

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

I have worked in a variety of roles in relevant fields since 2009 and hold university level qualifications in promoting public health.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

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.

There is substantial evidence that introducing such an offence would have the unintended consequence of further endangering people who sell sex in a variety of ways.

Namely:

- It would decrease demand whilst doing nothing to resolve any ongoing financial hardship faced by the person selling sex, with the dual effect of reducing their options and negotiating ability with potential remaining buyers, thus affecting the price they'd be able to demand for such services, likely lowering it. This is basic economics. This would have the effect of worsening financial hardship
- Reducing the demand for purchase of sex increases the power of the buyer in some ways (though could also have other unintended consequences in the other direction) by potentially creating greater desperation in the person selling sex, having seen their client pool and income potential substantially reduced with no alternative means of income. This would make it more likely that buyers could make demands that sex workers aren't comfortable with but are compelled to accept out of financial necessity, potentially endangering their physical, sexual and/or mental health, or worst case scenario endangering their lives
- Criminalisation of the purchase of sex would create incentives in buyers not to provide their real name or any form of contact information, and to only pay in cash and to only meet sex workers in locations in which they, the buyer, feels safe in. With sex workers facing financial hardship left with no other choice than to accept these conditions, it is likely to place them in greater danger
- Concerns have been raised by sex workers internationally that criminalisation of buyers does not necessarily reduce the

danger posed to sex workers by police and/or state violence including deportation. Examples have been given by sex workers of police confiscating earnings and reporting sex workers to immigration authorities, sometimes resulting in deportations which, regardless of our view of their circumstances, the sex worker absolutely does not want, and may consider a greater act of violence than that of having someone pay them for sex

The entire premise of criminalising the purchase or exchange of sexual services is based on nothing more than moralistic conservative views around sex and misguided feminism, misses the point on creating healthy sexualities in people, ignores impacts on minority communities (e.g. LGBT+ and disabled) and makes and as seen in this consultation introduction, makes a range of assertions based on those moralistic conservative stances, either providing no evidence, incomplete evidence, or biased/faulty evidence in so doing.

Several other logical and evidence based reasons exist for not criminalising the purchase of sex.

- It is logically absurd that it should be illegal to buy something from someone that they are freely able to give away without charge
- The idea of commercial sexual exploitation is not a universally accepted term, no matter how much the consultation author wishes to assert that it is so. A substantial number of sex workers internationally do not recognise selling sex as commercial exploitation, or to the extent that they do, quite logically see it no different to the daily forms of commercial exploitation that we are subject to under capitalism: low pay and poor conditions, a lack of enforceable workers rights, a lack of trade unions and union influence/bargaining power, rampant exploitation of those in financial need by those with financial power
- That paying for sexual services is a 'recognised form of violence against women' is an assertion based on a viewpoint held by certain groups with political views and leanings, not an indisputable fact, and one that rather falls flat when considering the purchase of sexual services by men from men
- Regardless of assertions to the contrary - and notwithstanding that it may be uncommon, I have met people who sell sex who are in no financial hardship, but choose to do so in order to earn extra income, and who feel completely empowered to choose who they will and will not sell to.
- Also notwithstanding assertions to the contrary, I know disabled people who have considered purchaisng sexual services because they have been unable to continue their human right to a pleasurable sex life owing to their disability

and how this is perceived by others

- The LGBT+ community is put at greater risk of harm and prosecution by this bill, particularly gay and bi sexual men and trans people. On the side of the seller of sexual services, all of the dangers I have listed previously are increased for this already more vulnerable community, also more likely to experience economic hardship. On the side of the buyer, there are higher rates of sex addiction and sexual impulsivity among gay and bi-sexual men. This means that already marginalised or isolated/lonely gay/bi men struggling with addictions or sexual impulsivity (and already victims of state violence via LGBTphobic laws which in many cases may have directly contributed to such conditions) are more likely to be prosecuted and their lives damaged by this law should they be unable to control their impulses/addictions. In addition, the Bill risks creating a Labouchere Amendment Mark 2.0 - a blackmailers charter - enabling those selling sex to freely solicit services, but then also to blackmail buyers with threats to expose their purchase of sex. The effect of this could be catastrophic on already vulnerable gay and bi-sexual men - up to and including risk of suicide
- It would be a logical absurdity to criminalise the purchase of sexual services (meaning physical sex acts) whilst at the same time allowing the sale and purchase of online, video or phone sex or pornography. And as the author of the consultation almost certainly knows, it would be equally absurd to suggest criminalising the purchase of pornography, or to criminalise those facilitating the creation of pornography.
- The entire concept ignores the realities of human nature and sexuality. You cannot eradicate the demand for sex and/or pornography, nor does the state have any business in litigating how people may choose to exchange sex

