

# The changing landscape of Scottish responses to sex work: addressing violence against sex workers

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**ABSTRACT:** Sex work is currently a topical issue in Scotland, having being subject to various legislative and policy developments in recent times. These have included attempts to criminalise the purchase of sex and sauna raids, purported to reduce harm and provide protection to sex workers and communities. Within this paper, I draw upon findings from my Ph.D research that explores responses to violence associated with sex work in Scotland, using qualitative interviewing methods. These are used as a basis for examining the nature and extent to which Scottish legislative and policy responses to sex work have changed, with a particular focus on how this involves and relates to violence. Specifically, the paper considers the role relationship violence has within current Scottish legislative and policy responses to sex work: how violence is defined in law and policy and by individuals; understood and experienced by both sex workers and service providers; how they conceptualise violence as it applies to law and policy development, and perceive the implications of such developments. It is concluded that more continuities (related to ongoing stigmatisation and marginalisation of sex workers, and service provision issues in engaging with sex workers) than changes can be attributed to recent law and policymaking surrounding sex work in Scotland, resulting in a climate of violence-involving further stigma, exclusion and marginalisation for sex workers, as well as access challenges for service providers, which may contribute towards increased violence and issues of safety for sex workers. An approach, which takes account of a variety of sex worker perceptions and experiences of violence, is recommended, in order to sustain positive social and political change relating to sex work and sex workers.



**KEYWORDS:** Policy; Violence; Sex work; Scotland

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With recent attempts to criminalise the purchase of sex (see *Criminalisation of the Purchase of Sex Scotland Bill 2*, Scottish Parliament, 2012), sauna raids amidst changes in entertainment licensing (McGowan, 2014)<sup>1</sup>, and the dissolution of tolerance policies (Holmes, 2005, Matthews, 2005), sex work in Scotland has featured as an extremely topical and contested issue. In consideration of these factors, this paper aims to explore the issues of change and continuity. This is applied to law and policy responses to sex work in Scotland, with a particular focus on the role and relevance of violence within these responses. Sex work is the preferred terminology used within this paper. Prostitution and other terms related to sex work and violence however are also referred to, owing to their use and significance within law and policy documentation.

Violence may be considered a multi-faceted term, that involves various definitions, understandings and experiences for individuals. Applied to this research, violence may be understood in a physical, and/or emotional or other context (s). Similarly, individuals may vary in the extent to which, if any, they consider their own or others' experiences in or associated with sex work as violence, and as a result, respond differently to these experiences (for example, in choosing whether or not to access support services). These issues are considered within this paper, where differences in understandings and experiences of violence amongst sex workers and service providers, and the implications of such are highlighted.

When applied to sex work, such variations are particularly clear, with sex work dividing opinion, as to whether it constitutes violence against women (see MacKinnon, 1982; Jeffreys, 1997; Barry, 1995) or a freely chosen occupation (see Chapkis 1997; Nagle, 1997). While violence and other harms associated with sex work are largely subject to analyses, there tends to be limited focus on the realities of this. This may disregard or undermine different perspectives, particularly sex workers', leading to a lack of understanding in how they define violence, whether and how these definitions apply to their experiences of sex working, and how they respond to their experiences of violence, if any. More widely, this may impact by reducing

or limiting the voices of sex workers in policy debates that directly concern their working lives. This also applies to service providers who may provide support to sex workers for violence or other issues, and who are similarly not always widely represented in research. Further, in the case of Scotland, there is limited research output relating to this area, resulting in a gap in knowledge and understanding surrounding responses to violence and sex work. This would suggest a need for closer analysis of and research into this area.

This identified gap in knowledge surrounding Scottish responses to sex work (and violence within or associated with sex work), also provides the focus of this paper. Drawing upon findings from my Ph.D research into sex worker and service provider responses to violence associated with sex work in Scotland, this paper will explore some of the recent law and policy changes that have affected the sex industry and sex workers in Scotland, and in the wider UK context (note, that in places, UK prostitution policy is discussed in greater depth, owing to the wider range of and commentary related to English/Welsh prostitution laws and policies). These developments are critically examined in order to assess the ways and extent to which Scottish responses to sex work-in particular, sex work involving female sex workers and male clients, have changed. By way of contrast, other evidence is presented, highlighting continuities in responses to sex work in terms of prevailing social stereotyping and stigmatisation of sex workers, and support for legislation and policies that may be of detriment to sex workers.

In exploring how responses to sex work have both changed and/or remained similar, violence features as a key theme, taking into account the various definitions and experiences provided by participants. This includes understandings of physical forms of violence, as committed by clients or others, but more typically, refers to symbolic violence, i.e. non-visible forms of violence, or power forms that underpin and are reproduced by social structures or interactions (Bourdieu, 1992). This was largely represented by the resulting stigma, exclusion and displacement created by law and policy developments, which sex workers spoke of as potentially more violent and negative than actual physical acts of violence, as is later discussed. Violence is explored as an aspect and implication of recent changes in responses to the sex industry, by examining to what extent and how sex workers and service providers have defined and experienced violence, how these definitions and experiences relate to law and policy developments and how

the implications of these developments have been perceived by sex workers and service providers.

