

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

Nordic Model Now! (NMN) is a secular, feminist, grassroots women's group based in the UK that is campaigning for the abolition of prostitution and related practices. We are run entirely by volunteers. Wherever possible

we work by consensus. All the members of the NMN group are committed supporters of the approach that Ash Regan MSP is recommending. The additional detail we have included is based on my own and other members' lived experience and the knowledge gained by the group through our 8+ years of campaigning on these issues.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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

Nordic Model Now!

Please provide a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. **(Note: We will not publish these contact details.)**

### Data protection declaration

- I confirm that I have read and understood the [Privacy Notice](#) to this consultation which explains how my personal data will be used.

If you are under 12 and making a submission, we will need to contact you to ask your parent or guardian to confirm to us that they are happy for you to send us your views.

- Please ONLY place an x in the brackets if you are UNDER 12 years of age.

# YOUR VIEWS ON THE PROPOSAL

## 1. What is your view of introducing a new criminal offence of paying for sexual services? (This is the only mandatory question)

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Don't want to express a view

### Please explain the reasons for your response.

We support this proposal.

The sex trade only exists because of demand from buyers. Buyers pay for control of sexual activity on their terms with another person who would not choose to engage in this activity in the absence of payment. This cannot be reconciled with the requirement that sexual activity must be based on free consent and undermines the principle of consent itself.

To ensure that buyers can make these choices, lower the cost to buyers and dominate a competitive market, those who facilitate the prostitution of others, seek through misrepresentation, coercion and force to recruit a supply of women which exceeds demand.

The choices buyers make about who they pay for these services, and how much they will pay, which are enabled and facilitated by those who profit from the prostitution of others, are based on racist and misogynistic stereotypes which would not be permitted in any employment context. They are based on and perpetuate myths about female sexuality.

The consequences of austerity budgets since 2010 and subsequent cuts in public funding have been borne disproportionately by women. They have greatly increased the numbers of women involved in prostitution in the UK and increased the numbers of women trafficked into the UK from the poorest countries in Europe and elsewhere where the impact of austerity and the resulting vulnerability of marginalised women has been even greater. Competition pressurises women to cross personal boundaries and engage in more extreme and

dangerous practices to maintain the same income, which will diminish over time while the profits of those who enable and facilitate their exploitation increase. The greater risks women in prostitution have had to take is a consequence of states, including the UK, walking away from their most vulnerable and marginalised populations.

Our current permitted system, where the largest number of convictions have been of women involved in street prostitution, while those who profit most from the prostitution of others operate with impunity because laws intended to punish them are rarely enforced, has given a green light to those who profit from the prostitution of others within the UK and to traffickers who will take any opportunity to undercut their business rivals.

If demand was constrained by enforced sanctions against buyers, and there was a greater focus on supporting women to exit, the rewards for those who facilitate and profit from the prostitution of others would be greatly reduced relative to the risks associated with their involvement.

Measures to increase equality for women and the greater opportunities which have been available to women and girls in the modern era mean that sex buyers have much more to lose than they did in the eighteenth and nineteenth centuries.

No man advertises that he's a sex buyer in a profile on a dating website. He knows that women who were aware of this would be very likely to choose to exercise their right to a private and family life with someone else. Women's awareness around this is evidence-based as research has shown that sex buyers are more likely to be violent and abusive towards women in general.

The most effective criminal deterrent is the likelihood of being caught. Knowledge of sex trafficking and coercion does not deter sex buyers. Interviews with them show that what does deter them is exposure, whether through convictions, sex offender registration, or any form of publicity.

This is why creating this new offence would be the most effective means of discouraging demand.

- 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.**

We support repealing this offence which criminalises some of the most vulnerable women in society for the multiple disadvantages most of them have experienced and adds to their marginalisation.

**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.**

We support repealing previous convictions for this offence. Having a criminal record for soliciting creates significant and harmful additional barriers for women who have exited prostitution by limiting their opportunities to find employment outside the sex industry. It deters others from exiting, increasing their risk of ongoing sexual exploitation and exposure to violence and other harms. Women with convictions for this offence are some of the most vulnerable and marginalised women in society. Many have long histories of physical or sexual abuse and exploitation, often dating back to childhood. Many have spent their childhoods in care, have issues with alcohol or substance use, have experienced homelessness, mental health difficulties, poverty and domestic abuse. Their convictions are a mark of failure by the state to protect and support children and vulnerable women over many years. We criminalise them for their multiple disadvantages while those whose demand fuels the sex trade escape any form of sanction and are effectively a protected class of misogynist.

