

# Report

Report to:	<b>Social Work Resources Committee</b>
Date of Meeting:	<b>20 January 2021</b>
Report by:	<b>Director, Health and Social Care</b>

Subject:	<b>Position Statement on Prostitution</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ask the Social Work Committee to note that the Scottish Government recognises the risk to victims of domestic abuse, exploitation and prostitution
- support the collaborative work of the South Lanarkshire Gender-Based Violence Partnership in the development of the Position Statement on Prostitution
- support the Gender-Based Violence Partnership raise the profile of South Lanarkshire's position on prostitution

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) to adopt the position as stated in the attached Position Statement on Prostitution that supports the national agenda; and
- (2) to support the public launch of Lanarkshire's Position Statement on Prostitution.

## 3. Background – Gender-Based Violence & Equally Safe

3.1. Gender based violence (often referred to as Gender-Based abuse or violence against women and girls) is an umbrella term that encompasses a spectrum of abuse experienced mostly by women and girls and perpetrated mainly by men. This spectrum of abuse includes:

- Physical, sexual, and psychological abuse including domestic abuse and rape.
- Sexual harassment and stalking.
- Commercial sexual exploitation, including prostitution, pornography, and trafficking.
- Harmful practices, including so called 'honour' based violence, forced marriage and female genital mutilation.

3.2 Tackling Gender-Based violence remains a key priority within Scotland. Equally Safe: Scotland's strategy for preventing and eradicating violence against women and girls sets out a clear vision of: 'a strong and flourishing Scotland, where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it.'

3.3 South Lanarkshire's Gender-Based violence partnership is the mechanism to deliver on Equally Safe at a local, strategic level. The partnership is committed to working collaboratively with key partners in the public, private and third sector to prevent and eradicate all forms of violence against women and girls in South Lanarkshire. The partnership recognises that no agency alone has the resources, skills or reach to

achieve the aims of Equally Safe. It is only by working between agencies, across all areas of life, that we will successfully achieve the vision and aims of Equally Safe.

#### **4. Position Statement on Prostitution**

4.1. The European Parliament passed a resolution in 2014 which recognised that prostitution, forced prostitution and sexual exploitation are gendered issues, and violations of human dignity and human rights. Under the UN Convention on the Elimination of Discrimination against Women, the UK has agreed to take appropriate measures to "suppress all forms of traffic in women and exploitation of prostitution of women". We must act upon these international obligations which recognise that sexual exploitation is completely unacceptable and inexcusable in 21st century Scotland.

#### **4.2 Terminology**

This report and the Position Statement adopt a working definition which is focused on the sale and purchase of sex rather than sex-related activities (such as lap-dancing, pornography etc.). Terminology in this area is contested; however, the Scottish Government continues to use the term 'prostitution' in a variety of contexts and reports. While 'sex work' is used by some academics and support organisations, the sale of sex is subject to dispute as a form of employment. The contested nature of words is significant, and the report is premised on an acknowledgement that it is not possible to find a 'neutral' language on this subject. As such it was felt most appropriate to follow the Scottish Government's lead on the use of the term "prostitution" throughout this report and the Position Statement itself.

4.2 South Lanarkshire's Gender-Based Violence Partnership in partnership with NHS Lanarkshire and North Lanarkshire's Violence Against Women Working Group have developed the attached Position Statement on prostitution as part of South Lanarkshire's Gender-Based Violence Strategy and Action plan which was approved by the Gender-Based Violence Partnership and Chief Officers Group in November 2019.

4.3 Priority One of the strategy states: South Lanarkshire embraces equality and mutual respect and rejects all forms of Violence Against Women & Girls.

4.4 Noted outcomes to meet this priority target are:

- Outcome 1.1: People in South Lanarkshire have increased understanding of all forms of Gender-Based Violence (causes, consequences, and appropriate responses)
- Outcome 1.2: Tolerance of Gender-Based Violence in South Lanarkshire is reduced and people are likely to recognise and challenge it.

4.5 The development of the position statement on prostitution has been identified as a key action to meet these outcomes as it sends a clear message to the workforce and wider public that prostitution is a form of violence against women and should not be tolerated.

4.6 By introducing this position statement, it is anticipated that Lanarkshire will be at the forefront of taking this stance publicly.

4.7 Lanarkshire's position Statement on Prostitution was approved by the Gender Based Violence Partnership in June 2020 and Chief Officers Group in November 2020.

#### **5. Employee Implications**

5.1. There are no employee implications associated with this report.

## **6. Financial Implications**

- 6.1. There are no financial implications associated with this report.

## **7. Climate Change, Sustainability and Environmental Implications**

- 7.1. There are no climate change, sustainability or environmental implications associated with this report.

## **8. Other Implications**

- 8.1. There are no risk, sustainable development or other issues associated with this report.

## **9. Equality Impact Assessment and Consultation Arrangements**

- 9.1. South Lanarkshire Gender-Based Violence Partnership contributed to the National Consultation [Equally Safe Consultation- Challenging Men's Demand for Prostitution](#) that concluded in December 2020.

