

Proposed Prostitution (Offences and Support) (Scotland) Bill – Ash Regan MSP

Summary Of Consultation Responses

This document summarises and analyses the responses to a consultation exercise carried out on the above proposal.

The background to the proposal is set out in section 1, while section 2 gives an overview of the results. A detailed analysis of the responses to the consultation questions is given in section 3. Section 4 includes commentary on the results of the consultation by Ash Regan MSP commentary on the results of the consultation.

Where respondents have requested that certain information be treated as confidential, or that the response remain anonymous, these requests have been respected in this summary.

In some places, the summary includes quantitative data about responses, including numbers and proportions of respondents who have indicated support for, or opposition to, the proposal (or particular aspects of it). In interpreting this data, it should be borne in mind that respondents are self-selecting, and it should not be assumed that their individual or collective views are representative of wider stakeholder or public opinion. The principal aim of the document is to identify the main points made by respondents, giving weight in particular to those supported by arguments and evidence and those from respondents with relevant experience and expertise. A consultation is not an opinion poll, and the best arguments may not be those that obtain majority support.

Copies of the individual responses are available on the following website <https://www.unbuyable.org>. Responses have been numbered for ease of reference, and the relevant number is included before the name of the respondent such as “33 Anonymous Individual” and referred to in this way throughout the report and listed with the same number in the Annexe.

A list of respondents is set out in the Annexe.

SECTION 1: INTRODUCTION AND BACKGROUND

Ash Regan’s draft proposal, lodged on 18 June 2024, is for a Bill to:

“create an offence of paying for sexual services, to repeal the offence of soliciting or importuning by prostitutes, to repeal previous convictions for soliciting or importuning by prostitutes and to support those in or exiting prostitution.”

Background to the Proposed Bill

The proposal was accompanied by a consultation document. This document was published on the Parliament’s website, from where it remains accessible: [Proposals for Bills – Scottish Parliament | Scottish Parliament Website](#).

The aim of the proposed Bill is set out on page 8:

“I want to bring forward a Bill to reduce the amount of prostitution in Scotland because of the evidence of exploitation and harm that it is causing. My Bill would be similar in principle to others around the world which aim to reduce the demand for prostitution and provide an environment that will help people to exit prostitution. In particular, my Bill would introduce a new criminal offence of paying for sexual services; repeal the offence of soliciting for the purposes of prostitution in a public place; repeal previous convictions for soliciting and give people who sell sexual acts or exchange sexual acts the statutory right to support while they are involved in prostitution and to exit prostitution.”

And the detail of the proposal is set out from page 40:

“The proposed Bill would have three primary elements, to:

- (i) introduce a new criminal offence of paying for sexual services;
- (ii) repeal section 46 of the Civic Government (Scotland) Act 1982: the offence of soliciting for the purposes of prostitution in a public place and repeal previous convictions under section 46;
- (iii) give people in prostitution the legal right to support.”

Both are included here for ease of reference.

The Consultation

The consultation period ran from 19 June 2024 to 30 September 2024 (Extended from the original deadline of 12 September 2024). The extension was intended to provide more time for the member to engage with stakeholders and for interested parties to respond. This was felt necessary because the General Election and the election campaign for the UK Parliament overshadowed the announcement of the consultation.

Ash Regan followed a policy of accepting late responses only if this was requested prior to the deadline. Three respondents asked for an extension: two organisations for staffing reasons and one individual asked for an adjustment being made on the basis of a disability requiring additional time. All three requests were granted. Ash Regan also received additional material from both opposing and supporting respondents after the consultation closed. This material is small in number and included as supplementary information under the respondent number and includes original research by respondents published after the deadline and relevant papers published by others.

The following organisations and individuals were sent copies of the consultation document or links to it:

- All MSPs
- The Cross-Party Group on Commercial Sexual Exploitation
- All local authorities in Scotland and COSLA
- All NHS Scotland Health Boards
- Specialist support organisations for women involved in prostitution
- VAWAG sector organisations and umbrella bodies such as Rape Crisis Scotland and Scottish Women's Aid
- Women's Rights campaigners and campaign groups
- Children's rights specialists, such as the Children's and Young Persons Commissioner Scotland
- Human trafficking and migrants' organisations
- Scottish religious organisations
- Scottish pro-prostitution lobby groups such as Scot-Pep and NUMbrella Lane
- Police Scotland, the Scottish Courts and Tribunal Service, The Scottish Sentencing Council and the Crown Office and Procurator Fiscal Service
- The Law Society of Scotland, the Scottish Law Commission and legal professionals
- Public finance specialists such as Audit Scotland and the Fraser of Allander Institute
- The academic network of researchers available via the Scottish Parliament Information Centre
- Researchers with a specialist focus on prostitution
- National and international human rights organisations, such as the Scottish Human Rights Commission

