

Response ID ANON-B85F-J2C2-6

Submitted to **Equally Safe: A consultation on challenging men's demand for prostitution, working to reduce the harms associated with prostitution and helping women to exit**

Submitted on 2020-12-10 21:20:58

Chapter 2: Scotland's Current Approach to Prostitution

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?

Please explain your answer.:

For Women Scotland (FWS) welcomes the Scottish Consultation on Prostitution Policy. However, we do not feel that the proposals go far enough in its Equally Safe Strategy to eradicate VAWG for the following reasons:

Prostitution is inherently violent. Women should not be criminalised for the exploitation and abuse they endure.

Buying human beings for sex is harmful, exploitative and can never be safe. We need to reduce the demand that drives sex trafficking.

Prostitution and sex trafficking cannot be separated in practice. There is no separate market for trafficked women and girls

Holding perpetrators (men, pimps) to account must clearly be stated as key overarching strategic aims and must replace the much less ambitious, but much repeated, aim of simply reducing the "associated harms."

We support the Nordic Model approach combined with: (a) Measures to address all the factors that drive people into prostitution; and (b) New or strengthened legislation against pimping and all forms of profiteering from other people's prostitution, including advertising and facilitation services, whether on or off line.

We also support Nordic Model Now proposals to law reforms:

Brothel keeping legislation should be redrafted so it focuses on profiteers and cannot be used against vulnerable women who might perform cleaning or reception duties or live or work together in pairs without profiting from each other's prostitution.

All offences of loitering and soliciting to sell sex should be repealed and criminal records for such historic offences must be expunged or sealed as a matter of urgency. If we understand prostitution as a form of VAWG, it is simply wrong to penalise women for their involvement. Such criminal records are an obstacle to women finding alternative employment and participating in community activities – making it harder for them to leave the sex trade and move on with their lives.

The 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.

Legislation must be updated to make any form of profiting from another person's prostitution or CSE a criminal offence, including through advertising, and online and other facilitation services. This is necessary to be compliant with CEDAW Article 6.

The human trafficking legislation should be revised to conform fully to the Palermo Protocol definition.

The purchase or attempted purchase of sex should be made a criminal offence in order to send out a clear message that this is unacceptable and to reduce the demand that drives sex trafficking.

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

Please explain your answer.:

As highlighted in the report by Encompass Network, Women in Scotland reported during Lockdown and the initial phases of the Route map:-

A collapse in demand for paid for sex significantly impacting finances.

Venues such as lap dancing clubs closed with women not able to access financial supports.

A need to continue seeing clients despite COVID-19.

Heightened risk of violence from punters/clients using Emergency Measures to pressurise women.

Fears of arrest if they are selling sex together in the same premises during the Emergency Measures and Lockdown.

Concerns around the ability to maintain boundaries with punters/clients as Lockdown eased.

A need to turn to unsecure online platforms and private galleries to sell sexual images to paying fans or subscribers (e.g. OnlyFans/Adultworks/AdmireMe) where subscribers can easily pirate content and boundaries may be pushed due to market saturation.

Struggles to make money from online platforms where sexual images are paid for/subscribed to due to market saturation.

If prostitution were a 'normal job' and a good economic solution for women as so many sex industry advocates claim, we would not be seeing reports of the vast majority of the women involved in prostitution finding that they had no money even for food and the most basic living costs within days of the start of the lockdown. These women had been living hand to mouth and had few if any resources to fall back on.

/moving_out_of_lockdown.pdf

As reported in the Daily Record December 7th 2020.

"Sick men exploiting the Covid-19 pandemic to buy sex posted almost 1600 adverts on a classifieds website in Scotland.

An investigation found 43 punters looking for street prostitutes, with many hoping to take advantage of "cheap and desperate" women thrown into poverty by coronavirus.

The paper noted that Among 1550 men offering to pay for sex were those looking for "single mums" or pregnant women impoverished by the pandemic."

<https://www.dailyrecord.co.uk/news/scottish-news/scots-beasts-buying-sex-desperate-23125216>

Chapter 3: International Approaches to Prostitution

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?

Please explain your answer.:

We are concerned that the phraseology used in the table is somewhat misleading. FWS are in favour of the Nordic Model (or sex buyer law) as adopted in Sweden and elsewhere which is listed in the table as "prohibition".

We agree with the Scottish Government that prostitution is violence against women and, as such, we do not believe that it can ever be made safe. The women involved are at a disproportionate risk of violence and working conditions could never conform to the most basic health and safety standards. What is stark, is that in countries which use a decriminalised or liberalised model, there have been high murder rates of women involved in prostitution, in contrast, in Sweden there have been none since the buyer law was introduced. <https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>

We strongly believe that the only way to reduce the harms is to reduce the demand for prostitution and provide women with exit routes. Women often struggle to leave prostitution and frequently are driven back by poverty.

The only model which has been shown to reduce demand is the Nordic model - although this must be accompanied with strategies to improve services, especially for women exiting, and multi-agency support and training. Encompass have a seven point plan for prevention and eradication which should provide a framework http://www.encompassnetwork.info/uploads/3/4/0/5/3405303/preventing_and_eradicating_prostitution.pdf

In countries like France and Sweden attitudes towards the buying of sex have changed: it is now regarded as anti-social

<https://vancouversun.com/opinion/columnists/outlawing-the-purchase-of-sex-has-been-key-to-swedens-success-in-reducing-prostitution>

. In Germany, however, where mega brothels are big business (worth ca £15bn pa), women are viewed as commodities and see very little of the money accrued by the big businesses <https://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

. Nor does it seem to impact on the organised crime element: Jurgen Rudloff, the "brothel king" was convicted last year of aiding and abetting trafficking

<https://www.theguardian.com/global-development/2019/jun/22/trouble-in-paradise-rise-and-fall-of-germany-brothel-king-jurgen-rudloff>

. It should not be overlooked that organised crime has an interest in prostitution and that does not diminish with decriminalisation, although it may make it harder to catch and charge the pimps, brothel owners and traffickers.

