

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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 the Secretary of the Cross Party Group for Commercial Sexual Exploitation (CSE) in the Scottish Parliament. I have been campaigning for the abolition of prostitution for 20 years through membership of various organisations, including Amnesty International, ACTS (Action of Churches Together in Scotland) and the parliamentary grassroots organisation supporting Tricia Godman, Rhoda Grant and Ash Regan, which became the Cross-Party Group for CSE.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

I wish to state that throughout this consultation I refer to prostituted people as women, for ease of language and because they make up most of this population. I acknowledge fully that men and trans people are also prostituted and that they are fully included in all aspects. I am totally supportive of the aims of this consultation, which has been successful in Sweden and the other countries that have taken this legal course.

Many women who enter prostitution do so because they feel they have no other choice, and many do so through trafficking, where literally, they have no choice at all. Prostitution is legal in the UK between consenting adults, which makes it very difficult for the police and courts to act in the case of trafficking, despite knowing that it is taking place. The Cross-Party Group for Commercial Sexual Exploitation undertook a parliamentary inquiry into Sexual Exploitation Advertising websites, which was launched on the 19th March 2021. The inquiry concluded, amongst many other things, that 'pimping websites' had made buying sex much easier for the buyers regarding their anonymity and access, but much more difficult for the Police to keep up with the sheer volume of victims. The key to the success of criminalising the purchase of sex is that the buyers are otherwise law-abiding men. They don't want a criminal record, they don't want their wives, families and colleagues to know; for them shame is an effective deterrent. There have been pitfalls and learning curves along the way, and we would do well to legislate for them in this bill. Firstly, the original Sex Purchase Act (1999) in Sweden really took off when the police were given training on the new law and its implementation. This cost money, but a relatively

small amount, and was well worth it. Secondly, experience has shown that if the bill passes and is enacted, its implementation will be effective. My support is conditional upon sufficient funding being available to support women who are currently engaging in selling sexual services and find themselves without funds, and/ or homeless leaving them utterly impoverished. This happened in the USA when the SESTA-FOSTA Act became law and many women were turned out on to the street by their pimps and traffickers.

became law, many prostituted and trafficked women were abandoned and left destitute.

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.

The Scottish Government recognises that prostitution is a form of violence against women in their national strategy document, Equally Safe. Therefore, it is utterly illogical that they should continue to have a law in the statute book that penalises those, who they fully acknowledge as victims of crime, not perpetrators. The repeal of this law is long overdue.

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 with my previous answer, the Scottish Government should repeal this Act, as it is no longer valid, and therefore, any previous convictions should be quashed forthwith. If prostitution is now correctly recognised as a form of violence against women, then it was always so, and any previous convictions should be repealed immediately. Also, it is worth saying, that punishing women who are trying their best to survive by fining them and giving them a criminal record, just makes it even harder for them to exit the very activity for which they were arrested in the first place. Utterly archaic!

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.

It is absolutely vital to do so. Often women enter prostitution intending to do so for a short time and find themselves trapped. They were likely to have been experiencing some sort of difficulty beforehand, such as, poverty, debt, substance abuse, childhood trauma, homelessness, or another life-disruptive reason and their new lifestyle often alienates them further from those who might have been able to support them (family, friends, support services, NHS, substance rehabilitation etc). Equally, they may become trapped by grooming, coercion, pimping or trafficking and be physically or mentally restrained. Whatever the reason, they need to be legally able to call on societal structures and services for the help they need. Being prostituted to survive is a form of torture and it is recognised by the Home Office that 'no-one consents to their own abuse.'

The UNFPA states, 'The principle that "no one consents to their own abuse" is widely recognized in various legal frameworks and by numerous legal bodies. This principle is often invoked in cases involving domestic violence, sexual assault, and other forms of abuse to emphasize that consent cannot be given in situations where there is coercion, manipulation, or power imbalances. For example, the United Nations Population Fund (UNFPA) highlights the importance of bodily autonomy and the right to make decisions about one's own body without fear, violence, or coercion¹. Additionally, many national laws and international agreements, such as the Convention on the Elimination of All Forms of Discrimination against

Women (CEDAW), support the notion that consent obtained under duress or in abusive situations is not valid'

Link: <https://www.unfpa.org/news/bodily-autonomy-busting-7-myths-undermine-individual-rights-and-freedoms#:~:text=Myth%207%3A%20Bodily%20autonomy%20is%20just%20another%20women's%20issue.&text=Every%20individual%20should%20be%20empowered,faiths%2C%20nationalities%20and%20disability%20status.>

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.

