

DOCUMENT 2

Submission to Ministers 25 March 2021

From:

[redacted]/ [redacted]
Directorate for Justice/Advanced
Learning and Science Directorate
25 March 2021

Cabinet Secretary for Social Security and Older People Minister for Further Education, Higher Education and Science

Publication of “Toolkit for Student Sex Workers – Keeping safe and access to support”

Purpose

1. To advise:
 - Ministers of the publication of a “Tool Kit for student sex workers” and set out the reasons for the Scottish Government’s opposition to it; and
 - That officials seek to write to institutions in the terms outlined at paragraph 25.

Priority

2. Urgent, a prompt response would enable officials to make clear, in communications on Equally Safe in Colleges and Universities, that commercial sexual exploitation is a form of Violence Against Women and Girls.

Background

3. A collective of individuals including academics and current “sex workers” have prepared for publication a document entitled “Toolkit for Student Sex Workers – Keeping safe and access to support”. (attached as Annex One) The development of the Toolkit appears to have been supported by a number peer-led support organisations including the Scottish organisation, Umbrella Lane. Officials have also shared the Toolkit with Police Scotland and the Scottish Funding Council.

4. The documents for both students and staff in higher education are hosted on the “Sex Work Research Hub” This may be accessed here: [Student Sex Work Toolkit for Staff in Higher Education - SEX WORK RESEARCH HUB \(swrh.co.uk\)](https://www.swrh.co.uk). In March this year, an adapted version of the Toolkit appears to have been adopted by the University of Leicester. This may be accessed here: <https://reportandsupport.le.ac.uk/support/student-sex-work>

5. It is not clear the extent to which the Toolkits have been shared or promoted with Higher and Further Education institutions in Scotland but any institution in Scotland seeking to promote this material would be in significant conflict with the principles of Equally Safe, which they have signed up to.

6. The Toolkit aims to:

- Provide students who are involved in the sex industry with information regarding their work and the availability of help and support if needed;
- Explain the legal status of sex work in the UK;
- Provide safety tips;
- Outline how to access support; and
- Detail relevant local and national services for sex workers in the UK.

7. Officials understand that the Toolkit may be being provided to universities and there is a suggestion that those who don't include this advice are 'not inclusive' of "sex workers." Officials would be concerned if universities adopted a policy which in any way promoted prostitution in an effort to be inclusive. The University of Edinburgh Student Association is already signposted in the Toolkit.

Concerns: Scottish Government, SFC and Police Scotland

8. The Toolkit is deeply concerning and appears to endorse activity which may be illegal, exploitative or put women at risk of serious harm.

9. It is not clear whether the Toolkit is intended for universities only or also intended for colleges. That said, both institutions do include students who are below the age of 18, or have recently turned 18, which again is also very concerning. It therefore raises significant safeguarding issues for those under 18 and duty of care issues for other students.

10. The revised National Guidance for Child Protection in Scotland will set out the broad definition of child, in the context of child sexual exploitation, as being under 18. The Guidance will also note the range of intersecting factors that may lead to the sexual exploitation of children and to the vulnerabilities of children to sexual abuse and exploitation.

11. The Toolkit also excludes a range of services available to those involved in prostitution in Scotland. For example, the services which form part of the Encompass Network - <https://www.encompassnetwork.info/who-we-are.html> These organisations all adhere to the Scottish Government's definition of gender based violence outlined in Equally Safe.

12. The Toolkit was shared with Police Scotland who have also expressed a number of concerns. The Toolkit:

- does not identify risks and issues around off street prostitution. These include: serious and organised crime; money laundering; protection rackets; violent and property crime; and increased coercion and control. As off street prostitution is hidden from the public view there is a greater opportunity for exploitation and men, women and children being trafficked for the off-street market.
- lacks clarity on the potential criminality of activities detailed therein in the context of the Criminal Law (Consolidation) (Scotland) Act 1995.
- fails to address the implications for 'agency work' in terms of Section 1 of the Human Trafficking and Exploitation (Scotland) Act 2015.
- does not address the potential for Child Sex Exploitation (CSE) and the harms this causes nor does it highlight that selling sex is also an offence under COVID-19 legislation as it stands at present.

- makes no mention of the reporting intimate image sharing to the Police (in terms of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 but acknowledges that it is a criminal act.)

Scottish Government's Definition of Gender Based Violence

13. The Scottish Government's definition of gender based violence is clearly set out in Equally Safe, Scotland's strategy for preventing and eradicating violence against women and girls, and it includes all forms of commercial sexual exploitation. The strategy may be accessed here: [Equally Safe: Scotland's strategy to eradicate violence against women - gov.scot \(www.gov.scot\)](https://www.gov.scot/Equally-Safe-Scotland-strategy-eradicate-violence-against-women)

14. Equally Safe Priority 4 makes clear the Scottish Government's priority to ensure men desist from all forms of violence against women and girls (VAWG) and perpetrators of such violence receive a robust and effective response. This violence includes that perpetrated by men in relation to acts of commercial sexual exploitation, of which prostitution is one aspect.

15. The Scottish Government's definition of prostitution as a form of violence against women is internationally recognised within the 2014 European Parliament resolution which recognises that prostitution, forced prostitution and sexual exploitation are gendered issues, and violations of human dignity and human rights. As a member of the UN Convention on the Elimination of Discrimination Against Women (CEDAW), the UK has agreed to take appropriate measures to suppress exploitation through prostitution. Article 6 of CEDAW states "parties shall take all appropriate measures including legislation to suppress all forms of traffic in women and exploitation of prostitution of women." It is therefore within our international obligations to ensure that the measures that we take, including through funding organisations and institutions, are compliant.

