



Preventing and eradicating prostitution: a proposed approach for Scotland



SCOTLAND'S NETWORK SUPPORTING
THOSE INVOLVED IN THE SEX INDUSTRY

“ I don't think they should legalise it though. No. Definitely no ... Who wants that? Who thinks that's a good idea? Legalising it all aint gonnae change what punters do. It's no gonnae help the women. They need more security, safety nets around the surrounding areas for the girls fae prostitution. Cos there's nae safety oot there whatsoever.”

Natalia

“ The nurses from the clinic used to come in and see us. Make sure everyone's okay. It was nice, reassuring that there was someone that actually cared about the girls. You see, a lot of people don't care ... The nurses, they talked to us. They let us know there was somewhere we could go to. To just think that somebody actually like believed in you – that you were better than that. You didn't have to do that with your life – that sort of thing. It was nice. But at the same time, you didn't have that same belief in yourself ... think we need services to help girls exit. Not having a job to go to and not having a routine and not having money, and like, that's the biggest pull to go back. It's the practical help that's really important. If a girl really wants to leave, give her something to concentrate on. Something concrete, a route out in a way.”

Katie

“ I would make it against the law right across the board because, as I say, there's no good in it. Everything is a negative. I would eradicate it. There has been a lot of changes, years ago punters never used to get stopped by the police, it was always the girls. The punters have been getting stopped and their cars looked at. I think that is a really good thing. I know everybody wouldn't agree but if the men weren't there looking, the women wouldn't be there. If you stop a man who's got a job, who's got a family, they're going to get into a lot more trouble than what the girl is gonnae. I think that's the way to target it, target it through the men.”

Joanne





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Summary

This paper outlines the Encompass Network's proposed approach for preventing and eradicating prostitution in Scotland. Encompass has developed this approach in consultation with women involved in prostitution along with the experiences of front line staff, and on the basis of evidence from research and practice about what is needed.

The approach can be adapted to national and local contexts and needs, in order to take concrete action on prostitution by disrupting the market for prostitution; supporting those who are harmed by it; and challenging the societal attitudes and structures which perpetuate it.

It is based on promoting gender equality and eliminating inequalities; extends beyond a criminal justice response; and pursues the best outcomes for everyone in Scotland.

It is consistent with Equally Safe, the Scottish Government's human rights-based strategy to prevent and eradicate violence against women and girls. Prostitution is part of a continuum of violence against women and girls which stems from gender inequality.

There are seven elements to the approach, which combined, are an effective strategy for reducing vulnerability to prostitution; for supporting those who are harmed by it; and for eliminating it entirely.

They provide for preventative education; respect for healthy relationships; support and harm reduction for individuals harmed or at risk of harm from prostitution (including trafficking); increasing options for leaving prostitution through access to employment and financial independence; and targeting and disrupting the market in order to stop those who profit or benefit from the sexual exploitation of others. These seven elements are not intended as mix and match, but rather to be pursued in their entirety. The paper describes each of these elements in more detail.

The Seven Elements

- 1 Comprehensive primary prevention that supports healthy relationships and sexuality
- 2 Increased public awareness of the causes and impact of prostitution as a form of gender-based violence
- 3 Capacity-building so that staff in mainstream and specialist services have the right skills to meet the needs of those involved in prostitution
- 4 Support and harm reduction services for people involved in prostitution
- 5 Support for people who wish to leave prostitution, and to help them recover from their experiences
- 6 Decriminalising selling sex in a public place (section 46) and removing such convictions from the record
- 7 Disrupting prostitution markets and reducing demand by criminalising the purchase of sex

1 Background

About this paper

This paper is aimed at those involved in preventing and eradicating violence against women, particularly local violence against women partnerships (VAWPs). It aims to help local partnerships and others to develop strategies to end commercial sexual exploitation (CSE), nationally and locally. It proposes an approach, which can be adapted to local contexts, to take concrete action on prostitution: by disrupting the market for prostitution; supporting those who are harmed by it; and challenging the societal attitudes and structures which perpetuate it.

