



Ending all forms of violence against sex workers

Principles:


- ◆ Sex Workers First
- ◆ Quality Support
- ◆ Learning and Innovation

"I was recommended for the NUM therapy package as I was going through a hard time in my personal life. Sadly when I have tried to do therapy before I've always felt judged for being a SW but all the therapists are approved by NUM and I found myself one I could really connect with and it's really helped and I have actually continued privately with my therapist."


- Sex Worker

"It was amazing to have someone to speak to when I reported an aggressive potential client."

- Sex Worker

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September 25, 2024

Response to consultation on Proposed Prostitution (Offences and Support)

(Scotland) Bill

Dear Ms Regan,

Please find below a response to your consultation on your proposed Prostitution (Offences and Support) (Scotland) Bill on behalf of National Ugly Mugs, the UK's national sex worker safety service.

We have included by way of an annex a set of ten responses from current Scotland-based sex workers, gathered as part of a focus group of our members we conducted when drafting this response.

National Ugly Mugs strongly opposes your proposal to enact the Nordic Model in Scotland, given the harm that it will cause to Scottish sex workers. We are disappointed at your conduct in carrying out this consultation, as you have failed to live up to previous assurances that you would actively seek to consult relevant stakeholders and appear to have made no attempt to publicise the proposal. We also note that your proposal omits international evidence – including that on the impact of recent similar legislation in Northern Ireland – which would serve to significantly undermine your proposal. We do not believe that your approach is in keeping with the public bill procedure requirements set out in the Standing Orders of the Scottish Parliament and accompanying guidance.

Yours sincerely,

Dr. Raven Bowen
CEO

I confirm that I have read and understood the privacy notice in your consultation, and consent for this response to be published. I trust that the points made in this document will be appropriately reflected in your published summary of consultation responses.

Q2B: 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).

National Ugly Mugs (NUM) was founded in 2012 as a pilot project of the UK Network of Sex Work Projects, to provide a centralised reporting and alerting mechanism for individuals involved in sex industries. This pilot was originally funded by the Home Office VAWG stream. Our mandate is to 'end all forms of violence against sex workers' and our work is guided by three core principles: Sex Workers' First, Quality Support, and Learning and Innovation. We deliver services by, for and with sex workers, offering a range of victim support services directly and through our partnerships which include: in-person and individualised victim support case work; reporting and alerting; drop-in services, events and outings at NUMbrella Lane, our Scotland-based health and wellbeing space; paid therapy packages and a directory of sex worker-friendly therapists; emergency funds and vouchers for those fleeing abuse or at risk of survival sex work; a racial justice project; and vocational support services to facilitate sex workers in transitioning out of sex industries or reducing their reliance upon it.

Currently, NUM supports just over 9,900 individuals, 85% of whom are active UK sex workers, and roughly 1,500 practitioners working within the public and charity sectors. In 2023, we sent out 849,631 text messages and SMS warnings and alerts to sex workers to prevent violence, contributing to a total of 3.33 million since the service started. We processed 578 reports containing 812 accounts of harm to sex workers. We provided direct victim support to 1027 sex workers. NUMbrella Lane welcomed 281 sex workers to the drop-in and events last year and were recently nominated for the <https://nationaluglymugs.org/2024/06/21/num-receives-a-special-commendation-in-scvo-charity-awards/>.

In addition to this, NUM has forged deep and meaningful partnerships with sex worker-led and sex worker-serving organisations in the UK and beyond and we have become an organisation that is drawn upon by our communities for support with police and public sector access issues, banking discrimination and access to healthcare. The NUM team comprises those with lived and learned experiences of sex industries, with several members holding academic credentials and victim support certification, along with decades of collective experience delivering services to sex workers and other marginalised and criminalised populations. We arrive at our position on issues related to the direct and de facto criminalisation of sex workers through extensive engagement with global literature and empirical data, as well as the wisdom and insights gained from service delivery and lived experience.

It is to our unending frustration that there are those who advocate for the Nordic Model who seek to dismiss NUM, and other sex-worker serving services, as the “pimp lobby”. Nothing could be further from the truth. We exist to support sex workers of all backgrounds and genders – both those who consider themselves to be sexual entrepreneurs, and those who wish to leave the sector – on a nonjudgemental basis. Many of those who would wish to implement the Nordic Model in Scotland view the sector through a moralistic and simplistic lens in which all sex work is akin to trafficking and exploitation, and all sex workers are victims. The truth is far more complex.

