

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

The Women’s Support Project (WSP) is a feminist charity working to raise awareness around violence against women and girls and to improve services for those affected,

including people affected by Commercial Sexual Exploitation (CSE). Based on 40 years of experience, we know the clear links between child abuse, childhood neglect and domestic abuse and women's involvement in CSE. These factors, along with poverty, problematic substance use, homelessness, trauma and mental health issues create vulnerability and inequality, which is exploited through men's payment for sexual activity. We have delivered a programme of work focused on CSE from 2000 which has included developing and delivering awareness raising and events, responding to needs for capacity building and produced information leaflets, resources, bulletins and blogs. WSP currently coordinates the strategic work of Encompass, a network of frontline services specialising in supporting women involved in CSE. We have also worked alongside women affected by CSE in participatory ways to identify their experiences and needs from services and strategy.

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".)**

Womens Support Project

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.

Prostitution is one form of commercial sexual exploitation (CSE) which is violence against women and both a cause and a consequence of gender inequality. This is in line with the strategic approach of the Scottish Government, COSLA and signatories to Equally Safe.

As it is currently legal in most contexts in Scotland to pay for sex (or providing other material benefit in return for sex acts), men who perpetrate this form of violence against women are not held to account. There is no legal deterrent to prevent this form of violence and instead Scotland is permitting the normalisation of and fuelling the demand for the sex trade and therefore the trafficking of women for sexual exploitation.

The systems of commercial sexual exploitation rely on the prevailing power relations in our society, and these are reflected in the gender-specific nature of CSE. CSE reproduces and perpetuates stereotypes about women and men and consolidates negative attitudes towards women such as sending the message that women are sex objects that men are entitled to have sex with. This has a clear impact on gender equality and the realisation of women's rights. A new offence which is consistently implemented sends a clear message that Scotland prioritises women's equality over men's entitlement and profit.

A new criminal offence of paying for sex would mean Scotland is aligned with and undertaking its international obligations on human rights.

The UN Convention on the Elimination of All Forms of Discrimination against Women - CEDAW (1979). CEDAW prohibits all forms of exploitation of the prostitution of

others. This legal binding UN Convention recognises prostitution as a violation of human dignity and therefore is a violation of human rights. This position has key consequences for States and Governments who must ensure it is implemented.

Article 6 states that parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women which includes pimping, procuring and the running of a brothel. This Article requires governments to investigate, prosecute and convict all perpetrators involved, including those on the demand side as it fosters exploitation and leads to trafficking. Women and girls are trafficked predominantly into the sex trade and into prostitution where it is mostly men who seek to pay for sex and therefore create the demand.

A new General recommendation No. 38 was adopted by CEDAW in 2020 which outlined the obligations of governments in implementing Article 6 of the Convention. The recommendation calls on governments to focus on the four root causes of sexual exploitation in women and girls which includes the demand that fosters exploitation.

Scotland must take action to address inequalities to prevent vulnerability which includes looking at poverty, employment, housing, and health but also there must be action to disrupt the sex industry. This should target those who benefit and profit which must include sex buyers / the demand.

Data has been gathered from Police Scotland crime statistics from 2013-14 to 2022-23 shows that all prostitution crimes have fallen 87%.

	2008:	2014:	2023:
men criminalized for “kerb” crawling –	172,	138,	231
brothel keeping.	– 24,	36,	13

It is very difficult to gain access to detailed disaggregated data on offenses e.g. we do not know how many brothel keeping offense are women selling sex together or are linked to managers and pimps. The data however shows that men’s access to womens bodies remains relatively unchallenged and they are not

held accountable, in contradiction to Equally Safe's Outcome 4. This new offense would ensure greater coherence with legislation and policy.

The current legal context also makes Scotland an attractive destination for pimps, traffickers, criminal networks who see the potential for profit. We believe all parties/factors responsible for the perpetration of this form of VAWG should be held responsible and that must include sex buyers / punters. They are the vital part of the industry as they provide the profit to be made through abuse and exploitation. This proposed legislation removes that key link as a reduction in demand means a reduction in profit and reduces the potential for trafficking.

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.