**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.**

We must recognise the harm that women who are involved in prostitution experience and ensure that well-funded support is available to those who wish to exit it.

**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.**

People involved in prostitution, the vast majority of whom are women, need access to specialist services which understand their experience of multiple forms of disadvantage and trauma and are centred on, and informed by their circumstances and needs. The support should be flexible and include, but not be limited to, health services such as mental and psychosocial support, rehabilitation services for those with alcohol and substance use issues, and support groups, as well as social and financial support including housing, social security benefits, child support and support to access vocational training and employment.

**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?**

It is important that education programmes and publicity highlighting the serious harms caused to individuals and wider society, including education programmes aimed at younger people, are initiated alongside the implementation of the new offence and that these continue. To convey the message that the harms caused by prostitution are serious, paying for

sexual services must be treated as a criminal act enforced by the police.

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

Removing deterrents for sex buyers increases demand for prostitution and therefore trafficking. Removing deterrents for those who profit from the prostitution of others has made the UK much more attractive as a destination for sex traffickers responding to the increase in demand. Having both deterrents in place would be highly beneficial and would enable the UK to comply with its obligations under international law to address domestic demand from sex buyers.

Article 9.5 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (the Palermo Protocol), Article 6 of the Council of Europe Convention on Action against Trafficking in Human Beings (2005) and Article 6 of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) make an explicit causal connection between domestic demand for prostituted women and sex trafficking. This connection is evidence-based.

Sex trafficking has long been recognised as the most common form of human trafficking. A UN report found that 79% of victims of human trafficking worldwide were victims of sexual exploitation and the vast majority of these were women and girls. This is hardly surprising because exploiting women's prostitution is extremely lucrative. Recent research found that in the UK sex traffickers typically gain £20,000 per month per woman exploited – far more than can be gained through labour trafficking. Efforts should of course be made to address trafficking for labour and criminal exploitation, but it is a scandal that at least equivalent efforts are not being taken to prevent and address sex trafficking.

Strategies and legislation relating to modern slavery need to be amended so that they address the need to reduce demand for prostitution and the need to raise awareness of the sex industry as a key locus of human trafficking.

Companies involved in facilitating and profiting from prostitution through commercial sex websites are clearly aware that they will face fewer consequences if they are registered in England & Wales.

A commercial sex website which targets Ireland, where both the Republic of Ireland and Northern Ireland have introduced the Nordic Model, is now registered in London. The permitted system in the UK is being used by UK-registered companies to undermine efforts by neighbouring states which have introduced

the Nordic Model as a means of complying with their obligations under international law to reduce demand for prostitution. The UK government has the same obligations under international agreements it has signed but has not taken equivalent initiatives or devoted sufficient resources to secure compliance. The largest commercial sex websites only collaborate with law enforcement to an extent that suits their commercial interests in enabling them to dominate the market. Some of them employ former police officers while national law enforcement agencies have difficulty in retaining experienced staff. Criminal justice and law enforcement agencies experienced some of the biggest cuts in funding over the period following the implementation of austerity budgets from 2010. These cuts should be reversed but taking down commercial sex websites should then become a priority for law enforcement agencies and related agencies. Performance targets should be introduced and resources, including additional personnel, should be provided. Legislation should be introduced to block these websites if being creative with the use of existing powers proves insufficient.

**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.**

As we mentioned in our response to Q5, people involved in prostitution, the vast majority of whom are women, need access to a variety of specialist services which are centred on, and address the circumstances which resulted in their involvement in prostitution and their specific needs. All the forms of support mentioned in this list should be provided so that a flexible and holistic approach is taken to support for people in prostitution and those who are exiting it. As an "Other", we would like to add access to specialist support

and advice for migrant women who may be at risk of detention and deportation as illegal migrants. This risk can be a very significant barrier to exiting prostitution. The Human Trafficking Foundation has publicised data showing that even where women are referred to the National Referral Mechanism on the grounds that they are victims of modern slavery, they wait twelve months longer than men on average for a conclusive decision.

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.**

All these methods are likely to be effective to counter the relentless obfuscation about what prostitution is and its sanitation by many different forms of media. Inclusion in secondary education is vital as children are already being exposed to violent and extreme pornography. They are also growing up in an environment where commercial sex websites have greatly lowered the barriers to setting up as a pimp, where putting a profile up on these sites takes a matter of minutes and where accessing women through those profiles is as easy for buyers as ordering a pizza.

