

North Lanarkshire Council

Report

Policy and Strategy Committee

approval noting

Ref LMCM/HS/AC/EW

Date 18/03/21

Position Statement on Prostitution

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Executive Summary

Equally Safe, Scotland's national strategy for preventing and eradicating all forms of violence against women and girls, defines prostitution as a form of commercial sexual exploitation and as such forms part of the continuum of violence against women. This definition is echoed in the council's Gender Based Violence Policy.

North Lanarkshire Violence Against Women Strategic Group (VAWSG) supports this definition of prostitution and has developed a Position Statement on Prostitution which supports a *challenging demand* approach. The challenging demand approach advocates a change to the legal framework in Scotland that addresses the causes of commercial sexual exploitation and prostitution i.e. gender inequality and the demand from men to buy sex from women, by:

- decriminalising those selling sex; and
- criminalising the buyers of sex in all settings.

The Position Statement also advocates the implementation of measures to provide support as well as exiting services for those exploited through prostitution.

Endorsement of the Position Statement on Prostitution, set out in Appendix 1 of the report, is sought from the Policy and Strategy Committee.

Recommendations

It is recommended that the Policy and Strategy Committee:

- (1) note the content of this report;

2. Report

2.1 North Lanarkshire Council position on violence against women

2.1.1 Defining prostitution as a form of violence against women is echoed in the council's Gender Based Violence Policy which was approved at the former Youth, Equalities and Empowerment Committee in October 2019 (see Appendix 2).

2.1.2 The council recently achieved Equally Safe at Work (ESAW) accreditation, a programme which clearly sets out that violence against women, including prostitution, is caused by gender inequality. ESAW aims to overcome the barriers to women in the workplace to secure opportunities to reduce women's poverty, which is a main cause of women entering prostitution, as set out in section 3.2 of this report.

2.1.3 North Lanarkshire Council has been a key partner on the North Lanarkshire Violence Against Women Strategic Group and has led this partnership since its inception in 1998.

2.2 The prevalence of prostitution in Scotland and North Lanarkshire can be difficult to determine. However, a simple internet search can identify the number of women in North Lanarkshire 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 prostitution. They may:

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

2.3 Based on a lack of alternatives, often coerced, becoming involved in prostitution is rarely a free or vocational choice. 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.

2.4 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.

2.5 To support the challenging demand approach locally, North Lanarkshire Violence Against Women Strategic Group (VAWSG) has developed a position statement on prostitution advocating a change in the legal framework in Scotland to:

- decriminalise those selling sex; and
- criminalise the buyers of sex in all settings.

- 2.6 The position statement on prostitution also supports the implementation of measures to provide support and exiting services for those exploited through prostitution.

3. Equality and Diversity

3.1 Fairer Scotland Duty

- 3.1.1 By providing support and exiting services for women in prostitution the council will be contributing to overcoming socio-economic disadvantage, the main cause of women entering prostitution.

3.2 Equality Impact Assessment

- 3.2.1 The position statement on prostitution clearly outlines that the root cause of prostitution is gender inequality therefore contributing to the council's advancement of the Public Sector Equality (General Duty). In supporting this position statement, assertive action is therefore being taken to promote understanding and awareness of gender inequality issues.

4. Implications

4.1 Financial Impact

- 4.1.1 Women involved in prostitution are likely to be already accessing services in North Lanarkshire, however they are unlikely to disclose their involvement in prostitution due to shame or being unsure of the response they will receive. Work will be required with services to identify what they can provide to people involved in prostitution and this will require to be promoted to services across the council, the Community Planning Partnership and to the public.

4.2 HR/Policy/Legislative Impact

- 4.2.1 The council endorses the definition of prostitution through its Gender Based Violence policy. There are no legal implications arising from this report. It will be important to ensure that this position statement is made explicit in commissioning and procurement processes.

4.3 Environmental Impact

- 4.3.1 There is no direct environmental impact resulting from the council adopting the Position Statement on Prostitution.

