

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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 Free Church of Scotland is a Christian church with a network of over 100 congregations all across Scotland and over 13,000 of us gather at services every week to worship God, but our Christian faith affects all of

our life, not just a Sunday at church. Our ministers and others are regularly involved in pastoral care which at times includes supporting those caught up in prostitution. We also have various members involved regularly in supporting those connecting to prostitution and we have drawn on their experiences in preparing this response.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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

The Free Church of Scotland commend Ash Regan MSP for bringing forward these proposals to tackle prostitution. We recognise that prostitution is a form of exploitation and abuse against women and we welcome the opportunity to contribute to the discussion on how to protect the vulnerable in our society from violence.

As Christians we believe all human beings have inherent worth and value, having been made in the image of God. We also believe it is right for the church to speak up on issues such as prostitution and to strive for a more just society. Proverbs 31:8-9 tells us to "Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy."

We are pleased to see the focus on eradicating violence against women and girls ('VAWG'), and its focus on prevention and holding perpetrators to account. We do not believe Scotland's Current Approach to Prostitution is sufficient to prevent VAWG. Legislation appears to have developed in a piecemeal fashion which prohibits certain activities traditionally associated with prostitution without addressing the more fundamental issues of principle. The current approach is also outdated and unfit for the modern world where prostitution has moved off the street and online. There are insufficient legislative mechanisms designed to reduce the demand for prostitution and hold third-party exploiters to account.

Currently, paying for sex is not prohibited, nor does the law comprehensively prohibit third parties enabling or profiting from someone else's prostitution. We also note that the victims of sexual exploitation are currently criminalised through penalties for soliciting to sell sex. We therefore broadly support the

Nordic Model approach, which decriminalises those who are prostituted, while offering them high-quality support and exiting services, including genuine routes out, and makes buying people for sex a criminal offence, in order to reduce the demand that drives sex trafficking and prostitution.

Accordingly, we strongly support the introduction of a new criminal offence of paying for sexual services. The purchase and attempted purchase of human beings for sex should be made a criminal offence. This straightforward prohibition on the buying of sex makes a clear public statement that people are valuable and cannot be bought. It also deals with all forms of procuring sex unlike existing legislation and so is suitable for the modern world, where we know sex is no longer predominantly procured on the street or in brothels. Alongside this we would strengthen the existing legislation that criminalises third parties who profit from the prostitution of others.

Criminalising paying for sex is vital to shifting the attitudes of men relating to the purchase of sex and, crucially, changing their behaviour and reducing incidences of commercial sexual exploitation.

The 'Challenging Men's Demand for Prostitution in Scotland' study asked male Scottish prostitution-buyers what would deter them from buying sex. The responses were unequivocal: only things that would significantly impact their own lives would be likely to change their behaviour, such as being added to the sex offender registry, being outed as a sex buyer in public, or a criminal penalty. They were also clear that the current kerb crawling laws were not a deterrent because they know they are extremely unlikely to be caught under them because the police don't implement them rigorously or at all (<https://www.rapecrisisscotland.org.uk/resources/Challenging-Men-s-Demand.pdf>).

A study by the University of Leicester published in 2018 asked over 1200 sex buyers the following question: 'Would you change your behaviour if a law was introduced that made it a crime to pay for sex?' Over half of the respondents said they would "definitely", "probably" or "possibly" change their behaviour (Sanders, T. et al (2018) 'Beyond the Gaze: Briefing on Customers who Buy Sex Online', University of Leicester.) Another study of men who pay for sex in the UK found: "More than three-quarters of interviewees acknowledged that greater criminal penalties would deter them from paying for sex" (Sanders, T. et al (2018) 'Beyond the Gaze: Briefing on Customers who Buy Sex Online', University of Leicester).

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 evidence suggests that the majority of women and children enter prostitution as a result of childhood abuse, poverty and misfortune, grooming, coercion, and/or betrayal, rather than as a free choice (<https://nordicmodelnow.org/facts-about-prostitution/fact-choice-is-complicated/>). Prostitution is inherently violent and damages those in it. It is also clear that it is very hard for women to get out of prostitution and a criminal record makes getting out even harder. As Christians we follow the teaching of the Bible which makes clear that prostitution is morally wrong but also offers protection for those who are exploited. The Bible treats women caught up in prostitution with respect and dignity while condemning those who engage in prostitution (for example Tamar in Genesis 38 and Rahab in Joshua 2:1-14. The Old Testament law was explicit in condemning those who sold their daughters into prostitution (Leviticus 19:29). In our view this supports a nuanced application of the law to criminalise third parties profiting off other human beings while also showing grace and compassion to women who are the victims of prostitution. When it comes to the woman caught up in prostitution we recognise that something can be morally wrong / sinful and yet the criminal law is not the best way of addressing the issue. The stories in the Old Testament challenge stereotypes of prostitutes and challenge us to see prostitutes as real people—daughters, mothers, sisters – worthy of dignity and respect. This is then the attitude that Jesus brings to those he encounters. Jesus welcomes outcasts – tax collectors and prostitutes – stating that they are entering the Kingdom of God ahead of religious leaders (Matthew 21:28-32). Jesus was not here endorsing the validity of prostitution as a lifestyle—indeed the power of the saying depends upon the recognised evil of prostitution (even they are ahead of you!). But he was implicitly rejecting the idea that prostitutes were inherently worth less and was welcoming repentant prostitutes into the kingdom of God. He sought to restore them. As Christians we see many principles in the Bible which we believe support the Nordic Model of