We are dismayed at the exclusion of NUM, and other relevant groups, from the Scottish Government’s policy formation groups – such as the working group on exiting - given our wealth of expertise and trusted relationships with sex workers across Scotland and the UK.

Our 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 opposed

The desire to reduce violence against sex workers expressed in the proposal is an aim that we share, but we are diametrically opposed to a criminal-legal solution to addressing the harms experienced by sex workers and instead promote a resources-first anti-poverty and human and labour rights approach to eliminated survival sex work (forced labour) in sex industries. We believe this is best achieved through addressing the economic, health and violence-related concerns of the population.

For most, involvement in sex industries is a constrained choice, driven mainly by economic need and the lack of viable alternatives for survival. NUM has been doing extensive research and work on vocational exploration with sex workers and we have been excluded from dialogue on exiting with the Scottish government. This includes our recent report entitled <https://nationaluglymugs.org/2024/09/04/report-no-viable-option-career-goals-motivations-and-barriers-faced-in-sex-work-mainstream-work/>, a summary report from our Leaving the Game project. In it, sex workers identify barriers to involvement and departure from sex industries and the findings reinforce those already established in literature.

In relation to your proposal, it is initially clear that the evidence you rely upon to form your argument is unbalanced. 'Unbuyable' is truly 'unbelievable', as you omit literature that contributes significantly to the evidence in favour of non-carceral approaches to regulating sex industries due to the violence and destitution that ensues. Your exclusion of compelling literature and reports from esteemed sources that do not support your position that all sex work is violence against women and that criminalisation of buyers is the solution can't be an accident. We were initially planning to provide you with references to these works, but any unbiased search of academic and grey literature databases would reveal studies that you would have difficulty refuting, given your deprioritisation of sex worker safety in favour of the criminalisation of those who buy sex. This is a lethal policy approach that will come at the expense of sex workers, as it has in other jurisdictions around the world. This has been empirically proven, as it is based on samples of sex workers directly affected by these policy decisions.

Notwithstanding your conflation of sex industry work and trafficking, there is no doubt that sex workers face extraordinarily high rates of (sexual) violence, criminalisation and stigma, made worse in legislative environments that apply full or asymmetrical criminalisation. This is why international NGOs such as Amnesty, Human Rights Watch, and UN AIDS, which look at the impact of such policies through a global lens, are opposed to the Nordic Model. See for example Amnesty International's report about structural violence against sex workers in Ireland¹.

We commissioned a recent YouGov poll in which Scots weighed in on issues of criminalisation and safety for sex workers, finding that:

- 69% of Scots say the Scottish Government should focus on protecting the health and safety of sex workers and providing support to people who want to leave the industry, compared to 14% who support the government passing new laws to prevent people exchanging sexual services for money.
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- 47% think it should be legal for a person to pay someone to have sex with them, versus 32% who think it should not be legal.
 - 62% oppose the Scottish Government's declaration that sex work always equals violence against women, with only 13% supporting this idea. The SNP refuses to allow groups who will not sign up to this extreme proposition – including NUM – to join Government-backed working groups on sex work policy and exiting.
 - Instead, 79% think the Scottish Government should consult sex workers and sex worker-led groups when considering new laws to keep sex workers safe (7% opposed).
 - Despite Nordic Model campaigners' calls to outlaw adult services websites, used by sex workers to advertise their services and access support from charities, 63% say they would prefer sex workers to look for business online, versus 2% who would prefer them to look for business on the street.
 - 45% think that two sex workers should be allowed to work together in the same premises, a practice often adopted for safety reasons, instead of the current legal position in which both can be charged for exploiting each other under brothel-keeping legislation – versus 24% who disagree.
 - Only 1% of Scottish adults think issues around sex work should be a priority for the Scottish Government at the present time.

Attempting to reduce demand for sex work, by criminalising its purchase, does nothing to address the supply side of the equation – which is that there are men and women who will continue either through choice or necessity to offer sexual services. In a practical sense, criminalising sex workers' revenue streams before providing alternative forms of income commensurate to their earnings in sex work is not a pathway to ending violence or improving safety and choice. Instead, this strategy increases their reliance on exploiters to access clients, increases competition within sex industries for scarce buyers, and subsequently creates a buyers' market. In this context, sex workers are compelled to engage in high-risk sexual activity to remain competitive as buyers and exploiters gain more control