The proposed approach is consistent with:

- The Scottish Government's vision for a Fairer, Smarter, Healthier, Safer and Stronger Scotland in which all people are treated equally and enabled to reach their potential and live lives free of violence, abuse and subjugation¹
- Equally Safe, the Scottish Government's strategy to prevent and eradicate violence against women and girls²
- The Sexual Health and Blood Borne Virus Framework 2011- 2015³

Note:

- This paper is concerned with preventing harm to women and girls, consistent with Equally Safe. However, men and boys are also exploited and harmed by gender-based violence including by prostitution and other forms of CSE. While focusing on women, the approach proposed in this paper could apply to anyone at risk of, or experiencing, CSE
- This paper is concerned with prostitution, which is one of many forms of CSE. For more information about CSE see: <http://www.gbv.scot.nhs.uk/gbv/commercial-sexual-exploitation>
- The quotes by women involved in prostitution are from: www.insideoutsidescotland.info

About the Encompass Network

The Encompass Network brings together Scottish agencies which work with people affected by CSE and who are:

- At risk of such exploitation
- Involved in prostitution
- Wish to leave prostitution
- Need support to recover from their experiences

In all our work, we ensure that we represent the views and experiences of service users.

1. <https://www.gov.scot/About/Performance/scotPerforms/objectives>
 2. <https://www.gov.scot/Publications/2018/04/5766>
 3. <https://www.gov.scot/Publications/2011/08/24085708/16>

The network focuses on:

- Working strategically to prevent and eradicate prostitution by focusing on its causes (systemic inequalities) and not on individual choice
- Promoting the need for a national, cross-departmental strategy which, in line with Equally Safe, will prevent and eradicate CSE
- Building capacity, sharing information and good practice
- Working with other agencies to ensure consistency and quality in meeting the needs of those affected by CSE

The network acknowledges that some women choose to sell sex. Our challenge and efforts are aimed at the prostitution industry; the structures which perpetuate the industry; and the harm⁴ prostitution causes to everyone in Scotland at population level.

This paper represents the views of the Encompass Network as a whole and so is endorsed by member agencies. It does not necessarily reflect the views of individual member agencies on all aspects proposed but is based on an overall consensus .

About prostitution

Prostitution means offering or providing sexual services for some form of gain or compensation. This includes money and payment in kind, such as food, alcohol, drugs or accommodation.

Prostitution harms the individuals involved. Its presence in society is harmful to all women, young people and communities because it is predicated on objectifying women, and seeing them as sexual commodities and contributes to the culture and attitudes needed for VAWG to exist.

Prostitution is part of a continuum of violence against women and girls (including other forms of CSE) which stems from gender inequality. The Scottish Government includes prostitution, pornography and other forms of involvement in the 'sex industry' in its definition of violence against women.⁵ The exploitation of women through prostitution and other forms of CSE legitimises negative attitudes towards women and is inextricably linked to gender inequality and sexual violence.

“ *Some are just sleazy Asking for more. They're all over you, their hands are all over you. They're wanting more. There's them that speaks to ya like a piece of shite and it's just wanting every'hing and just asking for aw the 'hings that you ken you dunnae really want to be doin' and they ken it.”*

Levi

4. Schulze, E., Novo Canto, S., Mason, I. and Skalin, M. (2014) Sexual exploitation and prostitution and its impact on gender equality study. Brussels: European Parliament Policy Department C: Citizens Rights and Constitutional Affairs.
5. 'Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominantly carry out such violence, and women who are predominantly the victims of such violence. By referring to violence as 'gender based' this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Such violence cannot be understood, therefore, in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

Proposed approach for preventing and eradicating prostitution: seven elements

The Encompass Network's proposed approach is based on promoting gender equality and eliminating inequalities; extends beyond a criminal justice response; and pursues the best outcomes for everyone in Scotland. It comprises seven elements, which together, would effectively prevent and eliminate sexual exploitation and prostitution. The elements need to be part of a longer term phased strategic approach with the necessary resources to be effectively implemented. These seven elements are:

- Comprehensive primary prevention that supports healthy relationships and sexuality
- Increased public awareness of the causes and impact of prostitution as a form of gender-based violence
- Capacity-building so that staff in mainstream services have the right skills to meet the needs of those involved in prostitution
- Support and harm reduction services for people involved in prostitution, including the reporting of crimes
- Support for people who wish to leave prostitution, and to help them recover from their experiences
- Decriminalising selling sex in a public place (section 46) and removing such convictions from the record
- Disrupting prostitution markets and reducing demand by criminalising the purchase of sex

Section 3 below discusses each of these in more detail.