Women involved in selling sex must not be criminalised. From 2008 Scotland has framed prostitution as a form of VAWG in national strategies but legislation continues to criminalise women selling sex in a public place. The ongoing existence of section 46 offenses aimed at women affected by CSE do not align with this national understanding which was reaffirmed in the recent refresh of Equally Safe. There is no coherence between seeing this as a form of violence linked to inequality to then criminalise the women involved. It sanctions women for their own abuse. We support the proposal for this legislative change in Scotland which must be combined with the investment of resources to prioritise women vulnerable to or involved in CSE as a priority group at strategic and local levels. Decriminalising the sale of sex must be accompanied by other measures ensuring robust prevention, harm reduction and exiting services. Women involved in selling or exchanging sex can have a dual and often contradictory engagement with the criminal justice system. On the one hand, in some circumstances women can face criminalisation for prostitution-related and other offenses; while on the other, women have reported high levels of violence and crime when selling sex. We believe that the ongoing criminalisation of women in CSE is not acceptable as it leads

to a lack of legal security, and a fear of arrest, prosecution, deportation, and women fear negative impacts on migration status. It increases vulnerability and stigma, erodes their trust in the justice system, has negative effects on health and safety and creates barriers to accessing services. It has also contributed to the stigma that perceives women involved in sell sex as a threat to the community. In 2012, the COPFS introduced guidance (<https://www.copfs.gov.uk/publications/lord-advocate-s-guidelines-soliciting-and-loitering-offences/html/>) on the enforcement of soliciting and loitering offenses. This guidance recommends that the law enforcement focuses on sex buyers rather than on women selling sex, it asks police to be attentive to signs of human trafficking and ensure any actions do not increase risk for vulnerable people. This approach already supports the proposed repeal of section 46 offenses. In recent years Scotland has also seen a decrease (<https://www.gov.scot/publications/exploring-available-knowledge-evidence-prostitution-scotland-via-practitioner-based-interviews/pages/15/>) in the number of people charged for prostitution-related offenses (this is a broad term and covers things such as soliciting or loitering to sell sex in public places or brothel-keeping). According to recent stats, in the last ten years there has been a 87% decline in prostitution-related prosecutions, with 62 total crimes recorded in 2022-2023. (<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2023/06/recorded-crime-scotland-2022-23/documents/recorded-crime-scotland-2022-23/recorded-crime-scotland-2022-23/govscot%3Adocument/recorded-crime-scotland-2022-23.pdf>) Nevertheless, these statistics only paint a limited picture of the reality for women, as they do not tell us how many of those charges have been against women who sell sex or what the context of the offenses were. It is important to consider the impact of being charged for selling sex. In England, a report by NIA (https://niaendingviolence.org.uk/wpcontent/uploads/2020/02/Im_No_Criminal.pdf) looked at the consequences with women describing how, in order to pay fines for soliciting or loitering, they had to sell sex, money which women said was originally intended to cover their basic needs. As Joanne (<https://www.insideoutsidescotland.info/joanne.html>) highlighted, "I was convicted of soliciting on a number of occasions. The money I got to pay the fine was from prostitution, I would be back on the streets that day. Straight after court. A fine's not gonna stop you from doing it. That was my only income: prostitution. I had to do it." A Police Inspector interviewed for research agreed how, paradoxically, fines can actually force women to continue selling sex: "Obviously, the power of arrest for loitering, in my opinion, is fairly pointless, because [women] go to court and they get a fine... And they are not going to go out and get a job to pay it, the quickest way to pay their fines is to go back to... you are almost forcing their hand." The fear of criminalisation whilst involved in street prostitution can mean women will not report violence or crimes committed against them for fear of arrest. They face a high risk of violence, often perpetrated by punters, but also by