¹ <https://www.amnesty.org/en/documents/eur29/5156/2022/en/>

of the industry and demand more for less. Sex workers, who are reliant on this income for survival will acquiesce and even see individuals who have been reported as victimisers- a practice we observed during the Covid-19 pandemic, an ongoing cost-of-living crisis. Furthermore, some sex workers make a freer choice about their involvement and select to engage in sex industries instead of low-wage mainstream employment. Irrespective of their reasons for involvement, sex workers are entitled to protection under labour and human rights legislation

You cite declining numbers of visible street-based sex workers under Swedish law (1999) and Norway (2009) and a reduction in disclosures of buying behaviour, which is the immediate effect of criminalisation; however, you neglect discussion of where these individuals went or provide any information about their welfare, nor do you discuss the ripple effect this approach has on off-street and online industries. You cite a Swedish male authority figure, a detective, to dismiss the fact that criminalisation leads to the displacement of sex industries. I recommend that you draw on research and the lived experiences of sex workers to establish fact patterns. Read about the 'discourse of disposal' in Lowman (2000)² or any of the publications of the East London Project³ to educate yourself about the complexity of this issue.

In your dismissal of decriminalisation as an approach to increasing safety for sex workers, you cite Germany instead of fully describing the New Zealand model. We find this peculiar, given that Germany has a state licensing structure that only decriminalises sex work for its citizens who are registered and criminalises all others. The legislative regime has no benefits for unlicensed sex workers and thereby fails to address the needs of diverse sex working populations. This approach encourages individuals to conceal their sex working and avoid interaction with the state and policing, including to report harm or access health services and other resources. This is not a myth but a fact. I point you to the work of Prof. Gillian Abel, Dr. Lynzy Armstrong and others⁴ in their research on before and after the institution of the Prostitution Reform Act in New Zealand in 2003, and the impact of the PCEPA 2013 from the perspectives of sex workers and direct support organisations, documented by the Canadian Alliance for Sex Work Law Reform⁵. I was in New Zealand last year, marking the 20-year anniversary of the PRA and speaking with sex workers, police officers and politicians who were perplexed about why the UK and other jurisdictions have not chosen to prioritise sex worker safety and implement decriminalisation. It is not without its challenges and omissions, i.e. migrant workers, but it is proven to be a framework in which sex workers can freely access police for protection, pursue exploiters, form collectives, and prioritise their health and safety. Situational violence is minimised. This is a model that ought to be customised for the UK context because sex workers are being murdered and harmed in our current context of 'Nordic by stealth'. You have the opportunity to legislate harm reduction, work with sex workers to improve community safety, to identify exploiters, charge the people who victimise them and ensure their fair and equitable access to public and community resources.

² <https://journals.sagepub.com/doi/10.1177/10778010022182245>

³ <https://eastlondonproject.lshtm.ac.uk/publications/>

⁴ <https://www.jstor.org/stable/j.ctv1453kvn>

⁵ <https://sexworklawreform.com/recommendations/>

NUM processes more reports of violence to sex workers than any other organisation in the country and we support people in sex industries through some of the most difficult times of their lives. We also honour, visibilise and say the names of those who did not survive interpersonal and state violence, those murdered and those lost to us by illness, neglect, overdose and suicide through our Memorial Map (<https://nationaluglymugs.org/about-num/memorial-map/>) and International Day to End Violence Against Sex Workers (<https://nationaluglymugs.org/idevasw/>) (December 17th) events. More than half of the reports of harm that we receive are not shared with police anonymously or directly because sex workers do not consent to this sharing and do not trust the police to respond without putting them at further risk of harm. Our data reinforces the fact that carceral approaches to regulating sex industries discourages reporting to police⁶. Further to this, because racialised and sexual minority populations experience increased stigma and criminalisation and the denial of state support in our current system⁷, increasing state surveillance and punitive policies would logically make the situation worse. Please review our Racial Justice project policy documents (<https://nationaluglymugs.org/rj4sw/>) for more information about the plight of racialised sex workers.

We recommend that you draw insight from the UN Special Rapporteur on the Right of Health, Dr Tlaleng Mofokeng, who calls for decriminalisation as a humane approach given the reasons why people become involved in sex work and survival sex work⁸, and you should read reports from other UN agencies⁸ that can inform your position. Become familiar with reports from UNAIDS, the World

Health Organisation (WHO), the United Nations Population Fund (UNFPA), and the Global Commission on HIV, in addition to Doctors of the World, Human Rights Watch and others, who have done extensive research to arrive at decriminalisation. And reread the 2016 Home Affairs Committee that recommended decriminalisation⁹.

