



Subject: Proposed Prostitution (Offences and Support) (Scotland) Bill

Ash Regan, Edinburgh Eastern, Alba Party

1. What is your view of introducing a new criminal offence of paying for sexual services?

I am fully supportive of introducing a new criminal offence to penalize the payment for sexual services. Commercial Sexual Exploitation (CSE), in all its forms, constitutes violence against women and is inherently exploitative and harmful. The act of purchasing sexual services perpetuates structural inequalities, commodifies human beings, and poses significant risks to those involved, often resulting in extreme violence and conditions that do not meet basic health and safety standards.

Evidence suggests that countries that adopt decriminalised or liberalised approaches to prostitution have significantly higher rates of violence and exploitation compared to those adopting the Nordic Model. The Nordic Model, which criminalises the buyers of sex while supporting those exploited within the system, is a more effective legal framework for safeguarding the dignity and human rights of vulnerable individuals. Furthermore, international evidence suggests that the criminalisation of buyers serves as a strong deterrent, influencing attitudes and behaviours, as seen in countries like Sweden and France. A comprehensive legal response, informed by human rights principles, is crucial to addressing the systemic harm inherent in prostitution.

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?

I strongly support the repeal of Section 46 of the Civic Government (Scotland) Act 1982. Criminalising individuals who are already marginalised and exploited perpetuates injustice, particularly for women who are disproportionately represented in prostitution. Many of the women face significant barriers in exiting prostitution, including histories of abuse, addiction, homelessness, and coercion.

The current legal framework unjustly criminalizes the victims of exploitation, while failing to hold accountable the individuals who choose to exploit these women. Shifting the burden of criminality away from those who are exploited and focusing on addressing demand, as well as supporting those in prostitution, will help to rectify these structural inequalities and provide a more just response to the issue.

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?

I am fully supportive of repealing previous convictions under Section 46. Criminalising individuals for soliciting in the context of prostitution is both unjust and counterproductive, particularly when prostitution is understood as a form of violence against women and girls. These criminal records serve as significant

obstacles to individuals seeking to exit prostitution and rebuild their lives, making it difficult to secure employment, housing, and social reintegration.

The expungement of these convictions is not only a matter of justice but a necessary step in recognising prostitution as a form of gender-based violence. Women who have been criminalised for their involvement in prostitution should be supported, not penalised further.

4. What is your view of giving people in prostitution the legal right to support?

I am fully supportive of enshrining a legal right to support for individuals involved in prostitution. Such support should be trauma-informed, recognizing the profound psychological and emotional harm caused by sexual exploitation. Providing comprehensive support services, including women-only facilities and specialized interventions for those who are homeless or have experienced violence, is essential in addressing the needs of survivors of CSE.

The allocation of resources to services that align with the Equally Safe framework, which understands commercial sexual exploitation as a form of gender-based violence, is critical. It is imperative that services provided do not promote full decriminalisation, which would only exacerbate the systemic issues that drive individuals into prostitution.

5. What is your view of including provisions for exiting services in the bill?

I fully support the inclusion of provisions for exiting services in the proposed bill. Addressing the root causes of prostitution, such as poverty, addiction, domestic violence, and coercion, is crucial to enabling individuals to exit prostitution. Comprehensive exiting services should be established in major urban centres, offering not only essential facilities for rest and basic care but also access to legal, financial, and social support.

Rural areas must also be adequately serviced, with proactive outreach to ensure that women in these regions have access to exiting services. The trauma experienced by women in prostitution must be recognized, and appropriate psychological and counseling services must be made available as part of a broader exit strategy.

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?

Effective enforcement of this offence will require comprehensive training for police, judicial authorities, and frontline workers across various sectors, including education, social services, and healthcare. This training should focus on trauma-informed responses, ensuring that those in positions of authority understand the complexities of prostitution and the exploitation involved.

In terms of enforcement techniques, the use of technology such as kerb-crawling legislation and number plate recognition, as employed in Ipswich, has proven successful in reducing demand for prostitution.

Sweden's experience demonstrates that the fear of public shame and social consequences acts as a powerful deterrent for men purchasing sex. Therefore, enforcement strategies should focus on these psychological deterrents as well as legal penalties.

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

While the current consultation suggests that existing policing powers may be sufficient, additional coordination and training will be necessary to ensure the effective enforcement of the new offence. Evidence from studies and experiences in other jurisdictions indicates that targeted policing, alongside the threat of criminal penalties such as inclusion on a sex offender register, can serve as strong deterrents.

Training for police in recognising the complexities of prostitution, along with robust coordination between law enforcement, social services, and healthcare providers, will be essential for effective enforcement.

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:

- Exiting support workers
- Drop-in services
- Outreach visits to brothels, saunas, and other similar premises
- Specialist medical consultations
- Access to drug and alcohol services particularly long stay rehab provision
- 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.

9. Please indicate which of the following ways of raising awareness of the new offence you believe to be most effective:

- Internet and social media advertising
- TV advertising
- Print media advertising
- Billboards in public places and transport
- Leaflets to households
- Materials to support exiting services for people involved in prostitution
- Materials targeted at areas where prostitution is known to occur
- Materials distributed to health and mental health services
- Materials distributed to further education sector
- Inclusion in secondary education (Relationship, Sexual Health, Parenting classes)

10. Do you think legislation is required, or are there other ways in which the Bill's aims could be achieved more effectively?

Legislation is unequivocally required. Scotland's current laws on prostitution are outdated and place undue burden on the victims of exploitation. A comprehensive legal framework that criminalises the purchase of sex while providing robust support for those exploited is necessary to address the systemic harm caused by prostitution. Legislative change is essential not only for the protection of those exploited but also for holding accountable the individuals and institutions that profit from and perpetuate sexual exploitation.

**11. Taking into account all those likely to be affected, is the proposed Bill likely to lead to:
No overall change in costs.**

While there will be initial costs associated with exit programs, in the long term, these will be offset by reductions in demand for public health, substance abuse, and social services. Additionally, the reduction in prostitution will lead to decreased criminal activity associated with trafficking and exploitation, ultimately leading to societal cost savings. However, regardless of the financial implications, the human rights of women and their protection from violence should remain the paramount concern.

12. What impact could this proposal have on particular people if it became law?

The proposed Bill will have a significant positive impact on women, particularly those most vulnerable to exploitation. Prostitution is a symptom of women's structural inequality and a form of violence against women. The legislation will not only offer protection to those currently exploited but also challenge societal attitudes that normalize the commodification and abuse of women. The Bill will also provide crucial support mechanisms for survivors, enabling them to exit prostitution and rebuild their lives with dignity.

13. Do you think the proposal could impact work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations?

Prostitution often correlates with an increase in other criminal activities, including drug dealing and anti-social behaviour. Reducing demand for prostitution through this legislation will contribute to a safer, healthier environment for all members of society. Furthermore, by addressing the systemic causes of prostitution and exploitation, the Bill will contribute to the creation of a more just and equitable society for future generations.

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