scottish regulators, ombudspersons and oversight bodies. If additional bodies are included, they would have further duties imposed on them to enable them to better meet their PSED and advance equality. This review of the bodies covered by the Scottish Specific Duties is included in our consultation.

To the extent this recommendation relates to human rights, as part of the overall development of the Human Rights Bill, we will consider specific duties being placed upon front-line complaint handling mechanisms and scrutiny bodies in order to enhance access to justice and ensure human rights obligations are given effect by all public authorities.



## Creating Conditions

Under the theme of “Creating Conditions” the NACWG makes the following recommendation to the Scottish Government:

“We also call for the expansion of the mandate of the Scottish Human Rights Commission, with sufficient resourcing to allow it to take on cases on behalf of individuals.”

An additional recommendation calls on the Scottish Human Rights Commission (SHRC) to appoint a Commissioner tasked specifically with leading work to realise rights for all women and girls, as set out in the UN Convention on the Elimination of All Forms of Discrimination Against Women, the Istanbul Convention and other international instruments.

### Expanding the remit of the SHRC

We **accept** the NACWG’s recommendation and will engage with the SHRC and the Scottish Parliament to consider how an extension of powers could be delivered and adequately resourced.

A similar recommendation to that made by the NACWG was made by the National Taskforce for Human Rights Leadership (“the Taskforce”) and has also been accepted by the Scottish Government<sup>17</sup>.

This recommendation says that “The Scottish Human Rights Commission (SHRC) should be given additional powers including taking test cases and conducting investigations and any further extended powers should be considered”.

Extending the powers of the SHRC, as proposed by the NACWG and the Taskforce, would support the effective implementation of the new Human Rights Bill.

### How will we take this recommendation forward?

The SHRC is the national human rights institution for Scotland. It was created by the Scottish Commission for Human Rights Act 2006 (“the 2006 Act”), an Act of the Scottish Parliament which sets out the functions of the SHRC and makes provisions for its membership.

The SHRC’s general duty, described at section 2 of the 2006 Act, is to promote awareness, understanding and respect of, and encourage best practice in relation to human rights. It also has power to conduct inquiries. However, section 6 of the 2006 Act stipulates that the SHRC has no power to assist in claims or legal proceedings and it may not provide assistance, including advice, guidance or grants, to or in respect of any person in connection with any claim or legal proceedings, though it can intervene in civil proceedings in some circumstances under section 14.

Therefore, at present, the SHRC does not have power to “take on cases on behalf of individuals” as recommended by the NACWG or to take “test cases” as recommended by the Taskforce. This is expressly prohibited by section 6 of the 2006 Act. Any change to the functions or powers of the SHRC therefore requires legislation.

We will take forward work in relation to extending the powers of the SHRC as part of the overall development of the Human Rights Bill, working closely with the SHRC, and other key stakeholders, along with the Scottish Parliamentary Corporate Body (SPCB).

Specifically, further consideration and discussion is required to determine how an extension of the SHRC’s powers can most effectively be delivered. In relation to resourcing, funding for the SHRC is a matter for the SPCB, which would have to take a decision on funding for additional powers in due course.

<sup>17</sup> The Scottish Government. (12 March 2021), New Human Rights Bill. URL: <https://www.gov.scot/news/new-human-rights-bill/>

### Appointing a Women's Commissioner

The NACWG also calls on the SHRC to appoint a Commissioner tasked specifically with leading work to realise rights for all women and girls.

The Scottish Government recognises the independence of the SHRC and while we are supportive of the NACWG's recommendation in principle, we are clear that the appointment of a "Women's Commissioner" as described by the NACWG is a matter for the SHRC and the SPCB. However, we would be happy to discuss the NACWG's recommendation with the SHRC and the SPCB, should they welcome further engagement with us.