Finally, your analysis fails to recognise the fact that the purchase of sex has already been criminalised in part of the UK – in Northern Ireland – and that the Northern Irish Executive’s official review of the legislation found that it had failed¹⁰. The study, commissioned by the Department of Justice in Northern Ireland, found that the enactment of the Nordic Model “had little effect on the supply of or demand for sexual services”, and sex workers reported “higher levels of anxiety and unease, and increased stigmatisation”. The report also found there had been “no evidence” of “downward pressure on the demand for, or supply of, sexual services”. Any serious and genuinely objective analysis of relevant evidence of the potential impact of the enactment of the Nordic Model in

⁶ <https://link.springer.com/article/10.1007/s13178-021-00627-1>

⁷ <https://link.springer.com/epdf/10.1007/s11524-022-00673->

[z?sharing_token=cbXQAhPhk4BTjbo_Yw6d4fe4RwlQNchNBiy7wbcMAY6WEzdLK1nMPyOswcB5Q0IWz5GfMgO_CgSNRn_IVUeEyQgZ-](https://link.springer.com/epdf/10.1007/s11524-022-00673-z?sharing_token=cbXQAhPhk4BTjbo_Yw6d4fe4RwlQNchNBiy7wbcMAY6WEzdLK1nMPyOswcB5Q0IWz5GfMgO_CgSNRn_IVUeEyQgZ-JNDKYmtjibWSQjZ_KcZUnHkAslaDZhHhHg980cX3jO9ZnnVLmd7bxKi5W1bSh7zVmfg2i9Hb8l-A2PvYk=)

[JNDKYmtjibWSQjZ_KcZUnHkAslaDZhHhHg980cX3jO9ZnnVLmd7bxKi5W1bSh7zVmfg2i9Hb8l-A2PvYk=](https://link.springer.com/epdf/10.1007/s11524-022-00673-z?sharing_token=cbXQAhPhk4BTjbo_Yw6d4fe4RwlQNchNBiy7wbcMAY6WEzdLK1nMPyOswcB5Q0IWz5GfMgO_CgSNRn_IVUeEyQgZ-JNDKYmtjibWSQjZ_KcZUnHkAslaDZhHhHg980cX3jO9ZnnVLmd7bxKi5W1bSh7zVmfg2i9Hb8l-A2PvYk=)

⁸ <https://youtu.be/flnqYnsEAzs?feature=shared>

⁸ <https://www.ohchr.org/sites/default/files/documents/issues/women/wg/sex-work-pp-fin-proofread-24sept.pdf>

⁹ <https://committees.parliament.uk/committee/83/home-affairs-committee/news/100533/decriminalisesex-workers-says-home-affairs-committee/>

¹⁰ <https://www.justice-ni.gov.uk/publications/assessment-impact-criminalisation-purchasing-sexual-services>

Scotland could not ignore these findings, and we would expect them to be highlighted prominently in your analysis of consultation responses.

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?

We agree with the repeal of section 46 of the Civic Government (Scotland) Act 1982 as it directly criminalises impoverished and vulnerable sex workers and survival sex workers who do not have the resources to work off street and online. These individuals have been historically targeted, despite an understanding of sex for survival and the intersecting vulnerabilities associated with health and disability, poverty, homelessness and drug use for some. This repeal should occur irrespective of other strategies and should be a stand-alone policy decision to reduce state violence. Further, resources should be made available to help street-based populations fund basic needs.

Based on our recent YouGov polling, 69% of Scots say the Scottish Government should focus on protecting the health and safety of sex workers and providing support to people who want to leave the industry, compared to 14% who support the government passing new laws to prevent people exchanging sexual services for money.

Stop criminalising sex workers and do what your own public wants, extend support and resources and repeal previous convictions. Repealing Section 46 of the Civic Government (Scotland) Act 1982, which criminalizes soliciting for the purposes of prostitution in a public place, could benefit sex workers in Scotland in several ways:

