

**Equally Safe: Challenging
Men's Demand for
Prostitution, working to
reduce the harms associated
with prostitution and helping
women to exit
Scottish Government response**

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Ministerial Foreword

The COVID-19 pandemic has affected us all greatly. Abiding by level restrictions have, regrettably, further raised the risk of harm to vulnerable, marginalised groups, including women involved in prostitution – ‘we are all in the same storm but not in the same boat’.

Unfortunately, the stigma and the hidden nature of prostitution often creates a barrier to engagement with mainstream and specialist support services for women involved in prostitution. In addition, there are perceptions that certain services are not available for women or that they are conditional on certain criteria being met. We have worked to raise the profile of the barriers faced by women and to ensure they receive adequate support especially during these unprecedented times but we need to do more.

Last year we took forward Scotland’s first national consultation ‘Equally Safe: Challenging Men’s Demand for Prostitution, working to reduce the harms associated with prostitution and helping women to exit’ to discuss our future approach to this vital issue within the context of how women and girls should be treated in an equal society. There was a high level of engagement with the consultation, from both individuals and organisations, with over 4,000 responses received.

I want to thank everyone who contributed to this consultation, the findings of which will help shape future engagement, service design and the development of a model to effectively tackle the demand for prostitution in Scotland.

The consultation findings indicated a strength of feeling on this issue covering many themes including the Scottish Government’s current approach to prostitution. The impact of COVID-19 was highlighted as having a profoundly negative impact on women involved in prostitution, unmasking the unique difficulties they faced. A number of respondents called for the need for support to be holistic, person-centred, and capable of addressing multiple, underlying needs of women. Additionally, a common theme cited was the need to involve those with direct experience in the design of services.

As we continue our work to address systemic inequality and progress our commitments to embed human rights and incorporate the UN Convention on the Elimination of all forms of Discrimination against Women into Scots Law, we must ensure that the support needs of women remain central to our efforts.

It is therefore of vital importance that we continue our engagement with those with lived experience to shape services and design measures which will protect them from harm and provide the support they need, including helping them exit prostitution.

We are committed to developing the right model for Scotland to tackle this form of violence against women and girls, and consider how aspects of international approaches which seek to challenge men’s demand for prostitution could best be applied in Scotland.

Women are at the centre of our plans for recovery as we emerge out of this pandemic. We do not underestimate the scale of the task nor the significance of the journey ahead of us. The consultation is the first step in a national conversation about prostitution in Scotland and part of a much broader discussion about the type of country we want to be and the harmful societal norms we need to confront to progress towards an equal society. I am personally grateful to everyone who took part in the consultation, especially the individuals who came forward to tell their stories and provide their views. I look forward to further engagement as we shape our approach to prostitution in Scotland to deliver on our manifesto commitment.

Ash Denham MSP
Minister for Community Safety
Scottish Government Response

Background

The Scottish Government considers prostitution as a form of commercial sexual exploitation and is part of what we define to be violence against women. The consultation was brought forward under our Equally Safe strategy, Scotland's strategy for preventing and eradicating violence against women and girls. The Strategy is ambitious and encourages us all to be bold in prioritising actions which will eliminate systemic gender inequality that lies at the root of violence against women and girls.

Prostitution has wide reaching impacts both on the individuals involved and across Scotland's communities. It is often hidden from public view and can be very harmful. Harms can vary from threats, rape, sexual assault, poor mental health and addiction. In order to tackle the harms from this behaviour and the attitudes that help perpetuate it, there remains a need to look at the dynamics in society which allow this harmful and exploitative behaviour to persist.

Prostitution is a highly gendered behaviour where the demand is almost entirely from men. The approach has therefore been to consider the issue through the lens of inequality because we know that the majority of those selling sex are women and those buying are men. That was why the focus of the consultation was on challenging men's demand for prostitution. We are aware however, that prostitution is an issue which has a wide impact and it is not just women who sell sex. This issue was highlighted by some respondents who said that any policy approaches developed about women involved in prostitution will affect all people engaged in prostitution. It is intended that any policy approaches progressed will be of benefit to society as a whole and will be subject to the requirement to complete a full equality impact assessment.

