



Shift The Burden

Scotland's prostitution laws are outdated and unjust. We need a progressive legal model to combat commercial sexual exploitation - one that shifts the burden of criminality off victims of sexual exploitation and on to those who perpetrate and profit from this abuse.

The problem: Scotland's prostitution laws are outdated and unjust

The Scottish Government recognises prostitution as a form of violence against women¹. Yet it is currently legal to perpetrate and profit from this form of violence. Men who exploit women by paying for sex enjoy impunity, pimping websites operate free from criminal sanctions, while women abused through prostitution can themselves face penalties for soliciting. Scotland's prostitution laws fail to deter demand from sex buyers, allow pimps to operate freely online, and punish women for their own exploitation.

▶ Men who exploit women by paying for sex enjoy impunity

Prostitution is rightly recognised as a form of violence against women in Equally Safe² - the Scottish Government's strategy to eradicate violence against women. However, it is currently legal to perpetrate this form of violence against women because paying for sex is legal. The law fails to deter perpetrators of this

form of gender-based violence or hold them to account.

4% of men in Scotland report having paid for sex in the past five years, according to latest figures³. Men who are most likely to have paid for sex are single men aged 25-34, in professional or managerial occupations and those who report high numbers of sexual partners⁴.

“I am a survivor of so-called ‘high class’ prostitution in the UK and of overseas trafficking. I have also spent over 25 years providing frontline exiting services and have witnessed first-hand the devastating reality for women. I want to be part of a Scotland that completely rejects the idea that women and girls can be for sale, treated as commodities by men who believe this is their right and entitlement.”

- Diane Martin CBE, Scottish survivor of prostitution and trafficking

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▶ **Pimping websites operate free from criminal sanction**

Highly lucrative pimping websites currently operate openly and freely in Scotland. These commercial websites are dedicated solely or partly to advertising individuals for prostitution.

An inquiry in 2021 by the Scottish Parliament's Cross-Party Group on Commercial Sexual Exploitation found that pimping websites incentivise and facilitate sex trafficking and sexual exploitation in Scotland⁵.

The inquiry recommended closing the regulation gap that allows online pimping by introducing the offence of enabling or profiting from the prostitution of another person.

“These ‘pimping websites’ fall through the cracks of our outdated laws on sexual exploitation. Website operators are free to enable and profit from the prostitution of others – without criminal sanction.”

- Ruth Maguire MSP, Cross-Party Group on Commercial Sexual Exploitation⁶

▶ **Victims of sexual exploitation can face penalties**

Women who are sexually exploited through prostitution can themselves face penalties for soliciting under Section 46 of the Civic Government (Scotland) Act 1982. This can make it harder for women to leave the sex trade and access support.

Women exploited through prostitution can face multiple barriers to exiting and rebuilding their lives⁷. These include practical and psychological barriers – such as financial difficulties, addiction, trauma and coercion by third parties. Having a criminal record for soliciting can be a substantial additional barrier to seeking help, exiting and recovering. Punishing victims for their own exploitation is unjust and counterproductive.

Scotland must end impunity for pimps and punters - and provide support, not sanctions, for victims of sexual exploitation.

The solution

Scotland's outdated prostitution laws need urgent reform in order to deter demand from sex buyers, deliver support to victims, and hold exploiters to account.

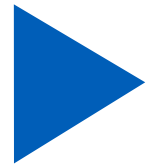
We need a legal model in Scotland that shifts the burden of criminality off victims of sexual exploitation and on to those who perpetrate and facilitate this form of violence against women.

A model for Scotland must:

- ▶ Decriminalise victims of sexual exploitation.
- ▶ Criminalise paying for sex.
- ▶ Provide holistic support and exiting services for victims of sexual exploitation.

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▶ Wipe previous convictions for soliciting from victims' criminal records.

▶ Criminalise online pimping.

An evidence-based approach

There is a robust and substantial evidence base revealing the necessity and effectiveness of shifting the burden of criminality off victims of sexual exploitation and on to those who perpetrate and profit from this abuse.

