

The Improvement Service

ELECTED MEMBER BRIEFING NOTE

Commercial Sexual Exploitation



What is the purpose of the briefing note series?

The Improvement Service (IS) has developed an Elected Members Briefing Series to help elected members keep pace with key issues affecting local government.

Some briefing notes will be directly produced by IS staff but we will also make available material from as wide a range of public bodies, commentators and observers of public services as possible.

We will use the IS website and elected member e-bulletin to publicise and provide access to the briefing notes. All briefing notes in the series can be accessed at www.improvementservice.org.uk/elected-members-development.

What is the purpose of this briefing note?

It has long been accepted that violence against women is a consequence of continuing inequality between men and women.¹ Tackling Inequality is therefore essential if we are to prevent and eradicate all forms of violence against women and girls. Equally, tackling violence is essential if we are to meet the requirements of the Gender Equality Duty on Public Bodies.

Scotland has a well-established internationally recognised approach towards different elements of tackling violence against women (VAW). We have challenged and changed cultural attitudes towards domestic abuse. We can apply our learning and do the same for commercial sexual exploitation (CSE).

The purpose of this briefing note is to challenge current thinking and encourage a shared understanding of the harm caused through commercial sexual exploitation and the contributing factors and drivers behind it. In doing so, it is our hope that elected members will use this information to encourage self-reflection within local authorities of those policies, which have the potential to positively impact on the lives of women and the wider communities in which we live.

This briefing focuses on prostitution as a main element of commercial sexual exploitation but many of the issues and themes raised extend to other areas such as lap dancing, trafficking and pornography.

Elected Members have a key role to play because:

- You have a responsibility to safeguard and enhance the interests and well-being of local people
- You understand your ward in terms of demographics, the key challenges facing local people and communities and the services delivered by the council and its partners to meet local need
- You are in a strong position to facilitate and negotiate solutions to community problems
- You can influence local government policies to make sure they are reflective of the needs of communities
- You can engage with your community planning partners and support the work of your local multi-agency violence against women partnership.
- You are in a position of authority to challenge current thinking about the reasoning behind policies and positions tackling CSE and to ensure that they are robust and transparent

1 U.N. Declaration on the Elimination of Violence against Women 1993

What is Commercial Sexual Exploitation?

Definition

“Sexual exploitation is a practice by which person(s) achieve sexual gratification, or financial gain, or advancement through the abuse of a person’s sexuality by abrogating that person’s human right to dignity, equality, autonomy, and physical and mental well-being.”²

It includes sexual activities such as prostitution, phone sex, stripping, internet sex/chat rooms, pole dancing, lap dancing, peep shows, pornography, trafficking, sex tourism and mail order brides. Sexual exploitation includes offering drugs, food, shelter, protection, other basics of life, and/or money in exchange for sex or sexual acts.

Commercial Sexual Exploitation and Prostitution

Often the most common responses to the question, ‘What causes prostitution?’ are ‘poverty’, ‘drug addiction’, and ‘a history of abuse and violence’. In fact these are factors that lead or force vulnerable women and men into prostitution, rather than the cause of prostitution itself. The cause of prostitution is the exploitation of vulnerability and inequality, either by individuals or by the sex industries.

Vulnerability

“For the vast majority of people, sex work or whatever name you give it is a survival strategy. For most it is a practice enforced by poverty, degradation, homelessness, hunger and powerlessness; a form of slavery to economic, social and cultural deprivation, stigmatisation and marginalisation.” (S Khan 1999)³

The factors that lead individuals into prostitution are about survival in situations where choices can be severely limited. To speak of choice as if it were a free and full concept is not accurate in this regard. Those involved are often made vulnerable in some way:

- Coming from vulnerable backgrounds
- Living in poverty or with financial difficulties
- Feeling they have few realistic or viable alternatives
- Having addiction or substance misuse issues
- Experience of other forms of violence or abuse

2 Part I, Article 1, draft Convention Against Sexual Exploitation) Prostitution of Sexuality, 1995 Appendix

3 Khan, S. (2001), “Beyond the Fringe, Edinburgh makes a virtue out of vice”, The Observer 26 August

For many people it is neither a “free” nor a “vocational” choice and they do not consider it a form of work. When it is classed as a form of employment or as merely individual choice, the harms can be masked and minimized, as well as blamed on the woman herself.

