

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

Scotland for Decrim is a grassroots campaign fighting for the full decriminalisation of sex work in Scotland. The campaign is led by current sex workers, alongside allies including former sex workers, feminists,

academics, trade unionists, students, and organisations advocating for human rights, drug decriminalisation, LGBTQIA+ liberation, housing justice, and more. Our response to this consultation has been agreed on by all members of our group.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

We do not agree with the proposal to introduce a new criminal offence of paying for sexual services, often referred to as the 'Nordic model'. Criminalising the purchase of sexual services would put sex workers in more danger, increasing the poverty, stigma, and violence we face.¹

Client criminalisation means that clients are more scared of getting caught by police, so they may insist on meeting in more isolated areas where there are fewer people around, which increases the risk of violence to sex workers. It means that street-based workers have much less time to speak to a client to assess their behaviour and how much of a risk they might present, as the client wants to immediately move to a more isolated location. Criminalisation also means that clients are less likely to pay a deposit or to give references which enable sex workers to screen them. Screening includes checking if they are on any lists of bad clients, or if information has been shared about them by other workers to warn about dangerous behaviour. These are essential and established methods of reducing harm to sex workers which we undertake as a community to keep ourselves safe.

Criminalisation means that clients are less likely to report potential situations of trafficking or exploitation which they might witness, as they don't want to be arrested themselves. It makes it harder for the police and other services to find genuine victims of trafficking or exploitation, as advertising and workplaces are driven underground.

If criminalising the purchase of sex did result in a reduction in the number of clients, this would mean that the clients that remain are people who are more comfortable with breaking the law and may be more likely to be violent. Sex workers are forced to accept more dangerous clients if there are fewer clients available, because we still need to earn money in order to live. Increased criminalisation can make it more difficult to insist on clients using condoms, which puts sex workers at increased risk and negatively affects public health.

Criminalisation also means that sex workers are more reluctant to engage with support services for fear of being 'outed' and potential associated consequences such as eviction or deportation; this worsens sex workers' health outcomes.

Client criminalisation gives more powers to the police, but we know that the police cannot be trusted to protect sex workers, given how frequently they perpetrate harassment, abuse or violence against sex workers. For example, a 2021 report found that 42% of street-based sex workers in East London had experienced violence from the police.²

A wealth of evidence shows that sex workers experience worse poverty and violence under the Nordic model, and are still criminalised themselves: sex workers in Nordic model countries continue to report receiving fines,³ being arrested,⁴ being evicted from their homes⁵ or deported,⁶ as a result of doing sex work.

Increasing the criminalisation of sex work simultaneously increases the stigmatisation of sex work and sex workers ourselves. Sex workers do not need stigmatisation or moral judgement from politicians or the public: we demand rights, not rescue. The government should not make policies or laws on sex work without involving sex workers ourselves. The government should ask us about how we want to protect ourselves and then put those actions into place.

Every sex worker-led organisation in the UK is calling for the full decriminalisation of sex work: a legal model which decriminalises the sex worker, the client, and third parties such as managers, drivers, and landlords. Decriminalisation means that sex workers can work where and with whom we choose, without interference from the police unless workers choose to call them for help. Decriminalisation allows workers to access labour law to secure our rights, improve our working conditions, and tackle exploitation and harassment. Trafficking, exploitation, coercion and violence remain illegal under full decriminalisation.

Decriminalisation has been implemented in a number of Australian states over the past three decades, in New Zealand in 2003, and in Belgium in 2023. Sex worker-led organisations in these countries report an overall increase in safety,⁷ as workers feel more able to refuse risky clients, to report violence from clients, and to access healthcare.⁸

The full decriminalisation of sex work is endorsed by Amnesty International⁹, the World Health Organisation¹⁰, UNAIDS¹¹, the UN Working Group on Discrimination against Women and Girls¹², Human Rights Watch¹³, StopAIDS¹⁴, Freedom United¹⁵, JCWI, Liberty, the Global Alliance against Traffic in Women¹⁶, and many other organisations, as they know that decriminalisation is best for sex

workers' rights, health and safety.