Awareness raising of the proposal prior to and during the consultation period

Ash Regan first introduced her proposal to change the Scottish Law on prostitution at the Filia Conference in Glasgow in October 2023 in front of an audience of 1500 women's rights campaigners. She was interviewed about the proposed Members Bill in print media, on radio and television and wrote about it in newspaper articles. Ash Regan and her parliamentary staff also met women

involved in prostitution and spoke about the Members Bill at various events throughout Scotland and England, either formally or informally. She also held several meetings with Scottish Ministers either partially or wholly focused on her proposal. She attended meetings and roundtables partially or wholly focused on prostitution and organised a roundtable discussion in the Scottish Parliament on marginalized women, which included women in prostitution.

The launch of the consultation was also announced on social media: on the Scottish Parliament's Twitter account at launch and when the deadline was extended. This was retweeted on her own account.

The consultation exercise was run by Ash Regan's parliamentary office.

The consultation process is part of the procedure that MSPs must follow in order to obtain the right to introduce a Member's Bill. Further information about the procedure can be found in the Parliament's standing orders (see Rule 9.14) and in the *Guidance on Public Bills*, both of which are available on the Parliament's website:

- Standing orders (Chapter 9): [Standing Orders | Scottish Parliament Website](#)
- Guidance (Part 3): <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25690.aspx>

SECTION 2: OVERVIEW OF RESPONSES

In total, 100 responses were received, all via email.

The responses can be categorized as follows:

- 53 (53%) from private individuals, incl. academics and survivors
 - 12 (12%) from frontline VAWG services, incl. specialist support services
 - 11 (11%) from abolitionist organisations and women's rights groups
 - 9 (9%) from local authorities and public sector organisations
 - 9 (9%) from pro-prostitution organisations and campaign groups
 - 6 (6%) from Christian organisations
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- 19 individuals (19%) and two organisations (2%) asked for their submission to be published anonymously
 - 9 respondents (9%) asked for their submission not to be published
 - 3 late responses (3%) were accepted (see policy above)

Overall Summary of Responses to the Key Questions

The consultation responses provide a clear indication of the levels of support and opposition across the first five key questions. A significant majority of respondents were supportive of the proposals, with fully supportive (FS) and partially supportive (PS) responses consistently outweighing opposition across all five key questions. The proportion of fully supportive responses was particularly strong, ranging from around 72% to 87%, while outright opposition (fully opposed and partially opposed) remained relatively low, generally below 22%. Neutral or unsure respondents constituted a very small minority, typically under 7% of responses.

When comparing the responses from organisations versus individuals, there was a broadly similar pattern of support. Organisations tended to have a slightly higher rate of fully supportive responses, with around 72% to 90% expressing support for various questions, compared to individuals, where support ranged from 73% to 85%. However, opposition among individuals was slightly higher than among organisations. Despite this, both groups overwhelmingly leaned towards support, demonstrating strong consensus across different demographics.

Another key trend emerged when examining the impact of relevant experience. Respondents who identified as having relevant experience were more likely to express strong support compared to those without experience. Similarly, anonymity appeared to have some effect on responses. Those who responded anonymously showed slightly lower levels of support compared to those who provided their name, though the difference was not substantial.

Examining the impact of sex and gender, the analysis showed that women were more likely to be supportive of the proposals than men. Female respondents had support rates exceeding 93%, with very low levels of opposition. In

contrast, male respondents showed 65% to 80% support, with opposition rates slightly higher, around 10% to 35% depending on the question. This aligns with broader patterns in discussions around gendered issues, where women tend to have stronger advocacy positions on matters impacting their safety and equality.

In summary, the consultation results reveal strong and consistent support for the proposals across individuals, organisations, and different demographic groups. Women were especially supportive, and organisations also showed significant backing. Opposition remained relatively low overall, and neutral or unsure responses were rare.

General Themes Emerging from Responses

Support for the Bill

Support for the Bill was split across two groups: one group (66 respondents) who fully supported all elements of the Bill which are:

- criminalising the buyers of sexual acts,
- decriminalising the sellers of sexual acts,
- repealing previous convictions of sellers and
- introducing a statutory right to support for individuals who are or have been selling sexual acts.

And another, much smaller group (6 respondents), who supported criminalising the buyers of sexual acts and introducing a statutory right to support but opposed decriminalising the sellers and repealing previous convictions. While both groups believe that sellers of sexual acts were involved in prostitution out of necessity and for the most part vulnerable and disadvantaged, the second group held that prostitution and all elements of it should be criminalised, including the seller, but that the state should account for the vulnerability of the seller by providing support while they are involved in prostitution and support to exit for those who wished to do so.

