

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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 response provided is [Redacted] the response provided here has not been shared with wider [Redacted] members, of which there are hundreds, for signatories. As such, the response represents the views

of [Redacted]. That said, the response provided is very much in keeping with the ethos of the [Redacted] 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I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

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 our own and others' long-standing research in this field and close working relationships with sex workers, we fully oppose the proposal to introduce a new criminal offence of paying for sexual services.

Whilst Sweden was the first country to introduce end-demand criminalisation, there is growing evidence across multiple countries that criminalising clients leads to sex workers facing increased violence and decreased access to justice, safety, and better working conditions. See the report by MDM

(https://www.nswp.org/sites/default/files/web_en_rapport-prostitution-finale.pdf) as well as the report by NUM which reflects the increased violence faced by sex workers in Ireland since the introduction of client criminalisation (<https://uglymugs.ie/wp-content/uploads/um-statement-26-mar-2019.pdf>). Evidence from Sweden shows that the model has increased the stigma experienced by sex workers; a stigma that deters sex workers from engaging with health and support services, including the police, and is present in media and public discourse (<http://www.petraostergren.com/upl/files/54259.pdf>).

Criminalising the client also reduces sex workers' ability to manage risk. As clients are fearful of arrest, outdoor sex workers are compelled to solicit in secluded areas where the risk of violence is greater and to hurry the screening of clients (<https://www.ncbi.nlm.nih.gov/books/NBK585703/>). Once again, evidence from Sweden shows that fewer clients has meant that there is increased competition and, in turn, prices are driven down. As such, sex workers are compelled to accept clients they would previously have rejected or provide services they are not comfortable with in order to make a living

(<https://www.nswp.org/resource/the-real-impact-the-swedish-model-sex-workers-advocacy-toolkit>). Therefore, while the Swedish model purports to target the client, it is clear that, in practice, it empowers the client to the detriment of the sex worker.

The harms of criminalisation were clearly articulated by SWARM (from PTN0008), submitted to the English Parliament:

‘When clients are criminalised, that means that the sex worker has to assist the client to evade the police in order to get his business. If she is working outdoors on the street, that might mean having to get into his car quickly to avoid police arrest, not having time to talk first and get a sense of whether he seems drunk or pushy, and not being able to negotiate price, condom use or boundaries before getting into the car. It might mean working outdoors in a more isolated area away from other sex workers, so as to avoid police crackdowns. If a sex worker is based indoors, it might mean that clients are unwilling to give their real name or phone number for safety screening and will call from withheld numbers. It means that a flat that someone sells sex from is a ‘crime scene’ and subject to being raided.

Countries which have brought in this model tend to keep in place much of the criminalisation which surrounds selling sex, so that sex workers are still criminalised for ‘brothel keeping’ if they work together in a flat for safety. When police have a crackdown with the stated aim of arresting clients, sex workers who they come into contact with can often end up getting charged under other laws - such as immigration offences, anti-social behaviour orders or drug possession, or evicted and left homeless. The removal of penalties for soliciting and selling is definitely needed, but under the Nordic Model the cloud of criminalisation around prostitution remains and the ones who suffer most from that are still the sellers.

The deliberate disruption and displacement of prostitution by enforcement measures which occurs under the Nordic Model can lead to sex workers being more desperate for income and therefore having to accept riskier situations in order to get the money they need.

In April 2018, Médecins du Monde published a report analysing the impact of the 2016 implementation of the Nordic Model in France. 583 sex workers took part in the research. Key findings include:

- 63% of sex workers have experienced deterioration of their living conditions.
- 78% of sex workers have experienced a loss of income.
- 42% of sex workers are more exposed to violence.
- 38% of sex workers find it increasingly hard to demand use of condoms.
- 70% of sex workers observe no improvement or deterioration of their relations with the police.
- Only 39% of sex workers are aware of the existence of the exit program and, of those who know of its existence, only 26% intend to apply. The programme has been criticised for creating barriers to access which exclude most sex workers from being eligible, and for providing insufficient financial assistance to live on.[20]

A significant and growing body of rigorous academic evidence instead support calls for sex work to be fully decriminalised as a fundamental first step in improving working conditions, access to justice and safety. Full decriminalisation is supported by leading international non-governmental organisations, including Amnesty International

(<https://www.amnesty.org/en/latest/news/2016/05/amnesty-international-publishes-policy-and-research-on-protection-of-sex-workers-rights/>) and STOP AIDS

(<https://stopaids.org.uk/wp-content/uploads/2019/07/STOPAIDS-Position-Paper-supporting-the-full-decriminalisation-of-sex-work-1.pdf>), as well as all sex-worker led organisations across the UK and Ireland (e.g. National Ugly Mugs, English Collective of Prostitutes, SWARM, Ugly Mugs Ireland). See also the ECP report on the evidence for decriminalisation (<https://prostitutescollective.net/wp-content/uploads/2017/01/Online-Symposium-Report.pdf>)

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.

