

CEASE

UK

CENTRE TO END ALL SEXUAL EXPLOITATION

An evidence-based response 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

by Centre to End All Sexual Exploitation (CEASE UK)

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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.

CEASE UK (Centre to End All Sexual Exploitation) wholeheartedly applauds the Scottish Government, and the governments of the wider UK, for its efforts in recognising the links between trafficking and subsequent exploitation that occurs within prostitution. Having legislative frameworks in place to punish those responsible for profiting from the trafficking of those into prostitution is of course vital. However, we do not believe that the current legal approach to prostitution as outlined in Chapter 2 of the Consultation is sufficient to adequately tackle violence against women and girls within the context of prostitution.

Nonetheless, it is encouraging that this question has been *framed* in terms of violence against women and girls. Research shows that nearly 90% of all prostituted individuals across the globe are female,¹ and while of course this does not mean men or transgender individuals do not suffer violence and exploitation within prostitution, it is CEASE's position that prostitution is *predominantly* (although not exclusively) a form of male violence against women and girls (MVAWG), and *must* be recognised as such to be tackled effectively.

Despite these positive steps as regards recognition of the links between trafficking and prostitution, prostitution and MVAWG, as with England and Wales, this is only part of the solution. To understand this in greater detail, it is vital to address the underlying reasons *why* prostitution is a form of MVAWG.

While research on the demography of those who purchase sexual access (henceforth 'sex buyers' (SBs)) is sparse,² it nonetheless suggest a number of significant trends. First and

1 Graham Scambler, 'Sex Work Stigma: Opportunist Migrants in London' (2007) 41(6) *Sociology* 1079-1096

2 Roberta Perkins 'Working girls: Prostitutes, their life and social control' (1991) Canberra: Australian Institute of Criminology

foremost, the vast majority of SBs are men purchasing sexual access to the bodies of women and girls.³ This immediately frames the issue as one of power imbalance between men and women. If prostituted individuals, who are predominantly women and girls, face any common or even universal experiences, is this a fundamental part of the relationship between SBs and prostituted individuals, or simply a coincidence?

It is generally acknowledged that wherever it occurs, prostitution is rife with violence (the point of contention typically turns on whether this violence is inherent and inevitable or whether it is a result of punitive and/or criminalising legislation).⁴

For example, in 2008 Farley and others interviewed 130 prostituted women in San Francisco, 82% of whom had been physically assaulted while in prostitution; 73% had been raped; and 59% had been raped more than five times while in prostitution.⁵

A 2002 study across five countries⁶ undertaken by Raymond and others found that:

*'Rates and frequency of violence and control are extremely high, with physical harm (almost 80 percent), sexual assault (over 60 percent) ... leading the indicators.'*⁷

3 Martin A. Monto 'Female Prostitution, Customers, and Violence' (2004) 10(2) Violence Against Women 160-188

4 For example, see: Christine Milrod and Ronald Weitzer, 'The Intimacy Prism: Emotion Management among the Clients of Escorts' (2012) 15 Men and Masculinities 447; Valerie Jenness, 'From Sex as Sin to Sex as Work: COYOTE and the Reorganization of Prostitution as a Social Problem' (1990) 37 Social Problems 403; and Carol Leigh, 'Inventing Sex Work' in Jill Nagel (Ed), *Whores and Other Feminists* (Routledge 2013)

5 Melissa Farley and others, 'Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder' (2004) 2 Journal of Trauma Practice 38

6 Indonesia, the Philippines, Thailand, Venezuela, and the United States

7 Janice G Raymond and others, 'A Comparative Study of Women Trafficked in the Migration Process' (2002) available at < https://reliefweb.int/sites/reliefweb.int/files/resources/7092F5115C910FD8C1256F56003B65FD-Gender_Migration_CATW_2002.pdf > 61 accessed 09 December 2020.