## Current UK/Scottish sex work legislation and policy

It has been widely observed that prostitution in the UK (England and Wales) is not in itself illegal (Sanders et al. 2009; Phoenix, 1999; Hubbard, 2006; Kelly et al. undated). This also applies to Scotland. While related activities, including soliciting and brothel keeping associated can be criminalised in Scotland, exchanging sex for money is not illegal (The Law Society of Scotland, 2011; Scot-Pep, undated a; McMillan, 2010; Equality and Human Rights Commission, 2009). The development of law and policy responses has reflected this sense of ambiguity. On one hand, there has been apparent support for crime control through the implementation of laws, and related enforcement and sanctions, involving and focusing on the criminalisation of sex workers. This has been based on attempts to eliminate or reduce some of the problems thought to be associated with prostitution (largely outdoors). Moves have included anti-social behaviour orders-ASBOs, designed to curb nuisance, linked to street prostitution (Sager and Jones, 2001), and fining individuals for loitering or soliciting publicly for the purpose of prostitution (under the Civic Government Scotland Act, 1982). In another vein, there have been attempts to create informal and more tolerant provisions that enable outdoor sex workers to work without much police intervention, where sex workers are seen not to cause public complaint (Matthews, 2005). These include some formal and informal zones in non-residential locations that often run conjointly with support agencies, enabling minimal disruption to residents, and facilitating agencies' access to sex workers (Matthews, 2005).

These and other laws surrounding prostitution<sup>2</sup> have over time, served to represent state and public interests and preoccupations. These have ranged from concerns during the Victorian era over the medical and moral implications of prostitution, in light of increased venereal disease within the military and attempts to develop the state, as represented by the introduction of the Contagious Diseases Act in the 1860s (Weeks, 1981). More recently, concerns including increased trafficking of women (McKeganey, 2006, Kantola and Squires, 2004), public and political pressures over community disorder and safety (Sager and Jones, 2001,

Hubbard, 2006), and recognition of the vulnerabilities of some sex workers, such as early entry to sex work, drug use and violence and abuse within and out with sex work (see Matthews, 2005; Cusick et al. 2003; McKeganey and Barnard, 1996; Church et al. 2001; Bindel et al. 2012, Shannon et al. 2009), have signalled a new direction in the regulation of prostitution.

The perceived vulnerability of sex workers in particular can be seen to have informed current UK law and policy on prostitution, which now takes the position that prostitution is a form of commercial sexual exploitation that constitutes violence against women (Scottish Government, 2009, 2014). For the purposes of this paper, it is significant to note the use of such terms. This indicates an increasing focus on applying discourses of violence and victimology to sex work, and to the experiences of female and largely outdoor sex workers in particular. This would suggest the importance of violence in framing and defining current policymaking on prostitution. Similarly, it may also indicate the perceived associations of some sex worker populations with violence, and thus their inclusion within related policymaking, potentially serving to exclude the voices of other sex workers affected by violence.

Both the Home Office – *Paying the Price* (2004), *A Coordinated Prostitution Strategy* (2006) and Scottish Executive (Government) – *Being Outside: Constructing a response to Street Prostitution* (2004) documentation reflect this, sharing similarities including, curbing entry to prostitution, encouraging exiting options, the protection of communities, and the criminalisation of individuals (shifting the focus from sex workers) who abuse and exploit women through prostitution. Policy for England and Wales, as with Scotland has also increasingly emphasised the need for multi-agency working as part of their approach (Home Office, 2004/2006, Scottish Executive, 2004, ACPO, 2011), with a view to involving the combined efforts of several agencies in addressing the perceived needs of and issues affecting sex workers. This has been noted to be successful in some cases, such as the inter-agency working between the police and outreach agencies in Merseyside in tackling client violence against sex workers (Penfold et al. 2004).

While some aspects of this newer approach may suggest some positive change related to safety, for example, seeking to protect individuals abused through prostitution, particularly young people, and preventing entry and multi-agency support for individuals who wish to exit prostitution (Soothill and Sanders, 2004), it

has also been widely criticised. In relation to *Paying the Price* (Home Office, 2004), Cusick and Berney (2005) have highlighted shortcomings in its understanding of the safety needs of sex workers, which instead, appears to prioritise the interests of communities. Plans including sexual health checks, enhanced policing and the introduction of ASBOs were highlighted as ways in which sex workers could be displaced and potentially faced with dangerous and risky situations (Cusick and Berney, 2005). Brooks-Gordon (2006) has similarly addressed the proposed safety aspects of the related *A Coordinated Prostitution Strategy* (Home Office, 2006), noting the potential for sex workers to be exposed to greater risks due to the focus on curtailing 'kerb-crawling', providing sex workers with limited time in which to screen or assess safety with clients, and similarly, to ending managed, tolerance or safety zones, which if allowed to remain, could increase sex workers' safety (Brooks-Gordon, 2006).

