

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

Community Justice Scotland Consultation Response – FINAL
Submitted 17 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?

We support the Scottish Government and COSLA's Equally Safe programme as an important step in addressing violence against women and girls. We also recognise that the range of factors which lead women to become involved in prostitution, and those which curate an environment where those women are subject to significant trauma and violence, are many and complex. It is likely that no one government approach will eradicate or prevent what is a systemic and endemic social and cultural problem. Nonetheless, we believe that the Scottish Government's approach as outlined in the Equally Safe strategy, in concert with a full range of local and national partner agencies, can support the improvement of outcomes for women.

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

Data on this is limited, given the relative invisibility of women involved in prostitution in information recorded as standard, and we are mindful of the point made by [Scot-PEP](#), a charity that advocates for the rights of those selling sex in Scotland, that standard packages of economic support linked to the pandemic's impact on employment are inaccessible for women involved in the selling of sex as their primary income.

We would however highlight the well evidenced issues of poverty and financial insecurity, already acute for many women, that have been exacerbated disproportionately by the pandemic. There has been a hugely significant impact on some economic areas where women make up a significant proportion of the workforce, such as shop workers, hospitality, and so on, and many women who had been in relatively low-paid and often part time work now find themselves entirely without employment and living on unsustainable levels of furlough or Universal Credit. We would also highlight that even in normal circumstances, women with convictions often struggle to access employment. Many of these women are also attempting to support children and families. We are aware of reports that these circumstances have led some women to turn to selling sex as an alternative means to gain an income.

Previous and current research indicates that poverty is a main driver for entering prostitution, and a barrier to exiting, and also highlights that many women involved in the selling of sex do so because for survival or because of coercion. We would suggest that the Covid 19 pandemic will greatly worsen all these factors, both now and for some time to come.

Similarly, the pandemic risks undermining support for girls and young women exiting care and transitioning to adult services. Transitions are a challenging time in the best of circumstances, but in pandemic restrictions even more so. We are aware that young women exiting care are additionally vulnerable to exploitation, often due to social isolation and lack of support networks combined with poverty. This places them at significant risk of being drawn or coerced into selling sex.

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?

We note that a key finding in countries where abolitionism have been pursued is the increase in demand, with higher rates of men reporting paying for sex. In parallel there has not been a significant exodus of women from prostitution. Current research in Scotland indicates that most women involved in selling sex wish to exit, but feel they have limited options to do so. We would suggest that pursuing a model that facilitates the selling of sex through full decriminalisation does not seek to address the needs of women currently involved or support their wish to exit, but would increase demand for their services. Is the policy aim to empower women to make the choices they want to about their lives, or to enable them to make an unsatisfactory set of circumstances more sustainable with regulation?

Regardless of the policy approach taken, it is imperative it is not the only initiative pursued. To decriminalise without also resourcing routes out of poverty, or to also tackle stigma, misogyny, and prejudice, is to undermine implementation of the policy and the potential for achieving the desired outcomes.

As with the underlying causes of violence against women, the reasons for women becoming involved in prostitution are varied and complex. We note that the vast majority of women involved in prostitution indicate a desire to exit, and also a finding that women involved in prostitution report an incredibly high incidence of experiencing trauma, abuse, control and violence. The high reported levels of trauma, care experience, poverty and other characteristics which point to a greater set of potential needs that must be addressed.

These presence of these characteristics also indicate requirement to integrate a prevention approach into any policy response. We have outlined here the multiple needs reportedly present in the population of women engaged in prostitution, but in fact it implies the presence of multiple systemic failures by organisations and services that are supposed to protect the vulnerable, for example, the high incidence of homelessness, drug use and care experience in the young women involved in prostitution. We recognise the importance of national policy developments such as The Promise, and feel that these should be brought to bear in considering how to address the drivers underpinning the routes in to and out of selling sex.

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?

We note that where legalisation models have been pursued in other countries, there has also been a rise in demand. This suggests that the legal framework around the selling of sex has an impact on men's inclination to become purchasers.

Community Justice Scotland is not in general an advocate for criminalisation as a method for tackling behaviours that are the product of complex societal factors. This arguably would apply to the male buyers of sex as much as to the women selling it. Little is known about the reasons men pay for sex – this too is an under-researched area – however we are wary of narratives that rely heavily on a presumption that the exchange of sex for money is a freely made choice between consenting adults, given the reportedly high incidence of trauma, poverty, and the desire to exit present in the cohort on one side of exchange.

As acknowledged by Equally Safe, Scotland records very high rates of domestic abuse, where the majority of victims are women. Women and girls report significant levels of harassment and abuse across a multitude of settings, including at school, online, in the workplace and on the street, and in their homes. This pattern is inherently gendered. So too is the phenomenon of prostitution, or the wider set of practices that some would call 'sex work'.

Further research could help us to better understand the drivers underlying men purchasing sexual access to women's bodies in Scotland, and to inform the development of programmes to respond to this at different levels. We are not aware of good practice specific to this issue. We would however highlight the existence of programmes targeting men's domestic abuse and sexual offending as potential templates for the development of future work, such as the Caledonian Programme and Moving Forward, Making Changes, alongside the caveat that the development and implementation of similar programmes would require research, training and investment.

Question 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?