controllers, traffickers, partners and members of the public. In Scotland the 2022 Encompass Snapshot (<https://www.encompassnetwork.info/>) showed that 78% of women supported by specialist services in Scotland disclosed experiences of violence and abuse related to their involvement, including rape and violent assaults. Although violence can be a constant in women's involvement, few of these incidents get reported to the police, and in turn this violence can go unrecorded (https://www.encompassnetwork.info/uploads/3/4/0/5/3405303/client_violence_research.pdf). A report in Ireland found that between 2018-2019, only ten out of 1,512 violent crimes against women selling sex were reported to the police (<https://journals.sagepub.com/doi/10.1177/0791603520939794#:~:text=Analysis%20of%20UglyMugs.ie%20data,the%20risks%20for%20sex%20workers.>) There are many layers to women's decision not to report, but some of the main barriers for women who sell or exchange sex include the stigma attached to their involvement, fear of not being believed or seen as 'not credible,' lack of confidence in the justice system and the fear of being criminalised or of facing negative consequences when coming forward. Research on the underreporting of crimes against women who sell sex identified that 42% of the women interviewed chose not to engage with the criminal justice system for fear of losing their children. (<https://link.springer.com/article/10.1007/s13178-021-00627-1>). One woman said: "I would worry about being flagged to social services that I worked [as a sex worker] and impacting on kids." For migrant women, the risk of criminalisation is further exacerbated by the threat of deportation. Under the current 'hostile environment' policy in the UK, organisations have described how fear of detention and deportation can erode women's trust in the police and other supports (https://www.nswp.org/sites/default/files/briefing_paper_migrant_sex_workers_nswp_-_2017.pdf). And this in turn can make women vulnerable to organised crime groups and perpetrators who may use those fears to further exploit women. Women's organisations have highlighted how perpetrators can use the criminal justice system and threat of criminalisation to continue the violence and get away without any consequences. They may threaten women by telling them they will not be believed or that they will be criminalised if they speak to the police. In *Inside Outside*, (<https://www.insideoutsidescotland.info/wendy.html>) Wendy described how the taxi driver who violently assaulted her immediately discouraged her from reporting: "He raped me both vaginally and anally. No condom, nothin.' He just said 'well, what's the point in going to the fucking Police?'"

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.

Women exploited through prostitution with a criminal record can face substantial additional barriers to seeking help, exiting sustainably, and recovering.

Criminal records have been shown to have a double impact on the lives of women who sell or exchange sex (https://niaendingviolence.org.uk/wp-content/uploads/2020/02/Im_No_Criminal.pdf). On the one hand, the requirement to disclose criminal records can limit women's employment and education opportunities thus forcing them to continue selling sex when they wish to stop. On the other, these records can lead to discrimination and feelings of shame.

Being discriminated for work and other opportunities can trap women in a cycle where they keep returning to prison for different offenses or, as women have put it, to 'take a break' from the inequalities they face outside.

Whilst the above can apply to any type of criminal record, women have highlighted specific impacts from prostitution-related criminal records. A participant in NIA's study explained how the stigma associated with these records can play out when applying for a job:

"... if I went for a job in a factory and it's just all men and they wanted a receptionist, I wouldn't get that job because I was a prostitute before. They would think that I was going to sleep with everyone on the shop floor... a lot of people are ignorant to what goes on in life, because they don't experience it."

Another participant described the shame that would come with having to disclose her history of selling sex due to her criminal records:

"I wouldn't want nobody seeing my record and see I've got prostitution on it... I don't know why I don't see theft and that as bad as what I see prostitution... I don't know, it's just like that thing around prostitution, innit?"

In England a group of survivors (<https://www.centreforwomensjustice.org.uk/news/2020/1/22/prostitution-convictions-case-update>) of the 'sex industry' successfully challenged the disclosure of prostitution-related convictions to potential employers. These records are no longer disclosed to employers in England, although the information does remain in the Police database. Unfortunately, the ruling had no effect in Scotland.

This proposed Bill goes some way to removing the emotional and practical impact that women who sell or exchange sex can face when they have been criminalised.

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.

Women must receive consistent, comprehensive, and well-resourced support.

Many women have prior histories of violence and abuse with impacts compounded by harms accompanying prostitution. This exposes women to multiple forms of physical, sexual, and psychological violence and risk from punters, pimps and controllers, traffickers, and members of the public.

Physical:

Women have reported slapping, punching, throttling, robbery, stabbing, abduction, kidnapping, being threatened, attempted murder and murder.

"I look back and think, "Holy shit you know I could have been murdered." There but for the grace of God, I'm still alive 'cos situations I was in, the cars I was getting into it. You don't know what they're going to do, if they want to be violent. You don't know what their intentions are. If somebody took me away and done whatever they wanted to me, put me somewhere, it would never have

mattered.” Wendy, Inside Outside.

In the Encompass Snapshot of 2021 81 of 150 had safety issues.

Campbell et al. found 25% of women indoors had experienced physical violence.

Beyond the gaze 2020 found:

- Forty-one percent physical violence (including rape, attempted rape, sexual assault, and condom removal),
- Twenty-four percent fraud and robbery,
- Twenty-three percent stalking and harassment.

