Appendix One

POSITION STATEMENT ON COMMERCIAL SEXUAL EXPLOITATION

Overview

1. The aim of the East Ayrshire Violence Against Women Partnership (EAVAWP) is to work collaboratively to prevent and eradicate all forms of violence against women and girls, creating a strong and flourishing East Ayrshire where all individuals are equally safe and respected, and where women and girls live free from such abuse – and the attitudes that help perpetuate it. This aim is aligned with the vision contained within *Equally Safe* (2023) Scotland's strategy to tackle violence against women and girls.

2. This paper outlines East Ayrshire Violence Against Women Partnership's position on commercial sexual exploitation (CSE) as a form of Violence Against Women and Girls (VAWG), which includes prostitution, lap dancing, stripping, and pornography[1]

3. Further activities such as selling or exchanging sex or images via massage parlours or saunas, brothels, escort agencies, phone sex lines, internet sex chat rooms, sex web camming, pornography, trafficking, forced marriage, mail order brides and sex tourism are also considered to be commercial sexual exploitation[2].

4. CSE involves offering drugs, food, shelter, protection, other basics of life, and/or money in exchange for sex or sexual acts. It is an activity that embodies a view of women which is intrinsically brutalising, dehumanising and predatory. It has an impact not only on those directly involved but also on wider gender roles and stereotypes[3].

[1] Equally Safe Refresh, 2023:11

[2] National VAW network (2017), Position Statement on Commercial Sexual Exploitation

[3] National VAW network (2017), Position Statement on Commercial Sexual Exploitation

5. This updated statement has been developed from the Position Statement on Prostitution produced by EAVAWP, endorsed by East Ayrshire Council in May 2017, and seeks to update and refresh the position in line with international and national policy developments.

6. This statement is informed by international law and national policies, and by evidence gathered on international approaches to addressing commercial sexual exploitation, including prostitution.

7. All members of the EAVAWP have taken this report to their respective host organisations for formal endorsement with agreement unanimously reached that this is the collaborative position held in relation to commercial sexual exploitation, including prostitution.

International Context

8. There are several international measures and instruments which address CSE, including 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 the sexual services which underpin it.

9. These include:
    - 1948 Universal Declaration of Human Rights, Articles 4 and 5
    - 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).

- 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

(Encompass 2018; 8-9)

International Approaches to Prostitution

10. The main international approaches to address prostitution are:

- Legalisation
- Decriminalisation
- Challenging demand

11. There is little difference with regard to legalisation and decriminalisation approaches – they are both sides of the same coin with the pervading view that prostitution is work and should be treated as such. One approach looks to regulate through licensing and laws whilst the other calls for removal of all and any legislation associated with prostitution. This includes all brothel keeping and pimping legislation. Both these approaches lobby 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.

12. There is a strong pro-decriminalisation lobby in Scotland which advocates full decriminalisation including for those financially gaining from women's prostitution, such as pimps and brothel managers. The pro-decriminalisation lobby considers prostitution to be 'sex work' containing 'choice'.

13. However it is recognised that choice is a limited concept when women enter commercial sexual exploitation and prostitution though economic necessity caused by gender inequality, and exacerbated by the Covid 19 pandemic and cost of living crisis. The gendered nature of poverty is well documented[4]. In addition, many of the women involved have experienced multiple traumatic events and are highly vulnerable[5], in addition, an approach understanding the impact of intersectionalities is required[6].

14. The damage caused to women involved in commercial sexual exploitation in Scotland is identified through engaging with women with lived experience

[4] Encompass (2023) The Cost Of Living Crisis: The Impact on Women Selling or Exchanging Sex or Images

[5] Encompass Snapshot 2022

[6] Encompass (2023) Snapshot Briefing; North Lanarkshire Council (2020) Position Statement on Prostitution

(Inside/ Outside[7]) and through regular Encompass Snapshot briefings. Women exposed to commercial sexual exploitation are exposed to high levels of abuse and violence and women involved in prostitution are 12 times more likely to be murdered than women not exposed to prostitution. In this respect, involvement in CSE, including prostitution, cannot be considered as 'work'[8]

15. The sex industry barely meets minimum health and safety requirements with women being exposed regularly to bodily fluids and violence, nor does it meet the standards of the International labour Organisation's definition of 'decent work'[9].

Challenging Demand

16. 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.

