

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

NRS, VAW services have specific responsibility for taking forward work on violence against women on behalf of the Glasgow City Council.

Managing support provision for women involved in prostitution and women who have been trafficked for sexual exploitation provides a wealth of specialised knowledge on the issue of prostitution and trafficking and in particular the experience and needs of women.

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

There have been robust, strategic and well developed partnership arrangements in Glasgow to address the various issues of violence against women and girls since 1998. Glasgow City Council and partners have provided a dedicated service to women engaged in selling sex since 1989 with GCC adopting its current policy approach to tackling prostitution since 1999. This approach is informed by the direct and lived experiences of women involved in prostitution and in 1999 GCC produced a policy statement on how the city would tackle prostitution; most importantly it named and identified prostitution as violence against women. Routes Out Partnership was established, which is a dedicated themed social inclusion programme to develop models to support women involved in prostitution, reduce the harms caused, offer safety planning and effective interventions along with support to exit.

The policy was updated in 2009 to include all forms of commercial sexual exploitation, recognising that they do not exist in a vacuum, and they are all part of the same continuum of harm.

This policy approach has consistently reflected the view that the current legislative framework fails to tackle all systems of prostitution, does not protect the vulnerable women (and men) engaged in selling/exchanging sex and that there are insufficient protections in law aimed at preventing this form of violence against women.

The absence of a robust legislative framework that seeks to hold those accountable for the harm caused negates the Equally Safe aspirations to prevent and eradicate violence against women and girls. There is a significant gap in addressing the behaviours of men who seek to buy sex, in

particular those who seek to buy online or indoors who currently do so with impunity and zero legal or social consequences.

There is a failure to implement current legislation to tackle kerb crawling via the Prostitution Public Places (Scotland) Act. Despite the prevalent myth that street prostitution has all but disappeared, in 2023/2024 Routes Out recorded 496 sex buyer observations and identified 69 individual women selling sex in the East End of the city with little to no sex buyers being charged with corresponding kerb crawling offences. Routes Out noted that in April to June 2023, 90 sex buyer observations were recorded by their team, but service colleagues were able to advise that only 3 men were charged with the purchase of sex during this time.

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 systems of prostitution are not there by free will and free choice. It is of vital importance that we cease viewing women involved in systems of prostitution as criminals. The Equally Safe refresh in 2023 clearly defines systems of prostitution as violence against women and girls. If this approach is agreed then the systematic criminalising of women exploited and harmed by this violence is wholly out of step with Scottish Government strategy which seeks to prevent women becoming involved, ensure access to harm reduction supports and support women to exit systems of prostitution. The Scottish Government must demonstrate leadership and commitment to addressing this institutional human rights abuse of women by repealing section 46 of the Civic Government (Scotland) Act 1982. By doing this, it will be delivering a clear public statement that the harm done to women is violence and abuse and women should not be criminalised or be found in any way responsible. Police Scotland have a current policy approach of not arresting women for soliciting, however in order to send a clear message, the legislation must be repealed. Routes Out is also aware of, albeit a dwindling

number of women, who have been charged with s46 offences. (April to June 2023 records 1 woman being charged.) Routes Out has been involved in the delivery of support to women involved in systems of prostitution for over 30 years. The overwhelming majority of women accessing the service have indicated that they do not wish to remain involved in prostitution however there were many barriers preventing them to exit, including homelessness, substance use, rape and sexual violence, poverty, adverse childhood experiences including sexual abuse and criminal convictions, including for soliciting. Nowhere else in our society do we seek to criminalise traumatised women. We must focus our efforts on making men who seek to buy sex for their own gratification front and centre of our response.

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.

All convictions related to section 46 of the Civic Government (Scotland) Act 1982 must be expunged. If we accept that women are harmed and abused by systems of prostitution, then we must take action to undo the harm caused by historical convictions. Criminal Justice records are harmful to women seeking to rebuild their lives, reconnect with their families including any children they might have and to seek employment

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 approach has proven success with The Human Trafficking and Exploitation Act (Scotland) 2015 which contains explicit supports that potential victims/survivors are legally entitled to receive, placing these clear entitlements of victim/survivors onto a statutory footing and ensuring resources, financial and otherwise, were in place for this right to support to be realised.

The TARA Service have found that taking a rights based approach offers much reassurance to undocumented women who are wary of coming forward for support due to immigration concerns real or perceived, many of which have been used by traffickers or abusers to prevent them from seeking help.

