

# 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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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 am an academic based in New Zealand and I have vast experience in this area in various capacities. I from Scotland and moved to New Zealand in 2007. Between 2008 and 2011 I completed my PhD research, which involved in-depth interviews with 28 street-based sex workers and 17 key informants from a range of organisations in New Zealand, examining how the decriminalised context impacted the safety of sex workers working on the street. Since then, I have continued to undertake research on the impacts of sex work laws, and sex worker’s rights. I have published research in multiple books and peer-reviewed journals, and I have strong connections with sex worker communities. Over the past five years, alongside a team of research assistants, I have been undertaking an international comparative study on the experiences of sex workers in three jurisdictions – Scotland, New Zealand, and the Republic of Ireland. Through this research I have obtained in-depth insights into how these different forms of legislation are being experienced by sex workers in the current context and recent years.

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 a wealth of evidence that criminalising the purchase of sex results in harm for sex workers. This evidence spans multiple countries. These harms include impeding safety strategies and increasing risks of violence, limiting access to justice, along with enabling discrimination in a range of contexts (see for example Amnesty International, 2022; Amnesty International, 2016b; Ellison, Ní Dhónaill, & Early, 2019; Krüsi et al, 2016; Levy, 2014; McBride et al, 2020; Minescu, 2022; Vuolajärvi, 2019). I would be very happy to assist with providing copies of these research papers and others in this area. Making it a criminal offence to pay for sexual services means that sex workers must work covertly to avoid their clients being targeted by authorities. Sex work is a means of earning money, and when the clients of sex workers are criminalised, sex workers still need to earn money. If the number of clients available reduces, this creates financial pressure and means that sex workers may feel the need to see clients that they wouldn't otherwise see. In countries where this type of offence is in place, people continue to work as sex workers, but they do so in much more vulnerable circumstances where they are at greater risk. There is no evidence that criminalising the purchase of sex benefits sex workers in any way. All the evidence points to harm. If the introduction of this offence is pursued, then all that evidence is being ignored. Sex workers in Scotland will be harmed if this type of offence is introduced.

**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.**

I fully support the repeal of this section, but I believe this should be pursued in a different format to the proposed Bill. The repeal of Section 46 should be pursued as part of an entirely new Bill which fully decriminalises sex work. This would also involve repealing laws which criminalise brothel keeping and procuring/living on the earnings; and repealing the offence of soliciting/loitering for the purpose of purchasing sexual services. This would mean that sex workers could work together without fear of being criminalised under laws targeting third parties. A version of this framework is in place in New Zealand and has resulted in a range of benefits. The evidence from New Zealand on the impacts of decriminalisation has not been considered in the consultation document, which is concerning when this approach has strong evidence around it. Sex workers have rights in New Zealand and sex work is defined as work. The rights afforded to sex workers means that exploitation and abuse can be challenged, and offenders held to account. It is important to be clear that the model in place in New Zealand is not perfect and can be improved upon, specifically through the ensuring that migrant workers have the same rights as other workers in the decriminalised context. In Scotland, the proposed Bill should be scrapped and in place politicians should work directly with sex workers to develop a Bill that seeks to fully decriminalise sex work, which would incorporate repealing Section 46.

**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.**

As per the previous question, I support the repeal of this section but in a different format as part of a Bill that proposes to fully decriminalise sex work.

**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.**

The questions asked in this consultation require an 'other' option. This would best reflect my answer to this question. The starting point for the proposed Bill is that sex work is inherently harmful, and sex workers are victims. This is an oversimplification that is based on stereotypes. Sex workers are a diverse population of people and should not be labelled in this way. The approach pursued in this proposed Bill is misguided. It would be far more helpful to pursue legislation that affords sex workers rights as workers and protects them from discrimination. This would mean that sex workers who do require support with can access services that are already available without fear of being labelled and treated disrespectfully. Additionally, it would be beneficial to fund sex worker led services. Sex workers are best placed to provide support to other sex workers and to advise on work related issues.

**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 noted above, the framing of sex work as inherently harmful and inferring that sex workers should stop doing sex work in this proposal is flawed and oversimplifies the diversity of experiences and perspectives among sex workers. An

overarching reason for doing sex work – just like other forms of work – is financial need. Sex workers usually have experience working in other forms of work and in some cases have chosen to ‘exit’ these other forms of work to do sex work instead because it better meets their needs. Unless it is possible to replace the income that can be made in sex work while offering the same flexibility, then it is unlikely that people will stop doing sex work. The assumption that people always need special help to stop doing sex work is also flawed. People frequently move in and out of sex work without any additional support. There are also many people working as sex workers who wish to continue doing sex work and this should be respected. This assumption that people should want to ‘exit’ assumes that sex work is inherently a bad choice, and this is not the case for everyone. For those who do wish to stop doing sex work and experience barriers to doing so, this is commonly a consequence of broader structural conditions, a lack of financial support, and stigma. Exiting services will do very little to support people who wish to stop doing sex work unless broader socio-economic conditions change. Those seeking to support people who do not want to do sex work should instead pursue anti-poverty initiatives to increase access to money for those who need it. Another priority should be to working to eradicate the stigma associated with sex work since this is another significant barrier for sex workers who do wish to transition to other forms of work and have gaps in their CV. This necessitates recognising sex work as work, respecting the diverse experiences of sex workers, and rejecting the universal labelling of sex workers as victims.

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 introduced at all, and as such it should not be enforced.

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

As previously noted, I strongly oppose the introduction of the proposed offence. The police should not be given any new powers.

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.**

Sex workers should have equal access to any services designed to support people struggling with specific issues. Instead of seeking to design a range of new services that single out sex workers and label them as victims, the government should instead focus on increasing funding for services that already exist to support people (not specifically sex workers) struggling with their mental health, alcohol and drug use, access to housing etc. A priority should be ensuring that such services are safe for sex workers who need to access them and will not cause further harm to them through disrespectful and stigmatizing treatment. I recommend that the government prioritise funding peer-led services. There is an existing service, NUMbrella Lane, that provides support to sex workers but is not sustainably funded. Several participants in research I undertook in Scotland in 2022 valued this organisation highly. The NZPC in New Zealand provides a useful example. In New Zealand sex workers are respected as the experts on sex work and as such the NZPC receives government funding to support sex workers, with several bases nationwide. The organisation also advises other organisations on good practice which helps to ensure other organisations can provide safe and respectful spaces for sex workers. This is a model that could be replicated in Scotland.

**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.**

As noted in response to previous questions, I do not support the introduction of the proposed new offence and therefore there should be no awareness raising of it..

**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.**

I believe that this Bill should be scrapped entirely. Politicians seeking to support sex workers should instead listen to what sex workers have been telling them for many years and should work towards the full decriminalisation of sex work, in consultation with sex workers as respected experts.

## **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.**

As previously noted, I believe that this proposed Bill would have negative impacts on all sex workers. However, the most negative impacts are likely to be felt by the most marginalised sex workers. Sex workers who have the most pressing financial need – such as those who are experiencing homelessness, who are struggling with addiction, who are sole parents, living with disability or chronic illness, or who have precarious migration status will suffer the most from a policy that seeks to eliminate their source of income. The proposed legislation would only further entrench inequality and economic struggle for already marginalised 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?**

As inferred in my earlier responses, I believe that this proposal will result in deeper inequality and injustice for sex workers.