The consultation offered the first opportunity to have a national discussion about how prostitution is addressed in Scotland, to protect the dignity and human rights of women and improve outcomes for them. Prior to the consultation, it was evident through stakeholder discussions and events held that there were a range of views on the approach to tackling prostitution. The consultation offered a mechanism for people to make their views known and we were pleased that so many individuals felt able to come forward to help support further development of policy in this area.

A total of 4,003 responses were received. 1164 public consultation responses were submitted to the Scottish Government's 'Citizen Space' online portal or were uploaded by Scottish Government to Citizen Space, which included responses from individuals and organisations. Of the 1164, 125 were from organisations or organisational partnerships from a wide range working across VAWG (violence against women and girls) and other areas including grassroots peer support led groups, faith organisations, and international human rights organisations. As well as organisations from within Scotland, organisations from the EU (Romania, Italy, Germany), South Africa, Australia, New Zealand, Switzerland, and Canada contributed. In addition, 2839 campaign responses were submitted to the consultation inbox through online tools created by the two main campaigns (Scot-pep and Nordic Model Now!).

The consultation drew out a range of key issues, which are covered in more detail below. However, a key theme highlighted was around the fact that the economic impact of lockdown and the subsequent phases of restrictions of people's movements to control the virus has had a significant impact on women involved in prostitution.

[Research conducted in 2020](#) demonstrated that the COVID-19 pandemic has had, and continues to have, a significant detrimental impact on the lives of women who sell and exchange sex.¹ 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 also faced additional challenges in accessing support due to stigma, fear of disclosing their specific circumstances and concerns around confidentiality.

The risk to women's health and safety remains an on-going concern during the COVID-19 pandemic and the research suggests that women will have turned to prostitution or other forms of commercial sexual exploitation or have had to return to it out of desperation. There was no comparative analysis on men selling sex during the pandemic or of their return to prostitution but there were male respondents to the consultation who provided their experience. In 2020, the majority of people trafficked for the purposes of sexual exploitation were female, this supports that demand for prostitution is mainly men purchasing sex from women.² The pandemic is unlikely to have changed this dynamic. The pandemic has therefore exacerbated the range of harms experienced by women involved in prostitution including increasing vulnerability to exploitative practices and to COVID-19. This has strengthened the case for the need to pursue an approach which tackles this issue against a context of how women and girls should be viewed in an equal society.

The Scottish Government is therefore committed to developing a model for Scotland to tackle this form of violence against women and girls, and consider how aspects of international approaches which seek to challenge men's demand for prostitution would best be applied in Scotland. In addition to a focus on challenging men's attitudes towards the purchase of sex, we will engage with those with direct or lived experience to shape services and design measures which will protect them from harm and provide the support they need, including helping them exit prostitution where they are ready to do so.

We are grateful for all the views expressed in the responses to the consultation and will reflect further on these contributions as we develop the approach outlined.

¹ A further research report was published November 2020: [Coronavirus \(COVID-19\): domestic abuse and other forms of violence against women and girls during Phases 1, 2 and 3 of Scotland's route map \(22 May to 11 August 2020\) - gov.scot \(www.gov.scot\)](#)

² The National Referral Mechanism (NRM) is the UK framework for identifying potential victims of human trafficking and exploitation and ensuring they receive the appropriate support. Figures relating to Scotland in 2020 shows 87 people being trafficked for the purposes of sexual exploitation. Of those, 16 people identified as male adults and 3 male minors. Female adults accounted for 51 referrals with a further 13 cases relating to female minors. In the case of 4 further females, age was not recorded.

The Scottish Government's approach to tackling prostitution and the impact of the COVID-19 pandemic.

Views on the Scottish Government's approach to tackling prostitution

Responses to views on the Scottish Government's approach are split with some partially agreeing with the approach and others disagreeing with the approach in its entirety. Responses that partially agree with the Scottish Government's approach approve of the Equally Safe strategy but tend to believe it could adopt additional elements to be more effective in preventing violence against women and girls. Responses that disagree feel that the Scottish Government's approach to prostitution increases the likelihood that women involved in prostitution will be exposed to harm or risk.

Observations of the impact of coronavirus on women involved in prostitution

There is broad consensus that the COVID-19 pandemic has had a profoundly negative impact on women involved in prostitution mainly due to their perceived exclusion from most public financial support schemes. Respondents observe that the reduction in demand during this time puts women at increased risk both from COVID-19 and from needing to accept riskier clients.