The Encompass Network approach is consistent with the Scottish National Action Plan for Human Rights;⁶ Equally Safe, and its priorities (see below); and connects to the National Action Plan to Tackle and Prevent Child Sexual Exploitation;⁷ the Trafficking and Exploitation Strategy;⁸ the National Trauma Training Framework;⁹ the National strategic assessment of serious and organised crime;¹⁰ as well strategies on mental health, trauma, social isolation, employment, addiction, sexual health, drugs and alcohol.

This should be the case for any similar strategies developed by local partnerships.

This context is discussed below.

6. <http://www.snaprights.info/wp-content/uploads/2016/01/SNAPpdfWeb.pdf>

7. <https://www.gov.scot/resource/0049/00497283.pdf>

8. <https://www.gov.scot/Publications/2017/05/6059>

9. <https://www.gov.scot/Topics/Health/Support-Social-Care/Support/Survivors-Sexual-Abuse/TrainingFramework>

10. <http://www.nationalcrimeagency.gov.uk/publications/807-national-strategic-assessment-of-serious-and-organised-crime-2017/file>

2 Context

The Encompass Network's proposed approach sits within the context of the Scottish Government's commitments to promote human rights and gender equality and to prevent violence against women and girls. These commitments are also enshrined with Scotland's international obligations under the United Nations.

Human rights

Prostitution is a consequence of, and contributes to, gender inequality, and infringes universal standards of human rights. Human rights do not exist in a vacuum – one person's 'right' is not upheld at the cost of the rights of another. The human rights of those who view prostitution as work, should not take precedence over the systematic exploitation of the majority – those who are harmed through prostitution. Thus:

- It is **NOT** a human right to have sex with someone else
- It is **NOT** a human right to buy sex
- It **IS** a human right not to be sexually exploited through prostitution

Within human rights, our approach is based on the PANEL principles: making sure that people's rights are put at the centre of policies and practices.¹¹

There are several international measures and instruments which address CSE/prostitution from a human rights perspective. These identify prostitution as a form of violence against women; an obstacle to gender equality; and a violation of human rights, and include obligations to reduce the demand for sexual services which underpins it. They include:

- 1949 UN Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (articles 1, 2 and 6)
- 1966 UN International Covenant on Economic, Cultural, and Social Rights (article 10)
- 1979 UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) includes the right not to experience the 'exploitation of prostitution' (article 6)
- 1994 UN Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children
- 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (also known as the Palermo Protocol). The Palermo Protocol states parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking (UNOHCHR, 2013) (article 9)

11. <http://www.scottishhumanrights.com/rights-in-practice/human-rights-based-approach/>

- 2005 Council of Europe Convention on Action against Trafficking in Human Beings requires member states to 'discourage the demand that fosters all forms of exploitation of persons, especially women and children that leads to trafficking' (Article 6)
- EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims with member states needing to establish or strengthen measures to discourage and reduce demand

Equally Safe and gender equality

The Encompass Network's proposed approach is consistent with Equally Safe which defines prostitution as a form of violence against women and girls which is founded on gender inequality.

Prostitution and other forms of CSE are both a cause and a consequence of gender inequality and perpetuate beliefs that women's and girls' bodies are commodities. The system of prostitution depends on lack of choices for women, particularly lack of employment which fits flexibly with caring responsibilities and is decently paid; women's responsibilities for providing unpaid care for children, elderly relatives and others; a punitive welfare benefits system that increasingly fails to provide a safety net for vulnerable women; and a cultural acceptance of men's sexual desires and entitlement that men can buy sexual activity.

The sexual objectification of women contributes to this sense of, and belief in, men's entitlement to sex, and simultaneously reduces the status of all women. The #MeToo movement has highlighted the gender inequality faced by women and their common experiences of sexual harassment and abuse, notably in their work in the media industry. When prostitution is sanctioned in a society, or condoned and/or legal, men's entitlement to sexual access to women is reinforced and legitimised.

In eliminating violence against women and girls, Equally Safe is based on providing services and support for those affected by such abuse, and on preventing it from happening in the first place, including by challenging attitudes to gender roles, expectations and entitlements.