## The Future of the NACWG

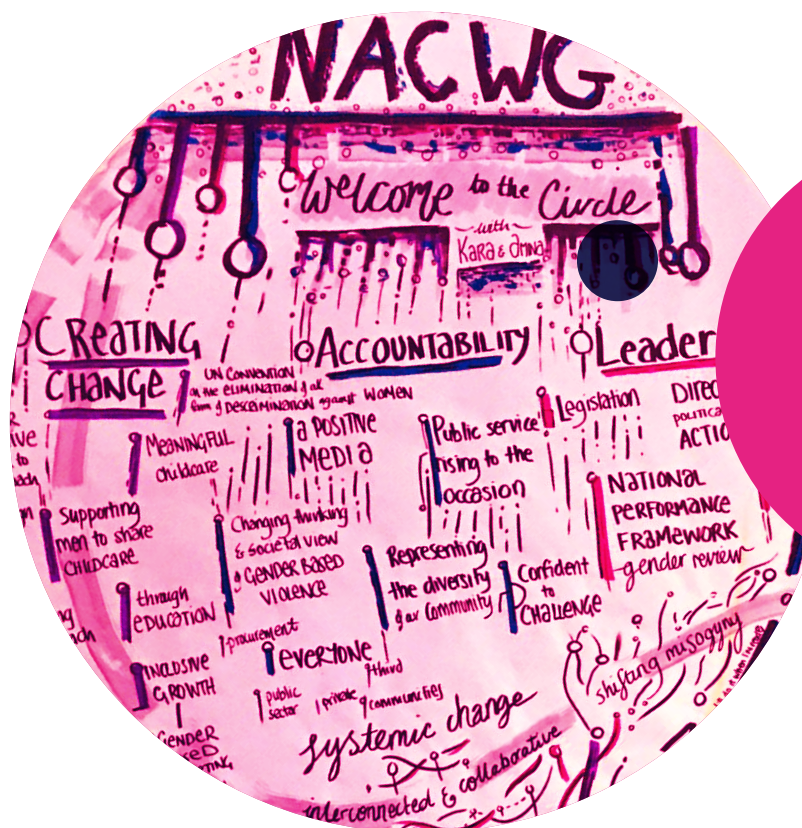
With publication of its third end-of-year report in January 2021, the NACWG concluded the initial three-year strategy it agreed in 2018.

Over the course of 2018 – 2020, it has delivered a package of recommendations, with a focus, particularly in Years 2 and 3, on systemic change. Towards the end of its work plan in 2020, the NACWG spent some time reflecting on its journey to date and the successes and challenges it experienced.

In March 2021, the NACWG submitted a “Next Steps” report to the First Minister. This report set out the NACWG’s thoughts about what a future NACWG model could look like and addressed the question of whether the NACWG should continue to operate in the same way, or should adopt a different model.

The NACWG’s recommendation to the First Minister is that it continue for a further three years with a refreshed membership and a focus on scrutiny and accountability. This “Phase 2” NACWG, would not make further recommendations, but would closely monitor delivery of those recommendations already accepted. The NACWG said that it supported adopting a different model, because it recognised that it would take time to fully implement its recommendations and for these to begin to take effect, and that it would be in a better position to assess what additional actions may be required after a further three-years.

As confirmed in the Scottish Government’s Programme for Government 2021-22, we have accepted the NACWG’s recommendation that it continue for a further three-year period with a focus on monitoring the delivery of its 2018-2020 recommendations.



## Annex A

### The NACWG's 2020 Recommendations

The following table sets out a summary of the NACWG's 2020 recommendations, under the NACWG's three themes of Leadership, Accountability and Creating Conditions.

Leadership
We call for Scottish Government to advocate for the full devolution of equality legislation and policy-making to the Scottish Parliament.
We call on the Scottish Government to integrate intersectional gender budget analysis into the Scottish Budget process, and to give this a statutory footing.
Accountability
We call for an equality-focused review body to be established in the Scottish Parliament that will provide an equality-focused accountability mechanism which has an independent authority to scrutinise and analyse Parliament's business.
We call on the Scottish Government as part of the current review of the Public Sector Equality Duty (PSED) regulations in Scotland to place additional specific duties on listed Public Bodies to: <ul style="list-style-type: none"> <li>• Gather and use intersectional data, including employment and service-user data, to advance equality between protected groups, including men and women;</li> <li>• Integrate intersectional gender budget analysis into their budget setting procedures.</li> </ul>
Creating Conditions
We call on the Scottish Human Rights Commission (SHRC) to appoint a Commissioner tasked specifically with promotion and protection of Women's Rights. This Commissioner would lead work to realise rights for all women and girls as set out in CEDAW, the Istanbul Convention and other international instruments.
We also call for the expansion of the mandate of the Scottish Human Rights Commission, with sufficient resourcing to allow it to take on cases on behalf of individuals.
Beyond the SHRC, we also call on the Scottish Government to ensure that the mandates of all Scottish regulators, ombudspersons and oversight bodies are required to advance equality and rights.



## Annex B

# Update on Delivery of the NACWG's 2018 and 2019 Recommendations

The NACWG published its first report on the topic of Attitudes and Culture Change on 25 January 2019<sup>18</sup>. It sets out 11 recommendations for action, in areas including the criminal justice system, education, childcare, and women's political representation. The Scottish Government published its response on 26 June 2019<sup>19</sup>.

