

A briefing on **Equally Safe: A consultation on challenging men's demand for prostitution, working to reduce the harms associated with prostitution and helping women to exit**

<http://consult.gov.scot/violence-against-women-team/equally-safe-reduce-harms-associated-prostitution/consultation/>

This briefing has been produced by the Women's Support Project (WSP). It is informed by work across Scotland with organisations providing services to people involved in prostitution, and by direct links with women currently or previously involved in the sex industry.

The Women's Support Project agree that a national discussion on future policy around commercial sexual exploitation (CSE) is needed and believe that a wide range of voices and sectors must be included. We have responded to previous consultations on legislative and policy approaches over the past 16 years, and consistently expressed concerns that the needs of women affected by CSE have not been adequately addressed at local and national level. We hope this consultation will move Scotland forward and lead to a clear, coherent, and comprehensive strategy that is consistent with the stated approach as outlined in Equally Safe.

This consultation was launched in September 2020 and the closing date is Thursday 10 December 2020. The consultation is available online at:

<https://consult.gov.scot/violence-against-women-team/equally-safe-reduce-harms-associated-prostitution/consultation/>

There is also an "Easy Read" version available at:

<https://www.gov.scot/publications/easy-read-equally-safe-consultation-challenging-mens-demand-prostitution-working-reduce-harms-associated-prostitution-helping-women-exit/>

Questions

Question 1: Do you agree or disagree that the Scottish Government's approach to tackling prostitution, as outlined in this section, is sufficient to prevent violence against women and girls?

No. We do not believe that current legislation is adequate to challenge the behaviour of those who profit from the prostitution of others, nor to deter sex buyers from exploiting women in need.

The Scottish Government aims for "a strong and flourishing Scotland where all individuals are equally safe and respected, and where women and girls live free from all forms of violence and abuse – and the attitudes that help perpetuate it"

Equally Safe recognises gender inequality as the fundamental cause of gender based violence against women, notes that in order to address one area of male violence a comprehensive approach must be adopted to tackle all, and *includes prostitution and other forms of commercial sexual exploitation within the spectrum of gender based violence*. This approach is underpinned by equality and human rights principles.

However, Equally Safe does not highlight a specific work programme for CSE and contains very broad actions such as “working to develop thinking”

“The different forms of violence against women will demand specific interventions and these will be explored further; for example, we will work with others to develop thinking around Commercial Sexual Exploitation and ensure that women working in this area are protected from violence and abuse, and supported to exit situations where they are being sexually exploited for commercial purposes” (pg 38)

Effective implementation of the ES strategy depends on a well-resourced and monitored Delivery Plan where all forms of VAWG are treated in a broadly consistent fashion with adequate legislation to be in place to support its 4 priority areas.

The current ES Delivery Plan contains only 3 points specific to CSE: -

- Challenging Demand programme to raise awareness of commercial sexual exploitation and build capacity across organisations to address it
- Commission a mapping of existing specialist support for those experiencing commercial sexual exploitation, to better understand current coverage and good practice
- Consider how support for service providers supporting harm reduction and exit for those engaged in prostitution could be enhanced

The WSP agrees with the overall approach of the Scottish Government to include CSE in its definition of VAWG but we are concerned that women affected have not been considered in a consistent way. Whilst the Scottish Government names CSE as a form of VAWG, it has not developed actions addressing it as such on strategic and policy levels. There has not been the same focus or change for the women affected by form of VAWG in comparison to other forms and we hope this consultation will not only create discussion but much needed action and investment.

Discussions on approaches must consider the ongoing inconsistencies in legislation, for example prostitution is considered harmful but people involved in street prostitution can still be criminalised (Section 46 of the public places act) Any approach in Scotland should seek decriminalise the sale of sex in public places and prior offences should be removed from records. At the same time appropriate support is needed to ensure that women have other options to support themselves (and their children).

The approach for Scotland must be cross cutting and consistent with the: Scottish National Action Plan for Human Rights; National Action Plan to Tackle and Prevent Child Sexual Exploitation; Trafficking and Exploitation Strategy; National Trauma Training Framework; National strategic assessment of serious and organised crime; and health strategies for mental health, trauma, social isolation, employment, addiction, sexual health, drugs and alcohol.

