

# 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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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 have had the pleasure and privilege of getting to know survivors of prostitution in recent times. I have been horrified at the degradation and pain they have suffered over years. I have been in awe at their strength to tell their stories and find ways to reduce demand for sexual exploitation.

As a member of the cross party group on commercial sexual exploitation in the Scottish parliament I have sat alongside those that have shared their everyday experiences and wisdom in working with prostituted women.

As a high school teacher in Scotland for the last 21 years, I have experience of working among young people. All young people are vulnerable. I have seen that family abuse, neglect or homelessness can be drivers that increase the vulnerability of a youngster. Predators and groomers exist in every Scottish town ready to exploit such young people, sometimes into sexual exploitation.

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 fully support the Scottish Government's recognition of prostitution as a form of violence against women – and its focus on preventing this violence. However, the Scottish Government's current approach is insufficient to prevent violence against women and girls because it does not include sufficient legislative mechanisms to prevent demand for prostitution, hold third-party exploiters to account and enable victims of sexual exploitation to exit and rebuild their lives. The proposed legislation would address these issues fully.

Whilst the Scottish Government names commercial sexual exploitation as a form of violence against women and girls, until now it has not developed actions addressing it as such on strategic and policy levels. I hope this consultation will now bring about much needed action and investment.

On the 6th November 2020 a General Recommendation on Trafficking was reaffirmed by the CEDAW Committee calling on all States to implement measures to combat all forms of trafficking under CEDAW Article 6 with a recognition that “the gender specificity of the forms of trafficking in women and girls and its consequences, including harms suffered, the Committee acknowledges that trafficking and exploitation of prostitution in women and girls is unequivocally a phenomenon rooted in structural sex-based discrimination, constituting gender-based violence and often exacerbated in the contexts of displacement, migration, the increased globalization of economic activities, including global supply chains, the extractive and offshore industry, militarization, foreign occupation, armed conflict, violent extremism and terrorism.” The General Recommendation notes that: “Sexual exploitation persists due to States parties' failure to effectively discourage the demand that fosters exploitation and leads to trafficking. Persisting norms and stereotypes regarding male domination, the need to assert male control or power, enforce patriarchal gender roles, male sexual entitlement, coercion and control

which drive the demand for sexual exploitation of women and girls.”  
([https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/38&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/38&Lang=en))

Scotland must therefore take action, such as outlined in this proposal, to address the demand in all aspects of the sex trade to ensure it meets its international obligations.

Prostitution and commercial sexual exploitation are both a cause and consequence of women’s inequality and the wide-scale violence against women and girls that we are currently witnessing. Without a clear and unambiguous strategy to prevent and eradicate prostitution and commercial sexual exploitation and hold perpetrators to account, any attempts to keep women and girls safe will always be insufficient.

**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.**

In preventing and eradicating prostitution there should be an effective approach which responds to the factors which push women and girls into prostitution.

These include:

- Lack of suitable/flexible employment
- Lack of affordable and accessible childcare
- Insecure employment and job contracts
- Punitive welfare benefits system
- Poverty and financial pressures
- Unstable, insecure, or unaffordable housing
- Drug and alcohol addiction
- Mental health issues
- Previous experiences of the care system
- Previous experiences of violence and abuse
- Insecure immigration status and no access to support/resources because of no recourse to public funds status
- Perpetrators of serious and organised crime who seek to profit from the exploitation of others

Gender inequality cuts across all these areas and must be

addressed to reduce these socioeconomic factors which create the contexts in which women are drawn into the sex industry.

Criminalisation is not appropriate.

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.**

Often it is women who have been exploited, even in their youth, who carry such convictions. Any convictions under section 46 of the Civic Government (Scotland) Act 1982 should be repealed.

A criminal conviction will cause unnecessary blocks for women trying to exit prostitution and move on with their lives. In particular it can cause difficulty in accessing employment as well as embarrassment and humiliation.

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.**

An effective approach in supporting women to exit prostitution should include the legal right to support. That support should respond to the factors listed below which push women and girls into prostitution.

- Lack of suitable/flexible employment

- Lack of affordable and accessible childcare
- Insecure employment and job contracts
- Punitive welfare benefits system
- Poverty and financial pressures
- Unstable, insecure, or unaffordable housing
- Drug and alcohol addiction
- Mental health issues
- Previous experiences of the care system
- Previous experiences of violence and abuse
- Insecure immigration status and no access to support/resources because of no recourse to public funds status
- Perpetrators of serious and organised crime who seek to profit from the exploitation of others

**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.**

- Providing exiting services for women and girls in prostitution would be a necessary step in support for those vulnerable and exploited resulting from the factors already listed.
- Lack of suitable/flexible employment
  - Lack of affordable and accessible childcare
  - Insecure employment and job contracts
  - Punitive welfare benefits system
  - Poverty and financial pressures
  - Unstable, insecure, or unaffordable housing
  - Drug and alcohol addiction
  - Mental health issues
  - Previous experiences of the care system
  - Previous experiences of violence and abuse
  - Insecure immigration status and no access to support/resources because of no recourse to public funds status
  - Perpetrators of serious and organised crime who seek to profit from the exploitation of others

**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?**

Police training would be vital.

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

Not sure.

**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 above, support is needed to address the factors listed below which push women and girls into prostitution.

- Lack of suitable/flexible employment
- Lack of affordable and accessible childcare
- Insecure employment and job contracts
- Punitive welfare benefits system
- Poverty and financial pressures
- Unstable, insecure, or unaffordable housing
- Drug and alcohol addiction
- Mental health issues
- Previous experiences of the care system
- Previous experiences of violence and abuse
- Insecure immigration status and no access to support/resources because of no recourse to public funds status
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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.**

This legislation is required and long overdue.

The evidence for its success in many other countries is readily available. No other way can be found that successfully reduces the demand for commercial sexual exploitation, an internationally agreed aim, and at the same time offers support and exiting services for the prostituted women.

As long as women can be bought and sold we can never have a fair and just society.

## 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.**

Initially costs may be high, but the long term impact would be a reduction in costs. A healthy, fair and just society for all is a necessary aim in the longer term.

## **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 proposal would have a beneficial impact for all women and girls. Women would no longer be viewed as commodities to be bought and sold.

There would be less unhealthy pregnancies or children born into homes with drug addiction problems, mental health issues, etc.

## **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 proposed legislation would create a more just society for women. It would change society's view of women as being able to be bought and sold thus improving safety for women and strengthening healthy relationships.

It would provide a wealth of support for those wishing to exit prostitution.