

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

A systematic review of evidence examining associations between sex work laws and sex workers' health highlights:

-an association between repressive policing within frameworks of full or partial sex work criminalisation including the criminalisation of clients and the organisation of sex work- and adverse health outcomes.

-how repressive policing of sex workers, their clients, and/or sex work venues deprioritises sex workers' safety, health and rights and hinders access due to process of law, as such, the removal of criminal and administrative sanctions for sex work is needed to improve sex workers' health and access to services and justice.

-Full decriminalisation presents as the legal model providing the best wellbeing outcomes for sex workers.

Source: Platt et al (2018) Associations between sex work laws and sex workers' health: A systematic review and meta analysis of quantitative and qualitative studies. <https://doi.org/10.1371/journal.pmed.1002680>

Available evidence, which predominately reflects the experiences of female sex workers, demonstrates that sex work in decriminalised settings report improved emotional health, workplace safety, health and social care access.

Sources:

-Abel, G.G (2011) Different stage , different performance: The protective strategy of role play on emotional health in sex work. Social science & medicine. 72 (7), pp.1177-1184.

-Seib, c., Fischer, J and Najman, J,M (2009) The health of female sex workers from three industry sectors in Queensland, Australia. Social science and Medicine. 68 (3), pp.473-478.

Estimations from mathematical modelling suggests that decriminalisation of sex work could have the incidence of HIV amongst

female sex workers and their clients over a 10-year period.
Source: Shannon, K et al. (2015) Global epidemiology of HIV among female sex workers: Influence and structural determinants. The Lancet. 385 (9962), pp.55-71.

An article from the London School of Economics and Political Science (LSE), advises that policy makers must not look to the Nordic Model for sex trade legislation, given that this form of criminalisation pushes people in the sex trade into precarious or dangerous situations in order to prioritise the protection of their clients.

In the same article, recommendations are made that criminal penalties related to consensual commercial sex must be removed in order to protect the safety, integrity and rights of people in the sex trade.

Source: <https://www.lse.ac.uk/News/Latest-news-from-LSE/2022/1-December-22/policy-makers-must-not-look-to-nordic-model-for-sex-trade-legislation#:~:text=According%20to%20the%20report%2C%20the,spaces%20chosen%20by%20the%20client.>

New evidence from the experiences of men accepting rewards for sex, sexual content or performance highlight:

- Decriminalisation will enable health services to provide increased support to sex workers.
- a full decriminalisation model will support better engagement across social structures
- full decriminalisation and full regulation of sex work is the only fair way forward for everyone.
- Sex workers would be better supported by workers rights.
- earnings from sex work could be legally recognised as income.

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.

Repealing this section will enable sex workers with more time to safely

negotiate services with clients, rather than them being hurriedly moved from the street and workers feeling more obliged to move to more private spaces chosen by the client. Source: <https://www.lse.ac.uk/News/Latest-news-from-LSE/2022/1-December-22/policy-makers-must-not-look-to-nordic-model-for-sex-trade-legislation#:~:text=According%20to%20the%20report%2C%20the,spaces%20chosen%20by%20the%20client>. As such this will help to improve working conditions for sex workers.

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.

Repealing previous convictions would help to improve choices for people around their engagement in sex work. In 2024 a report published by the English Collective of Prostitutes 'Proceed without caution: The impact of 'prostitute's cautions' and convictions on sex workers lives' explores the impact that convictions and cautions can have on women.

Source: <https://prostitutescollective.net/wp-content/uploads/2024/05/Proceed-Without-Caution-Report.pdf>

Amongst the findings, the report emphasizes how these cautions and convictions can prevent them from getting other/better paid jobs or trapping them in prostitution for life.

Having a criminal record meant that women were more likely to be discriminated against if/when they reported rape and other violence and denied justice. Most were deterred from going to the police either because they knew they would receive bad treatment or because of fear of arrest and for migrant women of deportation.

The report further outlines the far-reaching impact of cautions and convictions, which included being barred from traveling to some countries in addition to being denied compensation and insurance.

Conclusions from the report support findings from the 2016 parliamentary Home Affairs Committee inquiry which recommended that sex workers working on the street and together in premises be decriminalised and criminal records expunged.

These findings from the Proceed without Caution report along with other significant evidence cumulates in recommendations to oppose the Nordic Model.

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.

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.

A report examining the best practice for exiting models in New Zealand highlights and underpins the very key issue with exiting programmes-that the many things that can lead people into sex work can also exist as barriers to exiting.

