

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

CARE has campaigned for the criminalisation of individuals, (mainly men) who purchase sex over many years and was instrumental in the passage of the Human Trafficking and Exploitation (Criminal Justice and

Support for Victims) Act (Northern Ireland) 2015.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

CARE 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.)**

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.

CARE has campaigned for the criminalisation of individuals, (mainly men) who purchase sex over many years and was instrumental in the passage of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. We understand prostitution to be an inherently harmful and exploitative form of violence, mainly gender-based against women, that has no place in a civilised society. We believe that criminalising those who pay for sex is an essential first step in tackling the demand for sexual services at source. We also support the proposals sets out in the Scottish Government's February 2024 document, "Scotland's strategic approach to challenging and deterring men's demand for prostitution and supporting the recovery and sustainable exit of those involved in prostitution", and look forward to reviewing the progress against the goals and timetable.

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.

While care must be taken to ensure that policy decisions do not inadvertently increase levels of prostitution, we believe, as set

out in the Scottish Government's February 2024 strategy, that many of those who sell/exchange sex (generally women) are victims of exploitation and support measures to shift the burden of criminality onto the men who exploit them. Removing the possibility of a criminal conviction would, on the basis of the July 2022 Lived Experience Report, remove what is currently a barrier for individuals seeking support (reference: pages 10 and 53). The repeal of section 46 should be done in conjunction with support for individuals to exit prostitution.

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.

Given our position is that, in many cases, women are victims of abuse and exploitation, previous convictions under section 46 should be repealed so that women can exit prostitution and access services/jobs/housing without the barrier of a criminal conviction.

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 many victims of prostitution will very often be immersed in a complex web of additional problems such as drugs, addiction, poverty and the control of traffickers or pimps, it is critical that the maximum level of support be given to women who wish to escape from prostitution.

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.

As many victims of prostitution will very often be immersed in a complex web of additional problems such as drugs, addiction, poverty, domestic violence and the control of traffickers or pimps, it is critical that the maximum level of support be given to women who wish to escape from prostitution.

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?**

There needs to be a commitment by the police and other law enforcement to implement the law and be willing to bring charges and prosecution.

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

There needs to be a commitment by the police and other law enforcement to implement the law and be willing to bring charges and prosecution.

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 should be training and guidance for frontline professionals to provide the advice and support necessary to assist someone who wishes to cease working as a prostitute. The professionals should be aware of the services available, understand the challenges faced by a person seeking to exit prostitution and identify which services would be most appropriate for their circumstances thereby helping them to achieve their aim of leaving prostitution. Frontline professionals must be equipped to raise the question of exiting prostitution with those they encounter. No-one should be coerced or pressured into exiting but if professionals are not proactive in raising the possibility of exit then many individuals may not have the opportunity to consider the options available to them. Those who have less self-confidence, or who are unable to imagine for themselves a life beyond prostitution or who are reticent to reveal their situation may be precluded from advice and support they would welcome if it were offered to them. We note that the 2014 "Shifting the Burden" report from the Westminster All Party Parliamentary Group on Prostitution and the Global Sex Trade remarked that: "it is deeply disturbing that women involved in prostitution can access frontline services for many years without ever once being asked whether they have a desire to exit the sex trade." (p38) We recommend that consideration be given to the development of a form of "pathway planning" for those leaving prostitution. We also suggest that there should be awareness raising of the support available which might include advertising posters or fliers or adverts in locations (physical and online) where people involved in prostitution might see them (for example benefits offices/websites, hospitals, doctor's surgeries and clinics).

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.

There should be a clear prosecution policy on the new offence to ensure prosecutors take action.

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 unquestionably required as demonstrated by the international evidence widely cited in the consultation document. It is self-evidently not credible to seek to eliminate this particular form of violence against woman for as long as it remains legal for men to purchase sex. To this end, we note the recommendation of the most recent 'Report of the UN Special Rapporteur on violence against women and girls, its causes and consequences' (A/HRC/56/48) that States should: "Adopt the abolitionist legal framework and its five pillars, including the decriminalization of women in prostitution; providing comprehensive support and exit pathways; criminalizing the purchase of sexual acts; criminalizing all forms of pimping; and implementing sensitization campaigns for sexual act buyers" (<https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>)

CARE for Scotland also supports legislation to prevent advertising of prostitution online through pimping websites or offline and would support extension of this Bill to include such an offence. We support the proposals put forward in 2021 by the Cross-Party Group on Commercial Sexual Exploitation that the Scottish Government should: "Introduce the offence of enabling and/or profiting from the prostitution of another person" and by the Home Affairs Select Committee in 2023 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."

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.

There needs to be a commitment by the police and other law enforcement to implement the law and be willing to bring charges and prosecution. There also needs to be funding specifically for services for those who wish to exit with those services easily accessible for those who need them. This needs to be more than simply providing information about services but a holistic, joined together package of 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 proposal would have a very significant and positive impact upon some of the most exploited and vulnerable women and girls in Scotland by providing them with legal protection from being harmed by (mostly) men.

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?

Nothing further to add