A sizable number of those selling or exchanging sex have experienced childhood sexual abuse. In a local study, 57% of those surveyed in street prostitution and 22% of those involved indoors were adult survivors.⁴ Local authorities have a duty of care to children and young people, which extends to vulnerable adults.

We have to consider why so many of those who may have been involved with public services remain vulnerable for sexual exploitation into adulthood. We have to work to address the lack of realistic and viable alternatives many women are faced with.

Inequality

“We, the survivors of prostitution and trafficking... declare that prostitution is violence against women. Women in prostitution do not wake up one day and ‘choose’ to be prostitutes. It is chosen for us by poverty, past sexual abuse, the pimps who take advantage of our vulnerabilities, and the men who buy us for the sex of prostitution.”⁵

Most - if not all- politicians and political parties publicly condemn violence against women and wish to see it prevented in all its forms. However it is difficult to challenge long held attitudes around discrimination and sexism or to fight for improved protection for women from sexual harassment when these same views and beliefs can be socially accepted and form the basis of ‘adult entertainment’. Prostitution is a major component of this but it also includes, for example lap dancing and stripping.

If we want to address attitudes and norms around gender inequality and how women are viewed and discriminated against then it is our belief that we must challenge those who continue to gain or profit from sexualised inequality and the societal acceptance of all sex industries.

The Scottish Government considers that the on-going existence and acceptance of the exploitation of women through these forms of leisure or entertainment gives legitimacy to negative attitudes towards women and supports inequality, discrimination, objectification and violence.⁶ Given the desire to address both inequality and violence against women there is a clear need for those in authority and with the power to affect this issue to reconsider and commit to critical self- challenge of the principles behind as well as the actual policies which exist locally.

4 Judith Connell and THT 2010 Study on the needs of those in prostitution in Ayrshire and Arran.

5 Survivors of Prostitution and Trafficking Manifesto - Press Conference - European Parliament 2005

6 Equally Safe: Scotland’s Strategy for Preventing and Eradicating Violence Against Women and Girls

Sex Industry and trafficked women

Sex industries are no longer hidden – with lap dancing clubs open on some local High Streets and escort agencies advertise in newspapers, online and in local directories, making paid for sexual services available in nearly every area of Scotland. Local support services have worked with trafficked women who were found in such businesses. The sex industry is keen to separate prostitution and trafficking but the two are inextricably linked. Traffickers and organized crime rely on a local sex industry/market in which they can place and advertise trafficked women. Local policies relevant to the sex and “adult” industries need to understand, challenge and address these risks.

The Demand

*“Without johns there would be no prostitutes. Obvious perhaps but largely unstated. She’s not there for her selfish pleasure; she’s there for him, and his pleasure. Women’s bodies are sold and abused only because there is someone who is willing to pay to abuse them. Take away the demand and you remove the problem.”*⁷

We acknowledge there are different approaches to reducing the harms of CSE. In this paper we focus on the agreed approach of Scottish Government and COSLA.

Public debate has tended to focus on those selling or exchanging sex whilst the buyers have remained largely invisible. The buyers are a driving force behind sexual exploitation but are also a weak link. The sex industry is driven by a quest for profit and prostitution, like other markets, will profit most where there is a strong demand. Therefore any effective long-term approach to the harms caused through prostitution must include challenging and reducing the demand.

Just because there is a demand for sexually exploitative activities does not make these activities harmless, legitimate or acceptable. Demand for something does not dictate its moral or legal right to be. Similar debates are seen in relation to drugs, alcohol and access to extreme pornography.

7 From Surviving Prostitution and Addiction blog - written by a survivor of the sex industry.
http://survivingprostitutionandaddiction.blogspot.co.uk/2012_02_01_archive.html

Why does it matter that we tackle commercial sexual exploitation?

For the elected member tackling commercial sexual exploitation matters in several ways. It matters because of the **impact** it has, it matters in the **approaches** we use, and it matters in **policy**.

