

# Questions

## About you

(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)

1. Are you responding as:

- an individual – in which case go to Q2A
- on behalf of an organisation? – in which case go to Q2B

2A. Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose “Member of the public”.)

- Politician (MSP/MP/Peer/MEP/Councillor)
- Professional with experience in a relevant subject
- Academic with expertise in a relevant subject
- Member of the public

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation:

Click or tap here to enter text. This box will expand as you type.

2B. Please select the category which best describes your organisation:

- Public sector body (Scottish/UK Government or agency, local authority, NDPB)
- Commercial organisation (company, business)
- Representative organisation (trade union, professional association)
- Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)
- Other (e.g., clubs, local groups, groups of individuals, etc.)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g., whether it is the view of particular officeholders or has been approved by the membership as a whole).

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 - by shifting the burden of criminality off victims of sexual exploitation and on to those who perpetrate and profit from this abuse. The group is chaired by Diane Martin CBE, survivor of prostitution and sex trafficking. Alliance members currently include Angus Violence Against Women Partnership, ASSIST, Encompass, Equally Safe Edinburgh Committee, Fife Rape and Sexual Assault Centre, Lanarkshire Rape Crisis Centre, North Lanarkshire Council, Restore Glasgow, Routes Out, SAY Women, Scottish Women's Convention, South Lanarkshire Council, Survivors of Human Trafficking in Scotland, Unite Scotland, TARA, Wise Women, Women's Aid Lanarkshire and East Renfrewshire, Women's Support Project and the Cross-Party Group on Commercial Sexual Exploitation. The Secretariat is provided by UK Feminista.

3. Please choose one of the following:

- I am content for this response to be published and attributed to me or my organisation
- I would like this response to be published anonymously
- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

Click or tap here to enter text. This box will expand as you type.

4. Please provide your name or the name of your organisation. **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

A Model For Scotland

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

Click or tap here to enter text. This box will expand as you type.

### Data protection declaration

- I confirm that I have read and understood the [Privacy Notice](#) to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

Please ONLY place an x in the brackets if you are UNDER 12 years of age.

# YOUR VIEWS ON THE PROPOSAL

## 1. What is your view of introducing a new criminal offence of paying for sexual services? (This is the only mandatory question)

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Don't want to express a view

### Please explain the reasons for your response.

As outlined in the proposed bill consultation document, prostitution is a form of violence against women and a form of commercial sexual exploitation. This is recognised by the Scottish Government. However it is currently legal to perpetrate this form of violence against women because paying for sex (or providing other material benefit in return for sex acts) is legal in Scotland. This fails to deter perpetrators or hold them to account, instead normalising and fuelling the demand for the sex trade and therefore the trafficking of women for sexual exploitation. Sex buyers can currently sexually exploit women with impunity and their entitlement to sexual access to women's bodies is unchallenged, furthering unequal power relations between women and men. This legal context also makes Scotland an attractive destination for sex traffickers seeking to profit from facilitating sexual exploitation. However there is a robust and substantial international evidence base revealing the necessity and effectiveness of criminalising the demand which fuels the sex trade. Additionally, Scotland has multiple unmet international legal obligations to reduce demand for sexual exploitation. Importantly, introducing legislation to criminalise paying for sex without simultaneously providing support and exiting services for those exploited in the sex trade would be deeply harmful and counterproductive, therefore these two components must be introduced alongside each other.

## 2. What is your view of repealing section 46 of the Civic Government (Scotland) Act 1982: the offence of soliciting for the purposes of prostitution in a public place?

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed

Unsure

**Please explain the reasons for your response.**

Women exploited in the sex trade can currently face sanctions for their own abuse. This can make it harder for women to leave the sex trade and access support, due to fear of criminalisation and the need to generate the money to pay fines for soliciting. Punishing victims for their own exploitation is grossly unjust and counterproductive.

**3. What is your view of repealing previous convictions under section 46 of the Civic Government (Scotland) Act 1982: the offence of soliciting for the purposes of prostitution in a public place?**

- Fully supportive  
 Partially supportive  
 Neutral (neither support nor oppose)  
 Partially opposed  
 Fully opposed  
 Unsure

**Please explain the reasons for your response.**

Women exploited through prostitution can face multiple barriers to exiting and rebuilding their lives. Having a criminal record can be a substantial additional barrier to seeking help, exiting sustainably and recovering. For example, fear of having to disclose their involvement in prostitution when applying for jobs which require DBS checks.