Sanders (2009a) meanwhile has highlighted the fact that *A Coordinated Prostitution Strategy* (Home Office, 2006) demonstrates limited awareness and understanding of the diversity and choice that may be involved in sex work. Sanders (2009a) draws our attention to the matter of disruption to sex markets that would potentially be created by the *Strategy*, affecting both indoor and outdoor sex work. In failing to recognise individuals' choice to be involved in sex work, and existing positive, non-exploitative relations between indoor sex workers and managers, Sanders (2009a) suggests that there could be several negative implications. These include a lack of commitment amongst managers to operating safe, presentable, fair and legitimate venues, and reduced safety for sex workers through displacement, and reduced access to and engagement with the police or support services.

## Violence against sex workers in Scotland

As indicated by the current and ongoing development of UK law and policy on the matter<sup>3</sup>, prostitution continues to be a matter of policy interest and focus. Although Scotland differs to some extent in its output of laws and policies relating to prostitution, for example, Scotland introduced measures to address 'kerb-crawling', or soliciting/loitering in order to buy sex, later than England and Wales<sup>4</sup>, it shares similarities with the rest of the UK. These include an increased focus on and approach towards prostitution, and related moves to target particular aspects of

prostitution, for example, the purchase of sex. This may be related to the growing influence of the Swedish approach to the regulation of prostitution. The purchase of sex here has been banned, but widely criticised for this, due to its inability to reduce prostitution as proposed and heightened danger for sex workers (see Levy, 2011/ 2013; Levy and Jakobsson, 2014; Jordan, 2012; Danna, 2012).

Similarly, as with other geographical contexts, violence against sex workers continues to exist in Scotland, which may to some degree, account for the focus within current policymaking on the protection of individuals involved in prostitution. Based on a three-city study covering Glasgow, Edinburgh and Leeds, Barnard (2005) found that both outdoor and indoor sex workers experienced violence by clients. Compared to indoor sex workers however, outdoor sex workers were found to experience higher rates of violence. Violence experienced by outdoor sex workers was also more likely to result in injury, involve different forms of assault, last longer and be subject to less intervention by others. Other Scottish research has similarly reported on the extent and varied nature of violence against sex workers (see McKeganey and Barnard, 1996; Church et al. 2001; Connell and Hart, 2003), finding it to occur in both indoor and outdoor sex work settings, and involving different sex worker populations and forms of violence. Aside from the physical violence documented within such research, it is important to recognise the existence of stigma, exclusion and marginalisation as forms of violence, that can create, reproduce and result in violence against sex workers. Morgan-Thomas (2009) makes the important assertion that zero tolerance policy approaches to sex work, far from increasing safety and reducing victimisation, serve to heighten the potential for violence, exploitation, and exclusion of both sex workers and clients, points that I explore later in relation to my own research.

## The Criminalisation of the Purchase of Sex

As discussed, prostitution law and policy in Scotland shares some similar points of focus with comparable UK prostitution approaches. These include how prostitution has been framed, notably, associated with or involving harm and victimisation, which has been increasingly focused on the individual selling sex. This has resulted in growing Scottish policy interest and output, designed to redress the harms of prostitution, through various moves to criminalise and/or curb aspects of

sex work. The criminalisation of the purchase of sex provides one such example of this. Following approaches elsewhere, Scotland has recently attempted to amend its regulation of prostitution, with a focus on the criminalisation of the purchase of sex. In 2012, MSP Rhoda Grant, following an earlier proposal by MSP Trish Godman, where it was proposed that the purchase of sex be criminalised, initiated a consultation process.<sup>5</sup> Positioned from the perspective that prostitution constitutes violence against women and is a form of sexual exploitation (currently the Scottish Government's position on the matter), Grant advanced that the proposed bill would:

[strengthen the work to] ... prevent and address commercial sexual exploitation in Scotland through criminalising those who engage in paid-for sex and those who pay for sex on behalf of someone else, with or without the knowledge of the person engaging in a paid-for sexual activity (Criminalisation of the Purchase of Sex (Scotland) Bill (2), Scottish Parliament, 2012:7)