17. This challenging demand approach decriminalises and supports those exploited through commercial sexual exploitation (mainly women) and criminalises the buyers of sex and those who profit from it (mainly men).

18. Some countries which have adopted the challenging demand approach to date include: Sweden, Iceland, Canada, Norway, Northern Ireland, Republic of Ireland and France and Israel. Evidence from these countries was included in the 2022 Scottish Government publication, *Challenging Demand For Prostitution: An International Evidence Review.*

19. 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.

20. This approach recognises the inherent imbalance in power between men and women in society, which in turn is mirrored and reinforced through commercial sexual exploitation.

21. This approach also recognises the gendered nature of poverty and recognises the circumstances which lead to women being involved in commercial sexual exploitation

22. The challenging demand approach aims to prevent and reduce levels of gender-based violence as well as change cultural attitudes that perpetuate such abuse.

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[7] INTRODUCTION (insideoutsidescotland.info)

[8] SAFETY INSIGHTS - CSE AWARE

[9] International Labour Organisation (2010): Decent Work https://www.ilo.org/global/topics/decent-work/lang--en/index.htm

23. In contrast to the legalisation and decriminalisation approaches, the challenging demand approach advocates decriminalising *solely* those selling sex and criminalising *solely* those buying sex.

24. The challenging demand approach is formally supported by the European Union and the Council for Europe[10].

25. A challenging demand approach was first introduced in Sweden in 1999 and has been implemented in other areas due to its effectiveness in tackling crimes such as human trafficking and sexual exploitation[11].

National Context

26. *Equally Safe,* Scotland's national strategy for preventing and eradicating all forms of violence against women and girls, defines commercial sexual exploitation as a form of violence against women and girls (2023).

27. *Equally Safe* is co-owned by the Scottish Government and COSLA. The strategy was initially published in 2014, updated in 2016 and further refreshed in 2023. The recognition that commercial sexual exploitation is a form of violence against women and girls has been a consistently endorsed view from the Scottish Government throughout all published versions of *Equally Safe*.

> *"Prostitution is one element of commercial sexual exploitation and is part of a continuum of violence against women and girls…which stems from gender inequality…..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".*
>
> (Encompass 2018;6)

28. Equally Safe (2023) defines commercial sexual exploitation as a form of violence against women and embraces a challenge demand approach. Where people under the of 18 are involved in commercial sexual exploitation, this would be considered child exploitation and there are clear Child Protection procedures in place nationally and locally to address this.

29. The National Violence Against Women Network adopted a position in 2017 that also advocates a challenge demand approach.

30. In 2018, the Encompass network produced *Preventing and eradicating prostitution: a proposed approach for Scotland* within which it detailed seven key elements:

[10] End Prostitution Now Campaign (2015), preventing and eradicating prostitution, What could work for Scotland

[11] Scottish Government (2022), *Challenging Demand For Prostitution: An International Evidence Review.*

- 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 and specialist services have the right skills to meet the needs of those involved in prostitution;
- Support and harm reduction services for people involved in prostitution;
- Support for people who wish to leave prostitution, and to help them recover from their experiences;
- Decriminalising selling sex in a public place and removing such convictions from the record;
- Disrupting prostitution markets and reducing demand by criminalising the purchase of sex.

31. In 2024 the Scottish Government published:

> *Scotland's strategic approach to challenging and deterring men's demand for prostitution and supporting the recovery and sustainable exit of those involved in prostitution*[12].

32. The Scottish Government has committed to incorporating the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW) into Scots Law, within the limits of devolved competence. Article 6 of CEDAW requires public authorities to 'take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women[13].

33. The Scottish Government committed to the UN Sustainable Developments Goals in 2015. 'These are 'global goals and targets that are part of an internationally agreed performance strategy. All countries are aiming to achieve these goals by 2030. SDG Goal 5.2 includes: 'eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation'[14]

34. Within the Scottish Government document 'Challenging Demand' (2024) it is recognised that a holistic and wider approach to commercial sexual exploitation, including prostitution, is required, and that there are close links with the Human Trafficking and Exploitation Strategy which was published in

[12] Overview of policies contributing to the Strategy- Policy Map - Prostitution - challenging and deterring men's demand: strategic approach - gov.scot (www.gov.scot)

[13] Scottish Government (2024;5) Overview of policies contributing to the Strategy- Policy Map - Prostitution - challenging and deterring men's demand: strategic approach - gov.scot (www.gov.scot)

[14] Scottish Government (2024; 5) Overview of policies contributing to the Strategy- Policy Map - Prostitution - challenging and deterring men's demand: strategic approach - gov.scot (www.gov.scot)

2017 and is currently undergoing a re-fresh. This document sets out three main themes:

- identify victims and support them to safety and recovery
- identify perpetrators and disrupt their activity
- address the conditions, both local and global, that foster trafficking and exploitation

35. The 'Challenging Demand' strategy[15] (sets out six policy principles to challenge men's demand for prostitution and support those with experience of it:

National approach
A strong, consistent, message at national and local levels, making it clear that CSE/ prostitution are forms of VAWG and perpetrators will be held to account.