**4. What is your view of giving people in prostitution the legal right to support?**

- Fully supportive  
 Partially supportive  
 Neutral (neither support nor oppose)  
 Partially opposed  
 Fully opposed  
 Unsure

**Please explain the reasons for your response.**

As mentioned above, individuals exploited in the sex trade often experience a plethora of practical and psychological barriers impacting their ability to access support and leave sexual exploitation, including coercion from third parties, financial difficulties, childcare responsibilities, addiction, trauma, fear of judgement from authorities,

lack of knowledge of their rights or how to access support and fear of deportation or criminalisation. Therefore, a crucial component of demand reduction legislation is the provision of adequately resourced specialist support and exiting services for anyone who has experienced any form of sexual exploitation. This must include the offer of accommodation, financial support, safety planning, interpreting services, advocacy to report to the police, mental and physical health care, immigration advice, practical and emotional support and education and employment support. Due to recent legal changes including the introduction of the Illegal Migration Act 2023 and the Nationality and Borders Act 2022, the National Referral Mechanism has been made more difficult or impossible to access for some trafficking victims, along with preventing access to grants of leave to remain in many circumstances. This presents a significant barrier for sex trafficking victims in escaping exploitation. Therefore this support must be available to individuals regardless of immigration status. Additionally, at present, the support available for people exploited in the sex trade who are not referred into the NRM is a 'postcode lottery', in that whether they are able to receive support depends on their geographical location. Comprehensive and fully resourced support provision must be made available nationally in both urban and rural areas, for whenever and for as long as the individual requires it, recognising that exiting is often not a linear process. Support provision must be tailored to the needs of the individual, working with them to identify and remove the barriers trapping them in prostitution, to ensure a sustainable exit when they are ready to leave. The majority of people involved in prostitution suffer acute harms as a result of being exploited in the sex trade and require specialist, trauma-informed support to leave and recover, just as is provided to victims of other forms of violence against women. A nine-country study (Farley et al, 2004) found that 68% of people in prostitution met the diagnostic criteria for post-traumatic stress disorder, and 89% of people wanted to leave prostitution. Moreover, a 2021 study carried out by the Irish Health Service Executive Women's Health Service and the Sexual Exploitation Research Programme University College Dublin found that "...women are experiencing multiple sexual, reproductive and mental health harms arising from their involvement in prostitution, which are linked to buyers' demands for risky practices and the frequency with which multiple buyers have sexual access to their bodies." Diane Martin CBE, Chair of A Model For Scotland and survivor of prostitution and sex trafficking, says of her experiences as a practitioner supporting women involved in the sex trade for over 25 years: "The overwhelming majority of women entrenched in prostitution are vulnerable and trying to cope with multiple disadvantages and nearly all will experience male violence as part of their involvement in selling or exchanging sex." Therefore provision of specialist exiting services which recognise the severity of this form of abuse and the barriers individuals face to leaving is a crucial component of this proposed bill, to ensure that victims can recover from the multiple and severe traumas and harms experienced in the

sex trade and rebuild their lives. Providing harm minimisation support without also offering exiting support would mean that individuals involved in the sex trade are not enabled to make meaningful choices in relation to the exploitation they are experiencing. Moreover, introducing legislation to criminalise paying for sex without simultaneously providing support and exiting services for those exploited in the sex trade would be harmful and counterproductive. In addition to the provision of specialist support services, mainstream services must be equipped with knowledge and skills to provide sensitive, appropriate and non-judgemental support and responses to disclosures.

**5. What is your view of including provisions for exiting services in the bill?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

**Please explain the reasons for your response.**

Please see response to question 4.