Psychological:

“. You have to disconnect yourself really from reality to be able to do it... and obviously that goes on to affect you later on. You don't have a lot of self-worth in yourself. You don't value yourself. You don't value your opinion. You don't respect yourself. It takes an awful lot away from you as a person to do it.... Every time you go and do that it's taking a bit of you away... every single time....” Joanne Inside Outside Scotland.

There are complex links between mental health and CSE with some women's:

- mental health acting as a pathway
- coping strategies impacting on long term mental health.
- impacts not manifesting until exited.

Psychological harms include public harassment and societal discrimination, shame and stigma, hyper vigilance, anxiety, impact on intimacy and sexual pleasure, confidence and self-esteem which have long-lasting effects for women, sometimes leading to depression, suicidal ideation, disassociation, and substance misuse.

A needs assessment of men and women involved in prostitution in Ayrshire and Arran found that 93% suffered depression and 78.5% had self-harmed.

McKeganey 2006 found prostitution had, "a profoundly negative impact on their own sense of worth and their private lives with family, friends and partners" and led to

"a lifestyle of multiple pressures and multiple needs"

T. Sanders also highlighted the stress of the potential failure of coping strategies and the risks of 'being discovered' or outed. For some the fear of others finding out was greater than physical harm.

In the Encompass Snapshot 2021, 80% of women disclosed a mental health issue with the majority experiencing anxiety, depression, and trauma symptoms along with formal diagnosis of PTSD, Complex PTSD, emotionally unstable personality disorder (EUPD), bipolar disorder (BPD).

The high levels of vicarious trauma, trauma and PTSD impact on many parts of women's lives and engagement with support.

"People used to stop in cars shouting things, throw things at you. They used to think it was funny. You wish that the ground could open up and swallow you. You don't want to, but you become quite hardened to it, always ready to jump into something, ready to fight, ready to argue."

Sexual:

"When I speak about bein' raped and other girls being raped too, it makes me emotional...It was such a common occurrence and happened that many times that I just accepted it." Wendy Inside Outside

Women disclose rape, sexual assault, and harassment, stealthing, physical force or psychological intimidation to engage in sex acts. Most goes unreported with perpetrators not held accountable and women prevented from accessing justice and support.

Encompass Snapshot 2022 found:

- 27 % experienced childhood sexual abuse.
- 18 % exploited under the age of eighteen.
- 80 % experienced violence and abuse whilst involved.

A UK 2004 study found more than 50% of women in prostitution had been raped and/or seriously sexually assaulted.

In 2016, a specialist sexual health service in Edinburgh found 40% disclosed rape and sexual violence.

The long-term impact of this means women normalise and accept violence as part of selling sex with the anxiety of being in a constant state of alert can lead women to self-blame when they are attacked.

Financial Exploitation:

“The way it was described to me it was easy, easy money...And it wasn't. I wasn't prepared...You can make the money but once you're not new anymore, once they've tried you, the money is harder to come by....”
Katie Inside Outside

Women are financially abused, coerced, and controlled through theft, non-paying punters to paying costs in order to secure clients and continue making money. They must share their profits through “payments” to key players in the sex industry.

The ongoing cost of living crisis increases women's vulnerability to both sexual and financial exploitation: -

“Now, I'm saying yes to people I would have ordinarily said no to. I'm saying yes to acts I wouldn't normally. The cost-of-living crisis is making me put myself at risk and do stuff I'm not comfortable with.”

In recent Scottish Government commissioned research there was an acknowledgment of a lack of support services across Scotland for CSE. There are patchy and inconsistent services across the country with women highlighting that staff often lacked the knowledge, confidence or organisational support and mainstream services often inaccessible or unable to meet womens needs.

There must be an extension of the limited specialist support services along with the resourcing and support required for, mainstream services provide trauma informed, appropriate and non-judgemental support. This must be available across the country in both rural and urban areas with local partnerships and services working with women to develop the best model for that area.

All services must be women centred and ensure that the work engages with her where she is at, alongside support to be as safe as possible with longer term

interventions to ensure a sustainable exit when she is ready to leave.