Victims of Exploitation, not criminals
A legal and societal framework that understands the specific circumstances associated with those involved in prostitution and acknowledges this group as victims of exploitation and not perpetrators of crime.

Promote Social Inclusion and Address Stigma
Wider societal awareness of the harms associated with prostitution, with services and communities supporting those involved. There will be a focus on changing attitudes around the purchase of sexual activity.

Preventative approach
A collective response across government, and the wider public and third sector, and civic society, to tackle the systemic societal and economic disadvantages and circumstances that can foster sexual exploitation. Supported by educational and public awareness initiatives, across society, aimed at deterring demand.

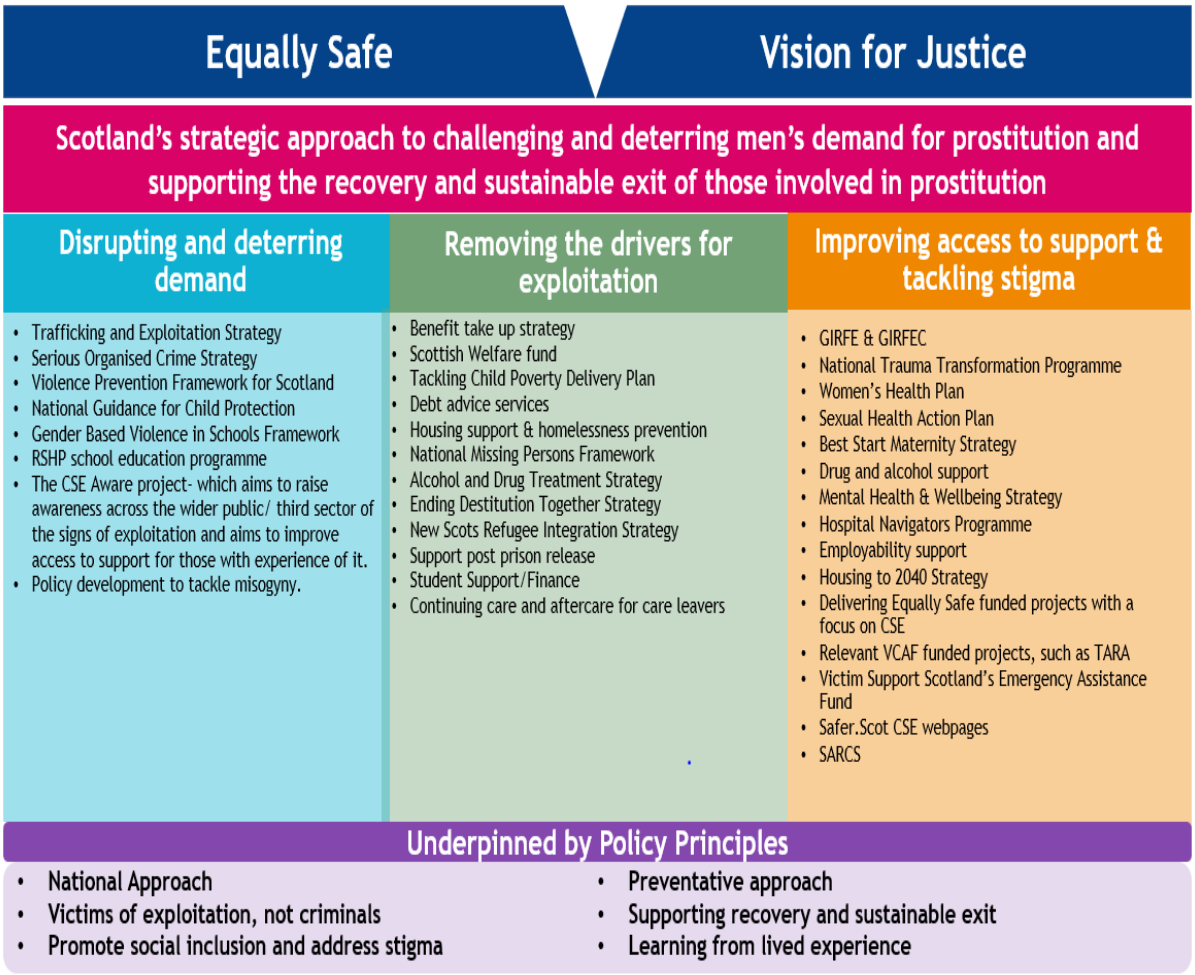
Supporting recovery and sustainable exit
Ensuring that all adults with experience of prostitution can access both emotional and practical trauma informed support, at any stage, and that there is a pathway of tangible long-term and consistent support when ready and preparing to exit. Support should be available for those who continue to be affected after they exit.