Scotland, as part of the UK, has made commitments to tackling violence against women through different International Measures and Obligations. These include the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the UN Convention on the Rights of the Child and the Palermo Protocol. Work to prevent and tackle commercial sexual exploitation, including prostitution,

must be undertaken to meet these international commitments. Measures to do so should include:

- Targeted information campaigns aimed at the public on the harms and realities of prostitution and targeted campaigns aimed at men who purchase sex. (<http://www.stopdemand.org/wawcs0154995/idDetails=222/> for examples)
- Preventive measures, including educational programmes on discrimination, gender equality, and the dignity and integrity of every human being.
- Raising awareness of the important roles and responsibilities of civil society in identifying the demand from men to buy sex in prostitution as a root cause of human trafficking

(Directorate General for Internal Policies, Policy Dept. C: Citizens Rights and Constitutional European Parliament. *“Sexual exploitation and prostitution and its impacts on gender equality – 2014*)

On the 6th November a General Recommendation on Trafficking was reaffirmed by the CEDAW Committee calling on all States to implement measures to combat all forms of trafficking under CEDAW Article 6 with a recognition that *“the gender-specificity of the forms of trafficking in women and girls and its consequences, including harms suffered, the Committee acknowledges that trafficking and exploitation of prostitution in women and girls is unequivocally a phenomenon rooted in structural sex-based discrimination, constituting gender-based violence and often exacerbated in the contexts of displacement, migration, the increased globalization of economic activities, including global supply chains, the extractive and offshore industry, militarization, foreign occupation, armed conflict, violent extremism and terrorism.”* The General Recommendation notes that:

“Sexual exploitation persists due to States parties’ failure to effectively discourage the demand that fosters exploitation and leads to trafficking. Persisting norms and stereotypes regarding male domination, the need to assert male control or power, enforce patriarchal gender roles, male sexual entitlement, coercion and control which drive the demand for sexual exploitation of women and girls.”

(https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/38&Lang=en)

Scotland must therefore take action to address the demand and all aspects of the sex trade to ensure it meets its international obligations.

The WSP believes that after a series of consultations in Scotland on legislation and policy approaches in the past 10 years (2010, 2012, 2015, 2016), this is the time to make a clear policy decision and ensure that CSE moves up the planning agenda with an expectation of measurable actions allocated to key ES partners.

The Evidence Review commissioned by the Justice Department in 2017 noted that the Scottish Government needed to make a policy decision with a firm commitment to move the agenda on CSE forward - *“This review highlights the limitations of evidence and reinforces the point made by many others that evidence on*

interventions in this area does not, on its own, provide an independent source for the determination of policy and/or legislation. Ultimately, the absence of conclusive evidence is likely to require decision-making based on political standpoint and consideration of the policy context and framework in which any potential intervention is required.”

(<https://www.gov.scot/publications/exploring-available-knowledge-evidence-prostitution-scotland-via-practitioner-based-interviews/pages/20/>)

We hope this consultation will provide the structure needed for a decision and a framework for action.

Question 2: What are your observations as to the impact of the coronavirus outbreak on women involved in prostitution in Scotland?

The coronavirus pandemic has had and continues to have a significant detrimental impact on the lives of women who sell and exchange sex on-street, and in off-street settings such as lap dancing bars, escort agencies, pornography, and selling images online. The women involved have faced the same challenges as many other women such as housing, no money, lack of access to services and caring responsibilities. They face additional challenges in accessing support due to stigma, fear of disclosing their specific circumstances and concerns around confidentiality.

