

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

Our organisation is North Ayrshire Health and Social Care Partnership. We provide public services across the Local Authority for all ages. In

compiling a response, consultation was sought from adult and youth Justice teams who have experience working alongside women involved in prostitution and who are likely to be impacted by any change in policy or legislation in this area.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**

North Ayrshire Health and Social Care Partnership

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.

It is argued within the consultation paper that women exploited in prostitution are often the most vulnerable in society and that their involvement is not a 'free choice'. Women who sell sex are vastly more likely to experience violence and have higher reported rates of PTSD than combat veterans. The paper highlights that a multitude of issues including poor mental health, trauma, coercion and addiction are often routes into prostitution but then also act as a barrier to exiting it.

A 2016 literature review also found that there is an indication that a large number of women involved in prostitution became involved as children, spent time in Local Authority care and experienced sexual abuse during their childhood. Our Youth Justice team were consulted and were in agreement, through their experiences, that the young women involved in prostitution are often from areas of poverty and high deprivation and have experienced significant trauma including being victims of sexual abuse.

Many countries have adopted similar legislation, repealing soliciting laws and introducing new crimes of buying sex. These include Iceland, Ireland, Sweden, France and Canada. The paper highlights some early evidence that this has had a positive impact on public attitudes, reductions in prostitution and decrease in demand.

This first part of the bill proposes to introduce a new offence of buying sexual acts. A compelling argument is made that prostitution is driving demand and that targeting those buying sex will reduce this. Evidence within the paper suggests that this is the case in the other countries that have adopted similar legislation. It would also be anticipated that the decrease in demand would result in a reduction in sex trafficking.

However, to support this stance, there would have to be full support of the view that prostitution is violence and that women selling sex have no 'free choice'.

If taking the perspective that prostitution is violence against women then it would be difficult to justify not supporting this change in legislation.

However, there could be an argument made that women's need to enter prostitution is indicative of broader and deeper rooted societal problems, primarily driven by poverty and deprivation. As such, removing their right to enter prostitution could remove the choice for individuals with already hugely limited choices or life chances. Could resources be targeted at addressing the underlying issues that drive women towards prostitution and to supporting their exits should they wish to do so. Perhaps a greater focus on preventative work could prove more effective in the longer term.

Additionally, there have been argument made that criminalising the buying of sex could send prostitution underground. This is refuted within the paper, advising that there is no evidence to support this claim. However, consultation with Justice Social Work staff who have previous experience of working with women in prostitution found that there was a concern that criminalising men would eliminate the most 'pro-social clients' leading women to take more risks and having to sell sex to higher risk individuals. This evidence is of course anecdotal; however, perhaps further and more in-depth consultation with women involved in prostitution would be beneficial to gather views from those with lived experience and who will be most impacted by any changes.

**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 second part of the bill fits well with North Ayrshire's commitment to challenging and reducing violence against women and girls. Punishing women involved in prostitution is further victimising already damaged individuals and perpetuates the harm caused. It is also recognised that women, and some males, are exploited, coerced or forced into prostitution and as such should be supported to exit as opposed to criminalised. The 'Equally Safe' strategy was

introduced in Scotland in 2014 which aims to eradicate violence against women and girls. This legislation would take steps towards recognising the issue of selling sex and create a more equal society. Essentially, within the law at present, women can be arrested and charged with soliciting. Given that women involved in selling sex are the most vulnerable and traumatised in our society, there is a strong argument to move away from this punitive measure. Again, their involvement in prostitution could be viewed as less of a choice, due to their enormously restricted life choices. Overall, there are clear benefits for the second and third elements of the proposal. Decriminalising solicitation would address the balance whereby women are further victimised through criminal charges whilst already experiencing deficits on so many other aspects of their lives. Again, adult and youth Justice colleagues were consulted and were hugely supportive of this proposed change. It is argued that criminalising women causes further stigmatisation and compounds the issues they face. This can also create an additional barrier to seeking support due to the stigma and potential illegality involved.

**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.**

Should the legislation in relation to solicitation be changed, we would support repealing previous convictions for this offence. One of the underlying principles of the proposed change is the commitment to and drive towards achieving gender equality. As such, repealing these convictions would demonstrate this commitment and act as an acknowledgment of the inappropriate and oppressive nature of the current legislation in this area.

**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.**

This element of the bill again aligns with North Ayrshire's general values and principles of supporting the most vulnerable members of our community. This would perhaps allow for more specialist supports to be provided at the most crucial time in an individual's exit from prostitution. There would of course be the issue over how these supports are funded and who provides these; however, taken at face value, this would provide a safety net for those looking to exit and move on from prostitution. Again, this would also demonstrate a commitment from the Scottish Government to genuinely support individual's exiting prostitution.