The recent Framework to Challenge demand and provide support identified the policy areas relevant to CSE and services across sectors. These include:

- Addictions
- Advocacy services
- BAME specialist services
- Citizens Advice
- COPFS
- Children and families/criminal justice social work
- Employers/employer agencies
- Employability advice and support services I
- Further/higher education
- GPs/primary care
- Health – sexual/reproductive health/health visiting
- Homelessness services I Housing services
- Legal/immigration services
- Mental health services: statutory and voluntary
- Migrant, refugee, and asylum support organisations
- Organisations working with BAME women.
- Parenting agencies
- People First
- Police Scotland/community safety services
- Public Protection Partnerships
- Scottish Prisons Service
- Skills Development Scotland
- Social work including child protection and adult support and protection.
- Specialist CSE organisations
- Third sector support services
- VAWG organisations, especially Women's Aid and Rape Crisis
- Victim Support Scotland
- Volunteering networks
- Welfare benefits/advice
- Young women's services/organisations

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.

“There are so many barriers to leaving and staying out. A lot of the time it's like, “Do you know what? I'm stuck between a rock and a hard place, and I can't get out of this.” As much as I want to get out of this, I can't because I can't afford to because I've got all these bills that I have to pay. The reality of this is that if I don't do this work, I'm going to end up homeless, I'm going to end up with no money, I'm going to end up working minimum wage, and I'm going to end up not being able to feed my kids. Then women are meant to choose.” Barbie Outside

It is important to reflect on the word ‘exiting’ which is often used in relation to women moving on from selling or exchanging sex. Exiting can sound finite, as a one-off action when it is far from a linear or clear-cut with complex journeys to stop selling or exchanging sex. Women often leave for short periods at different points and may decide to become involved again for different reasons.

For instance, as reported by services and organisations in the UK (<https://nationaluglymugs.org/wp-content/uploads/2022/12/COL-Survey.pdf>), the cost-of-living crisis has seen a rise in women who had previously left the ‘sex industry’ returning due to financial pressures.

Exiting is an ongoing process. Women can take many years to leave (if they ever do) and for some of them it can be a lifetime journey.

Exiting Services:

In 2018 The Encompass Network issued “A Proposed Approach for Scotland” (https://www.encompassnetwork.info/uploads/3/4/0/5/3405303/preventing_and_eradicating_prostitution.pdf) which suggested a multi-faceted approach with women's needs at the core. The model recommended prevention work with the decriminalisation of the sale of sex along with robust harm reduction services and comprehensive and consistent exiting programmes to support women move on when they want to.

In “What next” (https://www.encompassnetwork.info/uploads/3/4/0/5/3405303/exiting_prostitution_what_next.pdf) 2021 Encompass clearly laid out the need for investment in long-term exiting support services which engaged with the reality and challenges that women can face when they decide or need to stop selling or exchanging sex.

Encompass recommended:

1. A national strategic framework should be developed to ensure a consistent approach.
2. This should define the core aspects of any local approaches, standards of service and principles of good practice.
3. VAWPs should have lead responsibility for developing a local implementation plan to include the range of stakeholders and services.
4. Local approaches should take a multi-agency and partnership approach with a commitment to long-term engagement.
5. All approaches must be trauma-informed and flexible to address a range of needs.
6. Monitoring and evaluation systems for strategies, plans and approaches should include clear targets, reviews, and willingness to adapt and change based on outcomes for women.
7. Local services should identify a champion or named leads within universal and mainstream services to ensure links to and from services to strategic groups.
8. Work on national and local levels needs to be informed by direct engagement with, and participation from, women who have experience of CSE and exiting.
9. There should be national and local capacity-building.
10. There should be adequate funding and resourcing over the long-term.

Women in Scotland continue to experience severe challenges and difficulties when considering exiting. Leaving or 'exiting' can be a long and complicated process with individual factors affecting women such as

- financial difficulties,
- caring /childcare responsibilities,
- housing and homelessness issues,
- Substance and alcohol use,
- the impact of trauma,
- job skills/gaps on CV,
- coercion from others including pimps,
- criminal record,
- lack of confidence and self-belief (I cannot do it),
- stigma and shame.

Women also talk of challenges when their identity is tied to the experience of selling sex.

“All the people that I knew, they're all still in, and very much in. I'm not close to them anymore because once you exit the sex industry you drift away from everyone in that world, even people that were your friends for many years. The underworld of sex work is very different, it's not like the real world at all, it's totally different and you must learn a new way.”

Barbie Outside

Many women have exited without support, whilst for others, if they do not get the support they need, then they are more likely to need ongoing interventions over their life course. Some women have said it can be harder to leave the 'sex industry' than to remain involved. As Barbie in “Outside” (<https://www.insideoutsidescotland.info/uploads/3/4/0/5/3405303/outside.pdf>). said:

“I ended up homeless. When I stopped working that's where I ended up.”