Further:

'...acts...included being beaten, bit, burned... choked, crushed, dragged, hit with objects... punched, scratched... smacked, strangled... thrown out of a car, twisted, and hair pulled... being...urinated on, pinched in the breasts, sodomized, objects inserted in anus and vagina, bestiality... weapons used against women... being strangled with a bandana, burned... bound with extension cords, assaulted with...knives and guns, hit with shoes and a liquor bottle'.⁸

Turning to the UK specifically, research has found that on average, 46% of *all* prostituted individuals reported experiencing some form of violence;⁹ 17.8% reported rape and/or attempted rape;¹⁰ and 7.2% reported being sexually assaulted.¹¹

Campbell and Stoops found that 80% of those in prostitution in Liverpool had been subjected to physical violence;¹² and a multi-city study of 240 prostituted individuals undertaken by Barnard found that 63% had been subjected to SB violence over their lifetime, 47% reported being *'slapped, kicked, or punched'*, and 28% reported *'attempted rape'*.¹³

Clearly, violence against those within prostitution is extraordinarily prevalent, and is typically experienced at the hands of SBs (but also at the hands of those who control prostitution for gain, i.e, pimps and/or traffickers). However, as the Consultation establishes, Scotland already has laws in place combatting the exploitation of those within prostitution, as

8 Ibid 64

9 Laura Connelly, Daiga Kamerāde and Teela Sanders, 'Violent and Nonviolent Crimes Against Sex Workers: The Influence of the Sex Market on Reporting Practices in the United Kingdom' (2018) *Journal of Interpersonal Violence* 9

10 *ibid* p11

11 *ibid*

12 Rosie Campbell and Shelly Stoops, 'Taking sex workers seriously: Treating violence as hate crime in Liverpool' (2010) *Research for Sex Work* 12

13 Marina Barnard and others, 'Violence by clients towards female prostitutes in different work settings: questionnaire survey' (2001) *British Medical Journal* 524

well as broader laws criminalising sexual and non-sexual violence that might occur within the context of prostitution (e.g. rape, sexual assault, battery etc).¹⁴ Clearly, something must be done to tackle this beyond the existing prohibitions of violence.

It is CEASE's position that the violence prostituted individuals face at the hands of SBs – which as explained above, is a form of MVAWG – is a direct result of SBs being allowed to purchase – or at least not being adequately deterred from purchasing – sexual access in the first place.

Research demonstrates that compared to non-sex buyers (NSBs), SBs lack – or have drastically reduced capacity for – empathy for those in prostitution, which itself is strongly linked to sexual aggression.¹⁵ But as importantly, this lack of empathy affords SBs an opportunity to act on pre-existing desires to enact sexual and physical violence against women and girls within prostitution.¹⁶

As regards links between sexual violence and the purchasing of sexual access: between 2010 and 2013 four UN agencies undertook a multi-country study to understand the driving factors behind male violence against women.¹⁷ While the study covers many factors, one key finding was that rape perpetration was strongly linked with '*transactional sex*' (prostitution).¹⁸

14 The distinction here between sexual violence and non-sexual physical violence is admittedly very ambiguous, raising questions as to whether all violence that occurs within prostitution, which is inherently a "sexual" activity, would constitute sexual violence. However, for the purposes of legal clarity the distinction between physical violence (battery, GBH etc) and sexual violence (rape, sexual assault etc) will be maintained to explore the prevalence of both as distinct phenomena within prostitution as a whole.

15 David Lisak and Carol Ivan, 'Deficits in Intimacy and Empathy in Sexually Aggressive Men': (2016) *Journal of Interpersonal Violence*; also R. Karl Hanson, 'Empathy deficits of sexual offenders: A conceptual model' (2003) 9 *Journal of Sexual Aggression* 13-23.

16 Melissa Farley and others, 'Attitudes and Social Characteristics of Men Who Buy Sex in Scotland' (2011) 3(4) *Psychological Trauma Theory Research Practice and Policy* 369

17 Emma Fulu and others, 'Why Do Some Men Use Violence Against Women And How Can We Prevent It? Quantitative Findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific' (2013) Bangkok: UNDP, UNFPA, UN Women and UNV

18 *ibid* p10

This is supported by Farley's research which found that 15% of SBs were more likely to rape a woman if they thought they could get away with it compared to NSBs (2%).¹⁹ SBs reported a higher level of sexually aggressive behaviour, as well as being more likely than NSBs (37% vs 21%) to believe that once sex has been paid for, the woman is obligated to do whatever the SB wants;²⁰ in 2005, Monto and McRee found the SBs were more likely to have committed rape;²¹ and in 2014, Heilman and others found that in a study of five countries, in each one SBs were more likely to perpetrate sexual violence.²²

What this demonstrates is that it is not the *legislation* that is the *cause* of sexual violence as argued by some,²³ but rather, that SBs are more predisposed to committing acts of sexual and physical violence in the first place. Being able to purchase sex legitimises the harmful notion that women are objects that can be sexually used with impunity, and further, presents an opportunity for SBs to act on the predisposition towards being sexually and physically violent.²⁴ Any differing legislative approaches therefore can only combat or facilitate pre-existing violence-supporting attitudes, as opposed to causing them *per se*.