Legally mandated supports ensures that there is an obligation to maintain services and means a holistic, trauma informed and staged approach can be delivered as evidenced by TARA.

However, Routes Out, which is a comprehensive holistic approach focussed on both Outreach and tailored case management, is unique in Scotland and can only meet the needs of women in the city due to the local authority's commitment. Their services are not statutory obligations and are therefore based on a current policy approach. No other similar service exists in Scotland as there are no legal obligations on public services 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.

Glasgow has a dedicated support service Routes Out which offers outreach, support, advocacy, sign posting and exiting services to women involved in any form of prostitution whether that is on street, online or indoor. Predominantly, but not exclusively the service supports women involved in on street prostitution. When women seek to exit prostitution, she has to negotiate many barriers in order that she accesses a safe place to live, access to substance use recovery support and trauma informed support services. No one can achieve this on their own and support services are essential.

Our understanding from other jurisdictions such as France, Sweden, Ireland, Northern Ireland, Norway and others is that support for women must be included in legislation, be resourced adequately by governments and be robustly implemented. As highlighted above such support must include ongoing and accessible safety and harm reduction with a robust response in place when women decide to leave prostitution and there must be a statutory obligation on the state to ensure consistent application of support and long-term funding. This ensures that women have meaningful, accessible rights, entitlements and alternatives with sufficient options to support informed choices for women.

We are of the strong view that the partnership approach undertaken by Routes Out in Glasgow and TARA nationally alongside a trauma informed 'case management' approach can be replicated to meet the needs of women involved in prostitution taking account of the local and geographic differences in Scotland.

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?

Police Scotland have the responsibility for enforcing the law and Crown Office Procurator Fiscal Services have the responsibility for prosecution.

We would propose a collaborative multi-agency approach is required to achieve a robust end to end process. This must involve comprehensive specialist training for Police Officers and COPFS to ensure that those involved in buying of sex are held accountable for their actions.

We are not of the view that policing sex buyers will drive prostitution underground nor do we agree that the cooperation of those paying for sex is necessarily required to evidence prostitution or brothel keeping. Those paying for sex are causing direct harm to women and should be held accountable for their part in the continuum of abuse women experience. It is a common frustration to hear that men found in a brothel which results in women being referred to TARA as potential victims of human trafficking are currently considered 'witnesses' to prostitution occurring rather than perpetrators who have solicited sex acts from potentially trafficked women, who by definition, cannot give consent.

It is essential that learning is taken from the implementation of

legislation in other jurisdictions such as Northern Ireland; France; Sweden; Norway where a challenging demand approach is enshrined in law.

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

N/A

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.

Clear pathways to regularise immigration status for undocumented women.

Removal of NRPF for women caught up in systems of prostitution.

Specialist legal advice and representation for a wide range of legal needs

Access to drug and alcohol services including provision for women only abstinence based residential rehabilitation and prioritisation for commercially sexually exploited women.

Access to crisis counselling and psychological treatment services at the point of need

In the experience of both Routes Out and TARA, women across the continuum of commercial sexual exploitation require a

holistic and robust support and advocacy services to support women to feel safer and meaningfully exit systems of prostitution. Women routinely present to both services with a wide range of complex needs from fundamental access to basic human rights such as safe and appropriate housing, welfare benefits and health care. Women increasingly require access to complex legal advocacy across all areas of law including criminal defence, immigration, housing, welfare rights and family law to realise their current rights and entitlements.

Routes Out – case example

Jean is Scottish and from Glasgow. She has been known to Routes Out for many years but was recently rereferred to them for support by her Housing First worker. Although she was not currently selling sex Jean, was struggling with her mental health, childhood sexual and emotional abuse and self-harming.

When she met with Routes Out, she talked about her past involvement in prostitution, her father's abuse of her mother and how he had sexually abused her as a child. She shared that when she was around 5 or 6 years old her father took her to a flat where men would come and sexually assault and abuse her. Jean also shared that her older sister was also involved in on street prostitution, and she remembers selling sex in the city with her from around the age of 12 years. She disclosed that they were expected to bring money home to their father which she described as 'dad's wages'.

Jean continued to sell sex into adulthood as she believed this was what she was born to do. Jean was abused in her own marriage where her partner kept her involved in prostitution and eventually her children were removed from her care. She became homeless, started using heroin and selling sex for a number of years. Jean continued to survive abusive relationships and coercive control from men (all of whom profited from her sexual exploitation) and she was taunted by various neighbours for her struggles with her mental health and past involvement in prostitution.