“Exiting” support needs to be comprehensive and afford women real choices and long-term alternatives. It at a minimum must include: -

1. Regularisation of immigration status for undocumented women
2. Priority access to safe, secure, and affordable accommodation
3. Guidance counselling (careers and education)
4. Further education and training opportunities
5. Access to financial aid to allow a transition out of prostitution.
6. Access to holistic health services and practical and emotional support
7. English language and English literacy skills /interpreting services,

Additionally, at present, the support available for people exploited in the sex trade who are not referred into the NRM is a 'postcode lottery', in that whether they are able to receive support depends on their geographical location. Comprehensive and fully resourced support provision must be made available nationally in both urban and rural areas, for whenever and for as long as the individual requires it, recognising that exiting is often not a linear process.

Exiting support must be tailored to the needs of the individual, working with them to identify and remove the barriers trapping them in prostitution, to ensure a sustainable exit when they are ready to leave.

As Barbie

(<https://www.insideoutsidescotland.info/uploads/3/4/0/5/3405303/outside.pdf>) said "You see, there's all different kinds of women working at different levels doing different things. You need to look at each woman individually, because each woman is going to have different skills, they're going to have a different background, they're going to have a different story to tell. Not every single woman, just because they've been involved in the sex industry, is the same or should be labelled as the same because that's what people tend to do.

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 crucial to proactively and consistently identify and hold accountable individuals seeking to pay for sex so robust enforcement acts as a clear deterrent to would-be sex buyers. Any implementation must be nationwide to ensure that displacement does not happen and prevent men travelling from one location to another.

There must be proactive evidence-led investigations to identify and prosecute sex buyers in off-street locations. These settings constituent most of the sex industry in Scotland and it is not acceptable that the purchase of sex in a public place is illegal but if a sex buyer steps off the street into a sauna, no crime is committed.

Action must also be taken against those who organise and facilitate the exploitation of women. Escort agencies clearly facilitate the sale of sex but deny this and put all responsibility back onto individual women. Sexual exploitation websites host thousands of adverts for women in Scotland, profiting off their exploitation and abuse yet are allowed to continue to freely operate. It is not acceptable that current legislation to tackle these businesses are not used, with a message that they need to exist to facilitate exploitation in order to gain intelligence about traffickers and organised crime. To allow this to happen, every day women are bought and sold as some form of collateral damage. It is also

crucial that pimping business and websites are outlawed, which is currently a missing facet from the proposed bill.

In 2023, an inquiry report by The UK Parliament's Home Affairs Select on human trafficking also recommended: "Legislation which bans third party profit-taking from the prostitution of another person should be extended to prohibit any individual or company from enabling and/or profiting from the prostitution of another person, including facilitation that takes place via online, digital services, websites and the internet."

An over reliance on women as witnesses in prostitution related offenses can be avoided and lessons learned from how other countries have addressed this. Other countries such as Sweden show that convictions are obtainable through routine evidence-gathering techniques. For women who are victims of trafficking and exploitation and/or have insecure immigration, there needs to be easily accessible specialist support available. This is to build relationships, guarantee human rights and support them through the criminal justice system as witnesses.

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

Recognising prostitution as a condition of gender inequality and a form of VAWG automatically shifts attention to all exploiters. For existing legal frameworks on exploitation and coercion to be effectively implemented, once those bought and sold are decriminalised, specialist policing units should be established or expanded with identified prostitution liaison officers identified in each locale across Scotland.

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.

See answer to question 4 for more relevant information and detail.

Women in CSE are a diverse group and so have a diverse range of needs. Support needs to be comprehensive to address these and any model of support developed needs to include mental health / psychological support, substance use and recovery programmes, safe emergency housing along with access to stable longer term appropriate accommodation. .

There needs to be well resourced partnerships to support women to exit and sustain that position in the longer term. Women also need access to financial supports and emergency crisis funds and linked to welfare and benefit advice. All support needs to be trauma informed and have clear pathways and protocols in place to ensure consistency across sectors and locales. There must be resourcing for local co-ordination and agreements on national and local levels as to data collection and monitoring.

At the heart of all support must be the needs of women with commitment towards opportunities for them to shape support services and approaches.