The NACWG's second report on the topic of Policy Coherence was published on 22 January 2020<sup>20</sup>. It sets out six recommendations for the Scottish Government aimed at transforming the mainstreaming of gender equality throughout government policy-making, addressing critical areas such as leadership, resourcing and accountability. The Scottish Government published its response on 20 December 2020<sup>21</sup>.

The following table provides an update on the Scottish Government's progress to implement each of the NACWG's previous recommendations.

Recommendations	Progress
<b>1.) [2018] Create a 'What Works?' Institute to develop and test robust, evidence-led inclusive and representative approaches to changing public attitudes in Scotland to girls and women's equality and rights.</b>	<p>The Scottish Government provided funding to Zero Tolerance to carry out research, including a literature review, to develop potential models for the What Works Gender Institute. Zero Tolerance published a report<sup>22</sup> in January 2021 with the findings of this work, including three potential models for a What Works Gender Institute.</p> <p>The Scottish Government is currently considering the findings of the report and in particular a recommendation that a foundation model for the Institute be adopted for at least one year. This foundation model would allow findings from the report to be tested in practice and support further examination of the potential models for the Institute.</p>

18 First Minister's National Advisory Council on Women and Girls 2018 First Report and Recommendations. The First Minister's National Advisory Council on Women and Girls, 25 January 2019. URL: [2018report.pdf \(onescotland.org\)](#)

19 Scottish Government's Response to the First Minister's National Advisory Council on Women and Girls 2018 Report and Recommendations. The Scottish Government, 26 June 2019. URL: [Scottish Government's Response to the National Advisory Council on Women and Girls - gov.scot \(www.gov.scot\)](#)

20 First Minister's National Advisory Council on Women and Girls 2019 Report and Recommendations. The First Minister's National Advisory Council on Women and Girls, 22 January 2020. URL: [2019report.pdf \(onescotland.org\)](#)

21 Scottish Government's Response to the First Minister's National Advisory Council on Women and Girls 2019 Report and Recommendations. The Scottish Government, 20 December 2020. URL: [scottish-governments-response-first-ministers-national-advisory-council-women-girls.pdf \(www.gov.scot\)](#)

22 We need this to do things differently": A framework for a new, inclusive and intersectional organisation to transform attitudes towards women and girls and promote gender equality in Scotland (Kate Nevens, Talat Yaqoob and Ellie Hutchinson). Zero Tolerance, January 2021. URL: [ZT-What-Works-2021-Report.pdf \(zerotolerance.org.uk\)](#)

Recommendations	Progress
<p><b>2.) [2018] Legislate for local and national candidate quotas</b> for all parties by the 2021 election.</p>	<p>Legislating for local and national candidate quotas is outwith the current legislative competence of the Scottish Parliament. Because of this, the Scottish Government is taking a range of other measures to improve women's representation in politics. These measures include:</p> <ul style="list-style-type: none"> <li>• A new equality data collection for the 2022 Scottish Local Government Elections to improve the quality and completeness of data on the protected characteristics of candidates and elected members.</li> <li>• Publication of a review of international experience and practice on the operation of candidate quotas by the end of 2021.</li> <li>• Funding for a range of projects to improve women's representation in politics and address barriers. Those projects currently being supported by the Scottish Government are: COSLA's Cross Party Barriers to Elected Office Special Interest Group, the Equal Representation Coalition's Equal Representation Project (facilitated by Engender), YWCA Scotland – the Young Women's Movement's Young Women Lead Project, and Elect-Her.</li> </ul> <p>We will also pursue further dialogue with the UK Government regarding the devolution of additional powers to the Scottish Parliament to improve the representation of women and other under-represented groups in politics.</p>
<p><b>3.) [2018] Carry out a thematic gender review of the new National Performance Framework as a catalyst for system analysis and change.</b></p>	<p>Periodic reviews of the National Performance Framework (NPF) are required by the Community Empowerment (Scotland) Act 2015 to ensure the NPF continues to drive increased wellbeing. We will carry out a gender review of the NPF as part of the next review of the NPF in 2022. This will include an equality review of the National Outcomes data, to identify gaps in equality reporting (including gender) to enable more reporting on the different outcomes experienced in populations with protected characteristics.</p>