- Improving access to legal protections, social services, housing and labour rights, along with reducing sex work stigma in public sectors
 - Increased safety as sex workers would no longer be hard targeted by police, state actors and the public. They would also be better able to report crime and see a positive criminal legal outcome instead of experiencing high rates of NFA cases.
 - Sex workers and the groups who support them can have deeper partnerships with health services under inclusion health mandates. Instead of being seen as public nuisances or vectors of disease, the population would be valued as stakeholders in improving community health.
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- With reduced criminalisation, sex workers can operate without being subject to arrests and fines and can collectively organise for improvements in working conditions and access to labour rights.
 - This strategy will reduce the costs associated with policing poverty. In our current economic climate, there is a need to free up state resources towards ending VAWG and GBV and other pressing issues. Sex workers would have the potential to be allies in establishing community safety for all and this measure would increase trust in policing and its protective penitential.
 - Repealing Section 46 as a sole measure has the potential to shift power dynamics, putting control of the industry into the hands of those who participate in it. Sex workers and groups that work 'by, for and with' them would not be as easily excluded from government policy tables and working groups that are working on issues directly affecting the population, as is NUM's experience dealing with MSPs. Instead, ideological positions would be put to one side,

and our joint goals of improving the quality of life and life chances of sex workers could be prioritised.

- There are human rights benefits with this repeal as well as it would uphold the right for people who more freely choose involvement in adult industries to do so without criminal sanctions, contribute to the tax system and benefit from labour entitlements as any other worker.

Sadly, your proposal is not geared towards these benefits, but you aim to replace Section 46 with insidious legislation that will indirectly criminalise sex workers by targeting their clients and provide you with the opportunity to describe your criminalisation as saving sex workers and 'ending violence'.

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?

As above, we agree with the repealing of previous convictions, a move that sex workers and advocates have been pushing for over decades. Lived experience, and research in this area establishes that criminal convictions create barriers to participating in some forms of sex industry work, as well as posing challenges to leaving sex industries, and for managing dual lives, i.e. holding mainstream jobs alongside industry work.

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

Any legislation drafted in this space must be genuinely directed towards supporting the interests of sex workers, to ensure that they do not experience undue hardship and legislated poverty. It is the provision of the support that needs to be guaranteed, through adequate funding and appropriate service provision being made available. Simply baldly stating that sex workers should have 'the right to' support is not an assurance of anything.

Sex workers should be able to enjoy unfettered access to non-judgemental support services, that are not underpinned by judgmental and/or religious ideology. That should include support services provided by organisations such as NUM that are ideologically opposed to carceral approaches. A resources-first approach would require consultation directly with sex workers and those most affected by the criminalisation you propose to ensure that effective support is created.

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

Your proposed bill does not outline financial support to sex workers, only a 'right' to support. That is not a guarantee and includes no commitment of financial resources or clear plans. You argue for your proposal as being cost-neutral.

The provision of support to leave industries must be evidence-informed by research and the experiences of active sex workers. I invite you to read our report mentioned in response to Q1 and ensure that sex workers and groups who disagree with your opinion on sex work are not blocked from offering valuable evidence in the development of services and resources. You should also consider a shift in your language about leaving sex work to recognise that it is a process and not a one-time

event. Our report on barriers to leaving sex work highlights that Covid-19 related poverty and the cost-of-living crisis are broader economic conditions that trap people in survival sex work who want to leave it and drives others into sex work to supplement their incomes in response to the rising cost of living, including rents and mortgages, food and fuel costs. Criminalising the purchase of sex, and so making it more difficult and dangerous for sex workers to interact with clients, will only worsen these financial challenges and force sex workers into more harmful situations.

Your proposal does not address the impact on those who do not choose to 'exit' sex industries. Many individuals are involved in industries due to disabilities and harmful mainstream work environments, in addition to low pay. What jobs or income streams are they being 'exited' to? What income, housing, health services, and support will be available commensurate with sex industry earnings? Where these are not available, you should not be surprised that some sex workers will choose to remain within the industry.

How will you address sex work stigma, skills gaps, discrimination in public services, mainstream employment, private housing markets, etc.? Your proposal does not demonstrate a comprehensive understanding of the processes of change that are part of leaving industries to a level necessary to legislate.

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?

To be clear, we want people who victimise sex workers to be relentlessly pursued and prosecuted. We argue for sex workers to take their rightful place as primary stakeholders in the eradication of exploitation and violence. They want an end to violence more than anyone, and so do we.

NUM wants a world in which we can get officers assigned to cases of harm to sex workers and where the state prioritises these cases as they know that offenders target sex workers because they can get away with victimising this population.

We, however, do not support partial or de facto criminalisation. Not because we are a 'pimp lobby', but rather that there is no evidence of the Swedish Model improving sex workers' health, safety and access to resources anywhere in the world that it has been implemented. It is unenforceable at scale, and will be selectively enforced, targeting impoverished, racialised and migrant people, as well as those who use drugs. Increased criminalisation will further erode trust between sex workers and police, and sex workers and their clientele.

