

EQUALITY NOW SUBMISSION

“Equally Safe: A consultation on challenging men's demand for prostitution, working to reduce the harms associated with prostitution and helping women to exit” by the Scottish Government

Submitted 10 December 2020

Question 1. Do you agree or disagree that the Scottish Government's approach to tackling prostitution, as outlined in this section, is sufficient to prevent violence against women and girls?

In the *Protecting Scotland's Future: the Government's Programme for Scotland (2019-2020)* and the *Equally Safe: Scotland's strategy to eradicate violence against women (2018)*, hereinafter called the *Equally Safe Strategy*, the Scottish Government has framed gender inequality and sexual exploitation, as completely unacceptable in its society. It has also rightly recognised prostitution as a form sexual exploitation and a function of gender-based violence.

However, we believe the approach, as outlined in the Consultation Paper, is insufficient to tackle prostitution and prevent violence against women and girls (VAWG) because it fails to show *how* the Scottish Government applies its understanding of prostitution as a form of gender-based violence to its laws, practices, and policies. It also fails to show the ways in which Scotland will address the deep-rooted cause(s) and consequences of prostitution (and therefore, VAWG). What the approach does outline is that the current laws still criminalise activities surrounding the sale of sex via penalties for soliciting to sell sex – and therefore, that the Scottish Government continues to frame victims of sexual exploitation, of which prostitution is an aspect, as criminals.

The approach does not meet Scotland's domestic strategies, policies nor programmes, including *Equally Safe Strategy*, the *Trafficking and Exploitation Strategy (2017)*, *Protecting Scotland's Future: the Government's Programme for Scotland 2019-2020 (2019)* nor Scotland's legal obligations under international law and standards (a list is provided under Question 3). It does not meet the threshold Equality Now considers acceptable, as it still tolerates and enables VAWG by perpetrators, and criminalises victims of sexual exploitation and does not provide for comprehensive support services and exit strategies.

Perpetrators include those who buy sex and third-party profiteers (including pimps and traffickers), most of whom are men. These men benefit from Scotland's current model of complicity, which as outlined in the current legal framework on page 11 of the Consultation Paper does not include sufficient legislative mechanisms to prevent male demand that drive prostitution as well as to hold third-party exploiters to account. Specifically, the approach is insufficient because it does not prohibit the act of paying for sex and it also does not comprehensively prohibit enabling or profiting from someone else's prostitution. The non-criminalisation of those who buy sex prevails despite the *Equally Safe Strategy* clearly defining gender based violence as a “function of gender inequality and abuse of male power and privilege”, and that this violence “includes the violence perpetrated by men in relation to acts of commercial sexual exploitation, of which prostitution is one aspect.” Holding those who coerce and buy sex from prostituted women responsible and accountable is an important step to challenging and ending the demand for prostitution.

As noted in the Consultation Paper introduction – “the Scottish Government must *be bold* in its approach to tackling gender inequality and gender-based violence.” If Scotland wishes to prevent VAWG, it must criminalise sex buyers, continue criminalising third-party profiteers and decriminalise and support those who are selling sex and therefore experiencing sexual exploitation. Equality Now, therefore, calls on the Scottish Government to adopt the Equality Model, also known as the Nordic Model. This means having in place laws that:

1. Remove all criminal liability on those exploited in prostitution by repealing all offences of loitering and soliciting to sell sex and expunging criminal records for such historic offences as a matter of urgency. Such criminal records are an obstacle to women finding alternative ways of providing for themselves and participating in community activities – making it harder for them to leave prostitution and move on with their lives. The non-criminalisation of women in prostitution should be supported by a strong suite of support services and exit strategies.
2. Make it a criminal offence to purchase or attempt to purchase sexual services in order to send out a clear message that this is unacceptable and to reduce the demand that drives prostitution. In addition, legislation against loitering and soliciting to buy sex must be strengthened and made easy to enforce, including through the use of CCTV and number plate recognition technology.
3. Make any form of profiting from another person's prostitution a criminal offence, including through advertising, and online and other facilitation services.
4. Update brothel keeping legislation so that it focuses on profiteers and cannot be used against vulnerable women who might perform cleaning or reception duties or live or earn money together in pairs without profiting from each other's prostitution.