Recommendations	Progress
<p><b>4.) [2018] Create a “Gender Beacon Collaborative” – made up of Scottish Government, a Local Authority, a public body, a third sector agency and a business</b> to take a holistic and systemic approach to gender equality and work to having it embedded in all of its activities from employment to strategy to delivery.</p>	<p>The Scottish Government is providing funding to Close the Gap to support selected local authorities, public bodies, third sector organisations and the Scottish Government (the “Gender Beacon Collaborative”) to achieve the Equally Safe at Work Bronze Accreditation. This is an innovative employer accreditation scheme which aims to advance gender equality in the workplace and prevent violence against women and girls by requiring organisations to fulfil approximately 30 criteria across themes such as leadership, data and workplace culture.</p> <p>Organisations taking part in the Collaborative will have an opportunity to learn from each other as they move collectively towards accreditation, and Close the Gap will develop an evaluation framework to capture learning and best practice.</p> <p>In relation to the private sector, Close the Gap is supporting selected businesses to identify and address the root causes of their gender pay gaps, complementing the Scottish Business Pledge.</p>



Recommendations	Progress
<p><b>5.) [2018] Improve access to justice for women and girls experiencing men's violence and the culture of violence against women and girls embedded in the fabric of Scottish society by:</b></p> <p>a.) Creating a world-leading process for complainers of sexual violence, including trauma-informed forensic medical examination, independent sexual violence advocacy, review of the law on corroboration, and privacy for complainers with regards to the disclosure of their medical records; and</p> <p>b.) Criminalise serious misogynistic harassment, filling gaps in existing laws.</p> <p>c.) Work with Scottish Women's Aid, Scottish Women's Rights Centre, Shakti Women's Aid and the Law Society to create a consistent and inclusive model to ensure that women experiencing domestic abuse have sufficient access to expert legal advice and legal aid.</p>	<p>The Scottish Government is determined to improve the justice system to respond better to the needs of survivors of rape and sexual assault in Scotland and we are working with all partners to ensure this happens across the board.</p> <p><b>a.) A world-leading process for complainers of sexual violence</b></p> <p>We have taken and are taking forward a range of measures to improve the process for complainers of sexual violence.</p> <p><i>Trauma-informed forensic medical examination</i></p> <p>In relation to trauma-informed forensic medical examination, we introduced the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Act 2021 which, once commenced, will provide a statutory basis for health boards to provide person-centred, trauma-informed forensic medical services for victims of sexual crime and will establish a legal framework for consistent access to "self-referral" for people aged 16 and over, subject to professional judgement, without them having to first make a report to the police.</p> <p>To support the Act, a number of measures have been taken forward through the Chief Medical Officer for Scotland's Rape and Sexual Assault Taskforce (the "CMO Taskforce"). These measures include:</p> <ul style="list-style-type: none"> <li>• The development of a national clinical pathway for adults, children and young people who present in healthcare settings following rape, sexual assault or child sexual abuse and supporting leaflets for individuals who present for an examination.</li> <li>• The provision of funding to health boards to support the creation of dedicated facilities for forensic medical examinations in each territorial health board where these did not exist previously or to improve existing facilities, and to develop regional centres of expertise.</li> <li>• Steps to ensure that people know how to self-refer for a forensic medical examination, including the creation of a national telephony service, dedicated web pages on NHS Inform and a national awareness-raising campaign.</li> </ul>



Recommendations	Progress
	<p><i>Independent sexual violence advocacy and privacy for complainers</i></p> <p>On 23 November 2020, the Victims' Taskforce<sup>23</sup> held a round table discussion on the safeguarding of victim's privacy rights and the perceived barriers to reporting sexual violence. Following the discussion, Rape Crisis Scotland prepared a report and recommendations, which included consideration of Independent Legal Representation to enhance the privacy rights of complainers.</p> <p>In addition, the outcome of a review led by Lady Dorrian to improve how sexual offences cases are conducted through the courts, was published<sup>24</sup> in March 2021. Recommendations include: embedding trauma-informed practice in the management of sexual offence cases; a right to Independent Legal Representation to allow complainers to oppose section 275 applications, which are applications to lead otherwise inadmissible evidence; statutory provision to provide anonymity to those complaining of rape or other sexual offences; providing specialism in the form of the creation of a specialist sexual offences court; enhancing the quality of jury involvement; and exploring the effectiveness of judge-only trials via a time-limited pilot.</p> <p>The Scottish Government will give careful consideration to these recommendations and those from Rape Crisis Scotland, including regarding the introduction of independent legal representation for complainers to oppose applications to lead sexual history evidence.</p> <p>In addition, the Scottish Government is supporting Rape Crisis Scotland's National Advocacy Project with over £1.3 million provided in 2021-22. The project ensures there is a key support worker in every Rape Crisis Centre in Scotland to help victims engage with the criminal justice process.</p> <p>The Scottish Government is also supporting a two-year pilot project, launched in November 2019, to visually record a rape complainer's initial statement. The pilot is being run by Police Scotland and the Crown Office and Procurator Fiscal Service, with support from Rape Crisis Scotland, in three areas of Scotland. We will carry out an evaluation of the pilot in November 2021 to inform a decision about rolling out the visual recording of rape complainer's initial statements across Scotland.</p>