In short, any legislative framework (applying to both prostitution but also wider sexual violence and/or exploitation) that does not directly tackle the specific occurrence of purchasing sexual access is *prima facie* "(in)sufficient to tackle male violence against women and girls".

19 Melissa Farley and others, 'Comparing Sex Buyers With Men Who Do Not Buy Sex: New Data on Prostitution and Trafficking' (2017) 32 *Journal of Interpersonal Violence* 3601.

20 *ibid*

21 Martin A Monto and Nick McRee, 'A Comparison of the Male Customers of Female Street Prostitutes With National Samples of Men' (2005) 49 *International Journal of Offender Therapy and Comparative Criminology* 505.

22 Brian Heilman, Luciana Herbert, and Nastasia Paul-Gera, 'The Making Of Sexual Violence: How Does a Boy Grow Up to Commit Rape?' (2014) *International Center for Research on Women (ICRW)*

23 See n1

24 Farley (n19)

For the above reasons, we submit that Scotland's *current* legislative framework needs amending accordingly, namely by criminalising those who purchase and/or attempt to purchase sexual access.

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

While Covid-19 is still a relative unknown in terms of its quantifiable impact on those within prostitution, preliminary research suggests that economic vulnerability and instability both drives women into the commercial sex trade and keeps them trapped within it.

As the Encompass Network report states²⁵: *The coronavirus (COVID-19) pandemic has had and continues to have a significant detrimental impact on the lives of women who sell and exchange sex on street and in off street settings such as lap dancing bars, escort agencies, pornography, and selling images online. The women involved have faced the same challenges as many other women such as housing, no money, lack of access to services and caring responsibilities but are also facing additional challenges in accessing support due to stigma, fear of disclosing their specific circumstances and concerns around confidentiality.*

Enforced distancing measures have rapidly shrunk the “demand” side of the equation, leaving already-vulnerable women at greater risk due to the cliff-edge drop-off of income. As the Centre for Social Justice and Justice & Care confirmed in their July 2020 report, this has also resulted in a mass migration from face-to-face interactions to “online sexual services” being advertised in an attempt to maintain income streams.²⁶

Some may see this as a reason why SB criminalisation should be resisted, since this would reduce the already-negligible income of a very vulnerable population. However, CEASE UK wholly and roundly rejects this line of argument. We hold that, if Scotland does implement

²⁵ Encompass Network, 'Preventing and eradicating prostitution: a proposed approach for Scotland' <http://www.encompassnetwork.info/uploads/3/4/0/5/3405303/preventing_and_eradicating_prostitution.pdf> accessed 09 December 2020

²⁶ Centre for Social Justice, Justice & Care, 'It Still Happens Here: Fighting UK Slavery in the 2020s' (July 2020) <<https://www.justiceandcare.org/wp-content/uploads/2020/07/Justice-and-Care-Centre-for-Social-Justice-It-Still-Happens-Here.pdf>> accessed 09 December 2020

some form of SB criminalisation, it is *absolutely vital* that this is combined with services that support prostituted individuals to exit the trade, including but not limited to financial/social welfare access and support; housing support; childcare; access to food and clothing; healthcare access; and the guarantee that no punitive immigration (including deportation, removal, and/or extradition) actions will be taken against those who may have arrived in the UK through undocumented channels and/or illegally.

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?

In its immediacy, CEASE UK would like to raise two points: firstly, the legislation that governs the prohibition of purchasing sexual services in Sweden was introduced under *Svensk författningssamling (1998:408)* (SFS),²⁷ entitled *Lag om förbud mot köp av sexuella tjänster* ('LPPSS'),²⁸ but was subsequently repealed and replaced in 2005 by the *Brottsbalken (1962:700)* ('SCC').²⁹ It is now found in Chapter 6 SCC,³⁰ and was introduced as part of the wider 'Kvinnofrid' Bill,³¹ which '*proposed a large number of measures in different social sectors to combat violence against women*'.³²

Secondly, the names given to the various policy approaches in Table 3.1 are misnomers, and do not accurately describe the various approaches as they would now be understood. While CEASE would align ourselves with the explanation given in the second paragraph of "Prohibitionism", we would not ascribe such a title to that position.³³