The WSP co-ordinated 2 needs assessments with the Encompass Network during the period March – October 2020 which highlighted the dire circumstances women found themselves in. These reports are available at <http://www.encompassnetwork.info/uploads/> and highlight issues such as :-

- A collapse in demand for paid for sex significantly impacting finances.
- Venues such as lap dancing clubs closed and women not able to access financial supports.
- A need to continue seeing clients despite COVID-19.
- Heightened risk of violence from punters/clients using Emergency Measures to pressurise women.
- Fears of arrest if they are selling sex together in the same premises during the Emergency Measures and Lockdown.
- Concerns around the ability to maintain boundaries with punters/clients as lockdown eased.
- A need to turn to unsecure online platforms and private galleries to sell sexual images to paying fans or subscribers (e.g. OnlyFans/Adultworks/AdmireMe) where subscribers can easily pirate content and boundaries may be pushed due to market saturation.
- Struggles to make money from online platforms where sexual images are paid for/subscribed to due to market saturation.

In response to risks of destitution, emergency financial aid /crisis funds were available through sex worker led groups who also distributed vouchers and technology.

The Scottish Government identified women involved in prostitution as an at-risk (non-shielding) group requiring additional support needs, including around housing, fuel and energy needs and food. The Encompass Network was granted £61,000 from the Immediate Priorities fund to last 13 weeks across 8 agencies to support development of information, increase access to counselling support and a direct

emergency fund offering crisis support. This was a Crisis Fund and was not able to offer any longer-term financial assistance to women. Workers have been supporting women access other funds and advocating for them with services.

The WSP, on behalf of the Encompass Network, linked with Victim Support Scotland who administer the Victim Fund, so women affected by CSE could apply for those funds for financial support.

This ongoing need for financial aid clearly shows that being involved in the sex industry does not create financial stability for most women.

The Covid-19 crisis shone a spotlight on the extreme and desperate poverty of huge numbers of women in Scotland. Women feel there is no option other than to continue, or start, selling sex to secure the resources necessary for them and their families to survive. Prostitution is not an equitable solution to these circumstances and if the Scottish Government is serious about preventing and eradicating VAWG, it must also seek to reduce poverty and gender inequality.

Question 3: Which of the policy approaches (or aspects of these) outlined in Table 3.1 do you believe is most effective in preventing violence against women and girls?

Any policy decision taken by the Scottish Government must be in line with existing agreed strategies and approaches so that any model developed best reflects where Scotland is positioned on gender equality and human rights.

Any approach agreed needs strong leadership on national and local level, across departments and sectors to ensure commitment and consistency.

The Encompass Network developed a proposed approach in 2017 to support discussions on strategies to end commercial sexual exploitation (CSE)
https://www.encompassnetwork.info/uploads/3/4/0/5/3405303/preventing_and_eradicating_prostitution.pdf

The proposed approach has 3 core aims:

- take concrete action on prostitution by supporting those who are involved in, exiting from, or moved on from selling or exchanging sex
- challenging the societal attitudes and structures which perpetuate it and
- disrupting the market for prostitution.

It contains 7 elements which all must be included in both short- and long-term planning:

- Comprehensive primary prevention that supports healthy relationships and sexuality
- Increased public awareness of the causes and impact of prostitution as a form of gender-based violence
- Capacity-building so that staff in mainstream and specialist services have the right skills to meet the needs of those involved in prostitution
- Support and harm reduction services for people involved in prostitution
- Support for people who wish to leave prostitution, and to help them recover from their experiences

- Decriminalising selling sex in a public place (section 46) and removing such convictions from the record
- Disrupting prostitution markets and reducing demand by criminalising the purchase of sex

This is consistent with:

- The Scottish Government's vision for a Fairer, Smarter, Healthier, Safer and Stronger Scotland in which all people are treated equally and enabled to reach their potential and live lives free of violence, abuse, and subjugation. (ref)
- Equally Safe, the Scottish Government's strategy to prevent and eradicate violence against women and girls
- The Sexual Health and Blood Borne Virus Framework 2011- 20153

It is our collective duty to end prostitution and other forms of commercial sexual exploitation, not to tolerate or 'manage' it. The Scottish Government and partners must protect the most vulnerable members of our communities, who are most at risk of being involved in prostitution. We acknowledge that there are women and men who sell or exchange sex for whom this is their preferred choice, but through our direct work with women and strong links with front line services, we know that there are many for whom elements of power, choice, consent and control are vastly reduced or non-existent. It is this group who need consideration in policy and strategic planning.

