

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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 organisation represented is East Ayrshire Council. This consultation has been addressed to the Chief Executive of East Ayrshire Council and

has been completed by the lead officer for VAWG in East Ayrshire.

East Ayrshire council is a key member of the East Ayrshire Violence Against women Partnership which is the body tasked with the delivery of Equally Safe in East Ayrshire.

Some partner agencies may also be submitting individual responses.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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 East Ayrshire Violence against Women Partnership including East Ayrshire Council fully support a new criminal offence of paying for sex.

Since 2014 the East Ayrshire Violence against Women Partnership including East Ayrshire Council have held a Position Statement on Prostitution endorsing the challenging demand model. This Position Statement was refreshed in 2024 by East Ayrshire Violence against Women Partnership and endorsed by East Ayrshire Council in August 2024.

This East Ayrshire Position Statement aligns with the definition of commercial sexual exploitation as a form of violence against women, as outlined in the Scotland's strategy Equally Safe 2023, which is co-owned by the Scottish Government and COSLA.

The position statement endorses criminalising those buying sex and decriminalising those selling sex, recognising that women involved in selling or exchanging sex are vulnerable, exploited and often have limited choices due to inequality, poverty or their exposure to gender based violence.

East Ayrshire, with colleagues in North and South Ayrshire and the Women's Support project, have held a campaign throughout 2023 and 2024 to highlight commercial sexual exploitation in Ayrshire and are committed to a programme of delivering training, albeit with limited resources.

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 or exchanging sex should not be criminalised, they are often exploited, trafficked or have been exposed to previous trauma and loss, including gender based violence. Many women will have experienced childhood sexual abuse or been looked after in the care system. Since 2008 prostitution has been defined as a form of VAWG in Scotland but legislation remains in place which criminalises women involved in selling sex. Removal of criminalisation of women involved would be more in line with the national strategy Equally Safe 2023. While women face criminalisation for selling sex they are less likely to seek support when they have experienced violence which creates greater risk and vulnerability and increases stigma. This is true also for migrant women who may be fearful of consequences for their immigration status. Specialist services have highlighted that perpetrators can use the criminal justice system and threat of criminalisation to continue their violence. They may threaten women by telling them they will not be believed or that they will be criminalised if they speak to the police. It is documented elsewhere that women fined for offences related to selling sex, may have to engage in further prostitution to pay the fine, which is further detrimental to the safety of women. It can also be a barrier to women exiting prostitution if having to declare previous offences as part of job or college applications.

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 stated above, women should not be criminalised for the exploitation they are subjected to in this form of VAWG.

Criminal records of this nature may be a barrier to women exiting and going on to education or employment. It can ensure women remain in prostitution for longer.

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 should be entitled to specialist support when involved in prostitution. This should be trauma informed, consistent and well-resourced. Women involved in selling or exchanging sex can experience high levels of PTSD and other mental health issues, as well as physical health issues. Women involved in selling or exchanging sex have often experienced high levels of violence and coercive control, both through involvement in selling sex and through childhood traumas. They may be involved in substance use, have housing issues or have had children removed from their care.

However this support requires to be resourced with additional funds. At a time when Local authority budgets are under excessive pressures and there is an increasing demand on specialist VAWG services already, existing services cannot be expected to provide the specialist support required without sufficient investment to support staff to understand the complex experiences of women and provide a trauma informed response. Whilst a statutory right is supported in principle this will only be effective if there are additional funds made available.

In East Ayrshire, where there is a commitment to delivering training on CSE, it is recognised that only very small numbers of practitioners can be supported to affect change at any one time and to upskill practitioners across a diverse range of services in police, health, social work etc cannot be done without additional investment. It has been recognised at a local level that while there is strong support for the Scottish Government's Challenging Demand strategy, and the

principles therein, that this cannot be implemented effectively without additional resource.

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 work of the Women's Support Project is cited in this section and their expertise is drawn on:

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.

Provisions for 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,

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?

Robust enforcement acts as a clear deterrent to would-be sex buyers who require to be identified and held accountable.

Implementation must be nationwide to ensure that men do not travel from one location to another.

The majority of the sex industry takes place in off street locations. There must be proactive evidence-led investigations to identify and prosecute sex buyers in off-street locations. 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, including where women are advertised for sale on websites 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.

Women involved in CSE have a diverse range of needs and require specialist support. They may be hard to reach from mainstream services or unwilling or fearful to disclose their involvement.

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.

A full and comprehensive campaign would be required to change the narrative around commercial sexual exploitation, with a full multi-agency partnership response. This should be viewed as a medium to longer term campaign.

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.

Legislation to criminalise buyers of sex would help to prevent or eradicate this form of VAWG, discourage these practices and send a clear message that it is not acceptable in Scottish society.

Resource implications

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

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

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

There are clear financial implications for local authorities, specialist services and health boards and other members of Violence against Women Partnerships in terms of implementing the proposed bill and specialist support for those exiting.

There requires to be a thorough financial investment in tackling VAW in general including in this area of work as identified in the recent Independent Strategic Review of Funding of Specialist VAW services.

The aims of the proposed bill will unlikely be achieved without adequate, additional resource at the outset which may result in cost saving benefits in the longer term, and will have a positive impact on some of the most vulnerable women in Scottish society.

Equalities

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

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

This proposed bill could have a positive impact on addressing inequalities that women face. Commercial sexual exploitation targets women who experience a number of inequalities due to gender, race, disability, immigration status etc. Women with multiple intersectionalities are most vulnerable in society and at greatest risk of exploitation.

This proposed legislation is an opportunity to have a positive impact on women who face several disadvantages and discriminations 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?**

This proposed legislation could support the creation of a just society for future generations by addressing deep inequalities in Scottish society and changing the view that it is acceptable to purchase sex from women and that women may be bought and sold.