27 Svensk författningssamling (1998:408) trns: Swedish Code of Statutes 1998:408

28 Lag om förbud mot köp av sexuella tjänster trns: Law on the prohibition of the purchase of sexual services

29 Brottsbalken (1962:700) trns: Swedish Criminal Code

30 Chapter 6, Section 11 Brottsbalken (1962:700) states: '*A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most six months.*'

31 Literally translated this means 'women's safety'

32 Swedish Institute, 'Selected extracts of the Swedish government report SOU 2010:49: —The Ban against the Purchase of Sexual Services. An evaluation 1999-2008' (Swedish Institute 2010) < https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_ban_against_the_purchase_of_sexual_services_an_evaluation_1999-2008_1.pdf > accessed 09 December 2020

33 See Maddy Coy, Cherry Smiley and Meagan Tyler, 'Challenging the "Prostitution Problem": Dissenting Voices, Sex Buyers, and the Myth of Neutrality in Prostitution Research' (2019) 48 Archives of Sexual Behavior 1931

It is more accurate to say that the “Nordic Model” approach would fall under the abolitionist moniker (or possibly neo-abolitionist).³⁴

That aside, CEASE is of the position that the Nordic Model (I.e., criminalising the purchase and/or attempted purchase of sex while decriminalising those who sell sex) is the most effective way to reduce MVAWG within the context of prostitution.

Analysing the alternative of blanket decriminalisation (which has been implemented in New Zealand, and would likely fall under either the “Regulationism” or “Abolitionism” names given in table 3.1), it was found by the New Zealand Prostitution Law Review Committee (PLRC) that five years after the introduction of the new legislation, 35% of all prostituted individuals still felt that *‘they had to accept a client when they didn’t want to’*,³⁵ with the PLRC finding that *‘there are still some sex workers who are being required to provide commercial sexual services against their will’*;³⁶ 9.8% had been physically assaulted by a client in the previous 12 months;³⁷ 3% had been raped by a client in the past 12 months;³⁸ and that *‘the majority (of prostituted individuals) felt that the PRA could do little about the violence that occurred’*.³⁹ The PLRC’s report focuses on the negligible improvement that decriminalisation has facilitated in *reporting* instances of these types of violence;⁴⁰ all

34 For example, see Julie Bindel, *The Pimping of Prostitution: Abolishing the Sex Work Myth* (Springer 2019). ; Sarah Deer, ‘Relocation revisited: Sex trafficking of native women in the United States’ (2010) 36 William Mitchell Law Review 621.

35 Prostitution Law Review Committee, ‘Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003’ (Prostitution Law Review Committee 2008) <<http://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf>> accessed 09 September 2020 p45

36 *ibid* p47

37 *ibid* p56

38 *ibid*

39 *ibid* p14

40 Janice G Raymond. ‘Gatekeeping Decriminalization of Prostitution: The Ubiquitous Influence of the New Zealand Prostitutes’ Collective,’ (2018) 3(2)(6) Dignity: A Journal on Sexual Exploitation and Violence p6

indications, even by the PLRC's account, suggest that the rate at which it occurs has not been helped by decriminalisation.⁴¹

Further, the approach of explicit regulation (for example, in Germany where the State impose heavy regulations on prostitution) has been even more disastrous. A critical review of the *Prostitutionsgesetz* (Prost-G) undertaken by the German Government states that: ⁴²

*'As regards improving prostitutes' working conditions, hardly any measurable, positive impact has been observed in practice... (and)...there are as yet no viable indications that the Prostitution Act has reduced crime'.*⁴³

In 2004, the German Government also found that 59% of those in prostitution had experienced sexual violence, 87% had experienced physical violence, and 82% had experienced psychological violence in the course of prostitution.⁴⁴ There is no reason to suspect that the same would not also occur if legalisation ("regulationism") was introduced in the UK, particularly when placed within the global context of legalisation as seen in The Netherlands and Nevada, which have also had similar results.⁴⁵

41 Bundesministeriums für Familie, Senioren, Frauen und Jugend, 'Bericht der Bundesregierung zu den Auswirkungen des Gesetzes zur Regelung der Rechtsverhältnisse der Prostituierten (Prostitutionsgesetz – ProstG)' trns: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 'Report of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act)' (2007) <https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/federal_government_report_of_the_impact_of_the_act_regulating_the_legal_situation_of_prostitutes_2007_en_1.pdf> accessed 09 December 2020 p56