Full decriminalisation is a necessary first step on the road to keeping sex workers safe. Sex workers also demand stronger anti-poverty measures from the Government, to ensure that no one is forced to resort to sex work if they don't want to. The Hookers Against Hardship campaign makes demands to address this crisis, including: universal access to benefits at a living wage level, rent controls, an end to benefit sanctions, and ending the 'no recourse to public funds' condition for migrants.

1. Ugly Mugs.ie, '<https://uglymugs.ie/wp-content/uploads/um-statement-26-mar-2019.pdf>', March 2019.
2. Dr Lucy Platt et al, '<https://sti.bmj.com/content/98/5/323>', 2021.
3. Mediciens du Monde, '<https://sciencespo.hal.science/hal-02115877/document>', April 2018.
4. Amnesty International, '<https://www.amnesty.org/en/documents/eur29/5156/2022/en/>', 2022.
5. Amnesty International, '<https://www.amnesty.org/en/documents/eur36/4034/2016/en/>', May 2016.
6. Dr Niina Vuolajärvi, '<https://www.lse.ac.uk/women-peace-security/assets/documents/2022/W922-0152-WPS-Policy-Paper-6-singles.pdf>', June 2022.
7. New Zealand Prostitutes' Collective, '<https://www.nswp.org/resource/member-publications/new-zealand-cedaw-shadow-report>', October 2018.
8. New Zealand Parliament, '<https://www.parliament.nz/en/pb/research-papers/document/00PLSocRP12051/prostitution-law-reform-in-new-zealand>', July 2012.
9. Amnesty International, '<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>' (May 2016)
10. World Health Organisation, 'https://iris.who.int/bitstream/handle/10665/90000/9789241506182_eng.pdf;jsessionid=9063C9ED37C79F821E0F7C6E25568890?sequence=1' (2013)

11. UNAIDS, 'https://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS_guidance-note-HIV-sex-work_en.pdf' (2012)
12. UN Working Group on Discrimination against Women and Girls, guidance document: 'https://www.ohchr.org/en/documents/tools-and-resources/guidance-document-working-group-discrimination-against-women-and' (December 2023)
13. Human Rights Watch, 'https://www.hrw.org/news/2024/01/31/human-rights-watch-submission-un-special-rapporteur-violence-against-women-and' (January 2024)
14. STOPAIDS, 'https://stopaids.org.uk/wp-content/uploads/2019/07/STOPAIDS-Position-Paper-supporting-the-full-decriminalisation-of-sex-work-1.pdf' position paper (July 2019)
15. Freedom United, 'https://www.freedomunited.org/news/freedom-united-sex-work-trafficking/' (August 2021)
16. Global Alliance Against Traffic in Women, 'https://www.ohchr.org/sites/default/files/documents/issues/women/sr/call56hrc/subm-sr-violence-against-cso-global-alliance-against-traffic-in-women.pdf' (January 2024)

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 agree that sex workers should not be criminalised for working on the street, including "loitering" or "soliciting" in a public place. Criminalisation serves no purpose, as it does not solve the economic conditions that frequently drive people into sex work. Conversely, giving sex workers fines for loitering or soliciting in a public place traps us in sex work, as we have to work more to pay off the fine. If the government were to repeal this offence but also to criminalise the purchase of sex, sex

workers would still be put in danger, as we would still be forced to work in more isolated places in order to avoid the 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.

We agree that the government should repeal previous convictions for soliciting for the purposes of prostitution in a public place. Convictions prevent sex workers from doing other forms of work if we want to do so, due to having a criminal record and also specifically due to the stigma of having a conviction for sex work. Convictions can also negatively impact other areas of sex workers' lives, such as our ability to adopt children or maintain custody of our children, or our access to housing.

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.

We are fully supportive of the proposal to give sex workers the legal right to support. However, our support for this proposal is dependent on how exactly this support would be structured. There should be no coercive aspects to gaining access to this support, such as making it a condition that the person must no longer engage in sex work. There should also be a recognition that for many people sex work is not always a full time, and constant form of work: workers frequently move in and out of this work as and when it is needed, and so

expecting people to have permanently 'exited' sex work is unrealistic and unhelpful.