23 [Victims Taskforce - gov.scot \(www.gov.scot\)](https://www.gov.scot)

24 Improving the Management of Sexual Offence Cases, Final Report from the Lord Justice Clerk's Review Group. Scottish Courts and Tribunals Service, March 2021. URL: [Improving-the-management-of-Sexual-Offence-Cases.pdf \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk/improving-the-management-of-sexual-offence-cases)

Recommendations	Progress
	<p><i>Disclosure of medical records</i></p> <p>Scotland's legal system ensures that any complainer in a criminal case whose sensitive records are being sought has a legal right to be heard as the court considers whether to permit access. In addition, the Scottish Government took steps in 2017 to introduce new rights that ensure complainers whose sensitive records are being sought have access to legal aid to oppose such a request where access is required for the complainer to effectively participate in the hearing. There is no means testing of the request for legal aid in this situation.</p> <p><i>Corroboration</i></p> <p>The Scottish Government's recent Programme For Government committed to considering reform of the corroboration rule, engaging with justice partners, opposition parties and people with direct experience of the criminal justice system to develop a shared understanding of the evolving legal position, and the implications and potential unintended consequences of corroboration reform, including in relation to sexual crimes.</p> <p>The Scottish Government has previously expressed concerns around corroboration and its impact on access to justice. As there was no parliamentary or legal consensus when Ministers previously proposed removing the corroboration requirement in criminal proceedings, we asked Lord Bonomy to conduct a review into what additional safeguards may be required if corroboration was removed. That review recommended research into jury reasoning and decision-making, to ensure any changes are made on a fully informed basis.</p> <p>The Scottish Government commissioned independent jury research, which was published in October 2019. In late 2019 and throughout 2020, a broad range of stakeholder events took place to seek views on all of the research findings and any implications for other criminal justice reforms, including potentially in relation to corroboration. The summary of discussions was published in December 2020.</p>

Recommendations	Progress
	<p>Although the possibility of abolishing or reforming the corroboration rule was opposed by the majority of participants in the engagement events, the previous Cabinet Secretary for Justice held constructive discussions with Opposition Spokespeople in December 2020 to hear their views on reforming corroboration and all agreed that the issue needs further exploration.</p> <p><b>b.) Criminalise serious misogynistic conduct, filling gaps in existing laws</b></p> <p>In November 2020, the Scottish Government stated that it would establish an independent Working Group on Misogyny and Criminal Justice in Scotland<sup>25</sup>, chaired by Baroness Helena Kennedy QC, to consider whether there are gaps in the law or if there is a failure to implement existing legislation in a way that protects women and girls. The chair appointed members with expertise in Scots law, human rights, women's equality and perpetrator behaviours relating to gender-based violence. The working group held its inaugural meeting in February and has met monthly since, receiving oral and written evidence from a large number of experts and stakeholders and is on course to produce a report on its findings and recommendations in February 2022.</p> <p><b>c.) Access to expert legal advice and legal aid</b></p> <p><i>Legal Aid Reform</i></p> <p>The Scottish Government committed in its 2021-22 Programme for Government to launch a public consultation on legal services regulation. That consultation was published in October 2021 and seeks views on reform which would promote a flourishing legal sector and ensure that legal services protect the public and consumer interest. We are engaging with a wide range of stakeholders including the legal sector and victim support organisations to seek their views and priorities for reform.</p>

25 [Misogyny and Criminal Justice in Scotland Working Group - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/misogyny-and-criminal-justice-working-group/pages/1-to-4.aspx)

