

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

FiLiA is an International Women’s Rights Charity based in the UK (<https://www.filia.org.uk/>) Our mission is to grow the Women’s liberation movement by:

- Building Sisterhood and Solidarity,
- Amplifying the Voices of Women,
- Defending Women’s Human Rights.

FiLiA has been abolitionist since its inception and set up the Women First project which supports local areas to improve their response to Women involved with the sex industries. See hear for more information <https://www.filia.org.uk/women-first>. This work is co-produced with experts by experience who are part of the global survivors network that FiLiA supports

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason.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.)**

FiLiA

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.

We think this is essential if we are to change attitudes and deter buyers. The responsibility for the exploitation of Women in the sex industry must rest with the men who create the demand. We know that the ability to purchase sex is one of the drivers of prostitution and therefore trafficking. Reducing the number of men that feel able to buy sex would result in a meaningful reduction in demand. The Special Rapporteur on Violence Against Women and girls clearly shows in section 32 (page 12) of her report on Prostitution and VAWG SR VAWG prostitution and VAWG final report.pdf This approach has demonstrated concrete positive results by improving the situation of persons in or at risk of exploitation; deterring buyers and third parties; and reducing harmful gender stereotypes.

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.

The words of the Palermo Protocol already make it clear that soliciting must be seen as part of the control and exploitation of women, it states: "of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or

receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." We cannot criminalise women for their own disadvantage, we recognise that Women are caught within the sex industry due to multiple factors. Women's First research found that women enter into the sex industry due to a myriad of issues in their life including, a childhood in care, drug or alcohol dependencies, domestic abuse as a child and/or adult, sexual violence, homelessness, mental ill health, poor education attainment and poverty, including the effect of Covid 19 pandemic as shown in The Case for Change: Exiting Prostitution (squarespace.com) Criminalising Women only adds additional barriers to their recovery and complicates their opportunities to exit.

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.

Many thousands of women who were convicted of soliciting and loitering continue to be stigmatised and disadvantaged by the mandatory retention of criminal records as a result of being historically subjected to violence and exploitation by pimps and traffickers. Some of these women were children at the time they were first exploited and convicted. We support HOPE Campaign — Centre for Women's Justice (<https://www.centreforwomensjustice.org.uk/>) which seeks to ensure that Women who have previously been exploited are freed from the restrictions that convictions put on them moving forward with their lives.

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 as a society we create the opportunity to exit, we must also ensure that support is available to enable it. Therefore it makes its imperative that we recognise the harm that Women will have experienced in prostitution and ensure that they are legally entitled to support to help them recover from it and move forward to rebuild their lives.

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 in Q4 we must ensure that Women have easy access to specialist services that can understand and respond to the needs of Women who will have experienced multiple traumas and will require, Women only, Women centred, trauma informed flexible support according to their diverse and varying needs. This would include (but limited to) Mental - psychosocial support, support groups.
Rehab from addictions.
Financial: housing, income security allowance, disability allowance, child support. vocational training.

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?

Those of us working in the women's sector are only too aware of issues around enforcement / obtaining justice when it comes to the safety and protection of women.
We believe it is important that a balance is struck between an approach that is pragmatic, alongside the need for an ambitious commitment to seeing these offences properly enforced.

We understand that one option could be for enforcement to sit

within the jurisdiction of the local authority, as opposed to the police.

Whilst we recognise the benefits of this, in terms of the local authority being motivated to correctly enforce (financial incentive) we would have some concerns.

Firstly, if we are serious about systemic change the serious nature of these offences must be recognised as a criminal, therefore police matter. We would not want them to be inadvertently minimalised by an enforcement approach that is not sufficiently robust.

Secondly, there is a high likelihood that sex buyers will be perpetrators of other harms against women, whether that is domestic abuse, stalking or other offences. There is an opportunity for police to build a better picture regarding the profile of potentially dangerous males in the area.

Whilst some of the issues regarding misogyny and sexism within the police force are well recognised, we want to be ambitious about the ability of the police to respond appropriately to these offences.

1) Mark scenes of prostitution, and in these scenes, hand out a report to every man. For example, if the police enter a brothel or a prostitution apartment - every man found there is defined as a sex buyer and receives a report. If there are objections like "What if it's a pizza delivery man?" The answer: he can appeal the report.

2) Enact a clause blocking prostitution sites and take them off the web immediately before all criminal proceedings are exhausted. Issue a trowing order for each site (if opened under a different name, it will be taken down immediately). This is a very effective thing. Prostitution is currently published mainly on the Internet, and without a website blocking law, it would be very difficult to enforce.