The Nordic Model acknowledges that sexual exploitation is grounded in sex- and gender inequality and discrimination, and points to the need for any government to adopt a holistic and joined up approach to ensure sex- and gender equality, equality opportunities, and equal pay for women and girls in all spheres of life from birth and throughout the life cycle, which will reduce vulnerability to exploitation. The Nordic Model challenges male entitlement to women's bodies and their 'right' to buy sex and helps to prevent the continuum of violence against women. It also sends a strong message to Scottish society that coercing and purchasing sexual access to a woman's (and/or girl's) body is not acceptable, that the Scottish Government is committed to supporting victims of VAWG, and that Scotland, as a society, is becoming more gender-equal.

Question 2. What are your observations as to the impact of the coronavirus outbreak on women involved in prostitution in Scotland?

In 2017, the Scottish Government outlined the main barriers for women to exit prostitution as financial reasons, a lack of choice (with poverty being the key driver) and social isolation.¹ There is ample evidence from women's lived experiences that these are also the main reasons for entering the sex trade. Unfortunately, COVID-19 has exposed and exacerbated all three – at every stage of exploitation in prostitution. Poverty is a key driver of prostitution. It is clear that Scotland, like other parts of the UK, is facing financial hardship with rising unemployment and growing numbers applying for benefits and financial support.² Within this, women are disproportionately affected and women in the sex industry are facing destitution and extreme hardship in the short and longer term. The social, economic, cultural and, indeed, physical impacts of COVID-19 have disproportionality affected women in prostitution – as with most marginalised and impoverished groups.

¹ Please see: Scottish Government (2020) 'Domestic abuse and other forms of violence against women and girls (VAWG) during COVID-19 lockdown for the period 30/3/20 - 22/05/20' available at <https://www.gov.scot/publications/domestic-abuse-forms-violence-against-women-girls-vawg-during-covid-19-lockdown-period-30-3-20-22-05-20/>

² See BBC news at: <https://www.bbc.co.uk/news/uk-scotland-scotland-business-54153241#:~:text=The%20number%20of%20unemployed%20people,by%200.1%25%20to%204.6%25.>

Equality Now calls on the Scottish Government to seriously consider the findings and recommendations of the Encompass Network's *Moving out of Lockdown Report* (2020)³ which outlines the impacts of the COVID-19 pandemic on women in prostitution as including:

- i. Financial effects as a result of no money coming in and no prospect of any in the short to medium term. Women felt excluded and pushed to the side of any universal support and saw the lack of direct action linked to the stigma and marginalisation they felt
- ii. Health concerns regarding exposure to coronavirus and a continued need to see sex buyers despite quarantine, emergency measures and/or lockdown
- iii. Heightened risk of violence from men who buy sex, who use emergency measures and market saturation to pressure women and challenge boundaries
- iv. Fears of arrest if women sell sex in the same premises during quarantine, emergency measures and/or lockdown
- v. A need to turn to online platforms, like OnlyFans, Adultworks and AdmireMe, which they have little knowledge or experience of without time for reflection, preparation and making any sort of informed decisions.
- vi. Students are particularly at risk of being recruited into the sex industry, with 7% turning to adult work or prostitution during the pandemic due to loss of work, cultural acceptance of these online platforms and/or their family's inability to support them
- vii. Increased isolation of trafficked women subjected to prostitution which has remained even as lockdown restrictions were relaxed

COVID-19 is a dangerous biological *and* social pandemic and specific measures need to be put in place to address the current needs of women in prostitution during the pandemic. Equality Now supports the main recommendations emerging from the Encompass Network Report calling on the Government to ensure:

- i. Emergency money, food and living essentials (including, but not limited to, access to destitution grants whereby exit is not a precondition)
- ii. Housing and accommodation (including, but not limited to, support in paying or receiving exemptions in council tax, rent arrears and/or their mortgage)
- iii. Utilities (including, but not limited to, heating during winter and electricity)
- iv. Child support (including, but not limited to, uniform grants, free transport and access to programmes that encourage a greater quality of life)
- v. Access and prioritisation in healthcare especially as many centres and clinics have now reopened)
- vi. Continuation, through funding and commissioning, of support services and/or exit strategies

These recommendations, which specifically based on the experiences of women in sex trade, show that investment in poverty reduction and programmes that tackle embedded gender and structural inequalities is urgently needed. Although there are examples, such as small funding commitment to the Encompass Network in destitution support⁴, we believe the Scottish Government can do more to provide and/or adequately support women in, or at risk of, prostitution including trafficked women, in the pandemic.