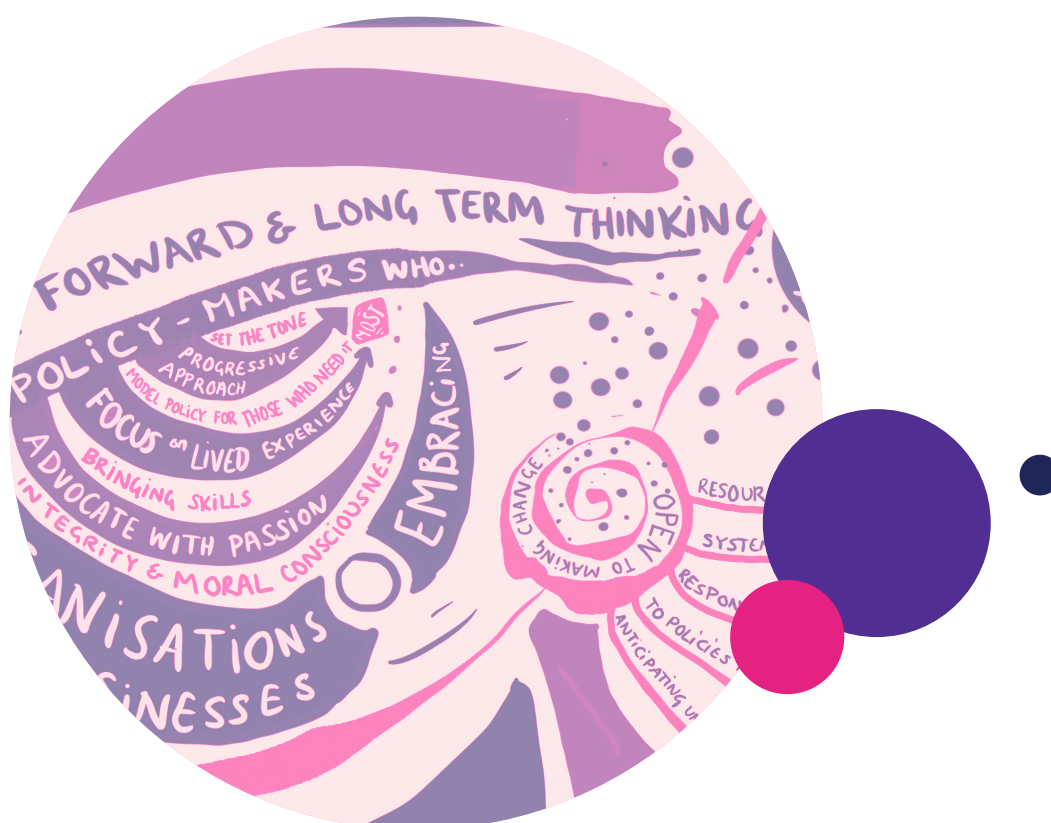
Recommendations	Progress
	<p><i>Funding to the SWRC</i></p> <p>The Scottish Government provides funding to the SWRC through the Scottish Legal Aid Board (up to £230,000 per year) and through the Scottish Government Violence Against Women and Girls and Barnahus Justice Budget (up to £351,000 in 2020/21). This funding enables the SWRC to provide free support and legal advice to women experiencing gender-based violence, as well as services including a national helpline, legal surgeries, advocacy services, online legal guides, and the Sexual Harassment Legal Service.</p> <p>In March 2021, the Scottish Government awarded additional funding of just over £57,000 to the SWRC to deliver legal advice surgeries and upskill the SWRC legal team to deliver tailored information for women involved in selling or exchanging sex.</p> <p>In addition, the Scottish Government and the SWRC worked together to develop a training animation for solicitors to provide insight into the kinds of issues they might face when working on civil domestic abuse cases. The animation was launched in June 2020<sup>26</sup> and supports the operation of the Domestic Abuse (Scotland) Act 2018 by helping solicitors to understand the impact of trauma on victims who have been subject to domestic abuse, including coercive and controlling behaviour.</p>
<p><b>6.) [2018] Create a resourced media body in Scotland</b>, which will publicly review media which is sexist, misogynistic or bigoted; will provide guidance on what gender equal media can look like and will strengthen the intersectional voices of women in media.</p>	<p>Funding has been awarded to Engender to support a Development Manager post in Gender Equal Media Scotland (GEMS) to lead a project focused on:</p> <ul style="list-style-type: none"> <li>• Establishing relationships with key media and equalities organisations and convening roundtable meetings with those involved in Scotland's media and cultural institutions.</li> <li>• Mapping existing initiatives, resources, campaigns and research around intersectional gender inequality and sexism in media, within Scotland and internationally and assessing existing resources and their effectiveness in creating change.</li> <li>• Developing a long-term vision for a Women's Media Body for Scotland, in collaboration with industry experts, academics, campaigners, and the public sector.</li> </ul>

<sup>26</sup> [Scottish Women's Rights Centre | Blog | Domestic abuse and trauma informed practice: new CPD training video launched for solicitors in Scotland \(scottishwomensrightscentre.org.uk\)](#)