Equally Safe contains four priorities for action:

- 1 Scottish society embraces equality and mutual respect, and rejects all forms of VAWG
- 2 Women and girls thrive as equal citizens: socially, culturally, economically and politically
- 3 Interventions are early and effective, preventing violence and maximising safety and wellbeing
- 4 Men desist from all forms of violence against women and girls and perpetrators receive a robust and effective response

Equally Safe: Scotland's strategy to prevent and eradicate violence against women and girls:
<https://www.gov.scot/Publications/2018/04/5766>

3 Proposed approach: seven elements

The Encompass Network's proposed approach comprises seven elements, which together, are an effective strategy for reducing vulnerability to prostitution; for supporting those who are harmed by it; and for eliminating it entirely. The approach can be adapted to national and local contexts and needs.

1 Comprehensive primary prevention that supports healthy relationships and sexuality

It is our collective duty to end prostitution and CSE, not to tolerate or 'manage' it. The Scottish Government and partners must protect the most vulnerable members of our communities, who are most at risk of being involved in prostitution. This requires an effective approach to prevention.

An effective prevention approach responds to the factors which push women and girls into prostitution including:

- Lack of suitable/flexible employment
- Lack of affordable and accessible childcare
- Insecure employment and job contracts
- Punitive welfare benefits system
- Poverty and financial pressures
- Unstable, insecure or unaffordable housing
- Drug and alcohol addiction
- Mental health issues
- Previous experiences of the care system
- Previous experiences of violence and abuse
- Insecure immigration status and no access to support/resources because of no recourse to public funds status
- Perpetrators of serious and organised crime who seek to profit from the exploitation of others

Gender inequality cuts across all these areas and must be addressed in order to reduce these socio-economic factors which create the contexts in which women are drawn into the sex industry.

Other elements of prevention include providing information about prostitution and CSE in teaching personal and social development and healthy respect in relationships in schools and other educational settings.

2 Public education to increase public awareness of the causes and impact of prostitution as a form of gender-based violence

Public and social education and awareness-raising is needed to tackle attitudes to prostitution and other forms of CSE. This includes challenging beliefs about men's entitlement to sex, and challenging the demand for paid-for sex.

The focus of public education must target the driving force behind the prostitution industry: that is the demand from men to buy sex. Those who buy sex have a choice. In choosing to buy sex from those who are generally vulnerable and disadvantaged, buyers are exploiting the former's need for money; commodifying other human beings; and undermining gender equality.

Key elements of public education and prevention are raising awareness about concepts of choice, consent and control in individual relationships, along with challenging beliefs about entitlement and privilege.

3 Capacity-building so that staff in mainstream services have the right skills to meet the needs of those involved in prostitution

A comprehensive national programme of training and capacity-building is needed for all relevant frontline services and agencies. This would promote understanding of the system of prostitution and its relationship to gender and other inequalities; the impact and trauma of prostitution on the individuals involved; their support, health and other needs; and good practice in supporting those affected.

The programme should focus on resilience, capabilities and strengths rather than on problems. It should target those who come into contact with vulnerable women to ensure that staff are skilled in asking about involvement in prostitution and dealing with disclosures. It should use a training for trainers model to ensure sustainability and long-term change in how services are provided.

Agencies and services which would benefit from such training include the Crown Office and Procurator Fiscal Service (COPFS), criminal/community justice agencies, Police Scotland, welfare benefits agencies, Housing and homelessness agencies, NHS sexual health, mental health and addictions services; general Practice, Midwifery and health visiting, Migrant and BME organisations, voluntary/community agencies such as rights agencies, CABx and Victim Support; and women's organisations such as Women's Aid groups and rape crisis centres. This list is not intended to be exhaustive.

4 Specialised support and harm reduction services for people at risk of, or involved in, prostitution

a.) Specialised support

Comprehensive and non-stigmatising services are needed for women and girls involved in prostitution. These should be developed in consultation with those involved in, and who have left, prostitution. They should build on the experience, expertise and good practice of specialist services already working in this field including specialist trauma-informed services. Providing such services will:

- Reduce immediate harm (for example substance misuse and sexual health issues)
- Provide advocacy and links to services relevant to housing/homelessness, welfare rights/benefits and crisis support, to enable women to understand and make informed choices about their other rights such as full reproductive rights, entitlements as survivors of human trafficking, and rights to equal marriage
- Address the complex trauma associated with prostitution
- Enable those involved to consider their options for moving on from prostitution

Women involved in prostitution tend to be seen by some services as 'problems' to be dealt with rather than victims of abuse who need support. Negative attitudes and stigma can make it difficult for women to disclose experiences of abuse and/or their involvement in prostitution. They fear being judged; having their children removed; having their information given to the police; and being forced into services/treatments which they do not want. Given that women involved in prostitution tend to lack control or power in their lives, a lack of control (real or perceived) within support/treatment relationships can add to their pressure rather than reduce it.

