

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

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).

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**

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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

For Women Scotland

For Women Scotland is a not-for-profit group campaigning to protect and strengthen women’s rights in Scotland. We welcome this opportunity to respond to the consultation.

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.)**

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.

Commercial Sexual Exploitation (CSE), in all forms, is violence against women. Buying human beings for sex is harmful, exploitative and can never be safe. It is inherently violent and contrary to fundamental human rights: as such, paying for sexual services should be punishable in law.

The women involved are at a disproportionate risk of violence and work in conditions which cannot conform to the most basic health and safety standards. In countries which use a decriminalised or liberalised model, rates of violence are significantly higher than in those which adopted the Nordic model <https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>.

We support the Nordic Model approach combined with: (a) Measures to address all the factors that drive people into prostitution; and (b) New or strengthened legislation against pimping and all forms of profiteering from other people's prostitution, including advertising and facilitation services, whether on or off line. Legislation must be updated to make any form of profiting from another person's prostitution or CSE a criminal offence. We believe this is necessary to be compliant with CEDAW Article 6.

The international experience suggests that the biggest deterrent for men buying women is the fear of criminalisation. In countries like Sweden and France where the implementation has been thorough, the resultant change in attitude has been greater:
<https://vancouver.sun.com/opinion/columnists/outlawing-the-purchase-of-sex-has-been-key-to-swedens-success-in-reducing-prostitution>.

Two examples in the UK are instructive here. In the aftermath of the Steve Wright murders, Ipswich adopted an approach which broadly correlates to the Nordic Model. The three pronged approach involved:

1) An end to targeting the women with criminal sanctions and providing them with substantial support to help them exit prostitution.

2) Tackling men's demand for prostitution using kerb crawling legislation and number plate recognition technology to implement a zero-tolerance approach.

Provided the men took responsibility for their behaviour and accepted a caution, they were not publicly named.

3) Preventative work with children at risk of being groomed into the sex trade to prevent another generation of women on the streets.

The police found that fears that this would drive prostitution underground were misplaced. In fact, Steve Wright had been considered "safe" as a regular punter. UEA assessed that the approach had more or less eliminated street prostitution in Ipswich.

<https://nordicmodelnow.org/2017/11/14/how-a-nordic-model-approach-to-tackling-prostitution-was-implemented-in-ipswich/>

Conversely, the situation in Holbeck, where there was a managed zone along the lines of decriminalisation until 2021, was described as "hell on earth". Local women have been assaulted by men who assume that all women in the area are for sale. Attacks included those on women with learning disabilities, an 80 year old, and schoolgirls. The perception was that police did not investigate or charge assailants - in one case that did reach court, the attacker walked free after claiming as a defence that he believed the woman was a sex-worker.

<https://www.filia.org.uk/latest-news/2020/9/8/holbeck-a-case-study-of-hell>

In Germany, where mega brothels are big business (worth ca £15bn pa), women are viewed as commodities and see very little of the money accrued by the big brothels <https://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/>

Organised crime has continued to profiteer from prostitution in Germany (although decriminalisation makes it harder to catch and charge the pimps, brothel owners and traffickers). Jurgen Rudloff, the "brothel king" was convicted in 2019 of aiding and

abetting trafficking. Women at his “Paradise” clubs were “treated like animals”. <https://www.theguardian.com/global-development/2019/jun/22/trouble-in-paradise-rise-and-fall-of-germany-brothel-king-jurgen-rudloff>

In perhaps the most famous Red Light district in Amsterdam, abused and trafficked women have said that it is harder to get help as police and punters assume that they are there by their own free will. <https://www.nzherald.co.nz/world/appalling-truth-about-amsterdams-red-light-district/A4RMWQUM5RWIAY6RNDHKRWJJAQ4/>

A 2012 study published in World Development, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1986065 found that:

- Countries with legalised prostitution are associated with higher human trafficking inflows than countries where prostitution is prohibited.
- The effect of legal prostitution on human trafficking inflows is stronger in high-income countries than middle-income countries. Because trafficking for the purpose of sexual exploitation requires that clients in a potential destination country have sufficient purchasing power, domestic supply acts as a constraint.
- Criminalisation of prostitution in Sweden resulted in the shrinking of the prostitution market and the decline of human trafficking inflows. Cross-country comparisons of Sweden with Denmark (where prostitution is decriminalised) and Germany (expanded legalisation of prostitution) are consistent with the quantitative analysis, showing that trafficking inflows decreased with criminalization and increased with legalisation.

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.

The majority of women in prostitution are not there by choice (it has been rightly said that prostitution is not a choice but the absence of a choice). Along with victims of trafficking, there are disproportionate numbers of women with a history of abuse and addiction. Testimony from survivors and studies of women and girls in prostitution show that many were in local authority care as children (33%); many started in prostitution before they were 18 (50%) or when they were homeless (50%); many were coerced into prostitution (50%); and the majority had been abused as children (72%). <https://nordicmodelnow.org/facts-about-prostitution/fact-choice-is-complicated/>. This was also reflected in the work undertaken in Ipswich. Police found that the women did not wish to stay in prostitution but that there were obstacles to them leaving: many were homeless or had criminal records. On the other hand, the men who use prostitutes are exercising their freedom and have chosen to exploit these women. It is shameful that victims have been criminalised while the men who abuse them go unpunished.