Recommendations	Progress
<b>7.) [2018] Incorporate the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) into Scots Law.</b>	<p>The Scottish Government has committed to introduce a new Human Rights Bill in this parliamentary session which will incorporate CEDAW and other UN human rights treaties into Scots Law, as far as possible within devolved competence. Incorporating CEDAW will strengthen legal protections for women by making these human rights enforceable in Scots Law, and will send a powerful and important message to the international community about Scotland's commitment to ending gender inequality.</p>
<b>8.) [2018] Establish a Commission on Gender Equality in Education and Learning,</b> covering Early Years, Primary and Secondary Education and Learning, tasked with providing bold and far-reaching recommendations on how gender equality can be embedded in all aspects of learning.	<p>The Scottish Government has established a Gender Equality Taskforce in Education and Learning which met for the first time in early 2020. To support the Taskforce's work, the Scottish Government is in the process of procuring a research organisation to develop a theory of change model in consultation with young women and girls. The theory of change model will set out the short-, medium- and long-term outcomes to achieve gender equality in education and learning and the interventions and actions required to achieve those outcomes.</p>
<b>9.) [2018] Provide 50 hours per week of funded, good quality and flexible education and childcare</b> for all children between six months and five years old.	<p>As of August 2021, the Scottish Government has delivered its commitment to expand entitlement to funded early learning and childcare, from 600 hours a year to 1140, for all three- and four-year-olds, as well as care-experienced two-year-olds and those from lower-income families. The new entitlement will save families in Scotland an estimated £4,900 per eligible child per year and benefit around 130,000 children a year.</p> <p>We have now set out our ambition to provide funded early years education to all one- and two-year-olds, starting in the course of this Parliament with children from low-income households, to give their parents more opportunity to work, train or study. This year we will begin engagement with families, the early learning sector and academic experts to design how the new entitlement could work in practice.</p>



Recommendations	Progress
<p><b>10.) [2018] Create two “Daddy months” of use-it-or-lose-it paid paternity leave in Scotland, using existing and additional powers transferred by UK Government.</b></p>	<p>In January 2020, the Scottish Government responded to the UK Government consultation ‘Good Work Plan: Proposals to Support Families’, urging the UK Government to increase the minimum statutory provision of parental leave from 52 to 64 weeks, with the additional 12 weeks to be available to fathers/partners on a paid, non-transferable “use it or lose it” basis.</p> <p>The UK Government’s ‘Good Work Plan: Proposals to Support Families’ consultation is intended to inform the development of a forthcoming Employment Bill. The consultation included the UK Government’s overall approach to parental leave and pay, seeking views on how this should be prioritised and how different levels of support should be balanced to meet the needs of both parents and employers.</p> <p>We are continuing to press the UK Government to influence the development of the Employment Bill which will include provisions on partner leave. The timeline for laying the Bill in parliament is now planned for this coming session 2021-22.</p>



Recommendations	Progress
<p><b>11.) [2018] Embed gender-sensitive approaches in all work relating to programmes developed through the new Scottish Government “Scottish Approach to Service Design” model.</b></p>	<p>The Office of the Chief Designer has undertaken a review of best practice in gender-sensitive design. An advisory group comprising colleagues from within Scottish Government (Social Security, Gender Equality Policy, and People Directorate), the third sector (Engender, Young Scot), the educational sector and NHS was set up to review progress, and act as “critical friends”.</p> <p>The research to identify barriers that prevent women and girls from engaging in user-centred design work is complete, following a review of best practice and advice about gender-inclusive design methods being utilised in other contexts. A report has been produced, with feedback from the advisory group, which has now been shared with practitioners working in the field of public service design.</p> <p>There is now ongoing programme of work to embed outcomes/ guidance in the Scottish Approach to Service Design (SAatSD) guidance, and to share examples of good practice with the design community across the public sector. This includes a broad range of public sector bodies, including those in Local Government, the NHS and third sector.</p> <p>The aim of the updated SAatSD guidance is to provide a set of tools and methods for design practitioners to drive consistency and standardise how we approach design. This includes information and methods to help organisations designing public services understand and mitigate the unintended consequences of gender-specific bias.</p> <p>Additionally, gender-sensitive design considerations have been incorporated into the minimum evidence framework for the refreshed <a href="#">Digital Scotland Service Standard</a>, a set of criteria that central government organisations must meet when delivering digital services.</p> <p>The Scottish Approach to Service Design and the Service Standard is being embedded into the support provided to The Promise Scotland, a large scale transformation of the care sector, and priority Health and Social Care programmes, such as the National Care Service. These both offer an opportunity to look at the policy landscape as well as service delivery.</p>