Tackling CSE matters because of the impact of commercial sexual exploitation on women, children and communities.

It is widely acknowledged that CSE adversely affects physical, sexual and mental health and is a serious public health issue. The health impact of CSE can be profound, both as a result of coping with the consequences of exploitation and because of the greater exposure to violence and other forms of abuse inherent in this activity.⁸

Many people in prostitution have already experienced significant neglect, violence and abuse.⁹ A small Scottish study highlighted that 50% had been in local authority care and 93% had been roofless/homeless.¹⁰ These are people whose vulnerabilities are exploited for others pleasure and gain and who may need additional services to deal with harms. Local areas need to consider what services are available as:

- those involved may travel beyond their home area,
- there is an increase in indoor prostitution and
- there is an expansion and new forms of the sex industry e.g. webcam work.

Emotional and Psychological Harm

“You’re constantly being made to feel like a piece of meat and that you just exist for sex and if you do something long enough you start to believe it.”¹¹

Research has highlighted the harmful emotional and psychological impact on both men and women in

8 NHS Scotland Briefing on Commercial Sexual Exploitation 2010

9 Paying the Price, Home Office, 2004

10 Judith Connell and THT 2010 Study on the needs of those in prostitution in Ayrshire and Arran.

11 Connell and Harts study (2003) study noted negative effects on the mental health and wellbeing of men involved in prostitution.

prostitution.¹² Many studies show that those who sell sex need to develop coping strategies to enable them to offer sexual services to clients and to block out their experiences. A small needs assessment of men and women involved in prostitution in Ayrshire and Arran (Connell J 2008) found 93% suffered depression and 78.5% had self-harmed.

Substance and alcohol (mis)use

High levels of alcohol and/or drug use have been reported as a common coping strategy for those selling or exchanging sex¹³ increasing vulnerability and risk of harm. In a local study:¹⁴

- 100% had used various drugs in the past,
- 78.5% were currently using drugs
- 71% were involved in prostitution because of drug use

Physical harm

In Scotland, studies with both men and women in prostitution have also shown high levels of violence with clients the most likely source. 91% were concerned about their safety during prostitution, 78% of women in street prostitution had experienced violence from buyers.¹⁵ One study¹⁶ found that 73 % of respondents were exposed to physical assaults, rapes, confinement and threats of murder.

Cultural Harm

The sex industries need inequality to exist and encourage discrimination and objectification of women. Some believe it supports a “conducive culture” for VAW.¹⁷ These industries’ existence encourages inequality and objectification and the attitudes that contribute to making women more vulnerable. The negative impact of prostitution on the “clients’ is often overlooked. Buying sex can have a significant long term impact on men’s sense of self-worth and self-esteem. One Scottish study found that 25% of

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- 12 Matthews and Easton 2010 ‘Prostitution in Glasgow - A strategic Review, J., Hart, G. (2003) An Overview of Male Sex Work in Edinburgh and Glasgow: The Male Sex Worker Perspective’, Occasional Paper No.8 MRC Social & Public Policies Unit, Glasgow University.
- 13 Connell, J., Hart, G. (2003) ‘An Overview of Male Sex Work in Edinburgh and Glasgow: The Male Sex Worker Perspective’ Occasional Paper No.8, MRC Social & Public Policies Unit, Glasgow University.
Cusick, Cusick, L. (1998). ‘Female prostitution in Glasgow: Drug use and occupational sector’. *Addiction Research* 6, 115-130
Mckeganey and Barnard, 1996 *Sex Work On The Streets: Prostitutes and Their Clients*
- 14 Judith Connell and THT - A small scale scoping with men and women in prostitution in Ayrshire and Arran 2010.
- 15 Matthews and Easton 2010 ‘Prostitution in Glasgow - A strategic Review’
- 16 Hoigard and Finstad’s (1992) Norwegian study
- 17 Dr Maddy Coy - 2013 *Prostitution, Harm and Gender Inequality: Theory, Research and Policy*

men who had bought sex in prostitution expressed “significant regret or shame” about having done so:¹⁸

“I’ve always wished I hadn’t and just pretended to my friends that I’d done it.”¹⁹

Tackling CSE matters in the approaches we use

“The Scottish Government is committed to ensuring a fairer, safer and stronger and healthier Scotland for all its citizens. Such aspirations cannot be fully achieved when vulnerable women and children are sold for the sexual gratification of men.... As the professional association of senior social work managers we are acutely aware of the often irreparable harm that prostitution causes to individuals, families and communities.” (Association of the Directors of Social Work, 2011)²⁰

We need preventative approaches that focus on all levels of concern whilst aiming for the long-term changes to address underlying inequalities.