Whilst there is need for comprehensive support measures to address the specific and current COVID-19 impacts, the pandemic highlights issues that the Scottish Government needs to consider in future legislation and policies. New and emerging forms of sexual exploitation are being exposed and exacerbated. For instance, there is a growing crisis of "sex for rent" scenarios where economic disadvantage is exploited for the basic need of accommodation. We also strongly believe that the current legislation on

³ Encompass Network: "COVID-19: Moving Out of Lockdown The experiences and needs of women in the sex industry" , September 2020 available at https://www.encompassnetwork.info/uploads/3/4/0/5/3405303/moving_out_of_lockdown.pdf

⁴ See Encompass Network statement available at <https://www.encompassnetwork.info/>

prostitution does not reflect and take into account the sexual exploitation of women in the online digital environment which is booming in the pandemic. In addition, exiting prostitution and the sex trade is often a long, complicated process which can require planning and support. Due to COVID-19, many women are being forced to quickly consider very limited alternatives in the absence of a clearly defined and agreed model of exit support.

We believe that enacting the Nordic Model will be a critical step to address the negative impacts of the COVID-19 pandemic in the long term. Prostitution is “a buyers’ market”— especially where additional external environmental factors such as global pandemics exacerbate women’s vulnerabilities. We urge the Scottish Government to recognise that the power in this pandemic and generally sits with sex buyers, and that it is only through creating criminal liability for the purchase of sex that can we begin to balance the disproportionate power structure.

Question 3. Which of the policy approaches (or aspects of these) outlined in Table 3.1 do you believe is most effective in preventing violence against women and girls?

The Consultation Paper uses an outdated categorisation of prostitution policy approaches that was devised in 2005, and not all key elements of the Nordic Model (which we support) are clearly set out in the table. The table states that Sweden’s policy is a form of ‘Prohibitionism’ and mentions the prohibition of purchase of sexual services and profiteering from another’s prostitution as the only elements. As we explained under Question 1, the Nordic Model is not simply about making the purchase or attempted purchase of sex a criminal offence and non-criminalising the selling of sex, it is also about ensuring ring-fenced permanent funding for high quality services for all those in prostitution, including support services and individually tailored exiting services that are trauma informed and include housing, training, psycho-social support, child care, employment, benefit and legal advice, as well as support in escaping from third-party agents such as pimps, traffickers and brothel keepers. It also needs to clamp down on all forms of profiteering from another’s prostitution, including pimping, brothel keeping and advertising and facilitation, whether online or offline.

To be effective the approach must also be championed at the highest levels; include high-quality training for the police, prosecution, judiciary, and all other relevant public service providers; a public information campaign and education about the harms of prostitution in schools and colleges; and real measures to address women’s inequality, discrimination and poverty and ensuring that no woman in Scotland would have no option other than prostitution or other forms of sexual exploitation, such as “sex-for-rent” or selling sexual material online, to obtain the money for her survival.

Since it was adopted by Sweden in 1999, other countries namely Norway (2009), Iceland (2009), Canada (2014), Northern Ireland (2015), France (2016), Ireland (2017) and Israel (2018) have also adopted the Nordic Model. We believe this is the only policy approach that takes an eradication agenda and also satisfies Scotland’s international law and standards obligations. These include:

- i. United Nations (UN) Convention to Eliminate All Forms of Discrimination Against Women (CEDAW)
 - o Particularly Article 6 which calls on states to put in measures to address trafficking in women and exploitation of prostitution of women
- ii. The UN Protocol to the Convention Against Transnational Organized Crime on Trafficking in Persons Especially Women and Children (the Palermo Protocol)
 - o Particularly Article 9(5) which calls on states to address the demand
- iii. The Council of Europe Convention on Action Against Trafficking in Human Beings
 - o Particularly Article 6 which calls on member states to adopt or strengthen legislative and other measures to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking and:

- o Article 19 mandates member states to “consider adopting such legislative and other measures as may be necessary to establish as criminal offences under its internal law, the use of services of victims of exploitation....., with the knowledge that the person is a victim of trafficking in human beings”.
- iv. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention)
- v. The EU Directive on Trafficking in Human Beings
 - o Particularly Article 18 which calls on states to put in place measures to address demand
- vi. The Global Platform for Action calling on Governments to prevent and eliminate VAWG
- vii. The UN Sustainable Development Goals
 - o Particularly Goal 5 which calls on governments to end violence against women including trafficking in women and girls

We have included anti-trafficking law because of the strong link between sex trafficking and prostitution.