It is important that these services be provided by those who have lived experience of sex work. Peer-led support is the standard for other forms of services such as this, and sex work should be no different. It is also of the utmost importance that there is no judgement or stigma by organisations providing support, as this acts as a barrier to sex workers accessing support services.

Support services should be available to anyone of any or no gender who requires them. Currently most services are targeted towards women, and although we make up the majority of sex workers, our brothers and non-binary siblings require support as well.

Rather than a focus on solely providing support to exit the industry, we would ask that there is more structural support by both the Scottish Government and Westminster Government to tackle poverty, which is the primary reason for people turning to sex work. Making disability benefits such as PIP/ADP easier to access, ensuring Universal Credit is at a level sufficient for people to live on, and ending austerity policies, will all help people to exit sex work more than any specialist services.

Many of us are disabled, migrants, single parents, queer or trans, and therefore much less likely to be able to gain less stigmatised forms of employment. There should be specialist support for these particular groups as they have further barriers in being able to exit the industry should they wish to do so.

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.

We do not agree with the bill overall, so this question is not relevant. We believe services should exist for those who do want to exit, but no one should be expected or coerced into this.

We would argue that all workers (and people who do not work) in Scotland should receive the financial, housing and other support that they need to survive, and to live well.

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?**

We do not agree with the proposed offence, and it should not be enforced.

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

We do not agree with giving police officers more powers, especially in relation to the criminalisation of sex work. It is evident that Police Scotland are institutionally misogynistic, homophobic, and racist, as admitted by Chief Constable Ian Livingstone last year, and cannot be trusted to engage with sex workers who have reported discrimination by Police Scotland in their handling of the Emma Caldwell case. Sex workers do not trust the police and to give them more power over us is to our detriment.

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 agree with support being provided for people in sex work, whether or not they wish to exit. All of the services we have

highlighted should be available to all people regardless of their occupation.

We do not agree with outreach visits to sex workers' places of work if these are undertaken by police officers under the guise of 'welfare checks' or similar. We would welcome a way to report bad workplaces and clients which is easily accessible for us to check, without government or police oversight.

We are also concerned with what "specialist medical consultations" would take the form of. Having mandated STI checks and being stigmatised in a medical setting is common for sex workers; what we require is to be given the same access to supportive and non-stigmatising healthcare as others. If specialist services are to be provided, then this should be conducted by those health professionals who have undergone training provided by sex worker-led organisations.

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.

We do not agree with the purchase of sex being criminalised, and as such do not wish for there to be awareness raising or advertising of this at all.

We believe in full decriminalisation and better sex education for all, as well as destigmatisation of sex and sex work; purchasing sexual services should not be an offence as two consenting adults should be allowed to engage in sex work as they choose. It is private behaviour that should not be policed.

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.

We advocate for the full decriminalisation of sex work, and would like to see this implemented in legislation in order to best protect the health, rights and safety of sex workers. Any politicians (or members of the public) claiming to be acting to protect sex workers should advocate for the full decriminalisation of sex work. The full decriminalisation of sex work is endorsed by Amnesty International (17), the World Health Organisation (18), UNAIDS (19), the UN Working Group on Discrimination against Women and Girls (20), Human Rights Watch (21), StopAIDS (22), Freedom United (23), JCWI, Liberty, the Global Alliance against Traffic in Women (24), and many other organisations, as they know that decriminalisation is best for sex workers' rights, health and safety.

Sex work is and always has been work and therefore should not be criminalised. Discussions around whether or not sex work is work, fulfilling work, or legitimate work is irrelevant to the fact that people who are doing it deserve safety, rights, and protections including the ability to report harassment and discrimination, and whistle-blowing, which can only be fully accessed under a non-criminalised framework.

There is already legislation in place to tackle human trafficking and sexual exploitation. When sex work is treated as equivalent to sex trafficking or sexual exploitation, sex workers find ourselves prosecuted and punished by law officials as a consequence.

Under current UK law, two sex workers sharing a space to work from is defined as a brothel, which means sex workers are criminalised for working together for safety. How a brothel is defined in legislative terms needs to be decided by sex workers themselves in order to prevent exploitation. Two sex workers sharing a working premise are not each other's pimps, yet this is how the law treats sex workers who work together for safety.