Jean had a serious drug overdose which resulted in her being in a coma at which point she became illicit drug and methadone free and stopped selling sex. This was a difficult time for her as she began to experience flashbacks and trauma related to her childhood and experiences in prostitution. Jean had lived her entire life without really feeling anything and was overwhelmed with all the emotions flooding her whilst in recovery.

Jean has several mental health diagnoses, including PTSD and anxiety. She used to cut herself as a way of coping with her ongoing feelings of self-loathing and worthlessness. Anger is

another feeling that can overwhelm her as she feels services, such as police and social work, let her and her sisters down as she believes they should have seen the abuse, intervened and protected them as children.

Routes Out were able to support Jean with access to safer accommodation, to take control of and manage her own finances and to start an HNC in college. Routes Out created a safe space for her to explore her feelings around her childhood and within prostitution and her worker provided Jean with the emotional support, advice and advocacy to sustain her exit from prostitution. Jean is very clear that prostitution is harmful and has negatively impacted every aspect of her life.

Although she still experiences challenges and doubts her own abilities, Jean is now an active member of her community and is a valued member of the local dog walking group. She has not self-harmed for months and faithfully attends weekly counselling sessions. Jean is beginning to live a fulfilling life, has increased her independence and is back in touch with her sons. She spent Xmas with them and has been delighted to be introduced to her granddaughter.

TARA – case example

Hanh is Vietnamese and was trafficked and sexually exploited in Europe between 2017 and 2020. Hanh disclosed that she was arrested at least 3 times in Germany and revealed being trafficked to local police there, but no action was taken.

In 2020 Hanh travelled in a lorry to the UK where she was offered a childminding job in Scotland after refusing to 'work' in a brothel again. Hanh was then told she would need to cultivate cannabis plants, and she was not allowed to leave this house. One day the landlord of the property visited and contacted the Police who took action and Hanh was arrested and imprisoned. Hanh disclosed her account to a social worker undertaking a court report and Police Scotland were instructed to undertake a referral to the NRM (National Referral Mechanism). A positive RGD (Reasonable Grounds Decision) was issued, and Hanh was bailed to TARA pending trafficking investigations.

Proceedings continued with two court dates taking place in early 2021. Hanh was excused from attending on both occasions, with her defence solicitor attending on her behalf, as no CGD (Conclusive Grounds Decision) decision had been made and they were still awaiting the outcome of the NRM. A third court date was set and again, Hanh was advised that she would be represented by her defence solicitor. TARA were notified by the defence solicitor that due to limited information from the Single Competent Authority,(SCA) (despite repeated promises from the Home Office of information to be provided ahead of scheduled court dates) the Sheriff felt it was reasonable to bring the case to

a closure to the benefit of Hanh and that he admonished her. No penalty was imposed by the court although her criminal record remained.

Hanh then went onto receive a Positive Conclusive Grounds Decision early in 2022 acknowledging that she was a survivor of human trafficking. In light of this, Hanh was keen to see whether the appropriate representative could support her to challenge her criminal record.

An appeal hearing was scheduled for Autumn, but TARA received an update the previous week from Hanh's criminal solicitor to advise that she had received correspondence from the High Court Justiciary office. This stated that they had quashed the conviction with the written submissions only, as they agreed that there has been a miscarriage of justice.

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.

All opportunities should be capitalise on to raise awareness

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 is required to effect the necessary change that allows women harmed and exploited in systems of prostitution to recover and thrive. Over a number of years there have been many attempts to introduce legislation and for various reasons these have failed.

As highlighted above the current legislative framework fails to protect and keep women exploited in prostitution safe and as such it could be contested that it is wholly out of step with Human Rights Act and Equality (Scotland) Act 2010 Public Sector Duty. There is a responsibility for public bodies including the Scottish Government to ensure that it is taking all possible steps to fulfil its obligations in relation to gender equality and pay due regard to remove or minimise the disadvantages women experience.

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.

NRS VAW Services are of the view that all public sector bodies would be impacted by the introduction of legislation, including Police Scotland; COPFS; Criminal Justice Services; Homelessness Services; NHS primary and acute care; Substance Recovery Services, this would require significant resourcing.

To implement the model of service delivered in Glasgow by Routes Out requires £400,000 of local authority funding. To replicate this service across Scotland would require public sector funding to deliver the required support services.

The TARA Services is currently in receipt of £622,000 of Scottish Government funding to deliver a trauma informed support service nationally.