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.**

Legislation prohibiting paying for sexual services with another person will be necessary to convey the message that the Scottish Government recognises the harm that

prostitution causes in society, and is serious about addressing this, by creating a meaningful deterrent.

There are, however, multiple examples of legislation being enacted in UK jurisdictions without the necessary resources being provided to support changing public attitudes or the working practices of frontline services which are essential to that legislation's effective delivery and implementation.

Practical difficulties which may arise with the implementation of specific offences do not always feed into discussions about how these offences are defined or inform the legislative process more generally. Post-legislative scrutiny and reviews of implementation are not built into the process.

The Scottish Government's strategy to promote joint working between services and better awareness within services has the potential to provide useful input into this process and assist in the effective implementation of legislation to sanction buyers, but only if it is properly funded and resourced.

## 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.**

What constitutes a "significant increase" depends on the value a government attaches to dismantling barriers to equality and addressing the serious harm caused to young girls and women by their relentless commodification even to the point of attaching monetary value to being able to override their sexual autonomy. What is the value attached to promoting the flourishing of all the people of Scotland? Prostitution is currently very costly to society, but the social, economic and healthcare costs of our permitted system,

including the wider costs in terms of attitudes to women and girls and the costs to other countries and societies, are largely hidden from view.

In the short to medium term there will be increases in costs associated with law enforcement, education programmes for secondary schools, general awareness raising and support for women in prostitution who wish to exit. Multiple surveys of women in prostitution have shown that more than 85% would leave prostitution if they could.

In the longer term, creating an effective deterrent by making it an offence to pay another person for sexual services is likely to reduce costs currently incurred in addressing violence against women and girls and antisocial behaviour, in supporting women who exit prostitution and in drug and alcohol services. It will provide opportunities for regeneration and growth in areas which are in decline because local people avoid them due to crime and anti-social behaviour and, as a result, there is no incentive for legitimate businesses to invest and provide employment there.

## 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.**

Being able to pay to override some women's sexual autonomy without penalty or sanction affects how men view all women and girls. Prostitution undermines equality between men and women. An enforced offence targeting buyers and the provision of properly funded, flexible and holistic support for women who wish to exit prostitution emphasise that no woman is for sale. This will improve attitudes towards women and girls and increase equality between the sexes. Migrant women, women of colour and disabled women are over-represented in prostitution so these measures will improve their situations and prospects. These changes will also reduce the sexual exploitation and grooming into prostitution of minors which is currently insufficiently addressed by law enforcement.

## 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?**

The Commonise Costs-Privatise Profits Game is often used by ecologists and environmentalists when modelling and considering resource allocation. It's closely connected with a concept called the "tragedy of the commons".

Players seek to externalise costs generated by their actions across the wider community while privatizing their own financial or other profits. They are incentivised by this to deplete resources.

Private energy and water companies paying large dividends to shareholders while consumers' energy costs soar, while taxpayers are required to pay the cost of cleaning sewage and other pollutants from rivers and coastlines, are recent examples.

The business model of commercial sex websites and other companies and individuals profiting from the exploitation of others through prostitution is the same, but the sex industry escapes criticism from those who most loudly denounce exploitation of resources at public expense in other contexts.

Environmentalists and ecologists see populations as resources, and campaign vigorously about sweatshops and our disposable culture, but they have generally been silent about addressing men's demand which leads to the sexual exploitation of women and girls.

They rail against corporations and have used messages such as, "Make the polluter pay!" but have no complaints about the behaviour of corporate interests involved in profiting from the prostitution of others who effectively support and facilitate sex trafficking, or the sex buyers whose interests and demands these corporate interests serve.

Traffickers are encouraged because, like nature, they detest a vacuum and will fill spaces abandoned by law enforcement and the state. Our current discriminatory approach to prostitution, which harms women who are already highly disadvantaged and marginalised and limits their prospects while perpetuating wider harms across society, carries no risk to the buyer, who is king. It carries few risks to those who profit from the prostitution of others by serving buyer demand.

Constraining buyer demand through enforced sanctions and funding a greater focus on supporting women to exit, will reduce the rewards for those who facilitate and profit from the prostitution of others relative to the risks associated with their involvement. It will reduce the costs they impose on

society. It is more likely to protect and enhance the environment, achieve a sustainable economy and create a strong, healthy and just society for future generations.