

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

Amnesty international developed our policy to protect the human rights of sex workers through substantial research and consultation with a range of organisations and people.

We looked at the extensive work done by organisations such as World Health Organisation, UN AIDS, the UN Special Rapporteur on the Right to Health and other UN agencies. We also looked at the positions of others such as UN Women, Anti-Slavery International, the Global Alliance in Trafficking in Women. We conducted detailed research, interviewing more than 200 sex workers – and former sex workers, the police, governments and other agencies.

Our national offices around the world also contributed to the policy through extensive and open consultation with sex worker groups, groups representing survivors of prostitution, abolitionist organisations, feminist and other women’s rights representatives, LGBTI activists, anti-trafficking agencies, HIV/AIDS activists and many others.

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.

Terminology

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.

Amnesty International calls for the decriminalization of all aspects of sex work. This includes the repeal of existing laws that criminalize or penalize directly or in practice the consensual exchange of sexual services between adults for remuneration. To achieve those aims in the Scottish context the repeal of section 46 of the Civic Government (Scotland) Act would have to be accompanied by an overhaul of the entire existing legal framework in relation to sex work. For example, there is significant evidence of the impact of brothel keeping laws on sex workers' rights, which under these proposals would remain in place in Scotland. Ireland is quoted in the consultation as a positive example, however Amnesty International Ireland's comprehensive 2022 research (We Live Within a Violent System) sets out how such laws isolate and criminalise sex workers, forcing them to work alone and expose themselves to heightened danger. As set out above laws against buying sex and against the organisation of sex work

can harm sex workers, and laws that criminalize the buying of sex criminalize the transaction between the sex worker and the client and should be repealed.

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.

Amnesty International supports the quashing of these convictions. Those who have criminal records due to their involvement in sex work may struggle to find other employment and thus may be constrained to remain in sex work. States have obligations to address discrimination and inequalities and to provide a sufficient social safety net to ensure that no person has to rely on sex work due to poverty or discrimination and that everyone can leave when and if they choose.

Governments should take measures to remove common barriers to alternative and supplementary forms of employment that sex workers face (such as issues relating to criminal records or employment history checks). The fulfilment of this obligation would require the quashing of convictions for all sex workers regardless of the legislation under which they were convicted. For example, there is significant evidence that many convictions under brothel keeping laws internationally are handed down to sex workers and not exploitative third parties. In 2017 the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) highlighted during Ireland's periodic review that 92% of "persons subjected to arrests, convictions and judgments" for brothel keeping were sex workers (Consideration of Ireland, 1474th Meeting 66th Session of Committee on Elimination of Discrimination Against Women).

Convictions of sex workers under any law should be quashed. These include but are not limited to under laws against keeping a brothel; promotion of prostitution; renting premises for the purposes of prostitution; living off the proceeds of sex work; and facilitating sex work through the provision of information or assistance.

Those whose convictions are quashed should have their Police National Computer and Criminal History System deleted.

4. **What is your view of giving people in prostitution the legal right to support?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

5. **What is your view of including provisions for exiting services in the bill?**

- Fully supportive
- Partially supportive
- Neutral (neither support nor oppose)
- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

The fact that various aspects of sex work are treated as criminal conduct means that sex workers cannot rely on support or protection and Amnesty International's position is that decriminalisation is the necessary first step to realising the human rights of sex workers and reducing harm.

Governments should develop and implement support programmes and provide targeted support and care to those who have been victims of human rights abuses and exploitation within sex work. It is however vital that such support programmes are developed in meaningful consultation with sex workers, including those facing multiple forms of discrimination, and are responsive to the lived experiences of sex workers and respect individual agency.

There must be an explicit guarantee that sex workers will not be compelled to participate in coercive "rehabilitation" programmes.

To ensure that individuals are in a position to leave sex work, states must:

Provide adequate and timely access to support through, for example, state benefits, education and training and/or freely chosen alternative employment;

Develop and implement support programmes, in meaningful consultation with sex workers, including those facing multiple forms of discrimination, that are responsive to the lived experiences of sex workers and respect individual agency;

Guarantee that sex workers are not compelled to participate in coercive “rehabilitation” programmes;

Provide targeted support and care to those who have been victims of human rights abuses and exploitation within sex work;

Take measures to remove common barriers to alternative and supplementary forms of employment that sex workers face (such as issues relating to criminal records or employment history checks), remove any legal barriers to exit from sex work and protect former sex workers from discrimination on the basis of their previous sex work;

Tackle gender inequality and discrimination against cisgender women and transgender people in the field of employment, including by reforming discriminatory laws, policies and practices that diminish their opportunities in the economy, and taking steps to end gender stereotypes, rigid gender roles and prejudice that undermine their equal participation in the economy; and adopt effective measures, including temporary special measures, to eliminate occupational segregation based on gender stereotypes; and

Combat stigma and discrimination against people who are gender non-conforming that inhibit their access to education and employment opportunities or enable and reinforce violence against them by state and non-state actors, and work to dismantle gender stereotypes that lead to punishment of those who transgress gender norms.

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?**

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.

Any form of support should be developed in meaningful consultation with sex workers, including those facing multiple forms of discrimination, respond to the lived experiences of sex workers and respect individual agency.

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.

The Bill aims to 'reduce the amount of prostitution because of the evidence of exploitation and harm that it is causing' by reducing the demand for prostitution. We do not believe that this is a helpful premise because of the evidence that criminalisation of any aspect of adult consensual sex work does not reduce harm but in fact increases it.

As explained elsewhere in this submission Amnesty calls for decriminalization of all aspects of adult consensual sex work including laws which make the buying of sex or the organisation of sex work a criminal offence. We do so due to the foreseeable barriers that criminalization creates to the realization of the human rights of sex workers. Such laws force sex workers to operate covertly in ways that compromise their safety, prohibit actions that sex workers take to maximize their safety, and serve to deny sex workers support or protection from government officials.

Instead of focusing entirely on reducing or eradicating sex work Amnesty believes that solutions should be developed in consultation with sex workers and aimed towards reducing the high rates of human rights abuses experienced by individuals who engage in sex work, end stigma and discrimination and ensure sex workers' economic and social rights are protected and fulfilled.

Resource implications

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

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

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

Equalities

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

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

Sustainability

13. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations. Do you think the proposal could impact in any of these areas?