Evidence suggests that to achieve greatest impact, good quality, age-appropriate sexual health and relationship education should begin in a child's early years education, including a focus on consent, for example in relation to physical contact and touch. Gender stereotypes should be explored and challenged, and unacceptable behaviour challenged in a constructive way.

Approaches must also recognise that children and young people are exposed to sexualised images from a young age. These images often depict women in a subservient role, or as empowered. These images can be from pornography, but also can be viewed in mainstream media (Youtube, Tiktok, advertisements), and have an impact on the way young people view themselves and their sexed bodies, as well as relationships and sexual contact. Realistic and difficult conversations need to be held with young people about the impact of these stereotypes.

Work has to focus on working with boys and young men, as potential “buyers” of sex. We know that the younger age a male first starts to pay for sex, the greater the likelihood that they will continue to do so in later life. Programmes like Mentors in Violence Prevention¹, work with young people in secondary schools to challenge gender stereotypes and also educate young people about VAWG. They also encourage young people to challenge their views and attitudes. It is important to note that young people attending special educational schools may not receive relationship, sexual health and parenthood (RSHP) education, therefore they need to be targeted, as they may be particularly vulnerable to exploitation or be potential purchasers of sex²³⁴.

Delivery of educational programmes such as these should take a holistic approach with class-based work, peer education, youth work and parental involvement.

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?

Many women involved in prostitution do not disclose this for fear of stigma or sanction against themselves or their children and families. We would suggest that unless it is absolutely proportionate and necessary, women should not be compelled to disclose in order to access mainstream, universal services.

We would however recommend further development of the awareness of sex-based discrimination and violence against women in providers of mainstream services, on the basis that greater understanding should support better access. Where appropriate, services should be supported to facilitate access for women and to address potential barriers to access.

For further detailed views on this area, we would recommend further work with women involved in prostitution and those who have exited, alongside work with organisations that support those groups, to better understand what facilities or support they require additional access.

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

We do not at present have a developed view on this area specifically, however we would highlight the potential for shared learning from sex-specific programmes supporting women to move on from offending. Successful approaches include focussing on asset-building, supporting the development of positive relationships and

¹ <https://education.gov.scot/improvement/practice-exemplars/mentors-for-violence-prevention-mvp-an-overview>

² <https://rshp.scot/learners-with-additional-support-needs-asn/publications/>

³ <https://www.theguardian.com/education/2018/aug/07/sex-education-special-needs-schools-vulnerable>

⁴ <https://senmagazine.co.uk/content/care/853/sex-and-the-special-child-how-do-we-educate-young-people-with-sen-about-sex/>

moving away from toxic influences, gaining sustainable employment and perhaps most vitally addressing trauma, mental health problems, and addiction. Women's centres have been repeatedly proven to have a profoundly beneficial impact on supporting women and promoting better outcomes, though at present there are few facilities of this type operating in Scotland. We would highlight the [218 in Glasgow](#) and [Willow](#) in Edinburgh as examples of excellent practice.

We would reiterate that in understanding what is needed to support women and developing policy accordingly, the most important step is asking the women themselves what help they want, and empowering them to shape their next steps.

Question 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?

CJS do not have a specific view on this. In our experience, the degree of variation present in the needs and strengths of local areas is significant. We would suggest helping local areas to understand the needs and assets immediately relevant to them through collection and analysis of relevant data would be the first step in answering this question.

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.

Community Justice Scotland is Scotland's national leadership organisation for community justice, with a duty to promote the national strategy for community justice and support the improvement of outcomes for people and communities in contact with the justice system. Many women involved in prostitution also have contact with the justice system in some form, or are at risk of criminalisation. The majority of women involved in the justice system have been previous victims of sexual violence and domestic abuse, often many times, and many have been involved in prostitution or affected by commercial sexual exploitation.

In considering our views on the matters within this consultation, our primary consideration was to be evidence-based. This led us to an initial conclusion that this area, particularly in a Scottish context, remains under-researched and reliable transparent data is somewhat lacking. This particularly true of the women currently involved in selling sex, but also of the attitudes of men buying sex. If meaningful action is to target drivers underlying the purchase of sex, then a first step must be to gain greater insight into that behaviour.

We are aware that some key stakeholders do not share the assumptions underlying the Equally Safe programme, nor the definitions that underpin this consultation. This can become a roadblock to engagement in pursuit of what is in effect a shared policy aim – improving the lives of women.

There are also significant diversity in the groups who have an interest in the outcome of this consultation. These range from women selling sexual access to their bodies,

whose prime consideration is safer and more secure means of earning money, through to serious organised crime (SOC) groups and human traffickers who exploit vulnerable women for profit. We described previously in our answers how it is necessary to consider prostitution in a wider social and cultural context, the product of a range of interrelated factors, and it must be acknowledged that SOC and human trafficking are part of this network. They are also arguably the groups which hold the greatest potential to gain from any proposal that would result in decriminalisation.

We would also highlight the wide range of views from those with lived experience. In developing our understanding of any policy discussion, we seek to centre the voices of those who are experts by experience. In this case, this has been challenging, as the views are many and varied, with some voices loud and clear and others potentially left in obscurity. We recognise and commend the effort that Scottish Government has made and continues to make in maintaining a focus on those voices, and hope that will continue throughout the development of any policy proposal.