42 ibid

43 ibid p79

44 Bundesministeriums für Familie, Senioren, Frauen und Jugend, 'Lebenssituation, Sicherheit und Gesundheit von Frauen in Deutschland' (2004) trns: Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Health, Well-Being and Personal Safety of Women in Germany' (2004) <<https://www.bmfsfj.de/blob/94200/d0576c5a115baf675b5f75e7ab2d56b0/lebenssituation-sicherheit-und-gesundheit-von-frauen-in-deutschland-data.pdf>> accessed 09 December 2020 p26

45 For example, see Julie Bindel, "'It's like You Sign a Contract to Be Raped'" *The Guardian* (7 September 2007) <<https://www.theguardian.com/world/2007/sep/07/usa.gender>> accessed 21 July 2020; and CAP International, 'Assessment of ten years of Swedish and Dutch policies on prostitution' (*CAP International*, August 2012) <<http://www.cap-international.org/wp-content/uploads/2017/10/Brief-prostitution-Sweden-and-Netherlands-EN-1.pdf>> accessed on 09 December 2020

Although research of how the Nordic Model has impacted violence is scant, particularly in Sweden, a 2010 Government review *'found no increase (in violence) since the ban went into effect'*.⁴⁶ Conversely, a 2012 study undertaken in Oslo after the Nordic Model was implemented there⁴⁷ suggested that there had been an *increase* from 52% to 59% in terms of individuals who had experienced violence in prostitution.⁴⁸

While this is partially true, this does not tell the whole story. The study distinguishes between *types* of violence experienced, and while instances such as being spat on, hair pulling, and verbal abuse had all increased, acts such as rape, being struck with a fist, and being struck with an open hand had all *reduced* since the introduction of the Nordic Model.⁴⁹

Of course, this is not to disregard the former types of violence as irrelevant or not worthy of consideration, but it appears that the Nordic Model *has* been an effective deterrent against more extreme or serious types of violence.

Whilst we wholeheartedly agree that an increase in any form of violence is negative, this arguably speaks to the inherently violent nature of prostitution. The Nordic Model can only do so much in this regard; ultimately, the system of prostitution is driven by buyer-demand-which comprises individuals who wish to enact violence.⁵⁰ Therefore, it follows that to reduce this violence, it is the buyer who should be criminalised. This will be explored in the next response in greater detail.

46 Government Offices of Sweden, 'Förbud mot köp av sexuell tjänst. En utvärdering 1999–2008' (*Government Offices of Sweden* 2010) trns: The Ban against the Purchase of Sexual Services. An Evaluation 1999–2008 < <https://www.government.se/4a4908/contentassets/8f0c2ccaa84e455f8bd2b7e9c557ff3e/english-translation-of-chapter-4-and-5-in-sou-2010-49.pdf> > accessed 09 December 2020 p33

47 Ulla Bjørndahl. 'Dangerous Liaisons A report on the violence women in prostitution in Oslo are exposed to' (Municipality of Oslo 2012)

48 *ibid* section 5.2

49 *ibid* section 2.2.5

50 See response to Question 1 (regarding SB attitudes)

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?

As Anderson and others found out in the *Challenging Men's Demand* research, between 69%-79% of those who purchase sexual access would be deterred by greater criminal penalties.⁵¹ The report states:

“Most of the men told us that any amount of jail time would deter them. “An hour would be enough.” Another recommended, “Zero tolerance – police everywhere”. One man suggested harsh penalties: “Maybe a minimal jail sentence of two years for the clients if caught soliciting.” Another man suggested a combination of penalties, “Some guys have plenty money so a big fine might be nothing to them. They should get a warning first time, than public exposure and a heavy fine.” In similar findings, Brewer, Potterat and colleagues (2006) found that arrest deterred 70% of men from buying women in prostitution a second time. In an extensive analysis of data from one U.S. city, they concluded, just as our interviewees in Scotland did, that arrest was a powerful factor in deterring men from using women in prostitution.”