decriminalising women engaging in prostitution, who are the victims, whilst making a strong statement that the behaviour is wrong by criminalising the buyers and third parties who profit from others' prostitution. We acknowledge that not all members of the Free Church of Scotland would agree that the best approach to dealing with prostitution is the Nordic model. This is an area where they can be legitimate debate among Christians and others as to the best policy to address these issues. However, we must acknowledge that the current model is not working and does not properly target those who exploit and abuse others. Within the Bible we see support for a model that offers grace and compassion to those being exploited, rather than using the blunt force of the criminal law. We also note the desire of Jesus to help women escape prostitution – welcoming them into the kingdom of God – extending mercy and forgiveness to them as they are called to make a new life. A criminal conviction works against the restorative model. On the other hand, those who buy sex are never innocent and have not been coerced into doing so. If you want to decrease prostitution while helping women it makes sense to prosecute those who buy sex. Accordingly, we believe the victims of abuse and coercion should be decriminalised – all laws which target those who are prostituted should be repealed and previous criminal convictions should be cleared for specific offenses related to their own prostitution. To be effective this must be championed at the highest level and be combined with measures to address all the factors that drive people into prostitution.

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 already stated in Question 2 it is very hard for women to get out of prostitution and a criminal record makes getting out even harder. Accordingly, if the offence is being abolished then we believe it is right to also repeal previous convictions.

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.

For the Nordic model to be effective in combatting violence against women and girls it is vital that all three strands of the model are adopted including appropriate support. It is vital that, alongside the decriminalising those who are prostituted and making the buying of sex a criminal offence, high-quality services are provided to those in prostitution – particularly aimed at helping women to escape prostitution. If such services are not provided alongside the other elements of the Nordic model then it is likely more harm would be done to women trapped in prostitution.

It must be recognised that each woman is an individual and help must be tailored to their situation – this will require a variety of different support services but a legal right to support is a good starting point.

Funding for these services must be ring-fenced and must be continuous. We would suggest it might be possible to ring-fence money raised from fines applied to those convicted of buying sex could be channelled to these support services in a similar way to the Cash Back for Communities scheme (<https://cashbackforcommunities.org/>). In this way there is a reparative element to the fine. It is also vital that the money is provided to those best placed to delivery the service which will often mean third sector organisations rather than government bodies due to the stigma associated with the state.

The services must be non-judgemental and cover harm reduction as well as exiting support, including housing, legal advice, addiction services, long-term emotional and psychological support, education and training, and childcare. Because those buying sex are almost entirely men, services for women should be female-only and services for men and transgender people should be separate.

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.

As noted in Question 4 high quality existing services are essential and including these in the bill would help to ensure they are provided.

- 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 essential that alongside enforcement there should be a widespread public information campaign (like the one that accompanied the change in the smoking laws). This will help those in society understand that prostitution is always violence to women and degrading to women. No human being should ever be "for sale". It may reduce demand even before the offence is being enforced.

There must also be age-appropriate education programs in schools that explain honestly the damage that prostitution causes.

Experience in other countries has also shown that for the Nordic Model to be effective, it needs to be accompanied by in-depth training for the police, judiciary, procurator fiscals, and frontline workers in education, social services, local government, the NHS, etc.

- 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.

We believe a holistic and flexible approach is needed, recognising that every woman's situation is different. A variety of mainstream services must be provided and a number of services not directly addressing prostitution should be trained to sign post women to further help.

We note that over recent years there has been an erosion of women-only services in areas like homeless hostels, addiction and mental health. This can be particularly harmful to women who are or have been involved in prostitution. Their needs are often acute and can be very different from those of men. Furthermore, their trauma has been caused by the actions of men.

Living in a hostel with homeless men is inappropriate for all vulnerable women but even more so for women with lived experience of prostitution. Participating in group work with men is often counter-productive for women who are or have been involved in prostitution. Therefore, it is imperative that mainstream services, particularly homelessness, addiction and mental health services, provide women-only facilities – particularly for group work and all residential facilities. This understanding needs to be built into the commissioning of services.

Mainstream services should also be alert to the role they can provide in preventing women entering prostitution in the first place. As extreme poverty, homelessness, addictions and the coercive control of male partners are often key drivers in women becoming involved in prostitution, the provision of adequate social security, job and training opportunities, affordable housing, addiction services and practical support to escape abusive partners must be seen as high priority and funded accordingly.