**6. How should the proposed offence be enforced. Are there any particular techniques which you think should be used or obstacles which might need to be overcome?**

It is crucial to proactively and consistently identify and hold accountable individuals seeking to pay for sex so that this enforcement acts as a clear deterrent to would-be sex buyers. Consistent and robust enforcement against kerb-crawlers and proactive evidence-led investigations to identify and prosecute sex buyers in off-street locations must form part of this. As highlighted by Routes Out and TARA, on-street prostitution has recently moved to the East End of Glasgow as a result of a lack of consistent implementation of the Prostitution Public Places Act (Scot) 2007, therefore failing to deter sex buyers. However, Routes Out observed that as a result of a partnership approach with the police and a short period of targeted law enforcement against sex buyers, the numbers of men paying for sex significantly decreased, leading to fewer women being sexually exploited in the area and increased engagement between women involved in the sex trade and Routes Out. It is also crucial that pimping websites which currently facilitate and profit from sexual exploitation with impunity are outlawed, which is currently a missing facet from the proposed bill. We acknowledge that powers to legislate in this area may be reserved to Westminster however it is important that to draw

attention to this crucial measure in any legal approach aiming to combat commercial sexual exploitation. The Scottish Parliament's Cross Party Group on Commercial Sexual Exploitation's 2021 inquiry into sexual exploitation advertising websites provides substantial evidence that pimping websites are a major enabler of sex trafficking and sexual exploitation in Scotland. Market-leading websites centralise and concentrate demand online from sex buyers, therefore making it quicker and easier for exploiters to advertise sex trafficking victims and for 'would-be' sex buyers to locate women to pay for sex. The report finds that the scale of sex trafficking and sexual exploitation facilitated by the websites vastly outstrips policing capacity to respond to it. It also evidences successful international legal and law enforcement initiatives to tackle these websites which Scotland can learn from, including the USA's example. It is crucial to introduce the offence of enabling and/or profiting from the prostitution of another person, to effectively combat the role pimping websites play in facilitating commercial sexual exploitation. The UK Parliament's Home Affairs Select Committee human trafficking 2023 inquiry report also recommended that "Legislation which bans third party profit-taking from the prostitution of another person should be extended to prohibit any individual or company from enabling and/or profiting from the prostitution of another person, including facilitation that takes place via online, digital services, websites and the internet."

**7. Do you believe that there are any new policing powers that would be necessary or beneficial for enforcing this offence?**

Click or tap here to enter text. This box will expand as you type.

**8. Please indicate which of the following forms of support and/or services you think should be provided for people in prostitution and exiting prostitution (place an x into the brackets of as many options as you agree with):**

- Exiting support workers
- Drop in services
- Outreach visits to brothels, saunas and other similar premises
- Specialist medical consultations
- Access to drug and alcohol services
- Access to counselling and psychological treatment services
- Specialist housing schemes for women in crisis
- Support to access education, training or work
- Financial advice, debt support etc
- Other (please give details)

**Please explain the reasons for your response and provide examples of best practice.**

The French legislation, The Act Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons, introduced the requirement of the provision of exiting prostitution programmes and established a fund for providing support to victims of sexual exploitation. Support provision includes psychological support, monthly financial support, accommodation, residence permits where necessary and employment support. Every local authority is required to operate an agency to coordinate assistance for victims of prostitution, pimping and human trafficking. A fund for preventing prostitution and providing social and professional support to prostituted persons was established. Additionally, temporary residence permits valid for at least six months can be issued for victims of prostitution who are not French nationals. In February 2022, Héma Sibi, Advocacy Coordinator at CAP International, highlighted that the impact of this approach had been significant: "since we have adopted the law, 600 women have benefited from an exit programme and almost 90% of those who have finished an exit programme and who are supported by our French grassroots organisation have found a stable job at the end of this exit programme, so it is a very successful model of social professional reintegration"

9. **Please indicate which of the following ways of raising awareness of the new offence you believe to be most effective (choose as many as you agree with):**

- Internet and social media advertising
- TV advertising
- Print media advertising
- Billboards in public places and transport
- Leaflets to households
- Materials to support and exiting services for people involved in prostitution
- Materials targeted at areas where prostitution is known to occur
- Materials to health and mental health services
- Materials to further education sector
- Inclusion in secondary education (Relationship, Sexual Health, Parenting classes)
- Other (please give details)

**Please explain the reasons for your response.**

A Model For Scotland's International Insights report on the experiences of other countries that have adopted demand reduction laws found that public awareness campaigns are crucial to realising the potential of the law. In Ireland's experience, not only was this

crucial for the purpose of deterring sex buyers by making them aware they are committing an offence, but also for ensuring that women exploited in the sex trade are equipped with the knowledge that they are not committing an offence, removing a key barrier to seeking help and support.