I have answered much of this in question 4. It is essential. However, I should say that it must be victim led, not enforced, and utterly dependent on the person's particular circumstances. Some of this provision should include training for staff in a whole plethora of services. Often women don't come forward to ask for help because of fear and shame and there need to be various ways of reaching out to women and giving them time, without that being cast against them. The effects of living in difficult circumstances, with fear and violence added into the mix create hugely complex mental effects and healing and recovery will take time.

In addition, to everything above, claiming asylum can be particularly challenging for women trafficked for CSE. Women must demonstrate that they face persecution based on specific grounds such as race, religion, nationality, membership in a particular social group, or political opinion. Proving that exploitation falls into these categories can be difficult. In addition, their trauma and fear can affect their credibility, they may not have access to documentation, the legal process can be very intimidating, there may be cultural and language barriers, and there is the pervading, ever-present fear of retaliation from their traffickers. It would be helpful if there were a legal requirement in the bill to fast-track trafficked women into safety and support.

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 key aspect to criminalising the buying of sex is that it is different to most laws, in that it is directed towards those who are otherwise law-abiding men who wish to remain so, not the criminal fraternity. After all, buying sexual services is currently legal. The power of this law is to act as a deterrent, and it works in the same way that the anti-drink-driving, wearing-a-seatbelt, and not-using-a-mobile-phone-whilst-driving laws did. Law-abiding citizens do not want to enter the criminal justice system, lose their freedoms, or their standing in the community. To begin with it would be important to have a public advertising campaign to inform buyers that this would be a criminal offence, and to inform sellers that they would not be criminalised or punished in any way. This will be enough to deter some buyers. The threat of wives, families and colleagues finding out will be greater than any fine. I don't think the punishment should be too high for a first offence, not because I don't think it is a serious crime, but because for most men it won't be necessary, and it won't bring swathes of men into the criminal justice system and thereby attract negative criticism from an already overloaded public service, the media and the public. In Sweden, it was customary to do an on-the-spot fine, commensurate with the buyer's wage, if a buyer pleaded guilty for a first offence. If he pleaded not guilty, it would go to trial (apparently this was very rare!). However, a further offence should have a far heavier financial penalty, leading to the possibility of a custodial punishment if the offender were to persistently flaunt the law. However, fining heavily has the benefit of not overcrowding prisons, whilst simultaneously increasing the funds for supporting women to exit, where the fines should be directed.

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

My knowledge of police powers is limited. However, I believe the Swedish police had some difficulties with surveillance laws; I have no idea whether that might be the case here. It would be helpful to ask the police themselves what they think on this matter. Nevertheless, some training on the implementation of the law would be essential.

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.

I think all these services would be needed, and I would add childcare to the list. Also, there are penalties for men who do not provide child maintenance, and these should be tightened up. Having a befriender service would be helpful, especially to accompany women to appointments for health, housing, job centres, college interviews and so on. This could be undertaken by volunteers, who have undergone training. The specialist housing might have a warden, like a form of sheltered housing and a list of key workers or volunteers who could be on call for help and support. It's about providing a safety net, encouragement, and confidence building, as well as making sure that women receive the mental and physical care, and finances that they are entitled too.

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)

[X] Other (please give details)

Please explain the reasons for your response.

I agree with all these options and would include cinema advertising, NHS services and men's spaces, such as clubs, pubs, sports facilities. Using television and social media reaches a large audience, and in the case of social media, is cheap to deploy. However, some discernment is needed to consider the best use of resources. For example, whilst posters can have their uses, they can be taken down and may reach relatively few people, yet putting them in public toilets in motorway services, for example, might work very well. The campaign will be a key factor in changing society's mindset about prostitution. But equally, changing the law itself, will have a massive impact. Making laws is a crucial factor in changing society's attitudes. In my parent's generation it was a common occurrence for people to drink alcohol in a public house all evening and get in their car and drive home. This was normal behaviour. Now two generations later, to law-abiding citizens, it is simply unthinkable. The law normalises attitudes and behaviour. In Sweden, a survey carried out in 1996 (3 years before the Sex Purchase Act 1999) demonstrated that thirty-two per cent were in support of a ban against sex purchase, figures from surveys carried out from 1999 onwards have increased to more than seventy per cent.

