

Justice Committee

Human Trafficking and Exploitation (Scotland) Bill

Written submission from Women's Support Project

We welcome the introduction of the Human Trafficking and Exploitation (Scotland) Bill and endorse its central tenet to criminalise those who exploit others and support those who are exploited.

Strategic Context

As an organisation, the Women's Support Project has a national remit to address commercial sexual exploitation, which includes challenging the demand for prostitution.

Given this, our main focus is on the commercial nature of sexual exploitation and the harmful impact on those who are trafficked into prostitution from other countries as well as Scottish women, children and vulnerable men who are similarly exploited through prostitution in our cities.

In particular, we recognise that:

- Prostitution and trafficking form part of the continuum of commercial sexual exploitation, which in turn forms part of the wider spectrum of gender-based violence
- Prostitution and trafficking are governed by the principles of supply and demand
- The demand is created by men who buy sexual access to women and children (1)
- Prostitution and trafficking are linked to huge profits and organised crime, both internationally and nationally. (2)

Equally Safe: Scotland's Strategy on Violence Against Women and Girls includes commercial sexual exploitation as part of the spectrum of gender-based violence. The strategy recognises gender inequality as the fundamental cause of gender-based violence and is underpinned by equality and human rights legislation.

Tackling Demand

In line with Equally Safe, we support the establishment of a legislative framework in Scotland that is founded on addressing gender inequality as the root cause of gender-based violence.

We consider that such a framework would be instrumental in preventing prostitution within Scotland and also act as a deterrent to sex traffickers.

To effectively tackle demand in Scotland we support the creation of comprehensive legislation that:

- criminalises the buying of sex in any setting

- decriminalises people involved in prostitution
- provides long-term support and exiting services for those exploited through prostitution.

Benefits of this approach

Legislation to challenge the demand for prostitution would serve to:

- address the root cause of sexual exploitation and trafficking
- support the implementation of Equally Safe
- contribute to reduce gender inequality
- act as a lever to deliver a message that women, children and vulnerable men in Scotland are not commodities to be bought for sexual gratification
- contribute to changing mainstream cultural messages and attitudes that legitimise or glamorise prostitution and other forms of sexual exploitation
- make Scotland a hostile destination for traffickers
- help prevent women and vulnerable men becoming involved in prostitution and support them to exit

The position in Scotland and other countries

- At present, it is legal to pay for sex in Scotland but illegal to solicit sex in a public place. This position is incompatible with the Equally Safe Strategy and with the aim of the Human Trafficking & Exploitation (Scotland) Bill, i.e. to criminalise the exploiters, not those exploited.
- Evidence from countries where the purchase of sex acts is criminalised shows a shift in attitudes, a decline in the number of men buying sex and a reduced market for traffickers. (3, 4)
- Northern Ireland has recently criminalised the buying of sex through its trafficking legislation. This decision has implications for the rest of the UK and could serve to displace trafficking to other countries, including Scotland.

Summary

We believe that the Human Trafficking and Exploitation (Scotland) Bill presents a potential legislative vehicle that would serve to:

- Act as an effective lever to deter men from buying sex, whether from people involved in prostitution in Scotland or those who are trafficked here for the purpose of sexual exploitation.
- Enable those who are sexually exploited through prostitution in Scotland, including those who have been trafficked, to access sustainable and sufficiently resourced support and exiting services.

Parallel aims:

Tackle trafficking

Address consequences of sexual exploitation by:

- *criminalising traffickers
- *not criminalising those exploited
- *supporting those exploited

Challenge demand

Address the cause of sexual exploitation by:

- *criminalising buyers of sex
- *decriminalising those exploited
- *supporting those exploited

Trafficking for the purpose of sexual exploitation cannot be addressed without challenging the root cause: gender inequality and men's demand to buy sexual access to women and children.

Recommendation

In light of Scotland's strategic position on gender-based violence as stated in Equally Safe and the supporting evidence from other countries, we would advocate that legislation as proposed above, to criminalise the buying of sex, is compatible with the provisions of the Human Trafficking and Exploitation (Scotland) Bill. Given this, we would advocate the inclusion of an amendment to challenge the demand for buying sex.

Women's Support Project
25 February 2015

References

- (1) Macleod, J., Farley, M., Anderson, L., & Golding, J. (2008) *Challenging Men's Demand for Prostitution in Scotland*, Women's Support Project.
- (2) 'Trafficking of women for sex in UK worth £130m', the *Telegraph*, 7 October 2013. Accessed at: <http://www.telegraph.co.uk/news/uknews/crime/10362256/Trafficking-of-women-for-sex-in-UK-worth-130m.html>
- (3) Waltman, M. (2011) *Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential*. *Women's Studies International Forum* 34: 449-474
- (4) 'Evaluering av forbudet mot kjøp av seksuelle tjenester', Rapport nummer 2014/30, VISTA ANALYSE