Evidence of the implementation in some countries that have adopted the Nordic Model shows that it is a crucial step to tackling and reducing the system of prostitution [and sex trafficking], and is the best response when prioritising the rights and needs of women and girls. For example:

- A Swedish Government report which was commissioned to assess the effectiveness of the law in Sweden showed that the buying of sex has decreased from 13.6% in 1996 to 7.9% in 2008, and since the law was introduced the rate of prostitution has been declining overall.⁵
- When compared to Sweden, Denmark and Norway had significantly higher rates of prostitution prior to introducing similar law. Norway had 8 times more prostitution than Sweden before introducing the law.⁶
- In June 2020, the French Inter-ministerial Evaluation Report on the 2016 French law⁷ was released and among other things showed overall increasing numbers of arrests for purchasing sexual activity. Some of the highlights are:
 - o It appears that the law is easily understood and able to be implemented;
 - o At the same time, the number of criminal investigations relating to trafficking for sexual exploitation increased by 54% in four years;
 - o The number of criminal networks dismantled has increased since the implementation of the law from 38 in 2015 (a year before the law) to 69 in 2018, and the number of people prosecuted for pimping or trafficking for sexual exploitation increased by 66%, going from 667 in 2015 to 1,109 in 2018.

On the other hand, countries that have either fully decriminalised or legalised prostitution have seen a growth of the sex trade. For example, a research by the European Commission in 2016⁸ found that Germany has the largest proportion of prostitution (for population size) compared to the Netherlands and Sweden - the other two countries covered in the study. Adjusted for population, the rate of prostitution in the Netherlands is estimated at 9 times that of Sweden while the rate of prostitution in Germany is estimated at 30-40 times that of Sweden. There are clearly articulated concerns that these legislative

⁵ Swedish Government Offices (Statens Offentliga Utredningar) (SOU) 2010. Forbud mot kop av sexuell: En utvärdering 1999–2008 [Prohibition of the Purchase of Sexual Services: An Evaluation 1999–2008].

⁶ Ibid

⁷ Available in French at:

http://www.igas.gouv.fr/IMG/pdf/2019-032r-prostitution-d.pdf?fbclid=IwAR2fkGb6pXAIpBC0kudUe53RkJlq-ul8wUyc-XZYRNpiNXY1c1x_DVU3rNI

⁸ Walby, S. et al. 2016. The Study on the Gender Dimension of Trafficking in Human Beings. Luxemburg: European Commission, available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf p.19

approaches have not been effective in creating a safe working environment for those in prostitution, but are rather contributing to the increase in sex trafficking and enrichment of traffickers, pimps and brothel owners. For example, in the Netherlands, the Mayor of Amsterdam stated that legalisation had failed to prevent sex trafficking, saying “it appeared impossible to create a safe and controllable zone for women that was not open to abuse by organised crime,”⁹ with a 2007 government report noting that “pimps [i.e. traffickers] are still a very common phenomenon.”¹⁰ There are recent concerns about whether the legalised prostitution system really works for women with a number of politicians and law enforcers now accepting that legalised prostitution has been an unmitigated disaster.¹¹ Indeed, discussion to amend the law to follow the model adopted by Ireland is gaining momentum in Germany and the Netherlands following concern at the abuse perpetrated under the current system and the need to ensure sex equality.

In New South Wales (Australia) a police officer who investigated sex trafficking commented on the effects of decriminalisation stating that “although the intention was to provide a safe working environment for [sex workers] the reverse has occurred in that pimps and brothel operators were empowered and enriched.”¹² And in New Zealand the government noted that the law that decriminalised prostitution “cannot in itself prevent or address the causes of under-age prostitution.”¹³

Question 4. What measures would help to shift the attitudes of men relating to the purchase of sex? Do you have any examples of good practice either in a domestic or an international context?

There are numerous in-depth qualitative and quantitative researches that highlight evidence that suggests some men believe women exist for the purpose of male sexual gratification – and prostitution directly feeds into this belief.¹⁴ For Joanne, a prostituted woman in Scotland, to men she’s “a thing. You’re not a human being.”¹⁵ This narrative of dehumanisation and objectification of women is antithetical to the equal and violence free society that Scotland is trying to achieve – and, as this Question implies, must be changed. The male sexual entitlement that is inherent in sexual exploitation and prostitution must be acknowledged and addressed. Other forms of marginalisation such as socio-economic disparity, racism, classism, ableism and the acceptance of pornography, feed into inequality and men’s attitudes towards women and purchase of sex. Scotland must not, therefore, normalise any form of gender inequality and sexual exploitation.