The Scottish Government's commitment to Equally Safe and the definition therein of VAWG is an established position in Scotland, backed by our international obligations, nonetheless, responses to the consultation felt that women were being disadvantaged by the current policy.

The consultation responses highlighted a spectrum of views on the Scottish Government's current approach with some responses partially agreeing with the approach but noting additional elements to be more effective in preventing violence against women and girls and others disagreeing with the approach in its entirety. Responses tended to focus on opposing approaches to deal with prostitution – a fully decriminalised model or the Nordic model and the content of the response was driven by whichever ideological stance was adopted by the responder. The views were either that the Scottish Government's policy needed to do more to tackle the root causes of violence against women and girls, recognise that prostitution was associated with entrenching women and girls' disadvantages and challenge harmful societal norms (these views were normally associated with proponents of the Nordic model) or with regards to prostitution specifically, current Scottish Government policy furthered harm to women (these views were normally associated with proponents of a decriminalisation model).

Despite these ideological divides, the analysis report does note some points of consensus across the consultation responses. For example, a consensus view is noted that prostitution can lead to harms against women and girls, but respondents have different views on where these harms originate and how to reduce them. There was also consensus that criminalisation and fines for those who sell sex make it more difficult to exit and should be removed. The need for the Scottish Government

to further recognise and address the structural and systemic disadvantages experienced by women and girls was also a consensus viewpoint. Addressing poverty and improving the social welfare system as a way of lessening men's ability to coercively control women engaged in prostitution, as well as in other contexts, was also broadly agreed upon.

Doing nothing to the current policy approach therefore, was not an option favoured in the consultation responses and the Scottish Government will reflect further on the consultation responses as we continue our work to address men's demand and systemic inequality, work to reduce the harms associated with prostitution, and ensure women are supported.

The impact of COVID-19 provided tangible examples in some of the responses which demonstrated the vulnerability of women involved in prostitution and the precarious nature of the position they are in. Most respondents felt that the COVID-19 pandemic increased the risks to women engaged in prostitution and the harms they experienced, including contracting COVID-19, engaging in riskier practices (e.g. unprotected sex), and being less able to be selective about the clients they see, which may increase their risk of experiencing violence. There was consensus that the pandemic has adversely affected women involved in prostitution because of perceived or real barriers to accessing public support schemes intended to help mitigate the financial impact of the pandemic. Stigma and fear of criminalisation were cited as examples of barriers which prevented women accessing support or funding schemes. There was also consensus among respondents that many women involved in prostitution were already experiencing poverty, financial precarity, or housing insecurity before the pandemic, which has been exacerbated by no recourse to Government COVID-19 income support schemes.

The consultation responses have supplemented the available evidence base on the impact of the COVID-19 pandemic on women involved in prostitution. The Scottish Government remains in regular discussion with support organisations to support measures designed to mitigate against the further harms caused by the economic impact of the pandemic and to help women access the help which is available during the ongoing situation. The risks highlighted about the dangers women have faced in the pandemic underline the need for continued measures to support women, including the provision of more specialised services in addition to pre-existing mainstream services.

Policy approaches for preventing violence against women and girls

Policy approaches for preventing violence against women and girls

Of the policy approaches set out in the consultation, the two policy approaches respondents cite most frequently as preventing violence against women are Prohibitionism and Regulationism. A large majority of those selecting Prohibitionism from the options provided in the consultation (75%) referred to this as the Nordic model and some of these respondents explicitly state that the Prohibitionism policy outlined in the consultation is missing important elements about support for women involved in prostitution that would make it more akin to the 'Nordic model'. While decriminalisation was not an approach set out in the consultation, respondents also cited a decriminalisation model as an option.

It is important to note that the consultation did not ask about changes to the criminal law, nevertheless respondents chose to provide their views on this. The analysis report reflects that in some instances, respondents had incorrectly described the consultation materials as including proposals for the criminalisation of the purchase of sex. This was not the case. However, within the responses there are respondents who have provided their views within the context of responding to a proposal to bring forward laws to criminalise the purchase of sex.