Based on this, the bill set out aims around reducing the demand for prostitution by making it illegal to purchase sex, protecting the women involved, and addressing trafficking, where applicable (see Scottish Parliament, 2012). The overall aim of the bill was supported by a number of respondents to the consultation-758 'yes' responses that included faith and violence against women organisations. Amongst other issues, respondents in favour of the bill supported and highlighted the potential reduction in the continuity of prostitution (for example, Leith Links Community Council), changes in attitudes towards buying sex (for example, Amnesty International) and supporting individuals to exit prostitution (see Criminalisation of the Purchase of Sex Scotland Bill summary of consultation responses, undated: 17–18). Despite the support for the bill, results of the consultation also indicated some concerns, related to its aim and implications. As one example, sex workers' rights groups, including the English Collective of Prostitutes, challenged claims that the bill would lead to a reduction in the demand for/existence of prostitution. In addition the bill was criticised for not taking account of different perspectives on prostitution, notably, the view that prostitution can represent a legitimate form of work for some individuals, and related to this, the apparent lack of evidence (as to the harms and lack of choice linked to and within prostitution) that would



warrant a development in the law (see comments by the International Union of Sex workers in the Criminalisation of the Purchase of Sex Scotland Bill summary of consultation responses, undated). Relating to the theme of this paper, violence was also implicated or mentioned directly throughout the consultation paper, with several commentators expressing the view that the bill could compound or add to some of the existing issues and conditions faced by sex workers including: displacement, stigma and increased risk taking behaviours, that could result in, or link to violence (see Criminalisation of the Purchase of Sex Scotland Bill summary of consultation responses, undated: 19–20). While the bill was not eventually taken forward, the move towards criminalising the purchase of sex in Scotland could be viewed as an increasingly abolitionist approach, as with the approach in England and Wales (see Scoular and Carline, 2014). This seems to highlight the growing significance of abolitionary approaches in regulating prostitution, that while designed to protect sex workers, can actually serve to increase harms to sex workers, as indicated by the level and nature of criticism directed towards the proposed criminalisation of the purchase of sex.

## Sauna raids

Recent raids of saunas in Edinburgh provide another example of an arguably, more punitive approach to prostitution. The raids were set against a background of both national policing changes<sup>6</sup>, and increasing moves towards a zero tolerance approach to prostitution in Edinburgh, as with the position of Glasgow. Unlike Glasgow's approach<sup>7</sup>, Edinburgh (as with Aberdeen) previously maintained a tolerance, or regulatory policy (Holmes, 2005). Up until 2001, when regeneration and demographic shifts were prompting change, Edinburgh operated a tolerance zone, or 'the Non-Harassment Zone, essentially a designated zone of discretionary prosecution by the Police' (Edinburgh City Council, 2003). Licensed saunas meanwhile appeared to be tolerated and operated with minimal intervention, an approach criticised for its leniency, but also welcomed for its management, which took into account the health needs of sex workers (Peterkin, 2013, see also Scot-Pep, undated c). With the formation of a single police force in Scotland – Police Scotland<sup>8</sup>, however, the situation has changed, with increasing calls for Edinburgh's City Council to withdraw from the existing system of licensing saunas. This

would effectively enable premises to run without a license, and curtail police freedoms to enter premises, in order to ensure compliance with licensing conditions (in future, warrants may be required for this purpose), instead, transferring powers to council trading standards. In response, a series of police raids ensued across the city's saunas, which were heralded as a sign of commitment to harm reduction and the protection of vulnerable individuals (Reynolds, 2013b, Miller, 2013).

As well as the immediate effects of the raids, the impact of these events, and moves towards further criminalisation of sex work, may be more far-reaching and negative than anticipated, particularly for the sex workers involved, as reflected upon in my own research. Media accounts have reported of the humiliation, confusion and shock experienced by sex workers, who encountered negative interactions with police entering the saunas during raids (BBC, 2013, Lazarus, 2013). Advocates of sex worker rights, including politicians and support and advocacy groups (see Urquhart, 2014, Scot-Pep, undated d) meanwhile, have stressed the harm of the raids, and de-licensing in general (Urquhart, 2014), as well as its links to the criminalisation of sex work.<sup>9</sup> These related to the potential for raids to disperse and force workers to work under less safe conditions-on the street, and within an 'underground' context (Scot-Pep, undated c, Hutcheon, 2014). Sauna raids and related attempts at criminalisation of aspects of sex work have not however been confined to Scotland, with similar events and debate as to their harms occurring elsewhere in the UK and Europe. There have been recent raids on saunas and other sex work premises, notably in Soho, London, which involved a very public disruption of sex work environments, confiscation of items and money and consequently, the exposure of sex workers. These events were criticised again for their potential ability to force sex workers onto the streets and be placed in danger (Sex Worker Open University, 2013).