**Val de Souza**

**Director, Health and Social Care**

7 December 2020

### **Link(s) to Council Values/Objectives**

- ◆ focused on people and their needs
- ◆ working with and respecting others

### **Previous References**

None

### **List of Background Papers**

None

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Julie McCorrison, Resource Worker

Ext: 8894142 (Phone: 01698 894142)

Email: [Julie.mccorrison@southlanarkshire.gov.uk](mailto:Julie.mccorrison@southlanarkshire.gov.uk)

## Position Statement on Prostitution – January 2020

### Overview

1. This position statement outlines North Lanarkshire Council, South Lanarkshire Council, NHS Lanarkshire, Lanarkshire Rape Crisis Centre, Monklands Women's Aid, Motherwell and District Women's Aid and North Lanarkshire Women's Aid and South Lanarkshire and East Renfrewshire's Women's Aid and ASSIST's position on prostitution as a form of commercial sexual exploitation, informed by evidence gathered on international approaches to addressing prostitution.

1.

2. Although it can be difficult to determine the extent of prostitution across Lanarkshire, a simple internet search will identify the number of women exchanging or selling sex on any given day.

3.

### Background

4. *Equally Safe*<sup>1</sup>, Scotland's national strategy for preventing and eradicating all forms of violence against women and girls, defines prostitution as a form of violence against women and the National Violence Against Women and Girls Network has adopted a position that advocates a challenging demand approach.

5.

6. In 2016 Europol released a report on trafficking in human beings that clearly states that prostitution is a risk sector for trafficking and that countries where prostitution has been legalised face a higher grade of exploitation. The demand question and how best to address it is also analysed in the European Commission Study on the gender dimension of trafficking in human beings published in 2016.

7.

8. The main international approaches to address prostitution are:

- ◆ Legislation
- ◆ Decriminalisation
- ◆ Challenging demand

9.

10. There is little difference with regard to legalisation and decriminalisation – they are both sides of the same coin with the pervading view that prostitution is work and should be treated as such. This approach lobbies for legalising the buying and selling of sex (on or off street) and licensing brothels to enable owners, and governments, to profit from those selling sex.

11.

12. Unlike legalisation and decriminalisation, a challenging demand approach does not see prostitution as work but instead views it as a form of violence against women.

13.

14. The challenging demand approach decriminalises and supports those exploited through commercial sexual exploitation (mainly women) and criminalises the buyer of sex (mainly men).

15.

16. Countries which have adopted this approach to date include: Sweden, Norway, Iceland, Finland, Israel, Northern Ireland, Canada, South Korea and India.

17.

18. Aligned with the aims of *Equally Safe*, the challenging demand approach advocates that addressing demand is fundamental to reducing violence against women and children and promoting gender equality.

19.

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<sup>1</sup> Equally Safe Scotland's Strategy for preventing and eradicating violence against women and girls

20. It recognises the inherent imbalance in power between men and women in society, which in turn is mirrored and reinforced through commercial sexual exploitation.
- 21.
22. Challenging demand aims to prevent and reduce levels of gender-based violence as well as change cultural attitudes that perpetuate such abuse.
- 23.
24. In contrast to the legalisation and decriminalisation models, the challenging demand approach advocates decriminalising *solely* those selling sex and criminalising *solely* those buying sex.
- 25.
26. The challenging demand approach is formally supported by the European Union and Council of Europe.
- 27.
28. Moreover, challenging demand has proven to be the only approach that successfully reduces the prevalence of prostitution and trafficking that is, evidence from countries where the purchase of sex is criminalised shows a shift in public attitudes, a decline in the numbers of men buying sex and a reduced market for traffickers.
- 29.
30. In 2010 the Swedish government conducted an official evaluation of the Swedish law which criminalised the purchase of sex, the challenging demand approach, and its effects. These were:
  - ◆ street prostitution has decreased
  - ◆ the law has had a deterrent effect on prospective buyers of sexual services, reducing demand
  - ◆ the law has deterred trafficking as criminals have not sought to establish organised trafficking networks so readily in Sweden
  - ◆ the number of foreign women in prostitution has increased but not to the extent noticed in neighbouring countries
  - ◆ exit strategies and alternatives have been developed
  - ◆ there has been a significant change of attitude and mind-set in society
  - ◆ adoption of the law has been a pioneering model for other countries

## Our Position

31. Partner agencies (detailed in Section 1) adopt a position aligned to that of national policy, which seeks to challenge demand.
- 32.
33. Partner agencies (detailed in Section 1) support the establishment of a legislative framework in Scotland that is founded on addressing the causes of commercial sexual exploitation, including prostitution that is, gender inequality and the demand from men to buy sexual access to women.
- 34.
35. Given this, we advocate measures to:
  - ◆ Decriminalise those selling sex.
  - ◆ Provide support and exiting services for those exploited through prostitution.
  - ◆ Criminalise the buyers of sex in all settings (on, off street and online).
- 36.
37. ***Self-determination over one's body is essential in self-care and healthcare alongside sexual and reproductive rights. Total control over one's own body in a patriarchal system where men still hold the balance of power is still not a total reality. Prostitution is at the centre of this power imbalance. Political factors in other countries have a knock-on effect globally; instability, conflict, corruption, weakened rule of law and poor governance exasperate difficult economic situations, especially for women.***<sup>2</sup>

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<sup>2</sup> Prostitution Policy in Sweden – Challenging Demand (2019)