**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 feel that this would be important to include. If legislating for the right to support, including provisions within the bill is vital to ensure the legal right aspect does not become tokenistic.

**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?**

For the new bill to have the desired effect, which is a reduction in demand for prostitution, convictions for purchasing sex would likely have to be pursued. We feel that a proactive approach would be required to address the issues discussed and again to ensure the new legislation does not become tokenistic or ineffective.  
The most obvious obstacle would be the additional resources

for police who are already operating within budgetary constraints. As such, there is some concern as to what other aspects of policing would be impacted as a result. Although not directly linked to enforcement, Justice colleagues have raised a question regarding sentencing/disposals. The proposal advises that the offence would carry a £10,000 fine or prison sentence of up to 6 months for summary and 12 months on indictment. There is no mention of other community disposal being made available as a means sentencing. Should this bill be passed, those committing the new offence would perhaps benefit from input to challenge and address these behaviours, to aid in their rehabilitation and reduce the likelihood of further offending of a similar nature.

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

This is perhaps out with our area of knowledge and expertise. Out with additional powers, it is felt that training for police and other relevant services will be key. Should there be a legal right to support, officers should be equipped with knowledge of appropriate resources and how these can be accessed in order to distribute this information in the course of their duty.

**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.**

Evidence would suggest that women involved in prostitution are likely to experience a broad range of issues and difficulties for which they would require support. The services and initiatives

above all appear relevant and appropriate in providing support and meeting these needs. Some supports mentioned are already available; however, having organisations trained to work with individuals involved in prostitution would perhaps be beneficial to help build a level of understanding and expertise. Perhaps using people's lived experience could be beneficial in enabling women to see first hand that they can successfully exit prostitution.

There is some concern that the outreach could be impacted if the first part of the bill is enacted as this would create a level of illegality for the men accessing the services and as such make this more illicit and make access to brothels or similar premises more difficult.

**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.**

Education and training will be vital in relating any changes to legislation and increasing understanding around this. Most of the methods above would appear suitable in achieving this. Inclusion in secondary education would help relay this to younger generations and embed understanding of this subject within younger generations. The materials to support and exiting services for people involved will also be crucial in conveying these changes and highlighting the supports available. Once more, this would also increase the message intended through this bill and emphasise the Scottish Governments commitment to equality.

**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.**

If the goal is to reduce the demand for prostitution, then the first part of the proposed bill may be required. However, we have expressed some reservations regarding the criminalisation of buying sex. The second two elements are perhaps clearer. Decriminalising the act of solicitation for a largely marginalised and stigmatised group is an important step in addressing gender equality and acknowledging the inherent unfairness of the previous legislation. Again, the third element of the bill, to legislate for exit supports, is also essential to demonstrate this commitment and increase the supports and choices available for women involved in prostitution.

The recorded crimes associated with prostitution have reduced significantly in the past 10 years; however, the issue of prostitution persists. As such, based on the evidence offered within the proposal, criminalising buying sex appears the most logical means of attempting to reduce this in the hopes that it will act as a deterrent. However, it may be beneficial to examine any research and outcomes for other nations that have adopted legislation which decriminalises prostitution without making buying sex illegal. This may add some additional context and balance to the argument. As also mentioned, gathering more in-depth testimony from those with lived, and current living, experience would be beneficial. If one of the underlying purposes of the legislation is to protect women in prostitution and increase equality and safety, then direct consultation with this group is essential.

## **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.**

We would anticipate a cost implication should the bill pass. This would potentially require additional resources for police to help enforce the new legislation. There would be cost involved in relation to raising public awareness and advertising of the new changes. Additional supports would also be required to help women exit prostitution. If implemented well, specialist services would be required, to provide these services in 'higher risk' areas.

## 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.**

One of the purposes of the legislation is to increase the level of equality for women. This could therefore have a positive impact. Another issue to consider may be the impact for migrant women. There may be a hesitation to access the additional supports recommended for fear of deportation. This could result in this population remaining within prostitution and becoming additionally vulnerable and isolated. We are unsure if provisions already exist in these instances; however, if not, perhaps further exploration on how migrant women can be identified and supported would be beneficial.

## 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?**

Measures proposed within the bill could assist in creating a stronger, more equal society for future generations. This would result in more equal treatment as women will no longer be criminalised for their role in prostitution. Additional supports would also be included as a right within legislation which would ultimately improve their chances of moving on from prostitution to a more positive destination.