Outside of the UK, in Norway, under a model of criminalisation, it is argued that sex workers may be further exposed to exploitation. This is linked to sex workers having to work more under the management of pimps, and in less visible settings, as a result of increased dispersal of street prostitution (Fouche, 2007). Events, it is argued, may also strain existing relations with law enforcement. Sex workers may be less inclined to trust police or the justice system (Scot-Pep, undated d), report incidences of violence and abuse for fear of prosecution (see Sanders, 2009b), or access relevant support services (Scot-Pep, undated d). Where criminalisation or

other penalties are linked to reporting crimes or accessing support, this may lead to the increased exclusion of and heightened violence against sex workers. This has prompted suggestions that sex work should be decriminalised, and support services improved, in order to avoid such outcomes (see Scot-Pep, undated d).

In consideration of the existing legislation and policy, it appears that Scotland has been subject to a variety of changes in relation to responses to sex work, notably in attempts to criminalise clients and raids on saunas. Such changes have been discussed in largely positive terms, as ways of challenging the demand for prostitution, protecting vulnerable individuals and communities, and encouraging prevention and support for exiting strategies. Less consideration however, appears to have been directed towards the actual implications of these developments in law and policy, particularly the extent to which they represent actual, positive change for sex workers, or reproduce and add to violence and related harms, for example, stigma. More discussion, it would seem, is needed as to the lived impact and perceptions of sex work law and policy developments, with sex workers being a focus in such discussions.

## Research methods and approach

My Ph.D has involved research with sex workers and service providers (comprising statutory and voluntary agencies) in exploring responses to violence associated with sex work in Scotland. It developed out of an observation that some aspects of sex work are more prominent and widely researched than others. Notably, it appeared that there was limited knowledge around Scottish responses to violence against sex workers, focusing on both the lived experiences of sex workers and agencies involved in the provision of support, particularly significant given the recent, contested developments in sex work law and policy. This related to the various experiences, interactions, challenges and misconceptions that may underpin and shape these responses. In terms of wider impact, I considered it significant to study this area to: widen the scope of knowledge and understanding on the topic, promote the concepts of social justice and empowerment, and enact positive social and/or political change for sex workers, including reduced stigma and discrimination surrounding sex work and acknowledgment of sex workers' rights.

During a nine-month fieldwork process, qualitative individual and focus group interviews were conducted, in person and via email, involving twenty-four participants – ten sex workers and fourteen service providers. All sex workers interviewed worked indoors, while the majority of service providers consulted, worked for voluntary and charitable agencies. Interviews were conducted in five Scottish cities: Aberdeen, Dundee, Edinburgh, Glasgow and Inverness. Research access was negotiated via the different agencies working with/for sex workers. This helped to initially facilitate interviews with sex workers. A snowball sampling strategy also provided a means of access to participants, enabling me to interview more participants via an initial contact. Access to participants was however a particular challenge of this research, in terms of participant availability and/or willingness to take part, resulting in fewer responses than anticipated. Given the nature of the research, ethical considerations were of paramount importance throughout. Due attention and appropriate solutions were thus focused around issues including, participant harm, informed consent, power relations and researcher safety.

Throughout the research, participants were invited to share, amongst other points, how they would define violence against sex workers, and their views on the availability of support service provision. Participants' discussions, from both sex worker and some support provider perspectives, have indicated the diversity of opinion, amidst a changing social and political landscape on the issue of sex work, particularly, when it comes to the perceived positive impact of recent law and policy developments on sex workers' lives. Some responses, while acknowledging, or dismissing the good and/or bad intentions behind such moves, have indicated the lack of, or limits of change that recent developments have represented.

Although the research focused on various responses to sex worker violence, other than law and policy, this featured as an important and insightful part of discussions with participants. Most participants to some degree were aware of and commented on the main changes in responses to sex work, mostly criminalisation of the purchase of sex, and its potentially negative repercussions, represented by increased focus on sex work, and attempts to amend or update existing sex work laws and policies, for example:

'the only impact has been causing a lot of stress and anxiety over the possibility that it might actually pass ... I don't think it would do anything to reduce vio-

lence against sex workers' [in reference to the Criminalisation of the Purchase of Sex Scotland Bill].

'it would be hugely detrimental to the welfare of sex workers ... because it would drive the most needy, em further away from the support agencies that can help them'

Where changes were discussed, these were often discussed in negative terms, participants noting how law and policy developments had been or could potentially prove detrimental to their own and/or other sex workers' interests. From a sex worker perspective in particular, such changes were largely discredited, as demonstrated by the following comments:

'I don't feel protected in the saunas anyway. They do for now I suppose.'

'I feel like they [current laws and policies] do the complete opposite ... it's so unjust.'

This was related to a perception that these laws and policies, including criminalising clients and third parties, and not allowing sex workers to work together, could have very negative repercussions for sex workers, in addition to their managers, clients and families. Sex workers discussed that laws and policies, that often excluded their and/or clients' opinions could displace them, disrupt working schedules and environments, and make working conditions less safe. As a result, existing practices of stigmatisation and marginalisation could continue, as well as add to and compound the conditions in which sex workers face violence and other harms, consistent with other research (for example, Hubbard, 1997; Sanders, 2005; Pitcher and Wijers, 2014).

