



EQUALLY SAFE: A SCOTTISH GOVERNMENT CONSULTATION *A RESPONSE FROM EKKLESIA*

The Scottish Government position and policy paper on prostitution/sex work, to which this consultation is a response, can be found here: <https://consult.gov.scot/violence-against-women-team/equally-safe-reduce-harms-associated-prostitution/>

1. Do you agree or disagree that the Scottish Government's approach to tackling prostitution, as outlined in this section, is sufficient to prevent violence against women and girls?

We disagree. We believe that the pathway for women to leave sex-work / prostitution lies in empowerment, investment in women's support and services, Universal Basic Income (UBI) and Universal Basic Services (UBS). This is the approach we would like the Scottish Government to take, not the path of criminalisation. As a Christian-based agency we are asking the Government to take a safety-led public health approach, and to listen to the voices and needs of women. We are deeply sad that this is not happening, and we are very concerned that the Scottish Government's current approach to preventing violence against women in this area actually makes women less safe, denies the voice and agency of women involved, ignores evidence of increased threats of violence, rape, abuse and murder arising from the implementation of the 'Nordic model' elsewhere, and risks creating far more dangerous conditions for sex workers.

We agree with the comments of SCOT-PEP, which are based on experience, research and engagement with women. They point out: "The criminalisation of soliciting and kerb-crawling mean that street-based sex workers have to rush their screening processes and work in hidden, isolated places in order to evade arrest for themselves or their clients. This makes street-based sex workers very vulnerable to violence. When street sex workers face criminalisation for soliciting, their need to pay their fine and their resulting criminal record both serve to trap them in prostitution. Far from being 'sufficient' to prevent violence against women, the Scottish Government's current approach creates the conditions in which violence against women who sell sex can thrive."

We are disappointed that the Scottish Government is proposing to impose a definition on prostitution / sex work which means that agencies and NGOs engaging directly with women involved are denied funding and not listened to. This is discriminatory and misogynistic. All women need to be heard – those involved in sex work, those opposing it, and those impacted by it in different ways. But it is those whose lives are at risk whose voices are most critical if the aim is to tackle violence and exploitation. At present, those at the centre of this are being marginalised. That is wrong.

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

Again, we will quote directly from SCOT-PEP, because they have the experience and engagement to comment in an informed way about real-world impact.

"Sex workers are informal, precarious workers, who live in a context of stigma and the fear of criminalisation. Many sex workers have little-to-no savings. Universal Credit and the UK Government's self-employment income support scheme both present specific barriers for sex workers, who may fear stigma about having to disclose sex work as a condition of accessing these forms of

support – or sanctions, prosecution or the stigma of being branded a ‘benefits cheat’ if they access this support and return to sex work. Sex workers often fear that a disclosure of sex work to a mainstream support service or the jobcentre could put them at risk of sexual harassment, eviction, or loss of child custody. All this is compounded for migrant sex workers, who may not be eligible for any financial support from the government and who may risk their right to stay in the UK if they make a disclosure of sex work. This means that the pandemic has hit sex workers, particularly migrant sex workers, particularly hard.

"Lockdown represented a huge ‘reduction in demand’ and the result for sex workers was disastrous, as the consultation document itself acknowledges. The consultation document notes the likely link between this drop in demand and ‘higher-risk practices, including increased reports of women offering unprotected sex throughout lockdown’. Making sex workers more desperate, and therefore less able to turn away clients who seem dangerous, or to refuse requests for unprotected sex, is the function of ‘targeting demand’. It is appalling that the Scottish Government can look at this outcome and consider enacting policies of this kind.

"What sex workers in Scotland need now is money and tangible support, not new criminal law targeting their means of survival. Sex worker communities themselves stepped up during lockdown to offer much-needed financial support, with sex worker organisation SWARM running its own hardship fund. This project funded more than £250,000 of public donations and distributed funds directly to 1,250 sex workers across the UK (including Scotland). Umbrella Lane, which is based in Glasgow, ran a similar hardship fund, distributing £7,200 in April and £10,050 in May. These hardship funds barely scratched the surface of the need that was out there. It is striking that it is sex worker-led groups which reacted fastest and most effectively, giving direct financial aid to sex workers regardless of immigration status and without bureaucratic barriers."

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?

Along with international bodies like the World Health Organisation, UNAIDS, Amnesty International, Human Rights Watch and the Global Alliance Against the Traffic in Women, we believe that decriminalisation – combined with public health measures, support and funding for women's organisations, UBI and UBS – offers the best way forward. This is not about moral approval of sex work / prostitution, but about empowering women, reducing violence, creating safety, and providing real choice for those currently involved in this industry. By contrast, criminalisation has been shown to increase harm, violence and exploitation.

While we recognise the good intent of many promoting the 'Nordic model', we believe the evidence points to it being unsafe at best and positively dangerous at worst. Research in Ireland, which introduced the Nordic model in 2016, has found that since the change in the law, reports of violence against sex workers have jumped by 92% (Ugly Mugs.ie, 2019). France introduced the Nordic model in 2016 and health NGO Medecins du Monde found that, as a result of the law, “the vast majority of those interviewed reported that they had far less control over their working conditions” and that “the law [criminalising clients] has had a detrimental effect on sex workers safety, health, and overall living conditions”. (Médecins du Monde, 2018). Far from ‘reducing harm’, the criminalisation of clients increases harms such as violence, poverty and HIV transmission.