The consultation responses can mostly be divided into two opposing approaches to the criminal law in relation to prostitution: the Nordic model (which decriminalises the seller and criminalises the buyer, whilst putting in place support for those exploited) and a full decriminalisation model (decriminalise both the seller and the buyer). Proponents of either model believe that the model they prefer will reduce risk and harm to women involved in prostitution. It is noted that both respondents in favour of a decriminalisation model and the Nordic model feel that the table setting out policy approaches by EU Member States to Prostitution, which was provided in the consultation paper itself, does not accurately reflect the current policy approaches to prostitution internationally.

The responses to the consultation demonstrated a significant strength of feeling towards these two opposing approaches to reform the criminal law – there was no obvious middle ground. Equally, there was no clear consensus reached through the consultation process and strong arguments and research were cited in support of each model. Views appear to be entrenched on the issue of how the criminal law should be reformed and further consultation on proposals to change the criminal law would likely yield the same results, and will not achieve a consensus.

The Scottish Government is committed to developing a model which is bespoke to Scotland and tackles prostitution in line with our broader ambitions to be a progressive nation in relation to women's rights and addressing gender inequality. To inform this approach we will undertake a programme of work to consider how aspects of international approaches which seek to challenge men's demand for prostitution could be applied in Scotland. The consideration of a model for Scotland will be sensitive to the existing framework of the Equally Safe Strategy, as well as the unique legal and societal landscape in Scotland. Progressing this will be in line

with our commitments to embed human rights and our international obligations including the incorporation of the UN Convention on the Elimination of all forms of Discrimination against Women into Scots Law. Designing a model for Scotland which will reduce stigma and criminalisation experienced by women involved in prostitution will be key and should encourage better access to services thus reducing harms experienced by women. In the design of a model for Scotland, the approach to the criminal law is only one aspect under consideration, it is vital to ensure that a package of measures is developed to underpin any changes which are brought forward. Ensuring that women are supported and that services are responsive to their needs is central to this work.

Education and changing attitudes

- There is consensus that additional sex and relationship education in schools that emphasises consent, respect and healthy relationships would be beneficial. Respondents hold opposing views on age-appropriate education about prostitution, with some respondents believing that it is necessary to educate about the harms of prostitution, while others believe it is important to remove stigma around prostitution in order to increase respect for those involved in prostitution and differentiate between consensual and non-consensual activity.
- Responses on the need to shift the attitudes of men in relation to the purchase of sex are polarised. A number of respondents believe that focussing on challenging or ending demand does not improve the lives of women involved in prostitution, which should instead be the focus of any initiatives in this area. Other respondents feel that criminalisation of men who purchase sex is the most effective tool for shifting men's attitudes.
- Respondents commonly identify that men's attitudes towards prostitution are the result of wider societal issues, such as misogyny and societal inequalities, and that challenging these wider attitudes should be of primary concern. A rise in online pornography is often cited as an accompanying issue fuelling misogyny.

A view commonly raised by respondents was that men's attitudes are the result of wider societal issues, citing misogyny and the objectification of women as underlying factors to attitudes around the purchasing of sex. A rise in online pornography is often cited as an accompanying issue fuelling misogyny. The [Working Group on Misogyny and Criminal Justice in Scotland](#) has been set up to independently consider how the Scottish criminal justice system deals with misogynistic behaviours. This includes looking at whether there are gaps in the law that could be addressed by a specific criminal offence to tackle such behaviours.

Responses to both questions related to education identify a need for better education around sex and relationships in order to prevent violence against women involved in prostitution and promote positive behaviours in young people. The Scottish Government is taking forward actions aimed at developing mutually respectful, responsible and confident relationships amongst children and young people through the Equally Safe delivery plan, the Pregnancy and Parenthood in Young People Strategy, the review of Personal and Social Education (PSE); and the work of the Expert Group on preventing sexually offending involving children and young people.

The [PSE Review](#) recommended a number of new measures to provide schools with the resources and support to address issues facing young people today, including a specific action to address the issue of sexual harassment through the provision of resources for staff and pupils. It also recommended that current guidance is reviewed to strengthen delivery of consent education, that is stage and age appropriate. This work is underway along with work to produce national guidance for

schools which sets out the range of support and practical prevention and intervention measures available.