To provide equivalent support across Scotland will require significant long term sustainable funding to be made available. This is necessary to ensure comprehensive

services for all women, in all systems of prostitution, alongside criminal justice resourcing to ensure the consistent application of the law across Scotland. given the significant, wide ranging and complex needs of this cohort of vulnerable women we would expect the legislation to primarily impact on law enforcement and public sector resourcing and capacity. Primary prevention work will be required to prevent women becoming vulnerable to commercial sexual exploitation in the first instance, with robust, resourced and consistent secondary prevention support services to assist women to exit. There are resource implications for the criminal justice sector who will require support to ensure successful implementation and enforcement of legislation criminalising demand. Tertiary prevention must be included to ensure women impacted by the reduction in demand are provided with long term support and access to wide ranging legal remedies to prevent revictimization.

For this legislation to be successful and achieve its aim of ensuring Scotland is robustly equipped to tackle male demand and ensure women have meaningful alternatives it must be consistently resourced to ensure implementation. Successful application of the law targeting those paying for sex would be expected to result in an increase in substantial fines whose revenue should be diverted to pay for services supporting women.

There may be an impact on businesses profiting from the sexual exploitation of women such as lap dancing clubs or so called Adult Services Websites, but given the harm directly caused to women and equality in Scotland, we consider the benefits to significantly outweigh any negative consequences. We are of the view that any legislative changes to protect women harmed in sexual exploitation must take into consideration the licensing of sexual entertainment venues (SEV) in Scotland. There would seem little value in protecting women involved in street, indoor and online prostitution while ignoring the sexual exploitation of women in SEV's.

The benefits from this group of women being able to live safely, independent of support services, and for some to successfully (re) enter the workforce will eventually ensure that the impact, financial and societal, will reduce over the years.

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.

NRS VAW Services is of the view that the proposed legislation will not negatively impact on any individual or groups in society. Prostitution is an oppressive and harmful system which negatively impacts on individuals and on our society. Systems of prostitution are inseparable from pimping and human trafficking. It violates human dignity and undermines women's right to equality. A culture which colludes with the systems that allow prostitution to exist damages the possibility of creating relationships of equality, respect and honesty between men and women. Prostitution is an institution which reinforces and perpetuates the unequal status of all women. Systems of prostitution exploit multiple forms of inequality, including women's place in society and how she is perceived, her race, her colour or her poverty. It reduces all women to a 'sex class', whether she is involved in systems of prostitution or not.

The introduction of legislation will have a positive impact for all women.

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?

NRS Violence Against Women's services views that the proposed law will enhance Scotland's opportunity to create a more just society for future generations that will be stronger and healthier. This new law would hold those to account for the harm caused by seeking to buy on-street, online or indoors with little to no legal or social consequences.

The proposals could address the institutional human rights abuse of women, decriminalising women with the repeal of section 46 of the Civic Government (Scotland) Act 1982. Whilst providing a clear public statement that the harm done to women is violence and abuse. The evidence provided

above is clear that prostitution is inherently violent and damages those in it, that exiting is much harder and it compounds and amplifies the disadvantages that lead women to enter it. Prostitution damages society. This law could provide a unique opportunity to hold those who harm to account, provide the necessary support and protection for those harmed and take a practical step to creating a culture shift.

A key to any law is it can help shape social norms, making clear what is not acceptable and discourage it by providing consequences and sanctions. Those consequences will shift the balance of power to women who will have protection and the opportunity to access support and exiting services.

Principally, prostitution is a gendered issue. As with all forms of violence against women and girls, it stems from gender inequality and is created and maintained by the demand from men to buy sexual access to women. There is a major power differential between the men who buy sex and the women they buy, in terms of her poverty, unequal social status and abuse history. Being female in our society is a significant risk factor for gender based violence. Global prevalence information from WHO indicate that globally around 1 in 3 (30%) of women worldwide have been subjected to either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime. www.who.int/news-room/fact-sheets/detail/violence-against-women

Gender inequality is entirely incompatible with the universal standard of human rights. Under Article 1 of the European Convention of Human Rights, the UK is required to convey the Convention Rights and fundamental freedoms of 'everyone within their jurisdiction'. Given this, a failure to protect a woman from violence may breach: Article 2 (her right to life); Article 3 (her right to be free of inhuman and degrading treatment); Article 4 (her right to be free of slavery and servitude).

Sex is not a human right, and no one is entitled to anyone's affection or body.

This proposed law clearly provides an opportunity to reverse these inequalities and create a more just society for future generations that will be stronger and healthier.