4.4 Risk Impact

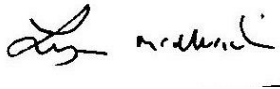
- 4.4.1 Practitioners have increased understanding of actions they can take to help promote the safety and wellbeing of women and young people engaged in prostitution.

5. Measures of success

- 5.1 Increased awareness of the harms caused by prostitution amongst key professionals across North Lanarkshire Council and the Community Planning Partnership.
- 5.2 Practitioners have increased understanding of actions which they can take to help promote the safety and wellbeing of women and young people engaged in prostitution.
- 5.3 Women engaged in prostitution in North Lanarkshire have increased awareness of the support available to them.
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6. Supporting documents

- 6.1 Appendix 1 – Position Statement on Prostitution
- 6.2 Appendix 2 – Gender Based Violence Policy



Lizanne McMurrich Head of Communities

Appendix 1 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.

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.

Background

2. *Equally Safe*¹, 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.
3. 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.
4. The main international approaches to address prostitution are:
 - Legislation
 - Decriminalisation
 - Challenging demand
5. 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.

¹ Equally Safe Scotland's Strategy for preventing and eradicating violence against women and girls

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6. 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.
 7. The challenging demand approach decriminalises and supports those exploited through commercial sexual exploitation (mainly women) and criminalises the buyer of sex (mainly men).
 8. Countries which have adopted this approach to date include: Sweden, Norway, Iceland, Finland, Israel, Northern Ireland, Canada, South Korea and India.
 9. 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.
 10. It recognises the inherent imbalance in power between men and women in society, which in turn is mirrored and reinforced through commercial sexual exploitation.
 11. Challenging demand aims to prevent and reduce levels of gender-based violence as well as change cultural attitudes that perpetuate such abuse.
 12. In contrast to the legalisation and decriminalisation models, the challenging demand approach advocates decriminalising *solely* those selling sex and criminalising *solely* those buying sex.
 13. The challenging demand approach is formally supported by the European Union and Council of Europe.
 14. Moreover, challenging demand has proven to be the only approach that successfully reduces the prevalence of prostitution and trafficking i.e. 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.
 15. 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

16. Partner agencies (detailed in section 1) adopt a position aligned to that of national policy, which seeks to challenge demand.

17. 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 i.e. gender inequality and the demand from men to buy sexual access to women.

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).

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.²

² Prostitution Policy in Sweden – Challenging Demand (2019)

Gender Based Violence Policy

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Governance Committee	<i>Youth Equalities and Empowerment</i>	Date approved	<i>28/10/19</i>
Review date	<i>September 2021</i>		

Strategic Alignment

Outcome: Improve the Council's resource base

Action: Support employees who have experienced gender based violence either in the past or present at work.

Consultation process	<i>Equally Safe at Work Working Group members Gender-Based Violence Support Officers</i>	
Stakeholders	Contacts identified for each service	
	<i>Insert name</i>	<i>Insert service, organisation</i>
Distribution	<i>CMT</i>	

Change record

Date	<i>insert date</i>	Author	<i>insert contact details</i>
Change made	<i>insert details of changes made</i>		

1. Introduction

- 1.1 Gender-Based Violence (GBV) is an umbrella term that encompasses a spectrum of abuse experienced mostly by women and perpetrated mainly by men including: domestic abuse, rape and sexual assault, childhood sexual abuse, sexual harassment, stalking, commercial sexual exploitation and harmful traditional practices such as female genital mutilation (FGM), forced marriage and so-called “honour” crimes.
- 1.2 Gender-Based violence can happen to anyone regardless of sex, sexual identity or gender. The key risk factor for experiencing GBV, however, is being female.
 - 4221 referrals for GBV were made to agencies in North Lanarkshire in 2018-2019, 90% of these referrals were for women.
 - 4 out of every 5 incidents of domestic abuse reported to Police Scotland have a female victim and male perpetrator.
- 1.3 Although primarily experience by women, the policy recognises that men too can experience abuse.
- 1.4 The policy also recognises that although experienced mainly outwith the workplace GBV can, and does, occur between colleagues in the workplace, e.g. sexual harassment, stalking etc.
- 1.5 Given its prevalence within the wider population and the size of the workforce of North Lanarkshire Council (NLC), it is conceivable that a significant number of NLC employees will have experience of some form of abuse, past or current. It is further recognised that a number will be perpetrators.
- 1.6 Given the disproportionate impact on women and girls, GBV is one of the most sensitive indicators of gender inequality. As such, implementation of this policy will advance gender equality under the Equality Act 2010.
- 1.7 As well as being rooted in gender inequality, GBV cuts across boundaries of ethnicity, age, disability, sexual orientation, religion and belief. The policy will therefore also contribute to the Council’s legal duties in relation to these other aspects of the Equality Act.
- 1.8 Whether it takes place within or outside the workplace, the employment implications for employees who experience abuse are significant. It can have a detrimental impact on health and well-being, which may affect attendance, performance and productivity.
- 1.9 Allegations of abuse made against employees could have potential implication for their employment role and could breach organisational and professional codes of conduct.

