

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

We are a collective of street-based workers and supporters in Ireland. We have had similar laws to this Bill in place for several years here and are wish to share our experience of this.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

Criminalising the purchase of sex is harmful for sex workers, as shown by multiple studies carried out in Ireland since the introduction of similar laws here (Amnesty International, 2022; Ellison, Ní Dhónaill, & Early, 2019; Minescu, 2022). As a collective of street-based workers, we are fully aware of the damage these laws can cause to people that are already struggling. It means that sex workers will be forced to take more risks in terms of who we see and where we will go with clients in order to avoid detection. Clients still have the upper hand in negotiations because sex workers are acting out of a financial need and feel the pressure to agree to different terms as the clients want to protect themselves. Sex workers continue to be policed, supposedly to target our clients, even though police treatment of sex workers ranges from disrespectful to outright abusive. Twenty per cent of street-based sex workers interviewed in Ireland reported being sexually abused by police (Minescu, 2022). Rather than lifting police surveillance of sex workers, the law allows for continued police harrasment under a different purpose.

The premise of this Bill is that sex work is inherently harmful. This is flawed and inaccurate. The laws that regulate sex work play a major role in determining the safety of sex workers. There was a huge increase in reported violence against sex workers in Ireland after a similar law was introduced here (Campbell et al, 2020). Sex worker safety has been undermined by politicians and lobbyists riding roughshod over us and our experiences to enact laws that they insist are meant to protect us. As most sex workers are women, this means that women are put in danger and treated as collatoral damage as part of an apparent mission to target male clients. It is sex workers, and not clients, that will face further disadvantage if this proposed offence is introduced.

The proposed bill does nothing to address the circumstances of

sex workers and why we need to do this work. Financial need is the motivation for people to do sex work. Instead of taking measures to reduce overall poverty, and specifically women's poverty, introducing a model like this just penalises sex workers in a new way leaving people even more desperate. This is particularly cruel during a cost of living crisis and housing crisis. We have experienced the impacts of these laws in Ireland and do not wish to see it replicated for sex workers in Scotland.

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.

We fully support the repealing of section 46. It is completely unjust that mainly women are criminalised for trying to earn a living and support their families by doing sex work, and it is often the sex workers that face the most urgent economic need that end up working on the street. Convictions for soliciting have life long impacts and function to exclude marginalised women from other areas of public life, and are also detrimental for their families. However, we believe that this should be repealed as part of a different Bill. One that fully decriminalises sex work. This would include repealing the offence of brothel keeping and other offences that penalise sex workers.

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 above, we fully support this but as part of a different Bill that would introduce the full decriminalisation of sex work.

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.

Sex workers should be recognised as workers and have the same rights and access to supports as other workers. Legislation that pursues this would make a welcome difference for sex workers.

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 sex work is an economic activity, the most useful provision would be to replace the income earned through sex work. Instead of creating exiting services for sex workers, it would be more beneficial for the government to examine ways to provide targeted income schemes to people in, or at risk of, poverty. Tackling poverty and deprivation would lead to a reduction in the amount of people that feel the need to do sex work in order to support themselves.

6. **How should the proposed offence be enforced. Are there any particular techniques which you think should be used or obstacles which might need to be overcome?**

The proposed offence should not be introduced and, as such

should not be enforced at all.

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

The police should not receive new powers as this offence should not be introduced.

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.

Sex workers should be able to access all existing support services without discrimination. The problem is not necessarily the lack of specialised services, but actually that general support services are underfunded and failing to meet the needs of a significant amount of people that need to access them. Properly resourcing addiction, housing, medical, education, crisis services etc. so that they are adequately able to respond to the support needs of those who need them would benefit sex workers as well as other groups. Alongside this, increasing social welfare payments and introducing other income schemes would go further towards addressing the key concerns for sex workers than creating exiting services.

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.

As previously stated, we do not support this Bill, and hope that it is not introduced, in which case no awareness raising campaigns would be necessary.

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 Bill should be dropped and legislation providing for the full decriminalisation of sex work should be brought forward instead. This would be a more effective way to improve the safety of sex workers, as reported in available research (Platt et al, 2018).

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.

We believe that a law such as this will be harmful for all sex workers, but its negative impacts won't be experienced equally. Sex workers who already face multiple disadvantages, and those under the most financial pressure, will inevitably be disproportionately affected. This includes sex workers who are homeless, in addiction, single mothers, trans, disabled, or have a precarious migration status, and are reliant on sex work to support themselves and their families. All will have to contend with a greater risk to safety and deepening poverty.

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?

We believe that criminalising a means of survival in this way will reinforce existing inequalities for future generations and detract from any efforts to create a more just society.