This may suggest that there are more continuities than changes in how sex work and sex workers are regarded, which has historically been tied to processes of medicalisation, stigma, criminalisation and social exclusion (see Walkowitz, 1980; Lombroso and Ferrero, 1895; Weeks, 1981; Sanders, 2006). In turn, this may have negative implications in terms of how much and what type of support is available for sex workers affected by violence. On this point, some sex workers

expressed that unless sex workers were prepared to engage with existing laws and support service provision, they could find themselves further excluded and denied the practical, emotional or other support they require. This point is similarly emphasised by Hubbard (2006, 2004), and Sanders (2005) in relation to increased policing and community enforcement procedures that have the potential to create, and contribute to the exclusion and/or displacement of sex workers, and reduce routines, support networks and access to services in the process (Sanders, 2005).

It was highlighted that sex workers who did not readily engage with a victim identity in relation to their involvement in sex work, often found the focus or treatment within service provision, centred around preventative or exiting measures inappropriate. Pitcher and Aris (2003) reported similar findings, from their research exploring an arrest referral scheme for outdoor sex workers, where sex workers were similarly found to be wary of engaging with service providers, due to their previous experiences of stigma or feeling judged. Contrary to a view that sex work is harmful, several sex workers discussed how they actively chose, and had positive experiences associated with their involvement in sex work. This diversity in experience, as one sex worker noted, was frequently not recognised by service providers, and thus accounted for why he may be deterred from approaching a formal support service:

‘not everybody is exploited, not everybody works through choice, not everybody loves to work, not everybody hates their work, it’s like there’s, there’s this huge spectrum em, and for me, any service that’s going to offer services to sex workers has to acknowledge that otherwise . . . it’s not a welcoming, welcoming space’

These and similar comments by other sex workers, many of whom did not engage with support services currently or previously, either because they did not require support, or did not favour the approach of services, suggested some stark differences in experiences between themselves as indoor sex workers, and outdoor sex workers. This raises important questions about the diversity of sex workers, frequently lacking within policymaking as Sanders (2007) has observed, and relatedly, the differing needs and issues they may or may not face. Experiences of violence and abuse within and out with the context of sex work have been widely linked to outdoor sex work (see Potterat et al. 1998, Pyett and Warr, 1999, Church et al. 2001), although experiences of violence in indoor sex work, often differentiated

from outdoor sex work according to the types and level of violence experienced, have been recorded (see Kinnell, 2008, Sanders, 2007).

The perhaps unintended consequence implicit from these commentaries is that sex workers are further harmed by measures designed to support them. Where sex workers, particularly indoor sex workers as with this research, do not appear to fit a victim narrative and do not wish to engage with services, that question or encourage that they cease their involvement in sex work, there is the potential for them to be excluded and not receive support when or if required:

‘I was like ... you guys are paid to ... you know support us when, you know, not trying to find the reason why we’re doing sex work ... so that’s the problem with like the whole victim thing, like you’re always trying to find the reason why ... for doing it’

Similar findings can be found in the work Levy and Jakobsson (2014) who have explored how Sweden’s abolitionist law and approach to sex work often impacts negatively on sex workers. Further, if sex workers are not seen to comply with certain laws, for example, on brothel keeping and working with other sex workers, they may face criminalisation, which may further add to the stigma surrounding sex work, and disrupt strategies and routines which make their working lives safer and easier, as some sex workers discussed:

‘being able to work with somebody else, that’s for me, that’s a huge ... weight off my mind that I’m not on my own with a client’

‘I really miss working with someone else ... of course for safety but also for socialising ... you are forced to work in isolation except from the customers you see’

Interestingly, when compared to other forms of violence and abuse, laws and policies were frequently cited more so and appeared to be considered harmful by participants (sex workers). The following interview excerpts are drawn from discussions in which sex workers reflect on the potential harms and dangers arising from current approaches to regulating and offering service provision around sex work in Scotland. These relate to for example, in the first case, as below, sex work-

ers being questioned and/or judged on their reasons for involvement in sex work within service provision, and the laws that make it illegal to work alongside other sex workers, creating issues of safety, lack of protection, and potential violence for sex workers as a result:

‘there is more some kind of like symbolical violence’

‘[the law] makes it ... not only difficult but dangerous.’