There is a wealth of evidence that decriminalising sex work leads to sex workers accessing better working conditions, safer work environments, better access to health services, etc. See this report on the positive outcomes of the implementation of the decriminalisation model in New Zealand: <https://gaatw.org/publications/SWorganising/NewZealand-web.pdf> which includes better ability to negotiate with clients and an easier time leaving sex work behind when desired.

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.

Having previous criminal convictions is the reason why many people continue to do sex work, as other forms of work become unavailable for them once they have a criminal record. Repealing previous sex-work related offenses would have a positive impact both for those who seek to continue being sex workers as well as for those looking for other kinds of work. See also this ECP report on the impact of cautions for sex workers: <https://prostitutescollective.net/wp-content/uploads/2024/05/Proceed-Without-Caution-Report.pdf>

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.

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 focus on exiting services is counter-productive: sex workers need wider support (such as access to financial support, housing, health services, etc.) irrespective of whether they are trying to leave sex work. Exiting services often force sex workers to leave their work whilst there is no financial security net around them, which almost guarantees that the process will simply not work. Additionally, forcing them into leaving sex work in order to access services is discriminatory and not a good practice. See PTN0008, submitted by SWARM:

‘For support services to succeed in delivering good outcomes for people who sell sex, they must have these essential components:

- 6a) People who want to leave prostitution need material support to do so: a liveable alternative income, affordable housing, adequate benefits, or access to other suitable and accessible well-paid work. Services that seek to persuade women to leave prostitution without being able to offer them viable alternative sources of income will inevitably fail.
- 6b) Services must be prepared to support both sex workers who are planning to leave prostitution and want support with this, and those who do not currently wish to “exit” - or are unable to do so - and need help instead with improving their health, conditions and quality of life while they continue to sell sex.
- 6c) Services must be non-coercive (i.e. not use the threat of criminal justice sanctions as a punishment for lack of engagement) and operate with a “firewall” so that women can access them without fear of being reported to police or immigration authorities.
- 6d) Services must be accessible to specific marginalised groups who are over-represented in sex work: e.g. welcoming to trans and LGB people and sensitive to their needs; providing translation and

language support for migrants; accessible to those with disabilities, substance users and people with complex needs.'

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?**

The proposed offence should not exist and should not be enforced. Criminalising the client might intend to protect sex workers from harm but international evidence (as noted in our response to Q1) demonstrates that sex workers are harmed as a result of this offence.

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

Additional policing powers are not helpful for sex workers, who often find themselves facing increased violence as a result of policing measures. This is particularly true for migrant women. Please see the English Collective of Prostitutes' report on the results of the increased policing of foreign sex workers as a consequence of Brexit: <https://prostitutescollective.net/wp-content/uploads/2020/07/Sex-Workers-are-Getting-Screwed-by-Brexit.pdf>

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.

Sex workers should never be visited in their place of work as this often leads to them experiencing violence. The most effective way to reduce the risks that sex workers may or may not take in the exercise of their job is to give them direct financial support (such as Universal Basic Income payments).

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.

The quickest way to affect the conditions in which sex workers work is to lift people out of poverty. The easiest and most effective way to do this is by increasing benefits and introducing monthly payments, affordable housing, and subsidized childcare.

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.

Besides the financial impact on public sector bodies, sex workers will also be economically affected. This also means that some independent sex workers may have to go back to brothel work and street work, environments in which they have less control over their working conditions. This will go back to the public sector bodies, who are likely to need to invest more in benefits, healthcare and housing support as a result of the decrease in worker safety.

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.

Migrants, LGTBQIA+ people and people in conditions of extreme poverty are the ones who are more likely to be negatively impacted by this bill because these are the identities that more often engage in sex work, and this bill will negatively impact the safety of sex workers.

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?

It will create a less stable environment for sex workers and their families.