“ I've been in services for years and whenever you discuss workin' the streets, people don't want to speak about it, don't want to hear it, they don't want to know. People are supposed to be able to deal with this kinda thing but they're shuttin' down on and tryin' to get you to discuss other stuff that has no significance whatsoever to where you are. It just makes 'em so uncomfortable, you can see that they think it's dirty, it's appalling, it's disgraceful. It's filthy and it's wrong. People need to talk about it and women need to be allowed to tell it like it is. It might be unpleasant but these girls need to speak to somebody to deal wi' the demons, the scars and the wounds and the dirt. That silencing is like a gag.”

Wendy

b.) Harm reduction services

Harm reduction services are vital for meeting health needs such as support with substance misuse and sexually transmitted infections, and for issuing free condoms and contraceptives.

Harm reduction services should be holistic and offer:

- Regular drop-ins at times accessible to women, and which offer crisis support and referral
- Support for women involved in on-street prostitution through, for example, street outreach, outreach to homeless hostels, community hubs and substance misuse services
- Accessible support to all women including women involved in on-street and off-street prostitution. Many women involved in indoor prostitution are migrant women who are moved around the country; do not know of, or use, services; and face language barriers. Online outreach and engagement could be one method of providing this
- Practical support with harm reduction (personal safety, substance misuse, sexual health and blood-borne viruses)
- Information and advocacy for housing, health, offending, finance and welfare, financial inclusion, education, parenting, employment and independent living
- Referral and help to engage with mainstream and community-based services such as substance misuse treatment
- Group activities such as learning self-care techniques and other support in informal settings
- Access to practical and emotional support to explore, and begin, moving on from prostitution when the time is right

Harm reduction must be coupled with ongoing support. Many women suffer from post-traumatic stress disorder (PTSD), depression and anxiety as a consequence of involvement in prostitution. Services need to be informed by Herman's three-stage model of trauma recovery¹² with long-term support made available.

Herman's three-stage model of trauma recovery

Stage 1: harm reduction and establishing safety – addressing substance misuse issues; having a safe living situation, stable source of income, and basic health needs met; being able to manage symptoms such as anxiety and depression; self-protection and self-care

Stage 2: dealing with healing of trauma – access to specialist emotional and practical support to cope with experiences of sexual exploitation, rape and sexual abuse

Stage 3: moving on and exiting – stabilisation or transitioning from selling sex to alternatives; establishing new relationships; taking care of material needs; engaging more actively in the world, recovering aspirations/ambitions; developing mutual friendships; accessing training and employment; renewing family and child contacts; participating in creative activities; learning self-care techniques; and access to other support services in informal settings

12. Herman, J. (1992) *Trauma and recovery: the aftermath of violence – from domestic abuse to political terror*. New York: Basic Books.

5 Practical support for people who wish to leave prostitution and to help them recover from their experiences

“ I think, we need services to help girls exit. Not having a job to go to and not having a routine and not having money, and like, that's the biggest pull to go back. It's the practical help that's really important. If a girl really wants to leave, give her something to concentrate on. Something concrete, a route out in a way.”

Katie

Experience of violence, abuse and/or harassment and coercion affects women's ability to cope within prostitution and also their ability to leave it safely and successfully. They need practical help such as safe accommodation; drug treatment; counselling and support services; and opportunities to develop their confidence and self-esteem, to learn new skills and to train for future employment or to set up businesses.

Partnership and multi-agency working are essential for ensuring that services provide a comprehensive response to the range of women's needs such as support with housing, welfare advice and links to training organisations.

Leaving prostitution should not be a condition of accessing services. But support to leave prostitution must be available for those who require it at a stage which is appropriate for each individual.

6 Decriminalising selling sex in a public place (section 46) and removing convictions from the record

“ The women need to be safe. There needs to be protective legislation in place for the women.”

Sarah Jane

Our approach is based on decriminalising all aspects of selling sex in public places and ending the use of sanctions such as anti-social behaviour orders (ASBOs). Having convictions for soliciting on their record is a barrier to women entering the formal labour market, training or education, and thus, makes it even more difficult for them to exit from prostitution. We therefore call for their removal from women's records.