Clearly the criminalisation of SBs goes some way to preventing the purchase of sexual access in the first instance, if not within the context of violence against women and girls, certainly within the context of deterring them through criminal sanctions. However, while previously referenced research has demonstrated that those who purchase sexual access are more likely to have attitudes consistent with supporting rape myths and violence against women,⁵² the Nordic Model has also reportedly facilitated a paradigm shift in terms of the public's attitudes

⁵¹ Lynn Anderson, Melissa Farley, Jacqueline Golding and Jan Macleod, 'Challenging Men's Demand for Prostitution in Scotland' (Women's Support Project, 2008)

⁵² n50

towards prostitution.⁵³ In 1996, prior to the *LPPSS*'s introduction, Lewin found that only 32% of respondents to a statistical survey thought that an SB should be regarded as a criminal.⁵⁴ However, in 2002, SIFO (Swedish National Institute for Consumer Research) found that 76% of respondents thought the purchase of sex should be criminalised,⁵⁵ and then in 2010 Kuosmanen found that nearly 71% of respondents wanted to retain the SB law.⁵⁶ While these figures should be treated with caution due to methodological differences and limitations, the consensus is that the *LPPSS* has had a notable change to both the market size of prostitution, and to the public's attitude towards SBs.

It is CEASE's position that criminalising SBs would begin to "shift attitudes" on two fronts: firstly, it would deter SBs from purchasing sexual access *at all* due to fear of criminal sanctions; but secondly, it would facilitate a normative shift where citizens and residents would begin to view prostitution as a form of violence against women and girls which should not be tolerated or supported from a human rights perspective (as opposed to the criminalisation of SBs aspect, which is more akin to a "self-preservation" perspective on the part of SBs).

53 For example, see Von André Anwar, 'Prostitution Ban Huge Success in Sweden' *Der Spiegel* (08 November 2007) <<https://www.spiegel.de/international/europe/criminalizing-the-customers-prostitution-ban-huge-success-in-sweden-a-516030.html>> accessed 09 December 2020; Jacci Stoyale, 'Report on the Scottish Parliamentary Prostitution Fact Finding Trip to Sweden' (*Nordic Model Now*, 28 September 2019) <https://nordicmodelnow.org/2019/09/28/report-on-the-scottish-parliamentary-prostitution-fact-finding-trip-to-sweden/> > accessed 09 December 2020

54 Bo Lewin and others, *Sex i Sverige; Om Sexuallivet i Sverige 1996* (Folkhälsoinstitutet 1998) <<http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-31413>> accessed 09 December 2020

55 Government Offices of Sweden, 'Förbud mot köp av sexuell tjänst. En utvärdering 1999–2008' (*Government Offices of Sweden* 2010) trns: The Ban against the Purchase of Sexual Services. An Evaluation 1999–2008 <<https://www.government.se/4a4908/contentassets/8f0c2ccaa84e455f8bd2b7e9c557ff3e/english-translation-of-chapter-4-and-5-in-sou-2010-49.pdf>> accessed 09 December 2020 p30

56 Jari Kuosmanen, 'Attitudes and Perceptions about Legislation Prohibiting the Purchase of Sexual Services in Sweden' (2011) 14 *European Journal of Social Work* 247.

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?

In its immediacy, it is positive that the Scottish Government wishes to raise awareness as to the harms associated with prostitution in an educational context as well as a legislative one. In a cultural environment where movements and campaign groups such as #MeToo and We Can't Consent to This are making strides to challenge the concept of consent and how acquiescence is not a sufficient substitute, this too should extend to educating young people – in an age-appropriate manner – as to the reality of prostitution and its relationship to consent, or lack thereof.

International and domestic legal frameworks preclude consent when force and/or coercion is used in regards to engaging in sexual activity⁵⁷, and given the high rate of physical and sexual violence (which should *necessarily* be considered non-consensual given its conceptualisation as “violence”) within prostitution, this should be the starting point for any educational programs seeking to educate young people as to how consent may be affected by different contexts.

It is CEASE's position that the *system* of prostitution is an environment where consent is overwhelmingly and consistently vitiated in one form or another, and those vitiations are

⁵⁷ For example, see Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol) 2000, Article 3(a): ‘*"Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs*’ ; and Article 3(b): ‘*The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used*’

inextricably linked to prostitution as a whole – i.e., it is impossible for prostitution to exist without also tacitly condoning the inherent vitiations of consent therein.