Currently, primarily using online platforms, sex workers are able to screen clients. However, under the Nordic Model, buyers will refuse to be screened because any sex worker they meet could be an undercover police officer. This has consequences that sex workers will pay the price for. Sex workers won't go to police for help because police are deceiving and arresting their clients.

Your proposal also offers no clarity as to the role that sex workers will play in criminal investigations of their clientele. Will they be compelled to be witnesses, or coerced to give impact statements or to serve as police informants? We need strategies to build trust between sex workers and police officers. Your approach will guarantee the continuation of an adversarial and severed relationship.

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

As we do not agree with your proposal, we do not believe any extension of police powers are necessary. Police already have the power to pose as buyers and sex workers, conduct stings and raids, use other covert methods, and hire informants.

In April of this year NUM conducted a survey among Scottish sex workers, capturing their recent experiences interacting with police. In our unpublished report, sex workers shared information about demographics, they rated and explained their relationships with Police Scotland and discussed barriers as well as opportunities for change. Thankfully there will be a public inquiry into the Emma Caldwell case¹¹ and an opportunity to learn more about how police treat sex workers. It is our aim that insights from sex workers inform formal reviews of their practices.

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 (tick as many as you agree with):

Provide resources to specialist services delivered “by and for” sex workers, as well as sex workerfriendly professionals and groups that have an established, trusting relationship with sex workers and a demonstrated history of providing quality support to this population.

Fund groups that can genuinely deliver for the benefit of sex workers, and not just those that support your opinions about the regulation of sex industries.

Support must be based on what sex workers have asked for to reduce reliance on survival sex work, and access to vocational/ career change resources.

Groups such as Hookers against Hardship have set out further support needed by sex workers¹².

9. Please indicate which of the following ways of raising awareness of the new offence you believe to be most effective (tick as many as you agree with):

We support a media campaign related to sex worker safety and advertisement of resources available to those in need, not an expensive campaign to promote carceral approaches to social and economic issues that target buyers instead of drawing attention to inequities and the economic drivers that push people into survival work, and the lack of resources available to working class people to survive.

10. Do you think legislation is required, or are there are other ways in which the Bill Aims could be achieved more effectively? Please explain the reasons for your response.

As we set out above, the proposal is fundamentally flawed as it does not fully draw upon the international evidence showing that the Nordic Model does not deliver the results claimed in the proposal, and in fact worsens the harm faced by sex workers.

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:

¹¹ <https://aameranwar.co.uk/news/press-release-28th-february-2024-emma-caldwell-family-after-guiltymurder-verdict/>

¹² <https://decrimnow.org.uk/hookers-against-hardship/>

A significant increase in costs. Were this misguided proposal to be brought into law, it would need a significant investment in policing to enforce it, given the demand already placed upon Police Scotland. These resources would be more effectively deployed in alleviating poverty and hardship.

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.

Any attempt to enact the Nordic Model will have a significant and damaging impact on the most impoverished section of society, those who enter sex work because of a lack of other choices, who often also experience concomitant challenges such as drug or alcohol addiction. Criminalising potential clients will not alleviate the poverty that these groups face, nor remove the need to earn an income. Instead, it will push them further into the shadows, as clients insist on engaging with them in more dangerous settings. It will also move them out of the sight of potential support services.

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.

See the next section for Focus Group feedback from sex workers

ANNEX: NUMbrella Lane Focus Group feedback

As part of our submission, we consulted with active Scotland-based sex workers through our NUMbrella Lane service (<https://nationaluglymugs.org/numbrella-lane/>) about the proposed Prostitution Bill to ensure that the insights from those most affected by policy are centralised and seriously considered. Focus groups took place between 21-29 August 2024. Below are the unedited comments from 10 sex workers, followed by a summary of themes.

Participant 1

As someone who does sex work in Scotland, I find the Prostitution Bill deeply offensive.

In 2024, it is standard procedure to give the people you are legislating (sex workers in Scotland) a voice. It is a patronizing report. It is based on sensationalist stereotypes of sex work.

Sex workers in Scotland have been organising for worker rights for years. We are well informed: the Nordic Model is harmful to workers. We have clear demands: full decriminalisation.

We are resilient and organized people. Not powerless victims as we are portrayed in this proposal.

Participant 2

I am currently a full-service independent sex worker. I chose to use the term “sex work” as to me it is work and a job that allows me freedom, independence and a lifestyle away from the benefits system.