Source: [https://www.nzpc.org.nz/pdfs/Mayhew-and-Mossman,-\(2007c\)-Exiting-Prostitution-Models-of-best-practice.pdf](https://www.nzpc.org.nz/pdfs/Mayhew-and-Mossman,-(2007c)-Exiting-Prostitution-Models-of-best-practice.pdf).

In a recent systematic review examining which psychosocial interventions improve sex worker wellbeing, weak evidence is discussed for diversion or exiting programmes.

Source: <https://srh.bmj.com/content/48/e1/e88.long>.

Exiting programmes can help to support people to

change their life, it is important that additional support is provided to help facilitate engagement with these programmes such as financial support and housing.

Critically, this highlights the wider support needed by sex workers that is not often readily available to them, independent of whether they are looking to exit sex work or not.

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?**

Diversion / exiting programmes should not be offered as part/alternative to caution/conviction.

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

New or additional policing powers are not helpful to sex workers. Efforts should be focused to full decriminalisation in line with substantial evidence in this field.

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.

DROP IN CLINICS:
-Helpful to sex workers who work across a range for night/day time economies
-Drop in service, work better as an alternative to booked

appointments within public services, where missed appointments, late arrivals result in Did Not Attend sanctions that impact on whether or not a person can access services in the future.

-New evidence from men accepting rewards for sex tells us that there needs to be an improved cultural competency within health and social care services, that these need to be co-produced alongside lived experience, that this engagement needs to be ongoing- trust is key, that delivery of care needs to meet actual rather than perceived need and that services should not be tokenistic.

OUTREACH:

-Outreach to support engagement and reduce barriers to accessing services should be considered.

-In the design and delivery of this work should be an awareness that visits to a place of work has ethical implications and can impact on sex worker safety.

PEER SUPPORT:

-Wider literature often refers to sex workers as sex working communities, this rhetoric makes bold assumptions that sex workers exist, function or feel a sense of belonging to a wider sex working community. New evidence, surfaces an interest in peer support, particularly amongst under represented sex working communities, pertinent to acts of sexual labour.

DRUG & ALCOHOL SERVICES

-Evaluated as beneficial to sex worker wellbeing within a recent systematic review of psychosocial interventions (Turner et al, 2022) <https://srh.bmj.com/content/48/e1/e88.long>.

-Jeal 2017 makes recommendations based on lived experiences which impress on the need for services to be delivered by counsellors who are the same gender as the people they are supporting, for sessions to be delivered in a 1-2-1 basis to provide opportunities for people to explore personal issues in more depth (not possible in group settings)-raising the how participants can feel unable to discuss their sex work in drug treatment groups undermined their engagement in treatment processes see: <https://bmjopen.bmj.com/content/7/3/e013018>.

Availability of financial/housing support can help to close the poverty gap which may for some people drive ongoing/engagement in sex work.

Irrespective of this bill- sex workers have an unquestionable right to have access to services that support their health and wellbeing.

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.

Nordic model should not be introduced.
Endorsement of this through any media campaign further perpetuates stereotypes of sex work and impacts in the way in which this is represented and perceived in larger society.

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.

Refocus to full decriminalisation, which

- improves working conditions for sex workers
- provides better access to health and social care services
- Creates less isolation for sex workers from family and friends
- reduces partner violence in cases where disclosure about sex work is weaponised

Furthermore, stigma perpetuated by any form of criminalisation fuels violence towards sex workers and can cause that violence to go undetected.

See: The Case for Fully Decriminalising Prostitution Oxford University Undergraduate Law Journal Article for overview
<https://blogs.law.ox.ac.uk/ouulj/blog/2022/03/case-fully-decriminalising-prostitution#:~:text=If%20prostitution%20were%20decriminalised%2C%20brothels,that%20violence%20to%20go%20undetected.>

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.

Sex workers will be economically affected, which could lead to them work in environments where they have less control. Unsafe working environments will create poor or reduced health outcomes for sex workers. This will add economic pressures to health and social care services who are likely to need more money as a result.

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 is important to recognise that sex workers are not a homogenous group and reflect a wide range of demographics inclusive of age, sexual orientation, gender, industry experience and varying degrees of poverty. Introduction of the proposed bill could therefore impact on migrant, trans and people from LGBTQAI+ individuals, who also are more likely to engage in sex work. As marginalised communities minority stress is likely to be intensified as a result of the proposed bill.

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?

-Introduction of the bill will create a less stable financial climate around the economy of sex work and those who rely on this as a source of income.
-Introduction of the bill will impact on the safety/working conditions for sex workers, impacting on their overall health and wellbeing.