

Justice Committee

Human Trafficking and Exploitation (Scotland) Bill

Written submission from Eaves Research and Development

1.1 Eaves is a London-based charity established in 1977 that provides high quality housing and support to vulnerable women. We also carry out research, advocacy and campaigning to prevent all forms of violence against women.

1.2 At Eaves, we put the needs of women first. We are determined to give a voice to the most excluded women in society and provide direct, innovative services to support and empower women to help themselves.

1.3 Specialist services we provide include the London Exiting Action Project which supports women to exit prostitution, the Poppy Project, which provides support, advocacy and accommodation to women who have been trafficked, and the Amina project, a unique peer mentoring service for women who have experienced sexual violence.

2. We welcome the publication of the Human Trafficking and Exploitation (Scotland) Bill. However, we are concerned that the bill currently fails to contain provision to tackle the demand that drives sex trafficking. The trafficking of women and girls for the purpose of sexual exploitation is underpinned by the principles of supply and demand: it is the demand from men who purchase sexual services which drives the prostitution trade into which women and girls are trafficked¹.

3. In 2014, the Poppy Project, our project which supports women who have been trafficked, accepted 29 cases of female victims of trafficking, of whom 12 of those women (41%) had been forced into prostitution.

4. Criminalising the demand for prostitution (a Sex Buyer Law) is therefore an important step in tackling human trafficking for sexual exploitation, and in reducing the number of women involved in prostitution, and thereby the harm caused to women in prostitution, and in making a statement that women should have the right not to be bought for sex when made vulnerable, whether this vulnerability is caused by economic need or other difficulties.

5. The legislative framework of a Sex Buyer Law entails criminalising paying for sex, decriminalising selling sex, and providing support and exiting services² for people exploited through prostitution. The latest country to adopt the Sex Buyer Law is Northern Ireland, which introduced the legislation through the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill in 2014.

6. Scotland has multiple international obligations³⁴⁵⁶⁷ to tackle the demand that underpins trafficking. It is vital that provisions in the Human Trafficking and Exploitation (Scotland) Bill are included to adopt the Sex Buyer Law in order to achieve the bill's aim of making Scotland "a hostile environment for human traffickers".

7. In Sweden and in Europe, police have noted that the Swedish criminalisation of the purchase of sex has made Sweden an undesirable destination for traffickers, as it is too laborious for them to successfully exploit women in prostitution there without risking detection.⁸

8. Criminalisation of buyers in Sweden has also been shown to have decreased the size of the on-street sex industry by half, and to have prevented the growth of the off-street sex industry, compared to neighbouring countries which did not criminalise demand, where this area of the sex trade has greatly increased.⁹

8. As Northern Ireland recently adopted a Sex Buyer Law, and the Joint Committee on Justice, Defence and Equality of the Oireachtas in the Republic of Ireland have also recommended the adoption of a Sex Buyer Law¹⁰, Scotland, England and Wales are likely to see a similar increase in the size of the sex industry unless we too adopt this legislative framework.

9. Women involved in prostitution (both indoor and on-street) experience high levels of violence, including sexual violence. Our study, *Breaking Down the Barriers*, found that 61% of the women interviewed had experienced violence from male buyers of sex. 50% of the women we interviewed also had experienced coercion to enter or to remain in prostitution. Conversely, a recent study from Norway has shown that serious violence against women involved in prostitution has decreased in the years since demand was criminalised.¹¹

10.1 Accordingly, we urge the Scottish Parliament to amend the Human Trafficking and Exploitation (Scotland) Bill so that paying for sex becomes a criminal offense, while selling sex is decriminalised, and provision is made for sustainable support and exiting services for people exploited through prostitution.

10.2 This policy framework, the Sex Buyer Law, also known as the 'Nordic model' or the 'Swedish model' has been adopted by three of the four countries with the highest ratings for gender equality worldwide: Sweden, Iceland and Norway¹². The Sex Buyer Law also recognises prostitution as a form of violence against women, which is consistent with Scottish Government policy on this subject¹³.

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¹ The connection between prostitution and trafficking is also recognised at European level. The EU Anti Trafficking Co-ordinator Myria Vassiliadou, on October 18th 2013 in her closing comments at the 7th EU Anti-Trafficking day conference in Vilnius stated: "There is a link between prostitution and trafficking. The European Commission recognises this."

² Women attempting or wishing to exit from prostitution are faced with multiple barriers – many of which are or derive from the factors which pushed them towards prostitution in the first place. Our recent report, *Breaking Down the Barriers* identifies the key barriers women wishing to exit prostitution face.

<http://i4.cmsfiles.com/eaves/2012/11/Breaking-down-the-barriers-a37d80.pdf>

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. New York, 15

November 2000. Accessed at:

<https://treaties.un.org/doc/Publication/UNTS/Volume%202237/v2237.pdf>

⁴ United Nations Office of the High Commissioner for Human Rights (2013) Protocol to Prevent, Suppress and Punish Trafficking in Persons. UNOHCR: Geneva. Available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>

⁵ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. Accessed at: [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF)

⁶ Council of Europe Convention on Action against Trafficking in Human Beings, Warsaw, 16.V.2005. Accessed at: <http://conventions.coe.int/Treaty/en/Treaties/Html/197.htm>

⁷ Article 6, Convention on the Elimination of All Forms of Discrimination against Women. Accessed at:

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article6>

⁸ Evaluation of the ban on purchase of sexual services

<http://www.government.se/sb/d/13358/a/149231>

⁹ Ibid

¹⁰ Joint Committee on Justice, Defence and Equality Report on hearings and submissions on the Review of Legislation on Prostitution June 2013

<http://www.oireachtas.ie/parliament/media/committees/justice/1.Part-1-final.pdf>

¹¹ New research shows violence decreases under Nordic model

<http://feministcurrent.com/7038/new-research-shows-violence-decreases-under-nordic-model-why-the-radio-silence/>

¹² The Global Gender Gap Report 2012', World Economic Forum. Available at:

http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf.

¹³ Violence Against Women, The Scottish Government. Accessed at:

<http://www.scotland.gov.uk/Topics/People/Equality/violence-women> Content accessed 3 February 2015.