I'm not a survival sex worker; not an addict or traumatized shell that many like to portray. I am currently a mature student completing a degree and choosing to do sex work as it offers me the flexibility to pick and choose when, where and how I work.

I recognise that I am in a privileged position such that I can and do turn down more potential clients in a week than I see thanks to the sex worker-created safety communications.

The Nordic Model is wholly unacceptable. Whilst not directly criminalising our work. It would criminalise our clients. While this wouldn't bother many of the worst clients we are contacted by, it would cause issues for some, and these would invariably be the nicer, better clients who do care about the law. Our choices to see clients who are less concerned about legalisation adds danger for us.

Participant 3

I think the Nordic Model makes sex work more dangerous for us. Like criminalisation of other forms, this makes it more difficult to simply try to make ends meet, when there is hardly other work available - particularly for those of us who are trans and/or disabled. This policy would be detrimental to the wellbeing of anybody in the industry and could prompt clients to become more aggressive with us due to the high-stakes interactions.

Participant 4

I oppose the Nordic Model but agree the vulnerable need to be protected.

I am someone who is in prostitution work because I want to be, I have freedom of choice to be and it allows me and my family the opportunity to live a much better life.

I have an employed job that I love, but it does not pay enough. It is 30 hours per week, so I use prostitution to make up the shortfall. Why don't I get a job with more hours? Because I also take care of an ailing father and spending 2 hours extra a week working does not impact my ability to do this as much as an extra 10-15 hours. To remove my ability to make this extra money in the way I do, would mean the government paying for 3 carers to visit a day and do the care work that I already do

The proposal states that many people turn to prostitution because they need money. Not only because of addictions but just to give their family a better life, to not have to scrape through or to spend precious family time working 2 jobs to make enough to live comfortably. As one of these people, how is it proposed to support these people in a reasonable way that will give an adequate alternative option?

There are far too many people in the industry for the wrong reasons, and/or forced to be, who need more support. How much effort has been put into finding other ways to help get these people to safety. What efforts have there been to find the traffickers and the people forcing the workers to do the job? Because based on the figures in your report, there have not been many convictions for this type of behaviour over the last number of years. Given the huge number of prostitutes and the fact the proposal says the majority of these workers are forced and/or vulnerable, the prosecution numbers for brothel keeping and immoral traffic are pitiful.

I am a registered sex worker with HMRC and I have an online presence. I am also in a small town. I am very easy to contact. Why, in 6 years, has no one ever checked that I am safe? That I am not under any distress? Because the government would rather do an easy fix that plunges many people into poverty that brings the criminals to them instead of doing a better job with the leg work to find and help the ones who need to be caught. You remove the need for the traffickers to keep women, what happens to those women? They get thrown out onto the street and then what? What will the government do with this sudden influx of vulnerable women who need housing, clothing and money.

Participant 5

The idea of clients being criminalised terrifies me. Due to disabilities, I have struggled with traditional employment my entire life and despite holding two degrees from Russell Group universities (so it's not for a lack of trying) sex work is the only consistent and reliable income generating activity I've been able to manage. If clients are criminalised, I won't be able to screen them and work safely. Friends who have worked in Nordic Model countries have told me it not safer and work is not easier, and that they are left with the worst clients who refuse to hand over screening info. I have only ever managed one other job which is freelancing in the arts and with the recent cuts to arts funding and closure of the open fund for individuals I'm left with even less recourse to resources. If you want us to stop doing sex work, then the Scottish Government needs to put in more support for people with disabilities and caregiving duties and stop the cuts to public funding.

Participant 6

To be frank, I am tired of having to explain to people why working under the Nordic Model is dangerous for sex workers. Countries who have implemented it have seen a spike in violence against

sex workers. This is fact. Criminalising clients pushes them, and us, further underground. If we have to worry about clients getting arrested for seeing us, we will have to take bigger risks to pay the bills. We will have to pander to potential clients more, work in isolated places, and accept clients we might otherwise have turned away. This will predominantly affect the most vulnerable of us: disabled workers, neurodivergent workers, drug users and workers with caring responsibilities. In a cost-of-living crisis, even suggesting an implementation of the Nordic Model is a hate crime against sex workers.

Stop pretending you care about “vulnerable women” and listen to us! The moment you start talking about us as if we’re “voiceless victims”, you take away our agency. We are telling you what is best for our community, and how to help us stay safe. We need better access to sexual health services, judgement free classes and advanced training courses for both those who want to improve the way they advertise and market their services and those who want to exit sex work, as well as more public education about sex and sex work.