Experience shows that it is possible to change public perceptions about what is harmful: it's been successfully achieved for example with drink driving, wearing seatbelts in cars, and smoking in public places. Thus similarly, decriminalisation could also help to change the negative public perceptions about women (and men) who sell sex and instead, focus attention onto those who cause the harm – those who buy sex and those who profit from the exploitation of others.

It is not an offence to sell sex indoors, providing that it involves consenting adults. However, there are offences relating to brothel-keeping and profiting from others' involvement in prostitution. Prostitution groups have called for women to be allowed to sell sex from the same premises in order to reduce risk (safety in numbers). There needs to be a balance between accepting that some women turn to prostitution to survive/earn money and recognising that prostitution is not a victimless activity and cannot be made free of harm and risk.

Our proposed approach does not favour regulating prostitution, for example in the form of licensed small owner-occupied brothels (SOOBs) because of concerns about the impact of this on the existing sex industry in Scotland.

Careful consideration needs to be taken as to how this may be exploited by organised crime, given the evidence of links between prostitution and organised crime.¹³

“ *I can't believe people would want to remove laws around pimping. Pimping? Legal? Oh my God. No, that way no. I, what I think maybe escorting, women indoors to be legal. But not pimping because if the pimping will be legal, you'll see like every two houses is an escort house. This will bring more pimps, some of them they will also bring drugs. I don't think nobody wants to have too many crimes.*

It won't be safe for the other girls because if there are too many girls in, even in the same city, the pimps, they will start to go after the other ones, the independent ones, those they don't control and will make them leave. So only their girls make more money. You know, people will die because of it.”

Natasha

There should be operational instructions to Police Scotland and COPFS and a presumption against prosecuting up to three women who are selling sex from the same premises unless there is evidence of exploitation of others; or compelling others to sell sex; profiting from other women selling sex; or having a management role over other such women.

The Encompass Network approach is to support those involved in prostitution to report when they are victims of crime. This needs capacity-building and training within Police Scotland; effective implementation of the Police Scotland prostitution policy and operating guidelines;¹⁴ and work at local level to build positive relationships between those in the sex industry and the police. Our approach calls for specialist police prostitution liaison officers, and ensuring that all sexual offences liaison officers (SOLOs) know about the causes and impact of prostitution, and are trained to respond appropriately.

13. Scottish Government, Crime and Justice Department. (2014). Exploring available knowledge and evidence on prostitution in Scotland via practitioner-based interviews. p.12. <https://www.gov.scot/Publications/2017/02/6562>

14. <http://www.scotland.police.uk/assets/pdf/151934/151938/prostitution-policy?view=Standard>

7 Disrupt prostitution markets and reduce the demand to buy sex by criminalising the purchase of sex in all settings

a.) Introducing new legislation

Our approach proposes that the criminal justice system addresses the social context of prostitution through legislation to target and disrupt the market and which would make it illegal to:

- Benefit or gain from another person's involvement in prostitution
- Pay for sex, or attempt to pay for sex, in any setting
- Pay for sex on someone else's behalf
- Engage in a sexual act with a person knowing or believing they have been paid to participate

b.) Profiting from the sale of sex

Our approach proposes that it would be illegal for anyone to benefit from the sale of sex by others. This would target those who run businesses that sell sexual services: escort agencies, managers of saunas/massage parlours/brothels and pimps.

Currently premises are open in which the purchase of sexual activity is allowed. This in effect means that local authorities are therefore legitimising the actions of those who benefit or profit from the exploitation of others. We call for this to be addressed to ensure consistency with Equally Safe.

c.) Criminalising the buyers of sex

It is anomalous that the criminal justice system defines domestic abuse as a crime; specifies active consent to sex; and understands that rape is sex without freely given consent, while allowing consent to sex to be bought in some circumstances. It also allows that, in this context, a man who buys sex can choose what happens sexually because he is the customer. This creates a context for abuse and exploitation.

Legislation to criminalise the buyers of sex would:

- Support the implementation of Equally Safe
- Ensure consistency with priority 4 of Equally Safe in holding perpetrators to account
- Show that women, children and vulnerable men are not commodities to be bought for sexual gratification
- Contribute to changing mainstream cultural messages and attitudes that legitimise or glamorise prostitution and other forms of gender-based violence Achieve international measures and obligations to address the root cause of prostitution
- Make Scotland a hostile destination for those who traffick oth



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