There is a range of possible approaches to prostitution and heated international debate on the potential impacts.

‘Challenging Demand’

A Challenging Demand approach is in line with the National VAW strategy. It views prostitution as a form of sexualised violence, which is harmful to women and to society at large. It regards the demand to buy sex as the root cause and driving force behind prostitution markets and exploitation. It proposes a range of measures required in order to be effective:

- Decriminalising the selling of sex
- Quality and long term support to help people leave prostitution
- Development of viable alternatives
- Public education
- Criminalising the purchase of sex
- Effective enforced sanctions against those profiting from prostitution²¹

It is possible to change our attitudes towards the sex industry and this form of exploitation as entertainment or inevitable- other countries are working to do this. Iceland has now made “strip clubs”

18 The Scottish Challenging Demand (2008) Scottish study of 110 men who had purchased sexual activity.

19 Challenging Demand Report 2008 accessible via - http://whiteribbonscotland.files.wordpress.com/2008/04/challenging_mens_demand.pdf

20 Association of Directors of Social Work 2011, ‘Response to Consultation on “Criminalising the Purchase of sex”’. www.adsw.org.uk/doc_get.aspx?DocID=408

21 www.feminismandhumanrights.files.wordpress.com/2013/04/briefing-law-and-policies-on-prostitution-and-thb-sweden-gunilla-s-ekberg-131213.pdf

and the profit from the nudity of employees illegal. Sweden has decriminalised the sale of sex and made it illegal to buy sex. France is also looking to introduce similar approaches. Both Northern Ireland and The Republic of Ireland are currently assessing their legislative frameworks with views to criminalise the demand. MEPs recently overwhelmingly voted in the European Parliament in favour of approaches which criminalise the demand and offer support. Scotland now needs to be debating this approach on local, national and international levels.

Harm Reduction

As shown in a local study - high numbers of those involved in selling sex would like stop - 91% had tried to leave, 91% said they'd like to leave.²²

Harm reduction involves provision of health services and advice with the aim of reducing risk to individuals and to public health. Harm reduction services in Scotland are mainly focused around addictions support, health and homelessness. Provision of harm reduction services is vital but a harm reduction approach alone will not reduce or end prostitution itself and so it is not a long-term solution.

Legislation

Legislation is the regulation of prostitution with laws regarding where, when, and how prostitution could take place. Some argue²³ that this regulatory approach would improve conditions and safety for those involved in selling and to break links with organised crime. Prostitution would become “just another job”, which would be regulated as with other forms of employment. Minimum standards would need to be developed and people involved in prostitution would be required to pay tax.

A new offence of loitering or soliciting in a public place to buy sex through the Prostitution (Public Places) (Scotland) Act 2007 has assisted Police and local authorities to better manage problems associated with kerb crawling and harassment. At this time the Scottish Government recognised that the criminal law alone is not sufficient to tackle the complex problems of street prostitution and also issued guidance on tackling street prostitution to local authorities and their planning partners.

Robust legislation should help to inform decision-making about priorities and service development based on statutory duties.

Decriminalisation

Decriminalisation would remove all laws against prostitution and would prohibit the state and law-enforcement officials from intervening in any prostitution-related activities or transactions, unless other laws apply. New Zealand decriminalised in 2003. Whilst the New Zealand Government states that

22 Judith Connell and THT's 2010 study found that 91% had tried to leave and 91% would like to leave.

23 <http://prostitution.procon.org/view.resource.php?resourceID=000115>

decriminalisation has impacted favourably on some aspects of working conditions²⁴, others are calling for the law to be reversed and for buying sex to be criminalised.²⁵ Concerns have also been expressed over the lack of control of the rapid expansion and ‘industrialisation’ of the sex industry, including a planned 15-storey ‘super-brothel’.²⁶