Anyone who has bothered to talk to sex workers or read up on the subject knows that full decriminalisation is the best option for us. There are plenty of books, TED talks and podcasts that cover what sex workers really want: decriminalisation. Not legalisation. Stop conflating the two. The Nordic Model would be a step backwards. It makes me anxious to imagine a future where my clients will be criminalised, and I will have to sneak around more than I already do to escape the stigma. Give us full decrim, or just admit you hate sex workers. You can’t pretend you want to protect us and, in the same breath, push for the Nordic Model. With the Nordic Model, you will have blood on your hands. Listen to sex workers: Scrap the plans for the Nordic Model and support us in the fight for decriminalisation!

Participant 7

Punters could blame sex workers for their arrest, with several outcomes such as violence that wouldn’t have done before. It could bring a lot of police presence to sex worker locations therefore arousing public suspicion and outing her or him as a sex worker. It could also bring reduced income, pushing sex workers into other more dangerous alternatives, as well as making sex workers change location to a less safe place, to avoid police or to make punters feel safer, which ends up putting sex workers in danger.

I fear that it may lead to the public becoming vigilantes and stand at sex worker locations outing punters, which could reveal sex workers’ identities. Punters after being charged may then dox the sex worker. If the sex worker is required to testify at court, it takes time away from income generation and sex workers will need extra support from court system as witness – there isn’t enough resources for this at the moment, never mind after the Bill.

Participant 8

As a sex worker who specialises in offering services to clients (male and female) with disabilities, the idea of criminalisation of these clients is abhorrent. Most clients that I see can only book me with assistance from social workers and care staff and so would be unable to access any services at all. For some, paying for sex is the only opportunity they have had to have an intimate or sexual experience. Nobody ever seems to think about the varied and sometimes complicated reasons that some people have for choosing to pay for sex.

Participant 9

This bill devalues my identity as a queer sex worker through its language with transphobia and sexism acting as the bill's guiding principles. All the evidence supports decriminalisation as the means to support the safety of sex workers and reduce harms- all the evidence proves the Nordic Model does the opposite. Ash Regan has consistently and actively blocked out the voice of sex workers in a time where Scottish government claims to value lived experience - this discrimination against sex workers fosters marginalisation and discourages access to services that can support us. I hope that this bill highlights the value of our voices and encourages a unified voice for the decriminalisation of sex work.

Participant 10

I am very concerned about how bringing in the Nordic Model would drive the industry even further underground, making it harder for us to screen our clients, therefore making my job even more precarious than it already is. The stigma that this will create will also increase discrimination against workers that are already marginalised. Thereby compounding the problems that we face on a daily basis.

Summary

Focus group participants felt that the Nordic Model patronises them by perpetuating outdated stereotypes about sex industries. The criminalisation of clients, a key component of the Nordic Model, was seen as dangerous. Multiple participants expressed concern that this would force them to accept riskier clients, making their work less safe. They argued that respectful clients would be deterred, while dangerous clients who disregard the law would continue to pursue them, increasing the likelihood of violence and exploitation. Those who are already marginalised, such as disabled, trans, and neurodivergent sex workers, voiced fears that the Nordic Model would worsen their already precarious situations. For many participants, sex work was described as an economic lifeline, allowing them to support their families, maintain independence, or accommodate caregiving duties. They criticised the lack of government support for alternative employment options, especially for people with disabilities and caregivers, arguing that sex work provides them with necessary financial flexibility.

Several participants felt that the Nordic Model moralises sex work, ignoring the realities of their personal choices. The criminalisation of clients was seen as increasing societal stigma, potentially leading to outing, discrimination, and even vigilantism against sex workers, particularly in small communities. Participants were overwhelmingly in favour of full decriminalisation, not just legalising their work, but removing laws that would punish clients. They argued that decriminalisation, rather than the Nordic Model, would ensure their safety, access to health services, and control over their work. There was also frustration about the broader systemic failures. Several participants noted that the government was not addressing the root causes of trafficking or forced labour effectively, and that the Nordic Model would only exacerbate the situation by limiting freedoms and creating more dangerous working conditions rather than addressing underlying social inequities.

We urge legislators to take the concerns of sex workers seriously, broadly and directly consult the diverse communities within adult industries, and dedicate resources towards addressing poverty, violence, health and wellbeing. We look forward to future dialogue and engagement.