As campaign group Nordic Model Now have demonstrated in their submission to this inquiry, terminology is vital to this issue . While it is CEASE’s position (and of Nordic Model Now) that prostitution *is* a form of sexual exploitation, it should not be grouped under this umbrella at the expense of the term “prostitution”. This is for two reasons: firstly, as Nordic Model Now have pointed out, prostitution may not appear as a form of sexual exploitation to those who only know it as “sex work”. If we do not use the term “prostitution” in relation to sexual exploitation, people will not make the link between the two. Secondly, the sanitisation of prostitution *as* sex work has created a culture that seeks to normalise such exploitation.⁵⁸

In New Zealand, for example, prostitution has been *literally* recategorised as work, yet the exploitation persists. Education programmes *must* retain and refer to the more accurate and non-sanitising term “prostitution”. As SBs are overwhelmingly men to the point that female SBs are statistically insignificant⁵⁹, education should also focus on sex inequality within prostitution, and how as a system it further ingrains and promotes misogyny .

Educational programmes should be formulated to grasp the nettle of this challenge while ensuring young men do not feel alienated from the conversation. It is vital that men understand that it is almost always men who purchase sexual access, without implying that “all men will/do purchase sexual access”. Since in fact research shows that the vast majority of men do not or have not paid for sexual access⁶⁰, it is key to ensure that young men understand they have a dual status in this conversation. Firstly, that they as a group (but not

58 For example, see Julie Bindel, *The Pimping of Prostitution: Abolishing the Sex Work Myth* (Springer 2019) pp 63-86

59 Martin Monto, 'Female Prostitution, Customers, and Violence' (2004) 10(2) Violence Against Women 160-188.

necessarily as *individuals*) are responsible for the exploitation that occurs within prostitution and secondly that those who *do not* or *would not* purchase sexual access recognise their opportunity, even responsibility, to challenge the attitudes of those who would or do.

Men typically follow the lead of other men in their peer group, so tackling the attitudes and driving factors that lead young men to purchase sexual access in the near or distant future *at its root* would afford a valuable preventative measure and thus tackle demand overall.

60 Demand Abolition, 'Who Buys Sex? Understanding and Disrupting Illicit Market Demand' (2019) <<https://www.demandabolition.org/wp-content/uploads/2019/07/Demand-Buyer-Report-July-2019.pdf>> accessed 09 December 2020

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?

CEASE UK emphatically calls for statutory provision of exit services for women within prostitution. Currently, the majority of support services are reliant upon charitable donations (although during Covid the UK Government have provided some financial support to the broader demographic of “at risk” individuals), and this cannot and should not be the expectation if any law reform were to take place (and arguably, should not be the case irrespective of that).

Without sufficient and robust statutorily-guaranteed provision of support services for women within prostitution, and for those who wish to exit, any legislation that reduces demand and, however temporarily or long-term, impacts the income of women within prostitution, would be disastrous for their mental and physical well-being.

As to the support itself: this should be female-led, trauma informed, women-only (within the context of this inquiry), and should be administered by those with specialist expertise or understanding of the broader harms of prostitution.

Support services need to be specialist but also multi-faceted (or at least have the capacity to be able to facilitate multi-needs support). They must recognise that things such as addiction, poverty, and homelessness are often intrinsically related to the prostitution (that is, the specific transaction and immediate “act” of prostitution)⁶¹. Without the expertise of those who recognise prostitution as harmful and often the result of pre-existing vulnerabilities, the

61 For example, see ‘OHCHR | Statement on Visit to the United Kingdom, by Professor Philip Alston, United Nations Special Rapporteur on Extreme Poverty and Human Rights’ <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23881>> accessed 09 December 2020; and Kuba Shand-Baptiste, ‘The Rise of “Survival Sex” Is a Crushing Reminder of the Results of Britain’s Austerity-Fuelled Poverty’ (*The Independent*, 22 May 2019) <<https://www.independent.co.uk/voices/austerity-sex-survival-universal-credit-poverty-prostitution-un-report-a8925256.html>> accessed 09 December 2020.

women involved will continue to be at risk of violence from SBs and will not have the opportunities to make more empowering decisions about their lives

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.

As set out comprehensively in previous questions, CEASE UK unequivocally supports the introduction of the Nordic Model as a method of reducing the overall prostitution “market” by reducing demand, while supporting women to exit. The evidence from other jurisdictions (in previous responses) demonstrates that anything other than SB criminalisation results in market expansion, which means fewer women exit than enter prostitution.