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.

All offences of soliciting to sell sex should be repealed and criminal records for such historic offences must be expunged or sealed as a matter of urgency. If we understand prostitution as a form of VAWG, it is wrong to penalise women for their involvement. Such criminal records are an obstacle to women finding alternative employment and participating in community activities – making it harder for them to leave the sex trade and move on with their lives.

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.

It is critical that survivors of sexual violence and commercial sexual exploitation have the legal right to trauma informed support.

Women only services - especially for homeless or abused women - are also key.

Funded services should fully support the Equally Safe understanding of commercial sexual exploitation as a form of gender-based violence. Services should not promote full decriminalisation of the sex trade.

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.

The root causes of prostitution: poverty, addiction, domestic abuse or coercion also need to be addressed.

Ideally, centres should be provided in the main cities in Scotland which, in addition to housing facilities for women to shower, eat, watch TV, change clothes, rest, etc could provide information on how to access practical help - including benefits, housing and legal advice, etc.

Workers would need to be proactive in reaching out to women involved in prostitution in rural and remote areas.

The trauma experienced by women in prostitution is often profound. This is not helped by the narrative that this was their choice. We believe that if society recognised this as abuse, trauma services and counselling might be better informed.

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?

Training for police and others: A key lesson from other countries is that implementation of the Nordic Model is most effective when accompanied by in-depth training for the police, judiciary, Crown Prosecution Service (CPS), and frontline workers in education, social services, local government, the NHS, etc. All partners involved in criminal justice, support, and health services, should, therefore, take part in specialised training programmes and build co-ordinated trauma informed responses.

Police in Ipswich used kerb crawling legislation and number plate recognition technology for their zero-tolerance approach. They reported that the majority of the punters they arrested in this way were “ordinary” men - many married or in long-term relationships, often with children and good jobs. The police decided not to name and shame them as long as the men took responsibility for their behaviour and accepted a caution. The vast majority of the men who were arrested accepted this approach (further infractions would be treated more seriously). The evidence from Sweden suggests that concerns about public shame have been key in reducing demand for prostitution. According to a 2010 government report, “Police officers and social workers report that buyers of sexual services have become more cautious and that the ban has led to a decrease in demand, at least for street prostitution, as a result of criminalization. According to the police, buyers are afraid to be caught, but they are more concerned about the possibility that the offence of which they are suspected will become known to family and acquaintances than about the penalties they risk.”

Selected extracts of the Swedish government report SOU 2010:49: “The Ban against the Purchase of Sexual Services. An evaluation 1999–2008,” <http://www.xn--ntverketpris-gcb.se/DiverseTexter/TheBanAgainstThePurchaseOfSexualServices-AnEvaluation1999-2008.pdf>

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

As set out in the consultation document, it appears the police may already have the necessary powers to adapt to the new offence. However, some training and coordination would be beneficial.

A study, carried out by the Women's Support Project in 2008 asked 110 men who had bought sex what would deter them from purchasing sex. They responded as follows:

89% - being added to the sex offender register

79% - spending time in jail
72% - increased criminal penalties

Evidence from Sweden also shows that the combined threat of fines, arrest, police registers and prison sentences reduced street prostitution by half.

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.

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.

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.

Legislation is undoubtedly required. Scotland's Prostitution laws are horribly outdated and place unjust onus on the victims of sexual violence. Currently, men pay for sex with impunity even though the Scottish Government has long recognised that it is violence against women.

We also need to outlaw pimping websites which facilitate sex trafficking and sexual exploitation.

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.

Initially, resources will be required for exit programmes. In the mid to longer term, however, we believe this will be outweighed by a reduction in the level of services required due to health problems, substance abuse, or the involvement of child services. Moreover, savings will arise from a drop in crime levels as trafficking women becomes less lucrative.

However, even if these cost savings were not likely, women's human rights should not depend on a cost-benefit analysis.

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.

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Prostitution is a symptom and a result of women's structural inequality: we urgently need legislation in order to hold perpetrators accountable for their part in this form of violence against women. The legislation will also help inform cultural attitudes and challenge attitudes that normalises the commodification and abuse of women.

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?

In areas where prostitution is common, there is usually a corresponding increase in other crimes, especially theft and drug dealing. Residents in Holbeck reported increases in:

- Anti-social behaviour
- Sexual activity on streets
- Men approaching women and children, including school girls and elderly women, for sex
- Kerb crawling

<https://www.leeds-live.co.uk/news/leeds-news/scared-families-demand-end-leeds-19744585>

Prostitutes are at much higher risk of violent crime. A reduction in demand will be beneficial to individuals and communities.