

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

The Josephine Butler Society is a not-for-profit organisation. In 1869 Josephine Butler and Elizabeth Wolstenholm set up the Ladies National Association for the Repeal of the Contagious Diseases Acts (LNA). In 1875

Josephine Butler formed the British and Continental Federation for the Abolition of Prostitution (later renamed the International Abolitionist Federation). In 1915 the LNA merged with the International Abolitionist Federation to form the Association of Moral & Social Hygiene which changed its name to The Josephine Butler Society in 1953. Our executive committee is formed of a group of volunteers with lived experience, professionals working in the sector supporting sex workers, academics and allies.

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”.)**

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.

Based on the evidence from countries that have introduced similar legislation, we believe that any forms of criminalising sex work, including the purchasers, causes more harm to sex workers themselves. Whilst in Norway and Sweden the evidence may be that sex buyer legislation has led to a reduction in demand and of those involved in prostitution, in countries more comparable to the UK (Ireland and France), and indeed in Northern Ireland, this is not the case. It is also clear that climates of fear, violence and persecution still persist for those who continue to sex work in these countries, and are victims of violence and harassment from law enforcement as well as violent clients, so the “decriminalisation of the seller” element of the model clearly isn't working either. We believe that full decriminalisation of sex work is the most effective way to reduce harm and maximise safety for sex workers.

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.

We are fully supportive of repeal and agree that

repealing the law regarding solicitation in public places would ensure the breaking down of a barrier to accessing support, by eliminating the fear of arrest for street-based sex workers who engage in solicitation in public places. The law is outdated and creates a sense of stigma against sex workers, enabling statutory services to abuse their powers with outdated and offensive descriptions of 'cleaning up the streets'. The problems with street-based sex workers are not resolved by arrest, often leading to fines that the person has no choice but to go back out to the streets to find the money to pay.

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.

For the NATIONAL COUNCIL OF WOMEN GREAT BRITAIN: ANNUAL CONFERENCE 2018, The Josephine Butler Society and the Salvation Army we put forward a resolution that the Home Office must undertake a statutory consultation in relation to historical soliciting offences and the permanent marking of Disclosure and Barring Service (DBS) records. We argued that even if a person is active in the sex industry for a very short period, possibly vulnerable or coerced, a conviction for soliciting can have lifelong detrimental effects. This is because the offence permanently marks DBS records and must be disclosed to employers and authorities which adversely affects an individual's career, finances, housing, relationships, health and wellbeing, effectively eliminating any realistic hopes of them exiting. We also supported the Nia Campaign "I'm No criminal" and the High Court case which successfully led to the clearing of DBS's and the non permanent marking of DBS's for persistent soliciting.

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.

We are fully supportive of giving people involved the legal right to support but would go further to state that this should include those with previous lived experience too. The postcode lottery of support is well known with cities having the most support available whilst towns and rural areas have little to no support at all. It is important that all statutory services are provided with the necessary training to understand the barriers and difficulties sex workers may face and are legally obligated to provide support to ensure equity and joined-up-care across all areas. We stress however that support should not be conditional on individuals expressing a desire to exit or any other conditions. Support should be unconditional at the point of access and provided in a variety of formats. We also want to add that whilst refuges are important provision for women in crisis, we also think specialist housing should be provided for men, trans and non-binary individuals involved in sex work.

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.

We are not opposed to exiting services as a matter of principle. If sex workers wish to exit then they should be given every opportunity and support to do so. But this should not be a quid pro quo for receiving support from these services. If sex workers also wish to continue to sell sex then they should not be denied support. We are against any conditions attached to the offer of support. We also believe that exiting services on their own are not enough to give sex workers the necessary incentive to exit. Financial support, and education and training opportunities need to be made available to encourage sex workers to exit and face the loss of income in doing so. Ultimately the incentive for most of those involved in the sex

industry to work in the trade is driven by poverty and lack of opportunities, and these need to be addressed at a fundamental level before we can see long term progress in sex workers moving away from the profession in large numbers.

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?**

We do not believe that the proposed offence should be enforced. We have seen in countries that have introduced similar legislation that sex workers end up bearing the brunt of the impact of the law, either through loss of income, increased risk of harm from clients, or being unfairly targeted by law enforcement (which undermines the entire philosophy behind the legislation).

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

We do not agree with the introduction of the new criminal offence. Please see response to question 6.

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.

We believe that all of the above support should be made available to sex workers. However, regarding outreach; it must be carried out with great care and consideration by professionals with experience of working with sex workers. Outreach should not be

done in a way that may increase risk of harm to sex workers, or compromise their anonymity/security. It should not be done in association with the police, and should only be conducted with the cooperation and consent of sex workers themselves. We also believe that access to any services should not be conditional on pledges of agreeing to exit, or to engage with drug/alcohol services or mental health services. Engagement with these should always be a choice, and support should be available whether sex workers agree to engage with these services or not. Furthermore, we believe that access to appropriate housing should be made available to sex workers of all genders, not just women.

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.

We do not agree with the introduction of the new criminal offence. Please see response to question 6.

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.

We believe that full decriminalisation of both the buyer and seller of sex, along with the practical delivery of sex work (advertising, cooperative working (brothels) etc), is the most effective way of reducing the risk of harm to sex workers. The evidence of the introduction of decriminalisation in certain countries like New Zealand and parts of Australia show this. Note that Germany is often used as an example

of a legal model that increases the risk of exploitation of sex workers. This is a model of legalisation, which we do not support, as this compels the state to regulate the industry and further marginalise and stigmatise those working in it. Decriminalisation gives sex workers themselves the freedom to work without fear of prosecution, whilst encouraging them to turn to law enforcement if they have been the victim of a crime.

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.

We believe that adopting all the proposals in this Bill are likely to lead to a significant increase in costs for all stakeholders. By adopting the 'right to support,' more funding for charities and statutory bodies would be needed. With little framework currently in place, this would require a higher level of funding to ensure support provided is fit for purpose. For those involved in sex work themselves, the proposals in this bill would likely lead to a loss in income, leading to a greater number being reliant on state support such as Universal Credit. For the police, greater costs would be incurred to action the proposals in the Bill, for example if as mentioned in the bill the police are expected to 'observe' properties they suspect, this will likely take up increased levels of police time and resources.

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.

We note that throughout this bill that women are identified but men and LGBTQIA+ people are not. We believe that if there are no provisions in this bill, that men and LGBTQIA+ people who are engaged in SW will be disproportionately affected. Whilst studies states that around 80% of those involved are women, it is important not to overlook the minorities in the approximate 20%. SWs are disproportionately represented in the LGBTQIA+ community, and it is important to ensure that all people can access support in the same way as 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?

We believe that implementing the proposed legislation to criminalise sex buyers would create a more unstable environment for sex workers, increasing both stigma and risk. Evidence from countries that have adopted the Nordic Model shows a disproportionate impact on migrant sex workers and a rise in reports of violence. In Northern Ireland, where the Nordic Model was introduced, a review by the Department of Justice found that the law had minimal effect on reducing the demand for sexual services. This legislation would neither boost the economy nor promote fairer wealth distribution but would instead heighten stigma, division, and inequality.