Question 4: What measures would help to shift the attitudes of men relating to the purchase of sex? Do you have any examples of good practice either in a domestic or an international context?

Prevention must be at the core of any national approach in line with approaches taken for other forms of VAWG in Scotland.

One of the elements in the Encompass Network proposed approach is:

Increased public awareness of the causes and impact of prostitution as a form of gender-based violence

(https://www.encompassnetwork.info/uploads/3/4/0/5/3405303/preventing_and_eradicating_prostitution.pdf)

Public and social education and awareness-raising is needed to tackle attitudes to prostitution and other forms of CSE and must target the driving force behind the prostitution industry: that is the demand from men to buy sex. Those who buy sex have a choice. In choosing to buy sex from those who are generally vulnerable and disadvantaged, buyers are exploiting the former's need for money; commodifying other human beings; and undermining gender equality. Key elements of public education and prevention should include concepts of choice, consent, and control in individual relationships, along with challenging beliefs about entitlement and privilege.

Learning should be used from campaigns in other countries which have changed legislation and policy, for example

- Fair sex equal sex in Sweden - <https://realstars.eu/en/kampanjer/>

- Prostitution 'We don't buy it' in Ireland - <https://wedontbuyit.eu/>

Public education by itself is not sufficient. If it were, there would not have been a series of legislative changes in Scotland over the years, which have been focused on holding perpetrators to account for other forms of VAWG.

Scotland has shown itself progressive in tackling other forms of VAWG such as the introduction of The Domestic Abuse Act in 2019, which recognises the dynamic of coercion control. This legislation extends legislation beyond physical violence and covers a range of behaviours such as psychological and emotional abuse. The difficulties in implementing and using such progressive legislation were not considered too large a barrier for Scotland to move forwards and the value of legislation as a tool for challenging attitudes was recognised.

This commitment to recognising the multiple ways in which people are affected by VAWG now needs to be applied to CSE, with any agreed policy and legislation firmly rooted in a gender equality approach which recognises the highly gendered nature of prostitution. We want to see Scotland developing solutions which will target those who create the demand for prostitution and those who profit from the exploitation of others.

In the consultation on the ES Delivery Plan many drew the comparison with progress around domestic abuse and an inconsistent approach to Outcome 4 of ES.

"[Our organisation] welcomes the inclusion of actions that will help tackle perpetration of domestic abuse in this section of the Delivery Plan, but we believe that identifying and holding perpetrators to account in relation to other forms of VAWG should be strengthened in this section." Violence Against Women / Gender Based Violence Partnership. (pg. 12 Consultation on ES delivery plan)

As part of a multi phased well resourced Scottish Model, responsibility needs to be placed on those who profit from the exploitation of others and each part of the system of prostitution needs addressed. This system exists and is profitable because there is a demand who are willing to pay for sex. The demand, mainly men, are not currently held liable for any harm or impact caused by their choices in supporting this system. We need to address sex buyers, to stop the demand and therefore the 'supply.'

The Evidence Review from the Justice Department in 2017 highlighted that there are "gaps" and a lack of conclusions in research evidence of what "works" in reducing demand and uses Wilcox et al 2009 to suggest that "prostitution is a policy domain for which the "right" answer may not be determined solely by reference to the evidence. There are moral, political, and other influences that need to be considered when tackling the demand for prostitution. (Wilcox et al, 2009: Key findings).

Question 5: Taking into account the above, how can the education system help to raise awareness and promote positive attitudes and behaviours amongst young people in relation to consent and healthy relationships?

In "Preventing and Eradicating Prostitution" Encompass calls for an effective approach which responds to the factors which push women and girls into prostitution including:

- Lack of suitable/flexible employment

- Lack of affordable and accessible childcare
- Insecure employment and job contracts
- Punitive welfare benefits system
- Poverty and financial pressures
- Unstable, insecure, or unaffordable housing
- Drug and alcohol addiction
- Mental health issues
- Previous experiences of the care system
- Previous experiences of violence and abuse
- Insecure immigration status and no access to support/resources because of no recourse to public funds status
- Perpetrators of serious and organised crime who seek to profit from the exploitation of others

Prevention cannot rely on the education system to change these factors in the short or long term. Gender inequality cuts across all these areas and must be addressed to reduce these socioeconomic factors which create the contexts in which women are drawn into the sex industry.