Chapter 4: Challenging Men's Demand for Prostitution

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?

Please explain your answer.:

The international experience suggests that the biggest deterrent for men buying women is the fear of criminalisation. In countries like Sweden and France where the implementation has been more thorough, the resultant change in attitude has been greater.

Two examples in the UK are instructive here. In the aftermath of the Steve Wright murders, Ipswich adopted an approach which broadly correlates to the Nordic Model. The three pronged approach involved:

They came up with a three-pronged strategy:

- 1) An end to targeting the women with criminal sanctions and providing them with substantial support to help them exit prostitution.
- 2) Tackling men's demand for prostitution using kerb crawling legislation and number plate recognition technology to implement a zero-tolerance approach. Provided the men took responsibility for their behaviour and accepted a caution, they were not publicly named.
- 3) Preventative work with children at risk of being groomed into the sex trade to prevent another generation of women on the streets.

They found that the women did not wish to stay in prostitution but that there were obstacles to them leaving: many were homeless or had criminal records. The police found that fears that this would drive prostitution underground were misplaced. In fact, Steve Wright had been considered "safe" as a regular punter. UEA assessed that the approach had more or less eliminated street prostitution in Ipswich.

<https://nordicmodelnow.org/2017/11/14/how-a-nordic-model-approach-to-tackling-prostitution-was-implemented-in-ipswich/>

Conversely, the situation in Holbeck, where there is a managed zone along the lines of decriminalisation has been described as "hell on earth". Local women have been assaulted by men who assume that all women in the area are for sale. Attacks have included those on women with learning disabilities and school girls. The perception is that police do not investigate or charge - in one case that did reach court, the attacker walked free after claiming as a defence that he believed the woman was a sex-worker. Women involved in prostitution are locked into a cycle of drugs and prostitution without hope of exit.

<https://filia.org.uk/news/2020/9/8/holbeck-a-case-study-of-hell>

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

Please explain your answer.:

We agree with Nordic Model Now that the message to children and young people has to be clear and unambiguous. The language should also not be euphemistic or feed into the false narrative that prostitution is anything other than harmful and abusive. As such, we would favour using the term "prostitution" as opposed to "sexual exploitation", which is a more general term, or "sex work", which normalises the sale of women's bodies and implies that it is a normal, even harmless occupation. It also suggests that this is choice.

We also believe young people should understand that consent is not possible in a paid scenario and that the power imbalance in such a transactional arrangement is inimical to human rights.

We note that NMN also quote Simon Häggström, a Swedish Detective Inspector in the Prostitution Unit who said that there is now a general attitude that only 'losers' buy sex and young men of young men are less likely to buy sex, with most people considering the notion abhorrent and shameful.

Chapter 5: Supporting Women to Exit Prostitution

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?

Please explain your answer.:

The trauma experienced by women in prostitution is often profound. This is not helped by the narrative that this was their choice. We believe that if society recognised this as abuse, trauma services and counselling might be better informed.

Women only services - especially for homeless or abused women are also key.

The root causes of prostitution: poverty, addiction, domestic abuse or coercion also need to be addressed.

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

Please explain your answer.:

Nordic Model Now identifies the following as the main barriers to exit:

(a) the lack of an adequate alternative income; (b) drug addiction; (c) being under the control of a pimp or trafficker, who is often their 'boyfriend' or intimate partner; and/or (d)

homelessness. Other longer-term issues can include physical and mental ill-health, including PTSD and crippling anxiety, and the lack of a social network outside of the prostitution milieu.

They recommend Women-only services, including residential drug rehabilitation and women-only refuges for women who need to escape abusive and controlling partners and pimps.

The Ipswich initiative employed a multi-agency approach as well as individualised support. We note that in other countries where the Nordic model is used, funds can be seized from those profiting from prostitution and used to finance services. NMN also point to the hostels and mobile clinics introduced in Israel.

8 Support services are primarily focussed 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?

Please explain your answer.:

We concur with NMN that centres should be provided in the main cities in Scotland providing facilities for women to shower, eat, watch TV, change clothes, rest, talk, and get condoms, and benefits, housing and legal advice, etc. Exiting services should also be available.

Workers would need to be proactive in reaching out to women involved in prostitution in rural and remote areas.

Funded services should fully support the Equally Safe understanding of commercial sexual exploitation as a form of gender-based violence. Services should not promote full decriminalisation of the sex trade.

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.

Please explain your answer.:

We broadly welcome the Scottish Government commitment to tackle commercial sexual exploitation, however, this must be accompanied with strategies to support women and enable them to exit prostitution safely. No aspect of the commercial exploitation of women's bodies can ever be assumed to be safe or harmless.

We would support the conclusions of Nordic Model Now and back their recommendations.

About you

What is your name?

Name:

Susan Smith

What is your email address?

Email:

info@forwomen.scot

Are you responding as an individual or an organisation?

Organisation

What is your organisation?

Organisation:

For Women Scotland

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

Publish response with name

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Please enter comments here.:

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