The ‘Challenging Men’s Demand for Prostitution in Scotland’ (2008)¹⁶ study asked male Scottish sex buyers what would deter them from buying sex. The responses showed that only things that would significantly

⁹ Why streetwalkers are getting the boot,” Expatica, 9 December 2003

¹⁰ Daalder, A.L., Prostitution in the Netherlands since the lifting of the brothel ban, WODC (Research and Documentation Centre, Dutch Ministry of Security and Justice), 2007

¹¹ Julie Bindel, “The red light district of Amsterdam could soon be a distant memory – here’s why”, The Independent, 2018 available here:

<https://www.independent.co.uk/voices/amsterdam-red-light-district-failing-prostitution-sex-work-decriminalisation-doesn-t-work-holland-a8206511.html>

¹² “Licensing law to tighten screws on brothel chiefs,” The Sydney Morning Herald, 11 October 2011

¹³ New Zealand Ministry of Justice, Report of the Prostitution Law Committee on the Operation of the Prostitution Reform Act 2003, May 2008, pg. 112, available at: <http://www.justice.govt.nz/policy/commercial-property-andregulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/documents/report.pdf>

¹⁴ See for example: Hoigard & Finstad 1992; Koss & Cleveland 1997; MacKinnon 2001; Leidholdt 2003; Coy et al. 2007; Farley et al. 2011

¹⁵ See: Nordic Model Now. (2020) Unmasking the sex industry in Scotland: A Conversation with Linda Thompson. *Nordic Model Now* [online] Available at:

<https://nordicmodelnow.org/2020/08/27/unmasking-the-sex-industry-in-scotland/>

¹⁶ Challenging Men’s Demand for Prostitution in Scotland A Research Report Based on Interviews with 110 Men Who Bought Women in Prostitution, Women’s Support Project & Prostitution Research and Education (2008) available at https://lastradainternational.org/lisidocs/606%20challenging_mens_demand.pdf

impact their own lives would be likely to change their behaviour, such as being added to the sex offender register, being outed as a sex buyer in public, spending time in jail, having your family and friends informed of your arrest, or a criminal penalty. They were also clear that the current kerb crawling laws were not a deterrent because they knew they were extremely unlikely to be caught under them because the police do not implement them rigorously or at all. More recently, the dramatic change in men's prostitution using behaviour during the first months of COVID-19 pandemic lockdown, when a significant number of sex buyers stayed away from in-person contact, provides additional evidence that men will change their behaviour when they perceive a real risk of negative consequences to themselves.

This evidence makes it clear that the way to change men's attitudes and behaviour towards prostitution-buying is to make buying sex a criminal offence and to implement it rigorously so that men understand that there is a real risk that they will be caught and face real consequences. Significantly, the laws needs address both the purchase and the attempted purchase of sex, and to make it easy to enforce. For example, in Sweden police do not have to prove that a sex act has taken place, simply arranging a meeting with a prostituted person in order to buy sex is sufficient to be guilty of a criminal offence. Although the maximum sentence is one-year imprisonment, if the buyer pleads guilty and it is his first offence and there are no aggravating circumstances, he is likely to receive a fine, the level of which is based on his income and can potentially be a substantive amount of money. By framing the law in this way, it is feasible for the police to arrest a sufficient numbers of sex buyers to make being caught a significant statistical risk. This makes the law act as a real deterrent.

To be successful, Equality Now strongly believes that criminalising the buying of sex must be framed and understood as a key part of the Scottish Government's strategy to prevent and eradicate sex inequality and gender-based violence and must be championed at the highest levels of government. High-quality training for police, prosecution staff and the judiciary in the approach and enforcement of the laws is needed and must be properly resourced and prioritised at all levels. Also the Nordic Model must be accompanied with a widespread and hard-hitting public information campaign and the media can play a key role in this, and reinforce the harm of anti-women attitudes, the legitimisation of VAWG, the rape acceptance culture and the sexualisation of women, which all work to promote societal acceptance and normalisation of prostitution and other forms of sexual exploitation.

Question 5. Taking into account the above, how can the education system help to raise awareness and promote positive attitudes and behaviours amongst young people in relation to consent and healthy relationships?

Men (and boys) enter the sex industry as buyers or third-party profiteers when and if they believe that the women they exploit are not human but commodities that can be used for their personal sexual gratification and/or profit. Addressing the cause of VAWG at its root, in young men, is critical to achieving a safer and more gender-equal society.