**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.**

Fully agree that this should be repealed. Nobody should be criminalised for trying to meet their economic needs,

particularly those who may be the most vulnerable and particularly where the state has failed so abjectly in ensuring that everyone has their basic human rights and economic needs met. Those soliciting sex in public places are likely to be the most vulnerable sex workers, and as such the very last thing they need is for the state to be perpetrating gross acts of violence on them by criminalising them.

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.**

Nobody should be criminalised or have ever been criminalised for this offence for the reasons already given in the previous question.

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.**

If this means giving people the legal right to support with benefits, housing, food, education, finding well paid work, or energy costs then I'd be fully supportive.

I'd also be fully supportive of the provision of non-judgemental and non-biased support around their sexual health.

I'd be less supportive of them being aggressively sold so called 'support to exit' - by service providers signed up to the moralistic conservative viewpoint that exchanging sex for money is a form of commercial exploitation and that'd they'd

be better off living in poverty than doing so. Any such programmes that offer support to exit without providing adequate support to meet a person's economic and other needs is nothing other than moralistic proselytising.

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.**

To that the extent that these provide a legal right for those sex workers who wish to access support of any kind, I'd be supportive. Again these services should be non-judgemental and non-biased, they should not seek to proselytise a moralistic view that sex work should be illegal.

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 be created far less enforced.

However, if Parliament takes leave of it's senses and introduces such a patently ridiculous piece of law,

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

No. The police have quite enough powers that they can and do regularly abuse already, and have been documented to use and abuse even where the Nordic Model has been introduced.

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.**

The offence should not be created.

**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.**

If the Bill's aims are to reduce demand for sex workers services - or to eradicate the exchange of sex for money - then these would be much better achieved in the following ways:

- Enact policies to eradicate poverty and inequality. If every person who currently sells sex out of financial necessity has enough money not just to survive, but to thrive and has an affordable, safe and warm home and enough to eat a full and healthy diet, then the supply of sex for money would be reduced to only those who wish to sell sex in order to supplement their income
- Ensure that mental health and alcohol and drug services have ample funding in place and that when people access these services they are given prompt and wraparound, holistic treatment and care - including sufficient money to live on, time off work if required without pressure to look for or return to work, and support to ensure that they have or can move to a safe and affordable, warm home. Again, this would have the effect of substantially reducing supply of sex workers selling services
- Adequately tackle the crisis in men's mental health, including prevention and early intervention programmes, but also ensuring that men have prompt access to the best possible mental health treatment and care
- Devise and implement programmes focussed on young men and boys on healthy relationships, including sexual relationships
- Stop stigmatising and moralising about sex. Encourage open and honest conversations about sex from school onwards, and in society at large
- Provide substantial funding for programmes for minority communities on sex and relationships, including LGBT+ and disabled people. Both communities are badly underserved when it comes to sex and relationships and related interventions, information and mental health. Given that the UK and Scottish Governments both bear substantial responsibility for so damaging the mental health of LGBT+ people, offer compensation in the form of free private mental health care with practitioners of their choice, however expensive, to help undo the damage done to them which has led to higher rates of suicide, mental ill health and alcohol, drug and sex addiction/impulsivity.

## 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.**

## **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.**

I have already detailed how the proposed bill is likely to have significant adverse impacts on LGBT+ and disabled people.

## **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?**

No