‘The current UK law and indeed local practices of law enforcement make me feel very unsafe working’

This was accompanied by many of the social attitudes surrounding sex work, for example, stigma which as some sex workers commented, were more damaging than sex work itself, corresponding with other research (see Gira-Grant, 2014, Pheterson, 1993), particularly where sex work is associated with or considered a form of violence. Participants referred to the influence of such attitudes in interactions with both service providers and family/friends:

‘I can go to my GP but I wouldn’t talk about sex work ... I like to feel comfortable and not judged’

‘Stigma makes it difficult for me to make friends outside my work environment’

To some, the fact that current legislation (and service provision) did not appear to protect, or support them, and could actually serve to further criminalise them (their clients, managers and families), was in itself seen as violence, and inherently more damaging to them than physical acts of violence:

‘I think these [laws relating to third parties] are actually, very, very harmful to sex workers, cause people don’t see them as directly criminalising sex workers, but ... they encourage you to have to take risks in your work’<sup>10</sup>

‘All organisations that describe my job as commercial sexual exploitation ob- justify me and exploit me to further their agenda ... they promote physical and emotional violence against me’



Therefore, participants seemed to identify little (positive) change in recent law and policy developments, and rather, associated these with increased state-endorsed, or legitimated violence – in the making of laws and policies and approaches in service provision that could ultimately serve to compound and add to existing stigma and exclusion. This was often discussed by participants more than their experiences of physical violence within sex work, several of whom cited no or little experience of this type of violence, suggesting the importance of wider, symbolic violence, as represented by laws and policies. One participant discusses this, as she understands violence, alongside other meanings:

‘kind of state-endorsed violence where you feel like you kind of need to work in ... a situation that could quite easily open up risks of violence, and for me, that is actually the state endorsing violence against sex workers’

Crucially, from the perspective of participants, working in the sex industry, it appeared important to include the voices of sex workers, in order to help develop and enact positive social and political change, in the form of legislation and policy making, that would directly respond to and be beneficial to the needs and interests of sex workers. This was linked to a perceived need to address sex workers’ rights – a movement which continues to develop (see Ditmore, 2010, Lopez-Embury and Sanders, 2009), both as it applied to working rights/choice to sex work, and to treating sex workers with the respect and fairness afforded to other victims of crime:

‘I would expect them to treat me with respect and dignity ... and in the same manner as they would treat any other victim of violence really’.

Sex workers’ rights moreover were viewed as often disregarded due to moral norms surrounding sex work, as one sex worker highlighted:

‘there’s a moral obligation there, or moral kind of judgement there, that people shouldn’t be selling sexual services, that sex workers aren’t entitled to those workers’ rights’

Service providers’ responses generally differed to some degree from the perspec-

tives of sex workers within the research, in terms of definitions and understandings related to risk and violence. Agencies interviewed were involved in providing a range of health, harm reduction and other services, predominantly to female and/or outdoor sex workers, with some providing drop-in facilities, appointments and/or outreach with service users. Where service providers had specific approaches to or understandings of violence against sex workers, or only provided some types of support this could be linked to several factors including, funding requirements (to engage with a particular policy approach), and experiences of working with particular sex worker populations, notably outdoor sex workers. As an example, while many sex workers discussed making an active decision in choosing to be involved in sex work, some service providers, who appeared to associate risk and/or disadvantage with sex work, perceived this differently:

‘it was a restricted choice [in service user choosing sex work]’

‘they’ve moved ... to escape the domestic abuse where they were forced into doing it [sex work] ... they go use substances and the only way that they can feed that habit is by doing sex work’

Service provider perspectives however, also reflected concerns related to changes, or potential changes in law and policy, although there was far less acknowledgement by service providers that law and policy could be a form of, or contribute towards violence against sex workers. This may reflect the contested nature of responses to sex worker violence; the divisions in opinion between sex workers and service providers, and the reasons for lack of sex worker engagement with service providers, particularly where it is perceived that some sex workers’ needs and interests, as a result of law and policy developments, are not adequately addressed or supported through current service provision.

On the matter of sex worker and agency relations, it was widely acknowledged by service providers that there were difficulties in engaging with sex workers. Some service providers noted that these challenges could be compounded by changes in law and policy, which could impact negatively by criminalising or further stigmatising sex workers, in turn, discouraging them to or removing them from access to service provision, and potentially increasing the risk (s) of experiencing violence and abuse:

‘it’ll be harder for us to reach them’

‘people would not access it as much, because they would be scared of being charged or criminalised’

This may suggest the significance of law and policy developments for some service providers as well as sex workers, in terms of the perceived negative implications arising from these, including violence.

## Conclusion

This paper has explored the ways in which sex work in Scotland has increasingly become an area of focus within law and policymaking. Moves including the attempted criminalisation of the purchase of sex, sauna raids and increased rejection of prostitution tolerance policies have focused on amending the current regulation of sex work. As with the wider UK approach, the influence of issues such as trafficking and community safety may arguably have shaped Scotland’s position of late on sex work, with various related legislation having been enacted, of which there has been much focus on the perceived harms of sex work and need to protect and support vulnerable individuals. From this perspective, there may be considered to be some change in responses to sex work in Scotland, represented by attempts to more rigorously legislate and design policy making around sex work, that is increasingly centred on reducing the ‘harms’ and violence associated with sex work.