Consent and healthy relationships is a key part of the Scottish curriculum, Curriculum for Excellence, and is delivered as part of age and stage appropriate relationships, sexual health and parenthood (RSHP) education. It is for education authorities and schools to decide which resources they use in supporting their teaching. One particular resource, www.rshp.scot, contains a learning activity on Prostitution and Paying for Sex. The current RSHP teaching guidance is being reviewed and updated and is expected to contain a specific focus on consent and healthy relationships.

In addition, the Scottish Government published a resource for professionals which aims to help them support young people in their understanding of healthy relationships and consent. [Key Messages for Young People on Healthy Relationships and Consent](#) sets out that relationships should be mutually respectful, consensual, positive, healthy and enjoyable.

There are a range of issues raised in the consultation around education and challenging demand which require further reflection as we take forward work to develop a model for Scotland against the context of a policy approach which attempts to challenge the systemic inequality which drives violence against women and girls. We will work collaboratively across the Scottish Government and with our partners to further develop our approach to this issue.

Support for women involved in prostitution

- A number of respondents note the need for support for women involved in prostitution to be holistic, person-centred, and able to address the multiple, underlying needs of many women. Most frequently, respondents cited financial support, peer-led support, housing support, healthcare, including addiction support, and education, employment, and training as the key types of services needed.
- Respondents regularly reported that stigma and criminalisation experienced by women involved in prostitution made them less likely to access services. Decriminalising all aspects of selling sex and improvement of training for frontline professionals were two commonly suggested strategies for improving access to services.
- Respondents frequently emphasise that not all those involved in prostitution need or want to exit from prostitution, and that exiting should not be a condition to receive support.

There was a general view expressed throughout the consultation responses on the need for more holistic, person-centred services which meet underlying needs of many women. A number of respondents emphasised the need for support services to be accessible to women with a range of needs, who may be engaging in different types of prostitution for different reasons.

Respondents highlighted the importance of both mainstream and targeted support services being confidential, non-stigmatising and non-judgemental about women's different experiences of prostitution. Because of the criminalisation of aspects of prostitution, respondents report that many women are concerned that a disclosure about prostitution will be shared with law enforcement, immigration, social services, or housing providers.

Most frequently, areas for improvement cited in the consultation responses were financial support, peer-led support, housing support, healthcare, including addiction support, and education, employment, and training as the key types of services needed.

The responses have made clear that there are a range of support needs required by women involved in prostitution and a number of barriers which need to be overcome to ensure that services are able to respond appropriately and sensitively to the needs of women. Tackling the stigma associated with prostitution as well as ensuring trauma informed training for frontline professionals are highlighted as key areas which would need to be developed to enhance any package of support available to women. The need to consider models of funding was also highlighted with a preference for longer term funding, as short-term funding can make it difficult for service providers to build relationships with women and assure them of ongoing support.

The Scottish Government will reflect on the points raised in the consultation responses as we look to develop an approach to support which is inclusive of the

range of needs experienced by women involved in prostitution. Consideration of a package of support will play a key role as part of the wider work to consider the development of a model for prostitution in Scotland. Co-design with those with direct experience will play a key role in the development of a package of support. Consistently responses suggested that support for women involved in prostitution would be best developed by consulting with the women directly involved, and with peer-led support groups and organisations. For that reason, the Scottish Government has committed to engaging with those with lived experience of prostitution to shape services and design measures which will protect them from harm and provide the support they need, including helping to exit prostitution if they wish to do so. We will work with a range of partners delivering front line support to develop a programme of engagement which will enable women to come forward and share their thoughts and views to shape the future delivery of services and avenues of support for women involved in prostitution in Scotland.

Conclusion

This response has outlined the next steps which will be taken forward following on from the consultative process undertaken last year. The consultation was an important first step in our national conversation about the approach to tackling prostitution within the context of how women and girls should be viewed in an equal society. The findings from the consultation will help shape our plans for a model for Scotland to tackle prostitution and will supplement our consideration of how aspects of international approaches which seek to challenge men's demand for prostitution would best be applied in Scotland. Consideration of this issue will be further enhanced by our commitment to engage with those with lived experience to help inform the design of services to best support women involved in prostitution. We want to ensure our policies work for those involved in prostitution. Through capturing the voices of those with direct experience we can design future policies which fully support and protect women and girls.

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