The dangerous narratives explored in Question 4 should be addressed head on through Scotland's education system. The Scottish Government is clearly committed to change, with its Curriculum for Excellence and *Equally Safe in Higher Education* project. However, we believe that for this to be successful the Scottish Government must provide better support, clearer direction and more resources to teachers and head-teachers. Specifically, the support should go to teachers of health and wellbeing curricula and relationships, sexual health and parenthood (RSHP) education. Equality Now offers the following recommendations that can be applied in that setting:

- Early intervention is key. The Attitudes and Social Characteristics of Men Who Buy Sex in Scotland Study (2011)¹⁷ reported that 37% of male sex buyers have made their first purchase by 18 years and,

¹⁷ Farley, M., Macleod, J., Anderson, L., Golding, J. (2011) Attitudes and Social Characteristics of Men Who Buy Sex in Scotland. *Psychological Trauma: Theory, Research, Practice, and Policy* 3/4: 369-383

as the Consultation Paper notes, if a man does not purchase sex before 25 years, they are unlikely to in any stage of later life. Therefore, the Scottish Government must enforce compulsory RSHP modules that address prostitution from the first years of secondary school, i.e. S1-S3, not only in the senior secondary school years, i.e. S4-S6. The modules must be in line with the *Equally Safe Strategy* and frame prostitution as sexual exploitation – not as ‘sex work’. Schools must not reinforce or legitimise prostitution as work or empowering for women and girls.

- Although the Consultation Paper explicitly rejects the exploration of pornography – we feel it is important to mention it in brief. The power structures within pornography directly influence the prevalence and attitudes around VAWG and Scottish rape culture¹⁸, which contribute to the normalisation and acceptance of prostitution. Pornography especially influences impressionable young males. Therefore, the role of pornography must be considered and strongly woven into RHSP modules.
- Any form of education must address the act of purchase and issue of consent. The belief that a male can procure uninhibited access to a woman’s body through payment is concerning. The Attitudes and Social Characteristics of Men Who Buy Sex in Scotland Study (2011) reported that 10% of Scottish sex buyers believe rape of a prostituted person is not possible.¹⁹ And nearly all respondents to the same study saw prostitution as occurring between two “consenting” adults – even when 85% recognised women do not enjoy the sex and 73% recognised women are there purely for economic necessity.²⁰
- The Scottish Government can consider moving beyond the education system and reach young men in spaces they occupy and feel comfortable in. The school setting, given peer pressure and societal norms, should not be the only platform where young men are targeted. Although the internet can be a platform that perpetuates hate and violence – it can also be used for good. Similar to a mass awareness campaign, targeted adverts (age, demographic, interests) could reach young men through resources they can interact with or download. Digital technology can also be used to develop Government metrics that measure engagement and offer the potential of re-targeting young men with surveys that measure changing attitudes and effectiveness of the online awareness campaigns.

Question 6. How can the different needs of women involved in prostitution (in terms of their health and wellbeing) be better recognised in the provision of mainstream support?

Equality Now rejects the statement of Kenny MacAskill, former Justice Minister of Scotland, that “maybe sometimes looking the other way [away from prostitution] is the best.”²¹ Instead, whatever the woman’s needs, the Government has a responsibility to remove barriers to attaining equality – whether cultural, social, political or economic. This is in line with the Scottish Government’s overarching purpose to create opportunities for all and increase sustainable economic growth.

To address this, Equality Now urges the Scottish Government to acknowledge the root cause(s) and effects of prostitution (and sex trafficking). This will provide the foundations to best assess the needs of women involved in or at risk of prostitution, or those wishing to exit prostitution. Through addressing the way in which women and girls are made to live, poverty reduction measures, social programmes and support services can then be developed. For example, the Scottish Government must address the effects of austerity cuts (86% of which impacted women) and the rollout of universal credit.

¹⁸ Ibid: Farley et al. 2011

¹⁹ Ibid: Farley et al. 2011

²⁰ Ibid: Farley et. al 2011

²¹ The Newsroom. (2018) Kenny MacAskill: Turning blind eye to prostitution may be for the best. *The Scotsman* [online] Available at: <https://www.scotsman.com/news/politics/kenny-macaskill-turning-blind-eye-prostitution-may-be-best-284293>

As this Question implies, to develop support, there is need to recognise and pay attention to the effects of prostitution and gender-based violence on women. The effects of prostitution move beyond the two harms commonly highlighted by sex trade supporters (stigma and sexual health). Significant mental harm comes in the form of trauma, numbing out, guilt, shame, fear, emptiness, hopelessness, lack of freedom, depression, isolation, anxiety, PTSD and dissociation from self. Similarly, physical harm includes violence, sexual assault, rape, stress and lifestyle issues (including sleep deprivation physical exhaustion and addiction), persistent abdominal pain, frequent infections, risk of COVID-19 exposure and healthcare systems being ill-equipped and inaccessible.