We also believe that decriminalising those who are prostituted has the potential to open up more conversations with mainstream support agencies regarding prostitution. At the moment there might be a reluctance to open up about it for fear of prosecution. We need to empower women to speak openly and seek the help they need.

For most women who are involved in prostitution, the most immediate barriers to exiting are (a) the lack of an adequate alternative income; (b) drug addiction; (c) being under the control of a pimp or trafficker, who is often their 'boyfriend' or intimate partner; and/or (d) homelessness. Other longer-term issues can include physical and mental ill-health, including PTSD and crippling anxiety, and the lack of a social network outside of the prostitution milieu.

Research carried out in the UK by the Roger Matthews and others found that the majority of women can leave prostitution relatively quickly given support and motivation that is positive, proactive, and includes practical help with addressing the immediate barriers mentioned above

(http://www.researchgate.net/publication/303791910_Addressing_Prostitution_The_Nordic_Model_and_Beyond).

Women-only residential drug rehabilitation should be available for those with intractable drug addictions, and women-only refuges for women who need to escape abusive and controlling partners and pimps.

However, it is well known that many women – especially those who have been in prostitution for some time – have difficulty sustaining a life outside prostitution over time (<http://nordicmodelnow.org/facts-about-prostitution/fact-women-often-struggle-to-leave-prostitution/>). Long-term support, including practical assistance and psychosocial support for as long as necessary is essential.

Services must be women-only, welcoming, non-judgemental, trauma-informed, and free. Funding must be ring-fenced and permanent so that expertise and trust can be developed, collaboration with other services established, and there can be long-term planning.

The provision of exiting services must be combined with the repeal of laws against soliciting and loitering to sell sex and the expunging of any criminal records for the same as having criminal records can affect women's employment prospects. Prostitution-related criminal records trap women in prostitution. The Scottish Government rightly understands prostitution is a form of gender-based violence. It therefore makes no sense to criminalise women for their involvement nor to penalise them for their historic convictions for the same.

Support should be given to organisations which help women to work outside prostitution. Israel has a very successful initiative called 'Turning the tables' that provides training and employment in fashion for women who are exiting the sex trade. There are examples of similar initiatives in the UK that are not specifically aimed at women exiting prostitution but they provide a model that could be developed for women exiting prostitution. For example: The Wren Bakery in Leeds provides training and employment opportunities to disadvantaged women; and the Timpson Foundation is an ethical

business that pro actively employs ex-offenders. We are also impressed by the work of Grace Chocolates in Edinburgh who seek to help any woman who has touched the Scottish criminal justice system and is keen to make positive steps towards finding a job.

Probably the best UK example of a successful local initiative to support women to exit prostitution is Ipswich. It was a three-pronged strategy, very similar to the Nordic Model. Firstly, they stopped arresting the women and instead provided them with substantial help to exit prostitution and rebuild their lives. Secondly, they used the kerb crawling legislation and number plate recognition technology to crack down on the punters. And thirdly, they worked with children at risk of being groomed into the sex trade to prevent them also ending up exploited on the streets (<http://nordicmodelnow.org/2017/11/14/how-a-nordic-model-approach-to-tackling-prostitution-was-implemented-in-ipswich/>).

A review of the approach was undertaken by the University of East Anglia in 2012. It found that: the strategy had been successful in eliminating street prostitution and kerb crawling from the town and there was no evidence it had been displaced elsewhere; the women had been helped to rebuild their lives outside prostitution; successful inroads had been made in preventing young people getting involved in prostitution; and costs to the criminal justice system were significantly reduced. The report ended with the following paragraph:

“The evaluation highlighted the central importance of a joint commitment of criminal justice, social, health and voluntary agencies and their sustained relationships with the local community in developing a shared change in attitude towards prostitution and those involved in it. Finally, it concluded that there is much to commend this collaborative strategy both to other regions of the UK and to other countries, as an innovative, effective and cost effective means of achieving justice for all stakeholders.”

(http://ueaeprints.uea.ac.uk/id/eprint/55750/1/EVISSTA_paper.pdf)

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.

It is essential that alongside enforcement there should be a widespread public information campaign (like the one that accompanied the change in the smoking laws). This will help those in society understand that prostitution is always violence to women and degrading to women. Women and children should never be for sale. It may reduce demand even before the offence is being enforced.

There must also be age-appropriate education programmes in schools that explain honestly the damage that prostitution causes.

However, we want to be careful not to contribute to the further sexualisation of children and so we believe that billboards and leaflets to the home that could be seen by children are inappropriate.

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.

The current model is clearly not working and accordingly we believe a new approach is required. We note the success of the Nordic model in other jurisdictions and accordingly believe this is the right approach.

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.

There will be costs associated with the support and exiting services, however, these can be offset through a reduction in other costs currently associated with the social harms of prostitution.

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.

These proposals will have a positive impact on the rights of women and girls.

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?

These proposals will reduced the abuse and harm done to women and girls in our society.