Other elements of prevention include providing information about prostitution and CSE in teaching personal and social development and healthy respect in relationships in schools and other educational settings.

This approach must name and address prostitution as a form of VAWG and support young people to explore concepts around power, choice, and consent. There is already prevention work happening through the mainstream curriculum e.g. Healthy relationships guidance issued by NHS GGC which looks at pornography and its impacts on young people's ideas of relationships, sexual and gender stereotypes, and sexual scripts. (<https://www.sandyford.scot/media/3046/the-matter-report-what-are-young-peoples-views-and-experiences-of-relationships-and-sexual-health-in-the-greater-glasgow-and-clyde-area-2014.pdf>) Age appropriate materials could be developed alongside young people and disseminated alongside capacity building for teaching and support staff utilising interventions already in place e.g. Rape Crisis prevention workers

Question 6: How can the different needs of women involved in prostitution (in terms of their health and wellbeing) be better recognised in the provision of mainstream support?

Women involved in selling / exchanging sex have consistently identified challenges in engaging with mainstream / universal services including addictions, mental health, primary practice, and sexual health care. Women involved in prostitution tend to be seen by some services as 'problems' to be dealt with rather than people who need support. Negative attitudes and stigma can make it difficult for women to disclose experiences of abuse and/or their involvement in prostitution. They fear being judged; having their children removed; having their information given to the police; and being forced into services/treatments which they do not want. Given that women involved in prostitution tend to lack control or power in their lives, a lack of control (real or perceived) within support/treatment relationships can add to their pressure rather than reduce it.

The Encompass Network Needs reports and the CLiCK podcast series highlighted women's needs from services with women identifying long term comprehensive specialist support services who can work alongside mainstream services to shape practice and understanding. In a needs assessment carried out by Umbrella Lane in September 2020, one of the main barriers women faced when seeking support is that of stigma, and this was heightened during the COVID 19 crisis. (<https://www.umbrellalane.org/blog>)

Encompass therefore calls for:

- Capacity-building so that staff in mainstream and specialist services have the right skills to meet the needs of those involved in prostitution. Any training and capacity-building for all relevant frontline services and agencies should include CSE. Information on CSE should be embedded within child and adult protection training, trauma training, and gender equality / VAW training to promote understanding of the system of prostitution and its relationship to gender and other inequalities; the impact and trauma of prostitution on the individuals involved; their support, health and other needs; and good practice in supporting those affected.
- Capacity Building should focus on resilience, capabilities, and strengths rather than on problems. It should target those who work with women to ensure that staff are skilled in asking about involvement in prostitution and dealing with disclosures. It should use a training for trainers' model to ensure sustainability and long-term change in how services are provided.
- Agencies and services which would benefit from such training include the Crown Office and Procurator Fiscal Service (COPFS), criminal/community justice agencies, Police Scotland, welfare benefits agencies, Housing and homelessness agencies, NHS sexual health, mental health and addictions services; General Practice, Midwifery and health visiting, Migrant and BME organisations, voluntary/community agencies such as rights agencies, CABx and Victim Support; and women's organisations such as Women's Aid groups and Rape Crisis centres.
- Additional skills-based training should be developed for key frontline services looking at areas such trauma informed practice, innovative support approaches and normalising routine questions on CSE.
- Support and harm reduction services for people involved in prostitution

Comprehensive and non-stigmatising services are needed for those involved in prostitution. These should be developed in consultation with those involved in, or who have left, prostitution and should build on the experience, expertise and good practice of specialist services already working in this field, including specialist trauma-informed services. Providing such services will:

- Reduce immediate harm (for example substance misuse and sexual health issues)
- Provide advocacy and links to services relevant such housing/homelessness advice, welfare rights/benefits and crisis support, to enable women to understand and make informed choices about their other rights such as full reproductive rights, entitlements as survivors of human trafficking, and rights to equal marriage

- Address the complex trauma associated with prostitution
- Enable those involved to consider their options for moving on from prostitution with links to training, self-employment, business advice and mentoring.