Learning from lived experience

[15] Scottish Government (2024;7) Overview of policies contributing to the Strategy- Policy Map - Prostitution - challenging and deterring men's demand: strategic approach - gov.scot (www.gov.scot)

A framework informed by those with experience of prostitution and other forms of commercial sexual exploitation to ensure our approaches work for them.

36. The 'Challenging Demand' document also provides the policy map below, which identifies all relevant policies.



East Ayrshire Context

37. The international and national laws, policies and strategies described above provide an important framework within which to consider a position statement on commercial sexual exploitation, including prostitution, for East Ayrshire.

38. The East Ayrshire Violence against Women Partnership produced and endorsed a Position Statement on Prostitution in 2017, one of the first in Scotland. Within this document it supported a challenge demand approach and called for the decriminalisation of people involved in selling or exchanging sex.

39. It called for the establishment of a legislative framework in Scotland that is founded on addressing the causes of commercial sexual exploitation and prostitution i.e. gender inequality and the demand for men to buy sexual

access to women. East Ayrshire Council endorsed this position statement in 2017.

40. East Ayrshire Council has been a key partner in EAVAWP and has taken a leading role since its inception in 2011.

41. East Ayrshire Council recently achieved Equally Safe at Work (ESAW) accreditation in 2023, a programme which clearly sets out that violence against women, is caused by gender inequality. ESAW aims to overcome the barriers to women entering and remaining in the workplace to secure opportunities to reduce women's poverty, which is a main cause of women entering prostitution[16].

42. East Ayrshire Community Planning Partnership has recently adopted an action on Commercial Sexual Exploitation within its Safer Communities Delivery Plan 2024-27 which reports into the Community Wellbeing Plan 2015-30. The action: Support and offer public protection with regard to commercial sexual exploitation has three main activities:

- Raise awareness and gather information about scale of Commercial Sexual Exploitation in East Ayrshire;
- Identify support, help and prevention activity available in East Ayrshire; and
- Partners will offer public protection support to people looking to remove themselves from commercial sexual exploitation.

43. The prevalence of prostitution in Scotland and East Ayrshire can be difficult to determine. However, a simple internet search can identify the number of women in East Ayrshire selling sex on any given day. For many, it is a lack of choice and a need for survival in response to their social and economic environment that leads to CSE or prostitution.

44. This has recently been exacerbated by the Covid 19 pandemic and the cost of living crisis with evidence that more women are entering or re-entering the 'sex industry' or encountering additional barriers which are preventing them from exiting[17] (Encompass, 2023).

45. Women may:

- come from vulnerable backgrounds;
- live in poverty or with financial difficulties;
- feel they have few realistic or viable alternatives;
- have addiction or substance use issues; and
- experience other forms of violence or abuse.[18]

[16] Sections of this document have been influenced by North Lanarkshire Council's Position Statement on prostitution and have been included with permission of NLC.

[17] Encompass (2023) Network Snapshot Briefing

[18] This section of the Position Statement has been developed in reference to the work of North Lanarkshire Council Position Statement 2020.

46. The Encompass Snapshot Briefing (2023) highlights that during a week in October 2023 when the Encompass network supported 53 women involved in selling or exchanging sex across Scotland, that:

- 15 women had been in care as a child
- 36 women had been homeless at some point in their lives
- 24 women had been a victim of crime including offences of rape, sexual assault, robbery, domestic abuse, trafficking, gang rape and sexual assault.
- 47 women disclosed a mental health issue
- 44 women disclosed they were using substances

47. Prostitution and other forms of commercial sexual exploitation are linked to chronic health problems including reproductive problems, HIV infection, depression, suicidality and complex Post Traumatic Stress Disorder, to name but a few[19].