In the UK, the same pattern of exploitation has occurred in the “Leeds Managed Zone” which has trialled a version of decriminalisation, which critics have said ‘enables paid rape’, has ‘expanded the market’, and ‘encouraged trafficking of women and girls’.⁶² Even pro-decriminalisation advocates have conceded that ‘violence remains high’ and ‘Amongst sex workers there was not a sense that the Managed Area had improved safety for the street sex workers as fear of crime persisted’ in Holbeck.⁶³

Conversely, in Ipswich a similar version of the Nordic Model was trialled⁶⁴. This approach focused on four objectives:

1. Tackling demand—by deterring those who create the demand (i.e. kerb-crawlers) and removing the opportunity for street sex-working to take place.

62 See Julie Bindel, ‘I worry they are trafficked’: is the UK's first 'legal' red light zone working?’ *The Guardian* (29 June 2019) < <https://www.theguardian.com/global-development/2019/jun/29/worry-trafficked-uk-first-legal-red-light-zone-leeds-holbeck> > accessed 09 December 2020; ‘How Leeds enables paid rape’ *UnHerd* (20 July 2020) < <https://unherd.com/2020/07/how-authorities-in-leeds-enable-paid-rape/> > accessed 09 December 2020; Charles Hymas, ‘A disaster from day one’: Is this the end of Britain's first 'legal' red light district?’ *The Telegraph* (24 July 2018) < <https://www.telegraph.co.uk/global-health/women-and-girls/disaster-day-one-end-britains-first-legal-red-light-district/> > accessed 09 December 2020; Charles Hymas and Corinne Redfern, ‘Violence, drugs and sexual diseases: How managed zones for prostitution are failing women worldwide’ *The Telegraph* (23 July 2018) < <https://www.telegraph.co.uk/global-health/women-and-girls/violence-drugs-sexual-diseases-managed-zones-prostitution-failing/> > accessed 09 December 2020

63 Teela Sanders & Vineeta Sehmbi. ‘Evaluation of the Leeds Street Sex Working Managed Area’ (University of Leeds, 2015) < <https://www.nswp.org/sites/nswp.org/files/Executive%20Summary%20Leeds%2C%20U%20of%20Leeds%20-%20Sept%202015.pdf> > accessed 09 December 2020

64 Nordic Model Now!, ‘How a Nordic Model approach to tackling prostitution was implemented in Ipswich’ < <https://nordicmodelnow.org/2017/11/14/how-a-nordic-model-approach-to-tackling-prostitution-was-implemented-in-ipswich/> > accessed 09 December 2020

2. *Developing routes out—by offering individual multi-agency case conferences and appropriate health/welfare support packages to each street sex worker.*
3. *Prevention—through awareness-raising and early intervention measures to stop others, particularly children and young people from becoming involved in sex work.*
4. *Community intelligence—through understanding the key issues, the extent of the problem, and its impact on the local community.*

The approach produced a notable improvement both in terms of the lives and well-being of the women involved, and also a reduction in purchasing/attempts to purchase sexual access.⁶⁵

In its conclusion the report states:

The evaluation of this Strategy showed that co-ordinated multi-agency activity had been successful in:

- *eliminating street prostitution and kerb crawlers in Ipswich;*
- *helping women make life changes to move on from prostitution;*
- *making effective in-roads into preventing others, especially the young, from becoming involved in prostitution; and*
- *reducing demand and costs on the criminal justice services.*

The evaluation highlighted the central importance of a joint commitment of criminal justice, social, health and voluntary agencies and their sustained relationships with the local community in developing a shared change in attitude towards prostitution and those involved in it. Finally, it concluded that there is much to commend this

65 Gwyneth Boswell, Ric Fordham, Julie Houghton, James Jarrett, Anne Killeth, Fiona Poland, Laura Seebohm, and Anna Varley, 'Findings From The University Of East Anglia's Evaluation Of The Ipswich/Suffolk Multi-Agency Strategy On Prostitution Following The Five Murders In 2006' (2014) Law Review <https://ueaeprints.uea.ac.uk/id/eprint/55750/1/EVISSTA_paper.pdf> accessed 09 December 2020

collaborative Strategy both to other regions of the UK and to other countries, as an innovative, effective and cost-effective means of achieving justice for all stakeholders.

For the reasons above, we urge the Scottish Government to introduce legislation that begins to criminalise those who purchase sexual access, while affording women routes out of prostitution; and, fundamentally, to recognise prostitution as a form of systemic violence against women that can only be tackled with measures that recognise it as such.