3) Even if it is difficult to prosecute a pimp - first of all, shut down the brothel. Some of them reopen, but if 40 brothels are closed - 40 new ones are not opened, fewer are opened. All this hurts their pocket and viability.

This will take leadership within the force and require training for officers on the ground to increase their commitment to seeing justice achieved.

It is important that officers understand the profound harm that prostitution causes to women. It is equally important that they understand that a man who presents as nice and polite is more than capable of raping and hurting women.

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

All online prostitution sites urgently need to be addressed– as this is where most sex buying now occurs. There must be performance targets in this area. When the police are sent to enforce a number of laws (against smoking, parking, and also against the consumption of prostitution), and when they are not measured according to sex buyers' reports - there is no enforcement. Therefore, it is critical to have an enforcement goal and increase personnel (in that order).

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.

Women will have entered into prostitution with a variety of needs as mentioned above, their needs will have compounded by the various methods they have used to survive while in prostitution. It is essential that to support them to exit all of the services above are available according to the needs of the Women, when they feel able to access them.

Importance of exit pathways
We firmly believe that all of the above services are important. We would advocate for a greater emphasis upon services that support an exit from the sex trade.

Our research undertaken with survivors delivered some clear messages about how important it is that women can see a visible pathway out.

Topic itself is not visible – “all we ever hear is it’s a choice and it’s empowering”

“Women need to see that other women have exited”

“There is this light at the end of the tunnel and people do exit...we never hear about that”

We are concerned that the majority of commissioned support in the UK is more focused around providing services that keep a woman involved in selling sex (sexual health interventions) as opposed to facilitating a way out.

“I needed to leave...I thought if I don’t, I will just be dead”

“Wanted to exit since first day of working...it was so horrendous...it was man after man after man, it was like being raped continuously”

Specialist support

We would challenge the over-reliance upon volunteers in this work. Whilst we know of many exceptional volunteers who have quite simply saved women’s lives, we are concerned that the use of volunteers is the default model for the provision of support to highly traumatised women. In our experience, women involved in the selling of sex require a specialist response – they are all too often survivors of childhood trauma, who have been subjected to high levels of sexual violence, are being actively exploited and have multiple unmet needs around substance misuse, mental health and accommodation. The work is complex to say the least. To put the outcomes of vulnerable women in the hands without sufficient training and supervision is at best ineffective, at its worst, dangerous.

Understanding barriers

We want to highlight the barriers that may prevent a woman from accessing support. They include:

- The influence of coercive controlling males (for whom they will be providing money / drugs)
- Unmet mental health needs (compounded by substance misuse / psychological harms from the sex trade)
- Addiction – inflexibility of treatment services can make access to help particularly difficult for many women
- Inappropriate accommodation – women living in mix sex accommodation, or sofa surfing / selling sex to avoid homelessness

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.

It is vital to prevent entry (and deter sex buying). School education is needed at the youngest ages (our kids are currently being 'educated' by extreme violent porn after all). But also addressing the media's constant propaganda of the sex/porn industries – which helps encourage entry and no doubt buying. And then there is the wider objectification and sexualisation of women and girls which is the bedrock upon which the sex/porn industry operates.

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.

For the reform to be effective it must be backed by legislative change. It needs to be clear that the law is there to protect Women and hold buyers to account.

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.

In the short term there will be costs associated with policing, awareness raising and survivor support, however supporting Women out of prostitution will in the longer term have a positive effect on costs in anti social behaviour, drug and alcohol services, policing, and provide opportunities for growth in areas that previously had been economically inactive as local people avoided the area due to crime and anti-social behaviour. It is important to remember that prostitution is currently costing society money.

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.

It will have a positive impact on Women as a sex class. When a society says you can buy access to some Women's bodies it effects how men view all women. By clearly stating that no women is for sale, it will improve views on sex equality. There is also the inherent risk to minors, who while prostitution exists are exploited and groomed into this dangerous abuse. We also know that migrant Women, Black and minoritised Women and disabled Women are over represented in prostitution and so, work to abolish this trade will have a positive impact on these groups also.

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?

This approach maintains the international standard on the

sexual exploitation of the prostitution of others and trafficking in persons by criminalizing third parties and decriminalizing prostituted persons, and adds the criminalization of buyers as the main actors who drive the demand and fuel the commercial sex industry. By shifting the criminal responsibility to the buyer and considering prostituted persons as victims of systemic discrimination, as well as violence against women, it offers prevention, protection and exiting alternatives to them. This brings hopes of a future where Women are equally valued, and girls grow up in a society that no longer regards them as a disposable commodity.