Sweden was the first country to shift the burden of criminality by criminalising paying for sex and decriminalising victims of sexual exploitation in 1999, affording over two decades of evidence of its effectiveness. Research in Sweden on the impact of this approach reveals:

- *Demand has dropped:* Surveys conducted in 1996 and 2008 found that the proportion of men who reported paying for sex reduced from 12.7% to 7.6%⁸. The most recent research on prevalence rates found that 7.5% of men had paid for sex. Just 0.8% of these men had paid for sex in the previous 12 months - the smallest proportion recorded in two decades and the lowest level in Europe⁹.
- *Public attitudes have transformed:* In 1996, prior to the law's adoption, 45% of women and 20% of men in Sweden expressed support for criminalising paying for sex. By 2008, support for this legal principle had risen to 79% among women and 60% among men¹⁰. The most recent statistics reported

in 2015 revealed that 85% of women and 60% of men (72% overall) were in favour of the law criminalising the purchase of sex¹¹.

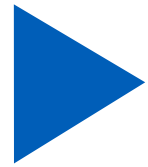
- *Traffickers are being deterred:* The Committee of Inquiry to Evaluate the Ban against the Purchase of Sexual Services, headed by Sweden's Chancellor of Justice, evaluated Sweden's demand reduction legislation in 2010. The Committee reported: "According to the Swedish Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers who are considering establishing themselves in Sweden"¹².

In 2020, researchers at University College Dublin evaluated the impact of Ireland's prostitution law reforms, introduced in 2017. They concluded: "at just over three years old, the official statistics, reports from women, service providers and the GNPSB presented in this research indicate that the initial outcomes of the 2017 law reform are very promising. These indicate a major shift in the burden of criminality in the right direction - from the seller, who is now decriminalised, to the buyer who is criminalised for fuelling the demand for women that sustains the sex trade."¹³ The evaluation also reported "an increased willingness amongst women to report crimes committed against them and in their improved relationship with Gardaí overall"¹⁴.

The United States criminalised pimping websites via the introduction of the Stop Enabling Sex Traffickers Act of

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2017 and the Allow States and Victims to Fight Online Sex Trafficking Act of 2017. Analysis of the impact of the legislation and its enforcement one year later revealed that the prostitution advertising market was significantly disrupted and demand had dropped. The analysis reported: *“A 12x increase in the treasure and time required to market commercial sex alters the economics of sex trafficking dramatically. Startup costs are higher, monthly profits are lower and administrative hours are longer. Combined with a significant decrease in demand and an increased perception of risk, sex trafficking is a less attractive illicit business in 2019 than it was in 2018.”*¹⁵

Commenting on the United States legislation to prohibit pimping websites, Valiant Richey, Special Representative and Co-ordinator for Combating Trafficking in Human Beings at the Organization for Security and Cooperation in Europe, stated: *“That bill passed and the market declined by eighty per cent in seventy-two hours. We documented the data. Eighty per cent decline in seventy-two hours. I’m not aware of any anti-trafficking legislation anywhere in the history of the world that had such an impact on the market in such a short time.”*...*“Governments should really be considering policy options to shut down these sites as quickly as possible.”*¹⁶

Time to deliver

The Scottish Government has pledged to develop a model for Scotland that challenges men’s demand for prostitution and supports women to exit sexual exploitation. The Government must now deliver on its commitment and shift the burden of criminality off victims of sexual exploitation and on to those who perpetrate and profit from this abuse.

“We are committing to develop a model specifically for Scotland that will reduce the harms of prostitution, support women to exit it and, crucially, challenge men’s demand for purchasing sex.”

- Ash Denham MSP, Minister for Community Safety, 2021¹⁷

“We will develop a model for Scotland to tackle this form of violence against women and girls, and consider how aspects of international approaches which seek to challenge men’s demand for prostitution would be best applied in Scotland.”

- SNP Manifesto 2021¹⁸

“We will also undertake to develop a model for Scotland which effectively tackles and challenges men’s demand for prostitution.”

- Programme for Government 2021-22, Scottish Government¹⁹

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About A Model For Scotland

A Model for Scotland is an alliance of survivors, organisations and frontline service providers calling for a progressive legal model to combat commercial sexual exploitation in Scotland.



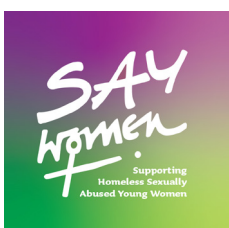
**Equally Safe
Edinburgh
Committee**



**Cross-Party Group on
Commercial Sexual Exploitation**



**WOMEN'S
SUPPORT
PROJECT**



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