Question 7: In your opinion, drawing on any international or domestic examples, what programmes or initiatives best supports women to safely exit prostitution?

Experiences of violence, abuse and/or harassment and coercion can affect women involved in selling or exchanging sex and impacts on their ability to leave it safely and for the long term. Support to leave prostitution must be available for those who require it at a stage which is appropriate for each individual.

Practical help is needed such as:

- safe, stable, and affordable accommodation
- drug and alcohol treatment
- trauma informed counselling and support services
- financial support opportunities to develop their confidence and self-esteem
- opportunities to learn new skills and train for future employment
- grants and support to set up businesses
- mentoring and coaching
- links and internships with private sector companies

These needs can only be met through partnerships across the public, community, voluntary and private sectors with the multi-agency working essential for ensuring a comprehensive response to the range of women's needs.

The need for a long term consistent well-resourced exiting model has been made even more apparent during COVID-19. Encompass has engaged with more women through the Encompass Fund with high numbers of women expressing desires to exit now or in the short term. Women in prostitution have described feeling trapped and faced with exiting prostitution under the emergency regulations, which means being unable to pay rent, or continuing to engage in prostitution while risking their health. Scotland urgently needs a comprehensive model of support for exiting, which can be accessed across the country, i.e. not limited to the main cities.

Question 8: Support services are primarily focussed within four of Scotland's main cities – Aberdeen, Dundee, Edinburgh and Glasgow – how can the needs of women throughout Scotland who are engaged in prostitution be met, noting that prostitution is not solely an urban issue?

Responses to the ES consultation highlighted a lack of clear direction and national leadership around CSE. An agreed national strategy and delivery plan for CSE needs to be in place to support work on local levels across Scotland. Local VAW partnerships need to adopt a policy position and commit to taking work forward with agreed actions included in reporting and monitoring systems to ensure accountability. Approaches should be embedded into the work of local partnerships, networks, and forums such as child protection, adult support and protection, and

VAWG partnerships, Housing and homelessness and Alcohol and Drugs. Key services such as health mental health, addictions, money advice, and 'violence against women' support should view responding to CSE as core business.

Whilst not every area has a specialist service, pre-existing models of delivery could be adapted with named or specialist CSE support workers located in local VAWG support services. We would also call for named service leads for CSE in key services; upskilling staff / 'champions' in key services such as mental health, sexual health and addictions.

We believe womens voices, experiences and needs should be at the core of approaches with clear participation and engagement work with safe opportunities for women to provide feedback on services. Women need to be reassured on the potential consequences of revealing involvement in prostitution to supportive trained and skilled staff.

Online chat and web-based support on a national basis should be developed using learning from CLiCK and the Connect Service at Glasgow and Clyde Rape Crisis Centre.

Question 9 Additional

Scotland has progressed towards a broadened understanding of VAW to include girls and young women with a recognition of the links between the different forms. It has been understood on a policy and strategic level that we need to address VAWG as a whole and CSE must be part of that.

Any policy on prostitution in Scotland must be based on the principles of gender equality, be gender-sensitive and recognise these phenomena take place in unequal societies, where women are structurally discriminated against.

If Scotland really wants to achieve gender equality, and to end violence against women, it needs to address the issue of the demand for prostitution. It has been proven that prostitution can have an impact on violence against women in general, as research on sex buyers shows that men who buy sex have a degrading image of women. (Nusha ref etc) The normalisation of prostitution leads to more violence against women: data show that men buying sex were more likely to commit sexually coercive acts against women and other acts of violence against women, and often presented misogynist attitudes.

Any approach in Scotland must be championed at the highest level and be combined with measures to address all the factors that drive people into prostitution with new or strengthened legislation to disrupt the sex industry. pimping and all forms of profiteering from other people's prostitution, including advertising and facilitation services, whether on or offline.

Reference Materials

(Directorate General for Internal Policies, Policy Dept. C: Citizens Rights and Constitutional European Parliament. *"Sexual exploitation and prostitution and its impacts on gender equality – 2014"*)

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