In countries that have decriminalised sex work, there are still laws which sex work has to abide by, which means certain types of sex work are permitted while others remain free of limitations. Brothels will operate more fairly and workplace conditions would be better if brothels came under a labour rights framework. If sex work became fully decriminalised, managed premises would still fall under labour rights law.

17. Amnesty International,
'<https://www.amnesty.org/en/documents/pol30/4062/2016/en/>' (May 2016)

18. World Health Organisation,
'https://iris.who.int/bitstream/handle/10665/90000/9789241506182_eng.pdf;jsessionid=9063C9ED37C79F821E0F7C6E25568890?sequence=1' (2013)

19. UNAIDS,
'https://files.unaids.org/en/media/unaids/contentassets/documents/unaidspublication/2009/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf' (2012)

20. UN Working Group on Discrimination against Women and Girls,
guidance document: '<https://www.ohchr.org/en/documents/tools-and-resources/guidance-document-working-group-discrimination-against-women-and>' (December 2023)

21. Human Rights Watch,
'<https://www.hrw.org/news/2024/01/31/human-rights-watch-submission-un-special-rapporteur-violence-against-women-and>' (January 2024)

22. STOPAIDS, position paper: '<https://stopaids.org.uk/wp-content/uploads/2019/07/STOPAIDS-Position-Paper-supporting-the-full-decriminalisation-of-sex-work-1.pdf>' (July 2019)

23. Freedom United, '<https://www.freedomunited.org/news/freedom-united-sex-work-trafficking/>' (August 2021)

24. Global Alliance Against Traffic in Women,
'<https://www.ohchr.org/sites/default/files/documents/issues/women/sr/call56hrc/subm-sr-violence-against-cso-global-alliance-against-traffic-in-women.pdf>' (January 2024)

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.

Implementing this bill would take up police time and costs, and time and costs in the legal system to be prosecuting people who purchase sex.

Healthcare, welfare and housing costs may also increase as a result of the negative impact on sex workers. When sex workers can't work without fear of their clients getting arrested in front of them, it will have a seriously negative impact on their overall well-being and safety. It may also lead to a smaller client pool for some period of time. All of this will lead to less income for sex workers. It will increase stigma for workers and for their chosen method of financial survival in ways which will negatively impact their lives, including sex work being driven further underground. Consequently, more sex workers will find themselves in financial crisis and might start to rely on benefits.

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 bill would have a disproportionately harmful effect on: women, women of colour, disabled people, LGBTQ+ people and particularly trans people, young people, and single parents. All of these groups are disproportionately likely to go into sex work and thus to be harmed by client criminalisation. Many sex workers are in these groups.

LGBTQ+ people and particularly trans people sometimes experience discrimination in the job market which leads them to rely on sex work.

Young people are paid a lower minimum wage so are more likely to need to go into sex work to support themselves.

Disabled people often can't work full time and some support themselves by doing sex work, as benefits or a part-time salary is barely enough to live on for one person, let alone

when they have dependents. Unpaid carers also often rely on sex work, as the work is flexible and pays more than other part-time jobs.

Government immigration policy makes it difficult for migrants to survive if they cannot rely on public funds or are prevented from working, or if they cannot report violence or exploitation without potentially being deported.

Increasing stigmatisation around sex and sex work can be particularly harmful for people whose religion already disapproves of sexual behaviour, which can lead to harms to mental health and emotional wellbeing.

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?**

The proposal to criminalise the purchase of sex will prevent us from achieving a strong, healthy and just society, as it will make it more likely for sex workers to experience poverty, eviction, violence, and worse health outcomes. It also perpetuates the outdated and dangerous patriarchal idea that women's sexuality needs to be "policed" and "protected" and kept to serve traditional relationship structures.

Many sex workers are already paying tax on their income, but for work which is potentially criminalised. It is not fair that we are expected to pay tax on our income from a job that is not seen as "real work". Sex work is work, therefore sex workers should be given the same rights as other workers.

The proposal to criminalise the purchase of sex will increase the stigmatisation of sex workers. Everyone deserves access to rights and dignity, no matter their work.