16. Ensuring the safety of women involved in prostitution must always be prioritised. It should be done so within the context of efforts to implement Equally Safe, which defines prostitution as a form of VAWG.

Equally Safe in Colleges and Universities

17. The Equally Safe in Colleges and Universities Ministerial Working Group was established in December 2017. The Scottish Government is determined to tackle VAWG and is working with close stakeholders on the future direction of ESCU from 2021 onwards. Ministers will receive a submission on this after the Scottish Parliamentary elections.

18. The Scottish Government expects universities and colleges to adopt and adapt the Equally Safe in Higher Education (ESHE) Tool Kit launched in 2018 and take a gendered approach to this issue. The ESHE Tool Kit is clear that gender based violence (GBV) includes commercial sexual exploitation. Accordingly, as part of the SFC outcome agreements linked to institutional funding, all HEIs should be adopting the Equally Safe Tool Kit and adhering to the principles of Equally Safe.

19. The Equally Safe in Colleges and Universities Ministerial Working Group at its meeting in June 2019, at which the Minister for Further Education, Higher Education and Science was present, adopted a position statement which makes clear that GBV includes 'commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking' ([Equally Safe in Colleges and Universities minutes: June 2019 - gov.scot \(www.gov.scot\)](https://www.gov.scot/Equally-Safe-Colleges-Universities-minutes-June-2019))

Wider Policy Considerations: Commercial Sexual Exploitation

20. COSLA convened a short life multi-agency Working Group looking at commercial sexual exploitation (CSE), the support needs of women and young people engaged in CSE and if/ how these issues have been exacerbated by the COVID-19 pandemic. The Working Group found that there is an increasing number of young people becoming engaged in selling sexual images online, and the hidden risks involved in this.

21. Police Scotland recently reported a 13.4% increase in online child sexual abuse and exploitation (CSAE) between April and December 2020, which is 33.9% higher than the five-year average. The NSPCC reported a 30% increase in 2020 of online grooming crimes in Scotland involving children and in January this year, the Internet Watch Foundation reported a 77% increase in the volume of “self-generated” sexual imagery in the UK of children, as a result of children and criminals, spending more time online during 2020. The Working Group has expressed concern that this is an increasingly normalised activity for college and university students during the pandemic as a way to earn money. COSLA convened a roundtable event on Wednesday 2nd December and attended by the Minister for Community Safety and Councillor Kelly Parry, Spokesperson for Community Wellbeing, to discuss further.

22. In addition, the Scottish Government recently consulted on challenging men’s demand for prostitution, asking questions around the policy approaches to tackling prostitution and wider responses including education, support and exit programs. The consultation analysis report will be published after the Scottish Parliamentary election. It is, however, the Scottish Government’s position that any approach to prostitution should be developed within the context of how women and girls should be treated in an equal society, consistent with our Equally Safe Strategy. There is significant momentum across the Scottish Government to address gender inequality and challenge the normalisation of how women are expected to function within society through the consideration of issues such as misogyny, the content of the toolkit is in conflict with the direction of travel on these matters.

Current Scottish Government Investment in Equally Safe in Colleges and Universities

23. In the current financial year, the Scottish Government has continued to invest in the work of Equally Safe in Colleges and Universities:

- Emily Test Charity received £40,000 to complete work around the development of an institutional Charter Mark and the parameters of effective risk management approaches to compliment the work undertaken by Universities Scotland;
- Rape Crisis Scotland received £44,690 for the further development of online training and resources, particularly in the college sector, and regional collaboration; and
- the Fearless Glasgow collaborative, received £45,000 as a contribution to support a pilot exercise across the collaborative on the use of Report and Support, an online reporting system which is already in use at a number of universities across the UK.

Conclusion

24. The Toolkit, therefore, runs contrary to the work the Scottish Government has invested in and the sector itself has supported. It is entirely inconsistent with Scottish Government policy and in direct conflict with all actions which have been taken by the ESCU Ministerial Working Group and SFC.

Recommendation

25. The Scottish Government needs to make clear its stance on commercial sexual exploitation and the harms posed by this. We would recommend

- that, as part of the proposed release by Glasgow Caledonian University, as lead in the Fearless Glasgow Consortium (referred to Section 23 above), reference is made to our shared definition of GBV and our determination to tackle it; and
- That officials, in light of the Toolkit, write to college and university Principals underscoring that:

The Scottish Government expects universities and colleges to adopt and adapt the Equally Safe in Higher Education (ESHE) Tool Kit launched in 2018 and take a gendered approach to this issue. The ESHE Tool Kit is clear that gender based violence (GBV) includes commercial sexual exploitation. Accordingly, as part of the SFC outcome agreements linked to institutional funding, all HEIs should be adopting the Equally Safe Toolkit and adhering to the principles of Equally Safe.

The Equally Safe in Colleges and Universities Ministerial Working Group at its meeting in June 2019, at which the Minister for Further Education, Higher Education and Science was present, adopted a position statement which makes clear that GBV includes ‘commercial sexual exploitation, including prostitution, lap dancing, stripping, pornography and trafficking’ (Equally Safe in Colleges and Universities minutes: June 2019 - gov.scot (www.gov.scot))

25 March 2021

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Directorate for Justice/Advanced Learning and Science Directorate

Copy List:	For Action	For Comments	For Information			
			Portfolio Interest	Constit Interest	General Awareness	
Deputy First Minister and Cabinet Secretary for Education and Skills	X		X			
Cabinet Secretary for Justice			X			
Minister for Further Education, Higher Education and Science						
Cabinet Secretary for Social Security and Older People				X		
Minister for Older People and Equalities				X		
				X		

Annex One: Toolkit for Student Sex Workers – Keeping safe and access to support”



studenttoolkitFINA
LOct2020.pdf

This document is also attached separately for ease of reference.