Recommendations	Progress
<b>1.) [2019] The creation of a standalone Equalities Directorate along with the establishment of “Centres of Expertise” created in all Scottish Government Directorates, on intersectional gender competence</b>	<p>We have created a new Directorate of Equality, Inclusion and Human Rights. We will work to establish centres of expertise across Government to develop expertise in equality and human rights relevant to their areas of responsibility. We have already committed to the development of a centre of expertise on equality and human rights in the Economy family of Directorates, as part of our response to the Advisory Group on Economic Recovery's report “Towards a Robust, Resilient Wellbeing Economy for Scotland”. Work is underway to scope and design the initial stages of this work. This will help to ensure we identify and capitalise on opportunities to advance equality and human rights, and build capacity, skills and understanding within policy teams.</p>
<b>2.) [2019] The creation of a senior officials and leaders group</b>	<p>A key objective of the Scottish Government's equality and human rights mainstreaming strategy is to strengthen leadership and accountability. To progress this, we will establish a new group, giving consideration to its relationship with existing senior structures, such as the Scottish Government Executive Team and Directors' Network, and the Scottish Leaders' Forum. This group will seek to scrutinise and bring challenge to the Scottish Government's strategic approach to embedding equality and human rights. This group will sit as part of a wider governance structure, which will have specific groups overseeing and scrutinising key strands of our mainstreaming agenda, including the review of the operation of the PSED in Scotland, the Scottish Government's equality outcomes, and impact assessment development and improvement.</p>

Recommendations	Progress
<b>3.) [2019] The creation of “Policy-Makers National Standards” to support quality standards and accountability on intersectional gender competence in policymaking, with a requirement that all policy and analytical staff will adhere to it.</b>	<p>We have commenced development of a mainstreaming strategy to embed equality, inclusion and human rights across the Scottish Government and wider society. The mainstreaming strategy will improve how we centre equality, inclusion and human rights in all government policies, decisions and spending, and support the wider public sector and others to do likewise. As part of this work, we are developing a strategic approach to improving the skills and expertise in Government and the wider public sector to embed equality, inclusion and human rights. This will build on new compulsory diversity and inclusion training which has been implemented for all Scottish Government staff. Critical to this work is a comprehensive needs analysis work which will inform the development of standards for policy-makers and other professions. This work is underway and will conclude in early 2022. We are reviewing how we carry out impact assessment and are building expertise at different levels within Scottish Government. We have undertaken an external literature review of Impact Assessment in Governments and will build on the findings of the “Review of the Operation of the Public Sector Equality Duty in Scotland” which incorporated learning from COVID-19 period around impact assessment.</p>
<b>4.) [2019] We recommend Scottish Ministers deliver an Annual Statement, followed by a debate, on Gender Policy Coherence to the Scottish Parliament.</b>	<p>We will develop options for delivering an annual statement and debate to the Scottish Parliament, including how we might align this with the existing legal duty on Scottish Ministers to publish a report on progress to better perform the Public Sector Equality Duty under the Scottish Specific Duties. We have sought further views on this through our consultation on the review of the operation of the PSED, which was published in December 2021.</p>
<b>5.) [2019] The Scottish Government, Local Government and Public Bodies should build on existing work already underway (Scottish Approach to Service Design) to create a genuine effort in co-production of policy-making with evidence of lived experience at its heart.</b>	<p>Within the Government’s Programme for Scotland 2020-21 we have committed to take steps to ensure that the voices of people with lived experience shape our approach and policies in relation to equality and human rights. We propose to develop an approach that is based on learning from previous and current Scottish Government lived experience models, as well as models utilised successfully in the UK and internationally. We will work closely with key stakeholders in this area and it will form a key component of our mainstreaming strategy. We are organising a thematic deep dive with stakeholders in autumn 2021 to seek their views on how we develop our approach.</p>

Recommendations	Progress
<p><b>6.) [2019] We recommend adequate resourcing to enable the collection and analysis of robust intersectional data.</b></p>	<p>We are developing an equality and human rights mainstreaming strategy, which is underpinned by a comprehensive approach to improving data collation and analysis. This strategy will consider capacity and capability to collect, analyse and use robust equality data. This will be informed by the Scottish Government Equality Data Improvement Programme (EDIP) which launched in April 2021. The first phase of the EDIP will be undertaken over 18 months, and will undertake priority action to strengthen Scotland's equality evidence base, contributing to the mainstreaming of equalities across the public sector. It will comprise two broad elements – "Learning and Good Practice" and "Data Development".</p>





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