Tackling CSE matters in policy

The UK has made commitments to tackling violence against women through different International Measures and Obligations, which we must work towards achieving (e.g. UN Convention on the Elimination of All Forms of Discrimination Against Women, UN Convention on the Rights of the Child, The Palermo Protocol). We cannot contribute towards achieving many of these if we do not take steps to address CSE, prostitution and trafficking. Many of the measures include:

- Raising awareness of the important roles and responsibilities of civil society in identifying the demand as a root causes of human trafficking
- Targeted information campaigns
- Preventive measures, including educational programmes on discrimination, gender equality and the dignity and integrity of every human being.

This policy context supports you, as an elected member to deliver your responsibilities around inequality and adopt or strengthen legislative, administrative, educational, social, cultural or other measures to discourage the demand that fosters all forms of exploitation of persons especially women and children.

24 www.parliament.nz/en-nz/parl-support/research-papers/00PLSocRP12051/prostitution-law-reform-in-new-zealand

25 www.stuff.co.nz/national/politics/9428778/Ex-prostitutes-call-for-law-change

26 www.stuff.co.nz/business/industries/8020161/Central-Auckland-super-brothel-approved

Meeting the challenges: What can you do as an elected member?

Other countries have led the way in challenging and combatting the impacts of CSE. As with all other forms of VAW, we can aspire to a Scotland where commercial sexual exploitation is not accepted nor condoned. It is time for Scotland and local authorities led by elected members to re-debate the issues and engage possible solutions.

You may find it helpful to consider the following questions and suggestions to tackle CSE in your area and to review how you and your council currently engage with local people and communities and whether there is scope for improvement.

- Are there opportunities for you and other elected members to learn more about different approaches to tackle CSE and the experiences of those in prostitution and survivors?
- Are there ways you and your council can constructively reflect on and challenge policies and whether they support positive outcomes for those involved in selling sex and wider communities?
- How does your council support the VAW Partnerships and the approaches to tackle CSE?
- Are you helping to ensure that the issues and impacts of CSE are presented clearly and concisely to the council and its partners?
- Are you confident that communities (women and children) who have experienced CSE have access to the support and resources they need?
- Are you confident that those who have sexually exploited women and children are held accountable for their actions?

Helpful actions for local authorities

- Nominate a local Councillor to act as a champion / ambassador to promote the issues.
- Give statements of support to media (press releases) about the local approaches being used to tackle CSE.
- Work with local and national campaigns to challenge sexual exploitation.
- Respond to local/national consultations on relevant issues.
- Support your local Violence Against Women partnership to lobby for restrictions on local adult entertainment venues, gentlemen's clubs, saunas etc.
- Consult with local networks e.g. child protection, adult support and protection and relevant networks and services such as addictions.

Further support and contacts

Women's Support Project

Linda Thompson
National Coordinator Challenging Demand
linda@womenssupportproject.org.uk
www.womenssupportproject.com
Tel: 0141 4180748

Improvement Service

Joanna McLaughlin
National VAW Network Coordinator
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Local services

Quay Services - Services to women involved in prostitution in Aberdeen
www.quayservices.co.uk

Women's Rape and Sexual Abuse Centre's Vice Versa Project Dundee
www.wrasacdundee.org/vice-versa.html

Aurora - support for those involved in selling sex, Edinburgh Women Rape and Sexual Assault centre
www.ewrasac.org.uk

Street Work - Outreach and support service Edinburgh
www.streetwork.org.uk/reach-out-project/

SACRO Another Way service Edinburgh
www.sacro.org.uk/services/criminal-justice/another-way-service

Open Road Project - a service for men involved in prostitution in Glasgow.
www.nhsopenroad.org

TARA Trafficking Awareness Raising Alliance - a national project.
www.saferglasgow.com/what-we-do/support-services-for-victims/support-to-victims-of-human-trafficking.aspx

Rape Crisis Scotland
www.rapecrisisscotland.org.uk

White Ribbon Scotland
www.whiteribbonScotland.org.uk

Zero Tolerance
www.zerotolerance.org.uk

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