Link: <https://kjonnsforskning.no/en/2017/10/sex-purchase-act-has-altered-swedes-attitudes-towards-prostitution>

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.

Absolutely and most definitely, I think legislation to criminalise the buying of sex is imperative. It is not sufficient on its own. It must accompany the decriminalisation of selling sex, the repeal of past convictions for soliciting, and the multiple support package for the victims of this violence to rebuild their lives.

The idea that prostitution is inevitable, is utterly untrue. If there is a willingness to end violence, it can be achieved, as history has shown us. Nothing bad will happen if men stop buying sex, but swathes of women will not be traumatised physically, mentally and emotionally and their well-being can only benefit society. The internet has turbo-charged the number of women in prostitution and trafficking to proportions beyond anything we could have imagined. It has

been normalised by pornography and calls from all sides for full decriminalisation of pimps and buyers, even in the knowledge that thousands of trafficked women are raped every day with seeming impunity. Reading the comments of punters on punter websites (collected by feminist organisations), demonstrates that appealing to men's better natures doesn't work. To paraphrase many comments: they (the buyers) have paid for a service and how that woman arrived there to provide it, is not their concern. They often realise the woman has been trafficked, but over and over again, unbelievably, they still use her. It is always reduced to paying for a service -if I've paid, then it is mine to have, regardless of any moral issues of consent, or compassion for the obvious vulnerability (even to them) of the woman. In our CPG Parliamentary Inquiry, referred to in my first response, Detective Superintendent Filippo Capaldi said in his interview that the police were doing their job, it was up to politicians to change the law. Of course, education and ending poverty, childhood trauma and substance abuse would help, but if men didn't buy sexual services, then prostitution wouldn't exist. And we need the law to enforce that.

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.

I understand my ticks might seem confusing. Have I made a mistake by ticking two opposing, seemingly inconsistent answers? No, I don't believe so. Initially, there will need to be a substantial increase in costs, and that this should be expected. It will cost more to provide the extra financial support with housing, support services, substance rehabilitation, and so forth. Also, the police will need training

to implement the law. We shouldn't balk at this. After all, if we consider ourselves to be a civilised country that is willing (quite rightly) to donate to crises around the world, why should we object to doing so in our own land? It may be a hidden crisis, but it is the torture of vulnerable women on our doorstep, nonetheless.

However, once the women have exited, there will be a gradual reduction in the public purse for services. Eventually, those women who were costing society money, will not only, not be needing services, but also, they will be earning money and paying taxes. This was proved in Ipswich after the Suffolk police implemented a Nordic Model style prostitution strategy after a punter, called Steve Wright, murdered five prostituted women in Ipswich. A subsequent evaluation found that every £1 spent on the strategy saved £2 of public money, because of savings to the criminal justice and social support systems.

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.

This is a highly lucrative industry for the pimps and traffickers. Globally, human trafficking for CSE brings in about \$100 billion per year. From a standpoint of equality, the perpetrators of this human misery make a fortune from the trade that tortures millions of women and children. This must be the most unequal of all relationships -slave owners and slaves. If the criminalising of buying sex stops men buying sexual services, then it puts pimps and traffickers out of business. In my opinion, it will enhance the equality of women, without any detrimental affect on any other particular group, provided that support is fully given to the women to exit. In terms of human rights, the right of a person not to have sex trumps the rights of a person to have it. This is a bottom line - there is no human right to buy non-consensual sex.

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?

Absolutely yes! What is critical to recognise is this: currently we do not have a strong, healthy and just society. How can a society be healthy and just where those with power and wealth can buy those who are vulnerable and poor? How can a society be healthy and just, where police cannot stop the trafficking of women for sexual purposes which permits 'law-abiding' men to buy access to their bodies against their will? How can a society be healthy and just where it sends mixed messages about buying sexual services being legal, when it is known by those in power that, for many prostituted women, this is their Hobson's choice? Prostitution thrives in inequality and inequality enables prostitution to exist. Ending this scourge in our society would improve the health, well-being and equality of all its citizens and strengthen its sense of justice.