Often, prostitution is a continuation of these women's victimhood – often beginning as a result of intersecting vulnerabilities that start in childhood and continue into adulthood, and across a range of sexual exploitation experiences. This makes it exceptionally important to offer the range of services and services specific to women at each stage of prostitution from risk of entry to successful exit. In offering this support, some prostituted women can distrust support services and organisations – because of the trauma they have experienced or because of fear of criminalisation of their activities. Only, or often, offering women services and opportunities as part of rehabilitation or punishment creates an association of support with reprimand. Services should always be offered outside of punishment and crisis points to ensure meaningful and successful change.

Based on our interactions with partners providing services, we emphasise that the Scottish Government ensures a holistic and joined up whole person approach to promote equality in all aspects of government that are linked to violence against women and girls. The Scottish Government can provide support to women at risk of, in, or exiting prostitution in the following ways:

- i. Adopting the Nordic Model and decriminalising all activities relating to the individual selling sex
- ii. Prioritising the investigation and prosecution of sex buyers and third-party profiteers through the Justice Directorate and Police Scotland
- iii. Prioritising housing support to vulnerable and prostituted women through local authorities
- iv. Providing financial support to vulnerable and prostituted women (including exemptions, debt relief and bill support) and fund organisations that support vulnerable women
- v. Ensuring greater access to mental and physical health services through Health Scotland
- vi. Funding NGOs that provide refuges, mobile and fixed support services
- vii. Challenging UK wide policies that will affect victims of sex trafficking. For example, the Home Office's Support for Migrant Victims scheme that proposes the removal of asylum seekers welfare rights
- viii. Frequently auditing immigration detention centres to ensure no victims of sexual exploitation and trafficking are wrongfully detained
- ix. Better training of all stakeholders to ensure proper identification and treatment of the victims of sexual exploitation (especially Police Scotland and first-responders). This includes explaining the rationale behind any new changes
- x. We also signpost you back to Question 2 where the adverse effects of COVID-19 have also been outlined, and encourage the Scottish Government to quickly develop (and fund) support services

Question 7. In your opinion, drawing on any international or domestic examples, what programmes or initiatives best supports women to safely exit prostitution?

Equality Now reiterates the value of enacting the Nordic Model because when the law recognises that prostituted people are in fact victims of sexual exploitation it provides a strong basis for investing in exit programmes. On the other hand, full decriminalisation and legalisation approaches to prostitution do not offer exit support. This is not a priority when prostitution is seen like any other job. Exit strategies are deprioritised, if not forgotten altogether. This is especially evident in Amsterdam during COVID-19 as

women have begun seeing the pandemic as their opportunity to exit only to find that there is no meaningful support and in Germany where prostituted people were made homeless after brothels were closed.²² This clearly does not support Scotland's vision to strengthen its exit strategies, and we believe, more broadly, that these regimes go against every priority in the *Equally Safe Strategy*.

In the UK, Ipswich offers one of the most successful approaches to exiting prostitution (which mirrored the Nordic Model). The programme started after a male sex buyer brutally murdered five women who were involved in street prostitution in 2006, just three years after a different local man had murdered another woman also involved in street prostitution. Although street prostitution and its associated dangers had been of growing concern to the Police and the local Ipswich community for several years, these tragic events focused the attention of all the relevant local agencies on the need to tackle this situation with urgency. Thus, a Multi-agency Strategy, led by Suffolk Constabulary, was established. There was a realisation that the previous approach of clamping down on the women soliciting was ineffective in reducing street prostitution, because it effectively trapped the women in prostitution. They would receive fines and have to return to the street to raise the money to pay them, and in the process get more fines, and so on, trapping them in a vicious circle.

A Multi-agency Strategy Group which, together with the borough and county councils, represented all relevant health, social services and criminal justice agencies within the statutory and voluntary sectors, sought to address the problems and risks associated with street prostitution and set out four key objectives, namely: (1) Tackling demand—by deterring those who create the demand (i.e. kerb-crawlers) and removing the opportunity for street prostitution to take place (2) Developing routes out—by offering individual multi-agency case conferences and appropriate health/welfare support packages to each street prostituted person (3) Prevention—through awareness-raising and early intervention measures to stop others, particularly children and young people, from becoming involved in prostitution and (4) Community intelligence—through understanding the key issues, the extent of the problem, and its impact on the local community.