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?

All Scottish Government programmes should challenge sexism, misogyny, patriarchy and the degrading and objectification of women. Good sex and relationships education in schools should be used to encourage healthy attitudes to sex as relational rather than commercial. Criminalisation in this area does nothing to assist with the development of such healthy attitudes. On the contrary, it shapes negative attitudes towards sex workers as objects and as a 'dangerous pleasure' among men, and risks

producing and enabling further violence against them. It is vital that the Scottish Government should examine with care the legal contexts which produce more or less violence against sex workers, and refuse to derive policy lessons from ones that increase harm. Support for men's organisations educating about sexism, misogyny and objectification would be positive, alongside support for women's organisations (including those which include or support current and former sex workers).

5. Taking into account the above, how can the education system help to raise awareness and promote positive attitudes and behaviours amongst young people in relation to consent and healthy relationships?

We have included comments about this in our previous answer. Public education needs to challenge misogyny, homophobic or transphobic bullying, stigmatisation, sexual harassment, sexual violence, 'revenge porn' and misinformation about sexual health. Instead, the focus should be on encouraging positive attitudes and behaviours among young people concerning consent, love, equality and healthy relationships.

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?

By listening to and engaging with women involved in prostitution, and the organisations they have established or participated in to further their interests and enhance their safety. We would add that the setting in which women in prostitution are best able to access healthcare and support is decriminalisation. Criminalisation endangers the health of people who sell sex by constraining the measures they might want to take at work to stay safe – such as working with others.

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

The international evidence is that empowering women and assisting them in terms of health and financial support is what enables them to make real choices about exiting prostitution and other forms of sex work – rather than moral or religious coercion. It is economic circumstances which lead many women to enter sex work. As we said right at the beginning of our response, Universal Basic Income (UBI) and Universal Basic Services (UBS) provide the social and financial underpinning to support women in their choices, enable them to avoid or leave sex work, and provide the security and independence they need. As SCOT-PEP has observed, based on direct engagement with, and listening to, women involved in prostitution: "'Exiting' sex work is a complex process. It requires services to take a holistic approach and to prioritise gaining trust, listening and relationship-building with the person they are working with."

8. Support services are primarily focussed within four of Scotland's main cities – Aberdeen, Dundee, Edinburgh and Glasgow – how can the needs of women throughout Scotland who are engaged in prostitution be met, noting that prostitution is not solely an urban issue?

We believe that the Scottish Government should give priority to funding peer-led support services, women's services in general, and those with particular expertise concerning prostitution and sex work: notably, sex worker-led or inclusive organisations with the skills to provide non-stigmatising support and advice.

9. If there are any further comments you would like to make, which have not been addressed in the questions above, please use the space below to provide more detail.

Ekklesia's primary concern in this response is health, safety and the voice and agency of women involved in prostitution and other forms of sex work. We are not morally endorsing sex work, but neither do we support stigmatisation and the degrading/devaluing of women involved in it. In fact we would wish vigorously to oppose both. The difficulty with both the Nordic model and the definition

of sex work as violence inherent in 'Equally Safe' is that it will drive sex work underground, which will in turn only lead to increased danger of abuse for those involved. Both equality and safety will be imperilled. The danger is that if all sex work is defined as violence by law, it becomes difficult, if not impossible, for sex workers to seek support when they experience specific instances of violence. In theory, 'Equally Safe' is supposed to be about protecting women and shaming men. In practice, it continues to shame and blame women – as many of those directly involved and effected are saying.

(We would also observe, in passing, that while the focus on women here is right and proper, attention should also be paid to men and non-binary people involved in sex work.)

In summary, we would wish to see the continued development of a society Scotland (and elsewhere) which is based on equality, love and respect: one in which fewer and fewer people choose to rely on sex work for an income, and in which the purchase of sex decreases as far as possible and becomes regarded as less and less acceptable. But this cannot be achieved by means which expose women to more (not less) violence, stigmatisation, abuse and disrespect. The current approach the Scottish Government is taking will cause more not less harm, and we would therefore respectfully encourage an alternative approach based on decriminalisation, support for women's services, engagement with those directly involved, education and the achievement of social and financial security for all through UBI and UBS. In this way, the Scottish Government can and should be a leading force for change.

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The views expressed in this response are those of the Director, and are not necessarily reflective of the views of all other associates or partners.

ABOUT EKKLESIA

Ekklesia was established as a think-tank in 2002, drawing upon a network of allies and thinkers influenced and engaged with a Christian commitment to social justice, economic sharing, nonviolent peacemaking, and environmental sustainability. We have always sought to work across different traditions of religion, belief and non-belief in pursuing these goals. Today Ekklesia, which is based in Edinburgh, Scotland, continues to operate as an independent change network promoting transformative ideas for a better future. www.ekkleisia.co.uk