48. What we know about men who buy sex is that they are a small percentage of the male population. There is no specific profile i.e. they are men of all ages, married/unmarried, working/not working, educated/not educated. What they have in common is a feeling of entitlement that they can buy women's bodies.

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

50. It is proposed that the East Ayrshire Violence Against Women Partnership and East Ayrshire Council continue to adopt a position, aligned to that of international law and national policy, recognising CSE and prostitution as a form of violence against women and seeking to challenge men's demand for prostitution.

51. Given this, EAVAWP advocates measures to:

- Prevent commercial sexual exploitation through workforce development, awareness raising and education.
- 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) and those who profit from it.

[19] Encompass snapshot briefing 2023; SEXUAL HEALTH INSIGHTS - CSE AWARE

The EAVAWP Position

52. We **believe** that commercial sexual exploitation is a form of gender-based violence which is caused and perpetuated by gender inequality in society, and is harmful to all involved.

53. We **reject** the view that CSE, including prostitution, is a valid form of work and / or a civil right, which should be legalised and regulated.

54. We **advocate** that those involved require appropriate support to reduce the harm they have experienced and increase their options for exiting CSE.

55. We will seek to provide appropriate **support** to all those involved to mitigate harm and provide alternatives for those who want to exit commercial sexual exploitation, including prostitution, through working with mainstream and specialist services to raise the awareness of CSE and provide employees with the necessary skills to support women involved.

56. Any work undertaken by EAVAWP recognises that any form of commercial sexual exploitation is an abuse of women's and girls' rights which impacts their safety, health and wellbeing.

57. EAVAWP takes a gendered approach to addressing the harms caused by commercial sexual exploitation, recognising victims are overwhelmingly women and girls, while those benefiting or profiting from commercial sexual exploitation are overwhelmingly men.

Conclusion

58. This affirms our commitment to Equally Safe Priority 4: 'Men desist from all forms of violence against women and girls and perpetrators of such violence receive a robust and effective response' and supports our effort to eradicate gender inequality.

59. This Position Statement highlights our commitment to supporting those affected by commercial sexual exploitation through consistent, trauma-informed person-centred interventions focusing on the needs of each individual who seeks support.

60. We recognise that when working with women affected by commercial sexual exploitation that many of them may not see themselves as victim/ survivors

and a nuanced approach to language and support may be required to engage and support women within relevant services.

61. In the words of the Equally Safe Strategy, we aspire to a strong and flourishing East Ayrshire '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.'

62. With this Position Statement we are aligning with national policy challenging men's demand to purchase sex. We recognise that although men can also be affected, the majority of those who sell sex are overwhelmingly women.

63. We further recognise that within this group, migrant women, transgender and non-binary people can be impacted in complex ways and can face additional barriers to accessing support and exiting.

64. We recognise that although women might also purchase sex, the overwhelming majority of those who buy sex tend to be men.

65. This Position Statement commits us to a holistic approach addressing the root causes of violence against women and girls: gender inequality.[20]

66. The EAVAWP calls on all public, third sector organisations and services and on the private sector in East Ayrshire to adopt its Position Statement on commercial sexual exploitation, including prostitution.

67. Adopting our Position Statement on commercial sexual exploitation will be a small step towards achieving the vision of Equally Safe: "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, abuse and exploitation – and the attitudes that help perpetuate it"[21]

68. East Ayrshire Community Planning Partnership has adopted an action on commercial sexual exploitation within its Safer Communities Delivery Plan 2024-27. This is an opportunity for East Ayrshire to improve the quality of life and the safety of women and girls living and working here through communicating that CSE is a form of violence against women; seeking to engage in preventative work and offer support to women already involved through mainstream and specialist services.

[20] This section has been developed with reference to Dundee Violence Against Women Partnership, Dundee Multi-agency Guidance for those supporting those involved in Commercial Sexual Exploitation, 2021, for which consent has been given.

[21] Scottish Government (2023; 5) Equally Safe

References

CSE aware SAFETY INSIGHTS - CSE AWARE

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Scottish Government (2023), Equally Safe Refresh

Scottish Government (2024) Scotland's strategic approach to challenging and deterring men's demand for prostitution and supporting the recovery and sustainable exit of those involved in prostitution