

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

I have been researching prostitution and prostitution policy reform since the late 1990s. I have written two books and numerous articles and book chapters on the subject. I have had several RCUK grants to investigate prostitution and child sexual exploitation. I am not a 'sex work' scholar. My concern has always been matters of criminal justice, especially the links between poverty, prostitution, exploitation and violence

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).

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- I would like this response to be considered, but not published (“not for publication”)

If you have requested anonymity or asked for your response not to be published, please give a reason. **(Note: your reason will not be published.)**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 **(Note: The name will not be published if you have asked for the response to be anonymous or “not for publication”.)**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

I have been researching and writing about prostitution policy reform for nearly 3 decades. I support this proposal – along with the provisions to repeal soliciting and loitering offence and previous convictions for soliciting and loitering – for many reasons. But before going into detail, some context about the challenges of the evidence base. Prostitution has been the subject of nearly 200 years of academic (especially criminological and sociological) research across Europe, North America and other Anglophone countries. In as much as there are any 'facts' in social science, there are several facts about prostitution that most academics regardless of where they stand on the prostitution versus sex work will agree. 1. Even though there may well be women who are able to engage in the exchange of sex for money in ways that enable them 'more control' over their working conditions, there is no doubt that as a social and economic institution, prostitution is a dangerous business. Any form of legalised or decriminalised prostitution (sex work) may well address some of the risks but it does not and cannot do the one thing that legalisation or decriminalisation was intended to do. It cannot stop the violence, the exploitation, the trade in girls and women which happens outside of the 'zones' or legalised brothels. This is because prostitution does not exist in a vacuum. The economic infrastructure of prostitution is deeply intertwined with the illicit economies of crime, drugs, smuggling and so on. 2. The issue of consent in prostitution is extraordinarily complex and has been the subject of extremely heated exchanges between academics and activists. This is partly because consent is thought of as whether or not a person has a choice. However, what the actual evidence from 200 years tells us is that, for the most part, the force of necessity compels women into prostitution and once there they find themselves in a social and economic institution that is, as above, dangerous. 3. The main

risks to women in prostitution are well recorded in the literature: exploitation, rape, physical assault, sexual health and wellbeing, stigma, drugs and alcohol problems. Since the 1990s, there is strong evidence about the links between housing problems and prostitution – this is especially the case for migrants. The psychological damage caused by prostitution is also well known – with several charities in the UK dealing with the outfall of this (see Nelson Trust Griffin and Phoenix projects, see also Changing Lives in Newcastle-upon-Tyne). Added to this, there are the consequences of criminalisation for prostitution-related offences such as soliciting and loitering, brothel keeping and so on. 4. It is more appropriate to speak about prostitutions in the plural than prostitution in the singular. Prostitution as a ‘market’ (i.e. a social and economic institution) is as complex and variegated as any other ‘market’. 5. Women in prostitution suffer from the stigmatizing effects being involved in prostitution – and this seems to be the case regardless of model of regulation or legal framework. 6. Prostitution research in the 21st century has become highly politicised with academics and activists often starting from an absolutist, moral position – one is either ‘for’ it or ‘against’ it. Evidence about this, that or the policy change is ultimately shaped by individual academics’ primary position, but also funding schemes and the disciplinary based from which the research arises. My academic interest in prostitution and prostitution policy reform is and will always be in studying the intersections of poverty, exploitation, violence and prostitution. Prostitution as a market generates the risks and problems for and to women that this consultation document outlines so well because of women’s position in that market. The idea that we can create a well regulated market (whilst simultaneously ignoring the idea that there will not be a thriving black market alongside it) is not borne up in the research – even from New Zealand if only because so much prostitution research these days starts from an a priori position. This a priori position is about whether prostitution is abuse or work. The tension between these two positions cannot be resolved. Prostitution – as broad ‘market’ or social institution – is both abuse and work. I support this proposal because the fundamental fault in logic of legalisation or decriminalisation research (and the plethora of evidence that has been produced recently about the dangers of criminalisation to women and girls) is the assumption that ‘the problems’ of prostitution will be cured because if left unregulated ‘the market’ will sort itself out. So far, the bulk of legislation in Scotland (and the UK) targets women. This needs to stop in line with the very strong evidence we have about the conditions of existence many (not all) women in prostitution experience. But, I do not support a criminalisation of the purchase of sex model of intervention if it does not have strong welfare support built into it from the very

beginning. Criminalising the demand does nothing to address the problems many women in prostitution face if what criminalising the demand means in practice is just shifting the policing from policing the women to policing the men with no other changes in force.

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.

Apart from the fact that soliciting and loitering are anachronistic (i.e. prostitution has shifted from the streets to online or via groups and gangs), repealing this section stops policing efforts being focused on the women.

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.

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

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

- Partially opposed
- Fully opposed
- Unsure

Please explain the reasons for your response.

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

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

Please explain the reasons for your response.

6. How should the proposed offence be enforced. Are there any particular techniques which you think should be used or obstacles which might need to be overcome?

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

8. Please indicate which of the following forms of support and/or services you think should be provided for people in prostitution and exiting prostitution (place an x into the brackets of as many options as you agree with):

- Exiting support workers
- Drop in services
- Outreach visits to brothels, saunas and other similar premises
- Specialist medical consultations
- Access to drug and alcohol services
- Access to counselling and psychological treatment services
- Specialist housing schemes for women in crisis
- Support to access education, training or work

- Financial advice, debt support etc
- Other (please give details)

Please explain the reasons for your response and provide examples of best practice.

200 years of criminological research has confirmed, time and again, across different countries that women in prostitution often have complex social, economic, welfare needs. This is not the case for *all* women in prostitution, but it is the case for many of the women whose involvement in prostitution is marked by economic exploitation, the complex mess of drug and alcohol problems, previous histories of abuse and so on. There is no point criminalising the purchase of sex whilst not also paying attention to the needs of the women who find that selling sex is the best of all the worst possible options for them.

9. **Please indicate which of the following ways of raising awareness of the new offence you believe to be most effective (choose as many as you agree with):**

- Internet and social media advertising
- TV advertising
- Print media advertising
- Billboards in public places and transport
- Leaflets to households
- Materials to support and exiting services for people involved in prostitution
- Materials targeted at areas where prostitution is known to occur
- Materials to health and mental health services
- Materials to further education sector
- Inclusion in secondary education (Relationship, Sexual Health, Parenting classes)
- Other (please give details)

Please explain the reasons for your response.

10. **Do you think legislation is required, or are there are other ways in which the Bill's aims could be achieved more effectively?**

Please explain the reasons for your response.

Resource implications

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

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

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

Equalities

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

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

There are arguments made that transgender people and gay men would be disproportionately impacted by criminalising the purchase of sex. These arguments need to be carefully examined both viz-a-viz the logic and evidence. Claims about transgender people being disproportionately impacted are often justified using data from South American and North America where transwomen often fund their transition via prostitution. There is no robust evidence in this country to support the idea that transgender people are disproportionately more involved in prostitution (See Hester's recent review). R

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?