A review of the approach was undertaken by the University of East Anglia in 2012.²³ It found that the strategy had been successful in eliminating street prostitution and kerb crawling from the town and there was no evidence it had been displaced elsewhere; the women had been helped to rebuild their lives outside prostitution; successful inroads had been made in preventing young girls getting involved in prostitution; and costs to the criminal justice system were significantly reduced. The evaluation emphasised the need for the Strategy Group to pay attention to “women's need for ongoing, genuine and high quality professional support, for them to continue to be offered innovative pathways to new constructive identities, and for prevention activity in this age of international sex-trafficking to be ever-vigilant”²⁴.

There were several key features of the approach that contributed to its success namely that:

- A multi-agency strategic group consisting of key local agencies, including the local borough and county councils, police, probation service, NHS Primary Care Trust, drug and alcohol team, and the mental health partnership who had wholehearted support at the highest levels of these organisations ran the programme
- The women were given long-term individualised support by specialist support workers who also worked with other mainstream agencies

²² Farley, M. (2020) Prostitution, the Sex Trade, and the COVID-19 Pandemic [online] Available at: <https://prostitutionresearch.com/prostitution-the-sex-trade-and-the-covid-19-pandemic/>

²³ Findings from the University of East Anglia's Evaluation of the Ipswich/Suffolk Multi-Agency Strategy On Prostitution following The Five Murders In 2006, available at: https://ueaeprints.uea.ac.uk/id/eprint/55750/1/EVISSTA_paper.pdf

²⁴ Ibid at page 13

- In order to tackle the demand for prostitution, the police used the kerb crawling legislation and number plate recognition technology to implement a zero-tolerance approach. They found the majority of the sex buyers they arrested were married or in long-term relationships, often with children and good jobs. The police made a strategic decision to avoid naming and shaming the men because they felt this would have a negative impact on their families. So provided the men took responsibility for their behaviour and accepted a caution, they were not publicly named. The vast majority of the men who were arrested accepted this approach.
- Efforts were made to explain the approach to the local community and listen to their concerns. There was hostility from local residents at first, not least because their lives had been badly affected by the prostitution-related activity, especially by men driving round the area looking for women to pick up. However, regular community meetings meant that those running the scheme were able to explain the approach and advocate for the prostituted women and help people to understand why they were on the streets. In time the local residents came to see the effectiveness of the approach and most became enthusiastic supporters.

We understand that the approach is no longer in full operation. Nevertheless, it provides an excellent practical example of what can be achieved when all the agencies pull together and there is support for the approach at the highest level, and we would encourage the Scottish Government to learn from it.

Question 8. Support services are primarily focused within four of Scotland's main cities - Aberdeen, Dundee, Edinburgh and Glasgow - how can the needs of women throughout Scotland who are engaged in prostitution be met, noting that prostitution is not solely an urban issue?

It is common for countries' main cities to act as hubs of support. This should not act as a barrier for development – nor delay action. For example, Israel, which has recently adopted the Nordic Model, operates most of its support services in Tel Aviv, Jerusalem, Beer Sheva and Haifa.

The impact of COVID-19, as explored in Question 2, can be applied here. There has been a significant shift to virtual service provision, which (unfortunately), means that face-to-face services have been reduced. However, service providers have adapted to the pandemic and are now better prepared to provide virtual support. Bearing in mind the triggering aspects of the virtual world for women who have been exploited online and that not every woman will have free access to the internet and/or telephone, mobile support services can also be developed, expanded and funded. These mobile units can offer a holistic suite of services (including, but not limited to, counselling, addiction and/or medical assistance or referral and advice services).

We would encourage that every service provider, or first responder, is trained, compassionate and non-judgmental – recognising the reality of women's trauma as victims of sexual exploitation. Additionally, clear and consistent training models for police, teachers, social workers, housing officers, community workers and healthcare professionals should be developed and regularly reviewed. Capacity-building in terms of statutory services (housing, health, education, social work) must be prioritised in Scotland and understood at every level of Government.

Inspiration can be found in Sweden's decentralised system of support and exit services. Each of the 290 Swedish municipalities is responsible for offering accommodation, financial aid and psychological support to prostituted women in their localities.

We also urge that local authorities must then review their services honestly. This, we believe, would allow local authorities to address gaps and develop meaningful, iterative systems of support.

Question 9. If there are any further comments you would like to make, which have not been addressed in the questions above, please use the space below to provide more detail.

The Consultation Paper explicitly states trafficking is out of scope. However, the acts and strategies referenced here, and in *Equally Safe Strategy*, are relevant to and also focus on trafficking. Sex trafficking and prostitution are inextricably linked. The demand for prostitution drives sex trafficking. We encourage the Scottish Government to take into account the interconnected nature of trafficking and prostitution and not totally exclude sex trafficking from its analysis.