Immigration and migration

Migrant and trafficked women should be guaranteed safe accommodation along with access to at least a temporary residence status (in the case of undocumented migrants). They, and their children need food, clothing, medical services, and childcare. They also need access to education, training, and employment programmes to ensure they can move on and exit. There also should be recognition of the fear women can experience on the consequences for them and their families from controllers, pimps, and traffickers

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.

Any new legislation needs to have must have a lead in period of public education and awareness raising to ensure widespread awareness. These campaigns are crucial to the success of any law and should utilise innovative multimedia methods to ensure coverage with clarity on legislation and the principles behind it.

Learnings from previous national campaigns on child sexual exploitation, sexual violence and domestic abuse should be used and should identify on key messaging for different groups e.g. sex buyers, potential sex buyers, young men, general public and women who sell sex.

Any such multi-faceted campaign should focus on sex buyers but must not stigmatise the women or present them in any stereotypical or judgemental ways. Specific resources should be developed alongside women to ensure they understand the legislation, that they will not be criminalised, what being a witness means along with information on support and services.

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.

The WSP strongly support the principles of the proposed bill, but we are concerned that the financial impact has not been given due and realistic consideration.

There has been an under investment and prioritisation of resources for work on prostitution and CSE over the decades. The level of services and workers have not increased over the past 15 years, with a reduction in some locales. Recent VAWG funding from the Scottish Government covered the equivalent of less than 3 full time specialist support workers across Scotland. Women in CSE have not been prioritised and received the level of resources required to ensure that they can access the support they need whilst involved and exiting.

This situation must be reflected in any proposed legislation and strategy. Substantial additional resources may be required for awareness raising, public education, staff training, resources and information, participation, and consultation with women. There needs to services reviews and adapted service provision with designated resources for co-ordination on local and national levels. There needs to be investment in all methods to deter the demand and implement the legislation.

Without the provision of adequate funding, the objectives of any proposed bill and strategy are unlikely to be achieved. This should not mean that progress on this issue should not happen and indeed any such stalling would further consolidate the abuse and exploitation that women face, therefore failing to protect and ensure their

human rights are met. Consideration should be given if other forms of VAWG received little support or commitment based on restricted resources.

The recent strategic funding review of VAWG services indicated the lack of investment on CSE with a recommendation that this is considered and addressed. If the Scottish Government is to achieve its aim of preventing and eradicating all forms of VAWG, it must show financial commitment to the women in CSE.

Women in CSE have been shown to access on average seven services such as housing/homelessness projects, drug and alcohol services, social services, rape crisis centres and women's refuges. A longer-term preventative approach combined with robust harm reduction and exiting services would lead to a reduction in costs for mainstream services.

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.

“Prostitution thrives on sexualizing and racializing poverty, targeting women, particularly those from minority and marginalized backgrounds. It is therefore not a coincidence that, particularly in rich countries, the prostitution system is supplied by migrant women from impoverished and war-torn countries. Attaching a payment – whether in cash or “in kind” – to women in prostitution reduces the latter to mere objects and normalizes the commodification of women and girls.

<https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>

CSE and the sex industry with its key players relies on disadvantage and discrimination such as disability, social class, race, ethnicity, migratory and legal status, sexual orientation, and gender identity. These risk factors can lead to vulnerability being exploited with women overrepresented. Those who purchase are predominantly men.

Women with multiple and intersecting forms of discrimination and

inequalities are among most at risk of becoming involved. The UN Rapporteur on violence against women and girls' 2024 report on prostitution, "Prostitution is a system of exploitation and an aggregated form of male violence against women and girls that intersects with other forms of structural discrimination. It is exercised systematically by a wide web of State and non-State actors that subjugate, control and exploit women and girls in violation of their fundamental human rights."

Women in prostitution in rich countries are disproportionately from minority ethnic groups, while sexual act buyers are from majority groups, reinforcing the racist dynamics at work. Prostitution also allows the sexualization of racism against certain ethnic or racial groups to flourish.

Prostitution contributes to a conducive culture for all forms of violence against women, where women are presented as "commodities" which provide sexual services for those with access to power and resources, most often men. It perpetuates men's sense of entitlement to the bodies of women and girls, a sense of entitlement that also underpins other forms of VAWG.

This proposed legislation helps Scotland to define what is what is, and is not, socially acceptable behaviour and so challenges any acceptability of buying and selling access to women's bodies. It also sends the message that women's bodies are not commodities to be bought and sold, which is a crucial step to achieving sex equality in Scotland.

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?**