

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

Beira's Place – Edinburgh Women's Sexual Assault Support Centre

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.

The Values and Ethos of Beira's Place clearly state that it considers all forms of Commercial Sexual Exploitation (CSE), whether actual or the threat of, to be violence against women. This includes lap dancing, stripping, pornography, prostitution and trafficking of women for the purpose of sexual exploitation. We consider the buying and selling of women's bodies to be a breach of women's fundamental human rights. We also believe that the purchase of women's bodies through prostitution should be punishable by law.

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.

Beira's Place supports women aged 16 years and over, who have experienced some form of sexual violence, abuse, or sexual exploitation at any time in their lives. We know from experience, and from our Counselling Support Workers' extensive experience in previous roles in violence against women services, that women selling or exchanging sex are unlikely to be doing so through choice, but rather through lack of choice. Women who sell or exchange sex are some of the most vulnerable women in Scotland, often having lifetime

experiences of abuse and exploitation from childhood and are not uncommonly forced or coerced into prostitution by poverty, abusive partners, substance misuse, all of which are underpinned by complex trauma. We believe that this needs to be reflected beyond Section 46 of the Civic Government (Scotland) Act 1982. Thus, the criminal justice system needs to understand that women who solicit for prostitution are victims and survivors of CSE and not criminals.

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.

We not only support the Prostitution (Offences and Support) (Scotland) Bill becoming an Act, but that any responses to women soliciting for the purpose of prostitution take account of their vulnerability and possible trauma history.

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.

All survivors of sexual violence, abuse, and commercial sexual exploitation should have the legal right to trauma informed support enshrined in legislation. Women giving evidence in court should also expect to be considered vulnerable witnesses, thereby having access to special measures.

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.

Beira's Place fully supports the expansion of service provision for women exiting prostitution in the proposed Bill. Current services are sparse outside of the central belt, and though the Scottish Government's own strategy 'Prostitution – challenging and deterring men's demand' aims to create a co-ordinated local and national response, there is an obvious gap in primary prevention work on challenging men's demand. The strategy states that one of the 'key components' of the strategic approach will be "disrupting, deterring demand, and tackling its drivers". But the sex industry is a multi billion pound industry worldwide with the exploitation of women and girls being a fundamental part of that industry and our current economic climate unable to ensure that this issue will be a priority. However, recognising the needs of abused and exploited women and girls must remain at the heart of the government's commitment to improving the lives of survivors of CSE and protecting young women in the future from further exploitation.

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?

As with most new legislation, we anticipate that all partners involved in criminal justice, support, and health services, take part in a specialised training programme that emphasises the needs for a co-ordinated trauma informed response to women currently involved in any form of commercial sexual exploitation, or trying to exit. One argument posited in favour of the "sex work is work" lobby is that women are against the prosecution of buyers of sex and may protest against arrest of their clients. This must be viewed through a lens of understanding of the fear women may have of losing money, not being able to buy the drugs they need, or being forced to prostitute by an abusive partner or organised gang and being unable to pay them off. There may be other dangers to women and this may cause hostility to police or other services. This is another reason for comprehensive training

for all services so that there can be an understanding of the deeper issues for women who are selling or exchanging sex. Qualitative work should be done in order to understand the nature of the fears and threats exploited women have, and organise ways to mitigate these and protect them. Policy should be tested in ways that ensure that the intended outcomes are achieved.

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

We believe that rather than increasing policing powers, a “primary prevention” approach is needed to enable a cultural shift which recognises that all forms of CSE are harmful to women, as well as being a crime. A wide ranging programme of awareness raising, publicity campaigns, and training across services could help to implement the changes in legislation. There is good practice already taking place in the joint work between the TARA project and Police Scotland, and many police officers understand the links between CSE and organised crime, violence against women, poverty, domestic abuse, and the sexual exploitation of young women and girls. Intelligence gathering must also recognise that while covert operations are taking place, women continue to be abused sexually, physically, and psychologically. It is understandable that police wish to identify and apprehend those in charge of running brothels etc, but while extended operations are taking place, women continue to be violated and abused. Such strategies should be tested in real world settings to ensure they meet their aims. Specialist training and roles for female police officers including working with other agencies should be done as part of research, including piloted and tested to ensure that they can meet their intended purpose and result in reducing harm to women and girls.

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.

There are challenges in reaching women who are selling sex from private rooms or flats as they remain invisible within communities. A programme of service provision in local health services or community health teams or addiction services may be a way of reaching women. Clearer messaging about support for women who sell or exchange sex, could also benefit women who wish to exit or who need help, and this could also help to reduce stigma and shame. Same sex support and counselling services should also be available.

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.

Beira's Place believes that any service or platform that may be commonly used by women selling or exchanging sex, even those who may be used by women who have been trafficked could be used to raise awareness of the new offence. These will normally be health and addiction services, where there can be clear messages displayed, and where existing practice within health services can be borrowed to introduce the practice of 'private time'. Currently, maternity services have a policy of 'private time' for women presenting at their ante natal booking appointment. Anyone who may be with the woman, including

her partner, is excluded from that part of the appointment and it's at this point the woman is routinely asked whether her partner is abusive. It's recognised that domestic abuse often escalates during pregnancy and that is why this practice was introduced. A similar model could be introduced at sexual health or addiction services where it's common for women who are being prostituted or have been trafficked to be accompanied by either a male or female partner or 'controller'. This practice is already widespread and could easily be adopted by other services.

We also believe that websites which advertise escort agencies, saunas, and other sexual services should have to also include information about changes in the law in Scotland. Beira's Place believes that any service or platform that may be commonly used by women selling or exchanging sex, even those who may be used by women who have been trafficked, could be useful in giving information to relevant women.

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.

Beira's Place fully supports the implementation of the Bill and believes that legislation is required to address the ongoing sexual exploitation of women and girls in Scotland.

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.

Beira's Place understands that, as with any change and improvement in legislation which may have a knock-on effect on services, some additional cost would be incurred. We are also conscious that current pressures on budgets will

have an impact on this. But changes can be made within existing services that won't necessarily carry excessive costs.

We support specialist services, but where new services cannot be funded, specialist workers could be embedded in existing generic services where they could help train and upskill staff to ensure appropriate understanding of the impact of CSE on the lives of women, and the links between CSE and complex trauma.

We also believe that an increase in costs is justified to reduce the impact of ongoing trauma on the lives of women and girls, and in the longer term, to reduce the impact on health services, addiction, mental health, criminal justice, and child protection services

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.

The group most affected will be men who purchase sex which is positive, as it will challenge those men who believe they have the right to purchase women's bodies and that by purchasing, they then have the right to inflict violence, abuse and degradation upon those women. Beira's Place challenges men's entitlement to uncontrolled access to women's bodies, and fully supports this Bill.

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 have not identified any environmental impact. There will be a positive impact on society by showing that we value women's right to their own bodily integrity and agency and by showing that men do not have the right to expect to violate and abuse in return for money, accommodation, or any other

payment.