

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 (Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

My first concern is the proposals have been biased from the start, and from the very start Ash Regan has decided the "Nordic Model" should be the model to implement. The issue with this is the "Nordic Model" is not the only law model for sex work, others include legalisation (eg The Netherlands, Germany) and complete decriminalisation (eg New Zealand, parts of Australia and Belgium). These other models have not been taken into consideration at all in Scotland.

Of particular interest is the model called decriminalisation. This is the model which criminalises sex workers the least and gives them the most control over their work and allows them to contact the police or support services if needed without fear of consequences.

Decriminalisation has a lot of strong support from local and international human rights orgs, health orgs, anti-trafficking orgs and sex worker orgs (who all also oppose the Nordic Model). These include: Amnesty International, The World Health Org, Human Rights Watch, Anti-Slavery International, Global Alliance against Traffic in Women, UNAIDS & UNFPA, Freedom United, PICUM (Dutch based org concerned with the rights and safety of migrants in Europe), GAATW (The Global Alliance Against Traffic in Women), HIV Scotland, STOPAIDS and the Royal College of Nursing. Many of these orgs have previously supported the Nordic Model but changed their viewpoint when they became aware of evidence it has not helped sex workers.

In 2022, Belgium became the first country in Europe to adopt decriminalisation of sexwork. Some Australian states have also passed decriminalisation in recent years. This shows again the Nordic Model is not the only "modern solution" and there are others which justify being looked at.

Harms of the Nordic Model include increased violence, sexworkers are still criminalised if they work together for safety in all countries which

have the Nordic Model, sexworkers are evicted and find it difficult to rent property (due to laws criminalising renting property to sexworkers), sexworkers in Sweden are seen as "victims of self-harm" and are often visited by Social Work and may lose custody of their children (source below: nswp.org). This means sexworkers will be less likely to contact the police or support services if required.

In Nordic Model France, over 10 sexworkers were murdered in a 6 month period. Some clients in Nordic-Model countries become nervous about paying for sex and this sometimes results in them wanting the sex transaction to take place in more secluded environments to avoid the police. This places sexworkers at greater risk of harm and has led to murders in France.

From a health perspective, health and anti-STD orgs strongly oppose any form of criminalisation (including the Nordic Model) and support decriminalisation. For example, under the Nordic Model condoms are still used as evidence (same as with outright criminalisation) which means they are less likely to be used.

There is no evidence the Nordic Model reduces demand, and this appears to be entire speculation that "if it's made illegal, it will stop happening". It is also extremely difficult to convict clients for paying for sex as sexworkers are unwilling to testify against their clients. In Sweden, only 2 clients were convicted for paying for sex out of the first 2,000 arrests (Source: UN&HIVLawCommission). It is also worth noting if a client isn't deterred by laws against violent crimes for example theft, assault, murder etc they aren't going to be deterred by a law against paying for sex. If any clients are discouraged by a new Nordic Model law it seems reasonable to assume it would be the otherwise law-abiding clients, which could mean sexworkers have less choice of clients and may need to accept a booking from a client they would prefer to otherwise avoid (sexworkers have means of vetting clients and sharing details of clients with other sexworkers to avoid).

Ash Regan claims her Nordic Model proposals (which date back to 2020 during an earlier failed attempt) have been drawn by up an "expert group", my concern is this "expert" group did not involve any sexworker groups (groups made up of adults who sell sexual services). Scotland and England have many sexworker groups such as Scot-Pep, Umbrella Lane and the English Collective of Prostitutes which amongst them have tens of thousands of members who are active or past sexworkers. I believe they were not consulted because they all because they all advocate for complete decriminalisation which is now what Ash Regan wants. There are also many tens of thousands of sexworkers in Britain who have not been consulted or even made aware of Ash Regan's plans for criminalisation laws. I also note she is using terminology such as "keeping women and girls safe", I believe this is just a "sales pitch" and using buzzwords to create support for her proposals especially from people who aren't knowledgeable about

how sexworkers are affected by criminalisation. If you say you are going to "pass a law that protects women and girls" then without knowing details everyone is going to be in agreement. In reality, evidence from other Nordic Model countries shows increased violence towards sexworkers and often there is no extra support given to sexworkers except investigations from Social Work to determine if sexworkers are fit to look after their children.

The Nordic Model also creates stigma which can harm women who aren't sexworkers. In Sweden establishments are permitted to refuse entry to women if the bouncers think they are sexworkers based on their appearance. There was a case (source: <https://www.thelocal.se/>) where Asian women who were refused entry to a pub because "they looked like prostitutes" (they weren't) took the pub to court. The judge ruled in favour of the pub. This is the attitude in Sweden created by the Nordic Model, open-discrimination against women "who look like prostitutes" in an attempt to "combat sexwork" is allowed. This does nothing to stop sexwork from happening and disadvantages women.

In 2015, there was a failed attempt by MSP Rhoda Grant, which also included a public consultation to pass the "Nordic Model" in Scotland due to lack of evidence in favour of her proposals and strong evidence it would increase harm for sexworkers.

In 2020 there was another public consultation on similar Nordic Model proposals, the majority of responses are against criminalisation of the payment of sexual services and favour decriminalisation.

Lastly, an open letter signed by many orgs explaining why the Nordic Model harms sexworkers and why decriminalisation is preferred. At the bottom is a list of signatures.

<https://decrimnow.org.uk/open-letter-on-the-nordic-model/>

Sources:

<https://hivlawcommission.org/wp-content/uploads/2017/06/FinalReport-RisksRightsHealth-EN.pdf> page 38

<https://www.amnesty.ie/sex-work-ireland-laws/>

<https://www.swarmcollective.org/blog/2019/9/20/nordic-model-in-northern-ireland-a-total-failure-no-decrease-in-sex-work-but-increases-in-violence-and-stigma>

<http://www.pion-norge.no/aktuelt/more-than-10-sex-workers-have-been-killed-in-6-months/>

<https://stopaids.org.uk/wp/wp-content/uploads/2017/06/STOPAIDS-factsheet-sex-work.pdf>

<https://www.thelocal.se/20130912/50200/>

<https://www.unison.org.uk/black-members-news/2022/06/the-nordic-model/>

<https://www.brusselstimes.com/211351/historic-reform-belgium-first-in-europe-to-officially-decriminalise-sex-work>

<https://www.nswp.org/news/nswp-statement-response-the-murder-jasmine>

**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.**

**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.**

**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.**

**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?**

As shown by a review on Sweden by the Global Commission UN HIVandtheLaw, "Evidence to prove a crime[of paying for sex] is nearly unattainable. Workers do not consider themselves to be victims and are almost always unwilling to testify against their clients." There were only 2 convictions out of the first 2,000 client arrests who received low fines, because they confessed and pled guilty.

The same report also states attempting to enforce the payment of sex law is very expensive and takes resources away from Social Work and other funding.

To this day the sexwork industry is still going strong in Sweden despite having the Nordic Model since 1999, 25 years, and details of many sexworkers to book can still be found online in seconds for the main Swedish cities.

It would therefore appear the Nordic Model is expensive and impossible to enforce in any form of effective manner.

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

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.**

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.**

**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.**

## **Resource implications**

**11. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:**

- a significant increase in costs
- some increase in costs
- no overall change in costs
- some reduction in costs
- a significant reduction in costs
- do not wish to express a view

**Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.**

## **Equalities**

**12: Any new law can have an impact on different individuals and groups in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation. What impact could this proposal have on particular people if it became law?**

**Please explain the reasons for your answer and if there are any ways you think the proposal could avoid negative impacts on particular people.**

## **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?**