2 Aims and Purpose of the Policy

- To raise awareness of GBV as a serious health and social issue, highlighting its hidden nature and the impact on those affected by it;

- To send a positive message to employees with experience of abuse that they will be listened to and supported;
- To project a clear signal that the actions of employees who perpetrate abuse, within or outside the workplace, is not acceptable and could lead to action being taken under the Council's Disciplinary Policy ;
- To provide a framework for addressing the behaviour of employees who may be perpetrators of abuse and who may pose a risk to others, for example employees and service users;
- To clarify the scope for managers to interpret and apply provision within existing NLC policies when responding to GBV.
- To create a potential cost benefit for NLC, by contributing to the reduction of absence related costs and increased productivity;
- To improve the organisation's reputation by formally recognising and responding to GBV as a serious workplace issue.

3. Scope – Who is the Policy intended to benefit or affect All employees on NLC.

4. Principle Content

4.1 NLC is committed to creating an environment where employees are safe to disclose their experience of abuse in order to access support and increase safety for themselves and others. The right of staff not to disclose is respected and employees should not be pressured into sharing information they do not wish to.

4.2 Disclosures

All disclosures of abuse experienced by employees must be treated confidentially. Domestic abuse is recognised as a risk factor in the lives of individuals and others e.g. children. This does not mean that every case requires an escalated, immediate response and indeed this can be unsafe when not carefully considered. Where circumstances indicate a significant or immediate risk of harm to the individual or others those circumstances should be assessed and public protection procedures considered e.g. child protection, adult protection.

Where information is made available about employees who are alleged to be perpetrators of abuse, advice must be sought from the HR department on how to proceed.

4.3 Roles and Responsibilities

All employees of North Lanarkshire Council have a responsibility to ensure their workplaces are safe and they strive to prevent and eradicate all forms of gender based violence.

NLC is committed to creating an environment where staff affected by abuse feel confident that support and advice is available from a range of sources.

NLC Services will provide

- Specialist information and support to staff with experience of abuse.
- Specialist information and guidance for managers and other individuals involved in the application of this policy.

Line Managers

The Council has produced a ***Guidance for line managers supporting employees experiencing gender based violence*** to support the application of this policy and should be referred to in all disclosures of gender based violence.

The line manager is responsible for:

- Being aware of the possibility that staff members could be affected by past or current abuse;
- Taking a victim focused approach when abuse is disclosed.
- Recognising potential signs of abuse;
- Initiating discussion if you have concerns about abuse;
- Responding sensitively to disclosure;
- Helping your staff member assess their level of risk and plan with them for their safety.
- Considering what workplace supports you could provide within the scope of current NLC policy provision e.g. Special Leave Policy
- Providing information about other sources of help.
- Keeping good records, documenting discussion and action taken, ensuring that information is stored confidentially.

Employee Relations Advisers are responsible for:

- Providing guidance to managers or individuals on the application of this policy.
- Providing advice to managers or individuals on other related and relevant policies.

GBV Support Officers

GBV Support Officers will operate a confidential contact and support for staff experiencing abuse. They can also be accessed by line managers and employee relations advisers who are looking for advice and assistance in supporting an employee.

