

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(Note: Information entered in this “About You” section may be published with your response (unless it is “not for publication”), except where indicated in **bold**.)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

European Network of Migrant Women (ENOMW)  
([www.migrantwomennetwork.org](http://www.migrantwomennetwork.org)) is a Europe-wide migrant and refugee women led platform of organisations that advocate for the dignity,

freedoms and rights of migrant and refugee women and girls in Europe. The network represents the interests, concerns and opinions of migrant women at the EU, European and International level and conducts research, monitoring, advocacy, joint actions and capacity building on the issues affecting migrant women and girls. Male violence against women and girls is a cross-cutting issue ENOMW works on, along with such subjects as access to justice, health, maternity, services, substantive equality, non-discrimination and fundamental rights. Sexual exploitation, including in prostitution and pornography, is a problem of global dimensions affecting migrant, refugee, displaced women disproportionately, in particular in Europe, where they make up at least 70% of those exploited in prostitution. For this reason, the system of prostitution, related to its legislation and policies, and their effects on migrant women is of special importance for our network. Furthermore, our network's membership includes the women who have survived and existed prostitution, as well as those who are still currently in prostitution. This is the reason we are making this contribution.

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 are fully supportive of the legislation that criminalises buyers and pimps. When combined with decriminalizing prostituted person, criminalization of buyers is particularly important for migrant and refugee women who are victims of sexual exploitation in prostitution because this gives the prostituted women the right to denounce the perpetrators without fear or being prosecuted. In other words, women who are already in very vulnerable situations (irregular migration status, insecure migration status, economic dependency, etc) become empowered to report instances of violence and abuse from the buyers while being confident that they won't be treated as perpetrators themselves.

However, we strongly object the term "sexual services". What happens in prostitution cannot be described as "services", as it involves violation of human dignity, violation of integrity of a person, right to life free from inhumane and degrading treatment, torture and violence, right to health, right to life, among others. These are fundamental rights protected by several UN Treaties (e.g. CEDAW convention), as well as European law and UK and Scots law. The violations of these rights occur in any act of prostitution, regardless of settings, regardless of degree of coercion or force, and regardless of how much such violations are paid for. To describe the acts in prostitution as "services" is to equate them with a "job", which is both inaccurate, since prostitution is a form of violence and not a job, and illogical, since the proposed bill criminalises the buyers of what constitutes a grave a systemic violation of human rights, and not a buyers of something that a "service provider" delivers to a "customer". If, indeed, those were "services" than we should ask the question why do we want them criminalized ?

We, therefore, advocate for the use of accurate and neutral terminology, i.e. ‘buyers (and sellers) of sexual acts’. This is in line with, for example, the recent report on prostitution and violence against women (<https://digitallibrary.un.org/record/4049148?v=pdf&ln=en>) by the UNSRVAV (see p. 3, section on terminology), in which the Special Rapporteur explains that “since it is not “sex” that is being bought, the term “sexual act buyer” is used to refer to those who purchase sexual acts. It is also in line with the 2023 resolution of the European parliament on Prostitution and its Implications for Gender Equality ([https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0328_EN.html)) which consistently use “sexual (or sex) acts” to describe the acts in prostitution that are being bought and sold.

**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 exploited in prostitution should be decriminalized, and should never be criminalised, as they are victims of systemic discrimination and inequalities.

**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.**

It is essential to provide all prostitution person differentiated and appropriate for their profiles (sex, age) support services enabling them to exit prostitution . In this regard the recent position paper of the UNSRVAVW fully expresses our view on what kind of support prostituted women need :  
<https://www.ohchr.org/sites/default/files/2024-10/position-paper-exit-programs-lessons-implementation-women-prostitution-1-en.pdf>

**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.**

As above

**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.**

Singe sex holistic services for prostituted women with a comprehensive support, including traumatological approach (please see here more about approach to work with trauma)

Specialist support to prostituted women should be integrated in all VAWG services

Migrant women exiting prostitution must have access to regularised legal status if they are undocumented

Interpretation services for migrant women

Child-care support as well as support for children of prostitution who grow up witnessing acts of violence committed against their mothers

Assisted housing/accommodation

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.**

Materials targeted at areas where prostitution is known to occur – not included because this may make feel women in such areas targeted.

Traditional (TV, newspapers, radio) and social media are effective channels on raising awareness on the new law. However, raising awareness should be done in a strategic way, i.e. by creating a well thought campaign with messages that address target groups, embedded in the principle of equality between women and men, avoiding any stereotypical portrayals of women (e.g. beaten up, bruised women, women in red heels/boots standing on the side of the street etc - any sensationalist images associated with prostitution).

Billboards can be particularly effective as they

Furthermore, it would benefit to create a dedicated online resource for those unfamiliar with the abolitionist model, those unsure about the differences between decriminalizing vs legalization vs abolitionist laws, and those unclear about different actors in the system of prostitution. Such a resource must be age appropriate and should not contain any explicit materials or sensationalist representations. (there are examples that could act as inspiration: the first “Abolitionist museum” (in Lithuania) <https://www.abolicionizmomuziejus.lt> or “Exit prostitution” campaign and study in Portugal <https://exitprostitution.org> or “What prostitution hides” campaign <https://www.migrantwomennetwork.org/2023/06/07/what-prostitution-hides-campaign/>

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

**Please explain the reasons for your response.**

Legislation is a fundamental prerequisite for rectifying harms done to women in prostitution and placing the burden of responsibility on the state actors for taking concrete actions to help victims and holding perpetrators - pimps and buyers -

accountable for the violation of women's human rights in prostitution. The abolitionist legislation also has a normative value that sends a strong message that human dignity is primordial and non-negotiable, as it is laid out in international law, and that women and girls as a group are not object for satisfaction of male sexual desires and cannot be treated as commodities. Without taking a necessary step that codifies in law the behavior/actions of the three actors involved in the system of prostitution (1. any prostituted person whose actions become deemed not criminal but requiring a comprehensive support; 2. third parties who profit and benefit from exploitation of prostitution whose actions become criminalized, and 3. Individual buyers of sexual acts whose actions also become liable), preventing, ending or dismantling the commercial system of sexual exploitation is impossible, as is achieving substantive equality for women and girls.

## 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.**

The major group affected by the law is women and girls protected by the Equality act based on their sex. Firstly, as was mentioned earlier, the Abolitionist approach that the bill seeks to introduce, in long term and if implemented correctly, will have a significant normative effect on society, including curtailing sexist stereotypes that the system of prostitution embodies, is built on and promotes through the sale of women and girls to men. It has been demonstrated in the states that introduced the abolitionist model that sanctioning of male sexual behavior that seeks to purchase sexual satisfaction from women gradually leads to a change in social norms and perceptions  
([https://www.swedenabroad.se/globalassets/ambassader/tyskland-berlin/documents/si\\_prostitution-in-sweden.pdf](https://www.swedenabroad.se/globalassets/ambassader/tyskland-berlin/documents/si_prostitution-in-sweden.pdf))

## 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?**