The extent to which these changes have been positive however, particularly in terms of representing positive changes in responses to sex work and the issues faced by sex workers are debatable. As findings drawn from my research suggest, there are perhaps more continuities than change in responses to sex work, particularly as it relates to the concept of violence. Examination of recent UK/Scottish laws and policies indicates the centrality of violence, implicated in some cases as a cause, feature and result of prostitution. Despite this little is known as to how violence is actually defined and experienced, if at all by sex workers and service providers, or whether other factors, including the law are in fact considered more impactful and damaging to sex workers than to any experiences of violence within sex work.

Based on sex workers' insights, recent developments in sex work law and policies seem more a reflection of attempts to further stigmatise and marginalise sex workers, rather than change. Sex workers have expressed that contrary to the intended outcomes of law and policy change, developments can be contradictory in form, and may not adequately represent the rights and diversity of opinions and experiences amongst sex workers, suggestive of limited change. While these may be designed around support and protection for sex workers, potentially, they can be detrimental in the long-term. This may create issues such as increased violence and lack of safety from displacement and exclusion, and reduced support where sex workers do not readily fit or accept a victim status, and are questioned or judged for their choice to be involved in sex work. Potential repercussions such as these were considered by some sex workers to be more violent and damaging than physical violence that could occur within the context of sex work. From a provider perspective, it was also clear that changes in law and policy could be detrimental. Where the risk of criminalisation and stigmatisation is posed, the challenge of accessing and engaging with potential service users may become even greater, compounding and/or adding to the conditions that perpetuate violence against sex workers.

It thus appears that continuities rather than changes represent recent developments in sex work law and policy in Scotland. These largely relate to continued stigma, marginalisation and exclusion of sex workers (particularly those that do not identify as a victim) through law and policymaking, but also pertain to prevailing challenges for services hoping to engage with and support sex workers, adding to a climate of violence in which sex workers are placed in further danger of violence, and away from relevant support if required. Based on this, my research findings would suggest that there is a need for greater consultation with and consideration of the voices and opinions of a variety of sex workers. This may present a necessary step in the right direction, in terms of acknowledging the diversity of sex workers, their experiences of violence, the implications of law and policy change, and the needs of different sex workers as a result. In turn this may help produce positive social and political change that serves to adequately represent and accommodate the rights and interests of a variety of sex workers.

## Endnotes

- <sup>1</sup> In Scotland, there have been recent plans to amend the Public Entertainment Licensing Resolution, ending the stipulation for health and fitness premises, including saunas and massage parlours to have a public entertainment license (Edinburgh City Council, 2014).
- <sup>2</sup> Some of the prostitution legislation for England/Wales and Scotland include: Sexual Offences Act, 1956; Street Offences Act, 1959; Sexual Offences Act, 2003; Civic Government (Scotland) Act, 1982; Criminal Law Amendment (Scotland) Act, 1995; Prostitution Public Places (Scotland) Act, 2007; Criminal Justice and Licensing (Scotland) Act, 2010; Crime and Disorder Act, 1998, and Antisocial Behaviour (Scotland) Act, 2004, which cover amongst other activities, soliciting, loitering, kerb-crawling and serving of ASBOs. For more information see: <http://www.legislation.gov.uk>
- <sup>3</sup> There was a recent proposal to amend the Draft Modern Slavery Bill (2014) in order to criminalise clients. Northern Ireland has also recently passed a clause to criminalise the purchase of sex, under the Human Trafficking and Exploitation Bill (see Northern Ireland Assembly, 2014).
- <sup>4</sup> See The Prostitution (Public Places) (Scotland) Act (2007).
- <sup>5</sup> See Scot-Pep., (undated b).
- <sup>6</sup> The newly formed Police Scotland claimed to be adopting a predominantly 'Strathclyde' form of policing, involving more stop and searches, including raids on Edinburgh's saunas (Reynolds, 2013a, see also Gallagher, 2014).
- <sup>7</sup> Glasgow City Council's approach considers prostitution a form of sexual exploitation, and aims to eliminate or reduce harm to women involved, by advocating exiting strategies, challenging demand for prostitution and limiting the amount of women and girls entering prostitution (see Glasgow City Council, undated).
- <sup>8</sup> On 1 April 2013, Scotland's eight police forces merged to form one single force-Police Scotland. See The Economist (2013).
- <sup>9</sup> See Edinburgh University Student Association-EUSA (2014). In February 2014, the student council passed a motion in favour of supporting sex workers against the harms and implications created by criminalisation of sex work.
- <sup>10</sup> Levy (2011) examines the issue of how sex workers may still be subject to criminalisation, stigma and/or other disruptions to their lives in contexts where sex workers are apparently protected and safeguarded by the law (for example, under the sexköpslagen-law criminalising the purchase of sex in Sweden).

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