**10. Do you think legislation is required, or are there are other ways in which the Bill's aims could be achieved more effectively?**

**Please explain the reasons for your response.**

A multi-pronged approach to combating commercial sexual exploitation is required, including the use of educational initiatives for both children and adults that address the severe harms caused by paying for sex, how the sex trade is underpinned by women's inequality and intersecting forms of discrimination, and the importance of freely given sexual consent. However it is also crucial that legislation to deter and hold sex buyers accountable is simultaneously introduced to deter sex buyers whose behaviour is influenced by legality. In a study of men who pay for sex, the Child and Woman Abuse Studies Unit at London Metropolitan University reported: "legality contributes to normalisation, which in turn increases the likelihood of paying for sex". A study by the University of Leicester published in 2018 asked over 1200 sex buyers the following question: 'Would you change your behaviour if a law was introduced that made it a crime to pay for sex?' Over half of the respondents said they would 'definitely', 'probably' or 'possibly' change their behaviour. Moreover, outlawing paying for sex has a strong normative impact. The European Commission's 2016 study on the gender dimension of trafficking in human beings highlighted research on Sweden's Sex Purchase Act, which concluded that it "had a normative effect on prospective buyers and thus had an impact on the extent of prostitution in Sweden". Only when the law sends a message that prostitution is a criminal offence will it start to be acknowledged amongst the public as a form of violence against women and a form of sexual abuse.

## **Resource implications**

**11. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:**

- a significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- do not wish to express a view

**Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.**

Whilst we strongly support the principles of the proposed bill, we disagree that the proposals would have a minimal financial impact on the Scottish Government in the medium term. Substantial additional resources are required to ensure the proposed bill's effective and robust implementation, particularly in relation to deterring and policing sex buyers and the provision of support and exiting services for those exploited in the sex trade. At present we believe that substantial additional resources are required to fulfil the aims of the Scottish Government's strategic approach to challenge and deter men's demand for prostitution and support those with experience of it. Resources must also be dedicated to preventing individuals from becoming vulnerable to commercial sexual exploitation through tackling the root causes such as women's systematic inequality and poverty. International experiences also show that high quality training for law enforcement and building infrastructure to support the law's implementation is required to realise the law's potential. Without the provision of adequate funding to support the implementation of the bill its objectives are unlikely to be achieved. However, whilst substantial funding is required in the outset, we concur that savings will be made in the long-term. For example, as outlined in the proposed bill consultation document, an independent evaluation of Suffolk's policing approach to street prostitution, which involved combating kerb-crawling and supporting women to exit prostitution, revealed that for every £1 spent as part of this strategy there were £2 savings for the public purse. Spending in the outset will lead to savings to the tax payer in the future. Furthermore, funds generated through fining sex buyers can and should be invested into support services for individuals involved in the sex trade.

## **Equalities**

**12: Any new law can have an impact on different individuals and groups in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law?**

**Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.**

Prostitution, whether third party coercion is present or not (such as that from traffickers and pimps), is a form of violence against women and a

system of inequality and discrimination based on sex. It is a cause and consequence of women's inequality. As outlined in the UN Rapporteur on violence against women and girls' 2024 report on prostitution, "Prostitution is a system of exploitation and an aggregated form of male violence against women and girls that intersects with other forms of structural discrimination. It is exercised systematically by a wide web of State and non-State actors that subjugate, control and exploit women and girls in violation of their fundamental human rights." This proposed bill, if enacted robustly and effectively, would have an overwhelmingly positive impact on women and girls within the sex trade as well as for women and girls across society more broadly, by reducing the demand for prostitution therefore decreasing the likelihood that women and girls will be drawn into the sex trade. This legal model also sends the message that women's bodies are not commodities to be bought and sold, which is a crucial step to achieving sex equality in Scotland. The proposed bill would also positively impact individuals with other protected characteristics. For example, the UN Rapporteur's report also highlights that "Disability, age, social class, race, ethnicity, migratory and legal status, sexual orientation and gender identity are factors that exacerbate the risk of entry into prostitution".

## Sustainability

- 13. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas?**