No public services, local authorities or third sector organisations working in the violence against women and girls sector opposed the proposal. Furthermore, all women's rights organisations and abolitionist campaign groups who responded to the consultation supported the proposal. They all shared the view that prostitution is a form of male violence against women and girls and rooted their support for all elements of the Bill in their understanding of sellers of sexual acts as victims of commercial sexual exploitation needing support and not perpetrators requiring legal sanctions.

Specialist and general support services working with women and girls involved in prostitution collectively believe that legal change is overdue and the only effective way to tackle male demand for prostitution. They also emphasised that the new law must be properly enforced by Police Scotland, while several also

noted a positive change in how police today deal with sellers of sexual acts as individuals in need of protection and not punishment.

All supportive organisations believe that the new law must be accompanied by adequate funding for general and specialist support services, including exit services, but many pointed out that reducing demand would see fewer women and girls in Scotland involved in and harmed by prostitution and therefore lead to a reduction in costs over time.

All of the organisations and many of the individuals supporting the Bill argued from a human rights perspective, stating that prostitution violates human dignity and breaches several of the human rights all people should be afforded. They highlight that the UK is a signatory to several human rights treaties that put an obligation on the Scottish Government to take measures to tackle prostitution in order to protect women and girls and to fight human trafficking. They believe that the Scottish Government is failing in this area and that it is not possible to build a fair and just society for all in Scotland while prostitution is allowed to continue unabated.

One common reason given for supporting the proposal to challenge men's demand for prostitution by criminalising buyers was that the harm reduction approach favoured by the Scottish Government is seen as conflicting with its own definition of prostitution as violence against women and girls as well as an inadequate response to the terrible harms caused by prostitution. Patching up victims and sending them back for more abuse is an approach considered incongruous with the Scottish Government's safeguarding strategy "Equally Safe".

Supporters of the proposal for a Bill expressed a belief that making women unbuyable in Scotland is necessary to further equality between the sexes and to bring about a better society.

Opposition to the Bill

Question 1—criminalising the buyer was the most contested element of the proposal and drew the most criticism from those opposing the Bill. It was strongly rejected by all opponents of the Bill.

Only one organisation based in Scotland—78 Scotland for Decrim—opposed the Bill all other opposing groups are located outside of Scotland.

A common theme amongst opponents was a criticism of the entire proposal and consultation rooted in a misunderstanding about the nature of a Members Bill. Opponents criticised the Scottish Government for bringing the proposal, unaware that a Members Bill is non-governmental legislation. They also criticised the lack of prior engagement by the Scottish Government or by Ash Regan with known opponents of the legislative model this proposal seeks to bring to Scotland.

Some respondents further criticised that the consultation was biased in favouring arguments in support of the proposed Bill, unaware that the consultation to a proposed Members Bill is an opportunity for the member to set out in detail their side of the argument and that there is no requirement for a balanced or unbiased approach to the consultation.

Another common complaint, which was made by most if not all opponents of the proposed Bill, was that if Ash Regan had engaged with women involved in prostitution, she would not be pursuing this proposal and would instead campaign for full decriminalisation. One of the most frequent claims made by the majority of respondents in this group is that the majority of women and girls involved in prostitution are there by choice, are happy to be selling sexual acts and are not harmed in any way by engaging in transactional or commercial sexual acts.

There was a persistent narrative that the proposed Bill would leave women and girls selling sexual acts only with the bad clients – buyers who are dangerous and violent, who will not report abuse or suspected trafficking to the authorities, because law-abiding buyers would be deterred from buying sexual acts. There is an underlying assumption in most opposing submissions and outright statements in several that the majority of buyers are good clients who report abuse or trafficking to the authorities if they become aware of it and treat the women and girls whose bodies they buy for their sexual gratification with respect.

The opposing group is much more divided on what drives involvement in prostitution. The majority of opposing respondents believe that women freely choose to enter prostitution and are happy and unharmed by selling sexual acts. A smaller group states that although they agree that poverty and deprivation drive involvement, they oppose the proposed Bill because it does not address the underlying reasons for women's involvement in prostitution. All of them agree that only fully decriminalising buyers and sellers will improve safety for sellers.

The opposing group is also much wearier about introducing a right to support for sellers, with some rejecting this outright and others viewing this element of the proposed bill with suspicion as a potentially coercive measure that will be used to force sellers to exit prostitution. These respondents stated they opposed criminalising buyers out of concern for the safety and wellbeing of sellers, nonetheless, they reject a measure designed specifically to protect the safety and wellbeing of sellers.

All of the organisations opposed to the Bill also argue from a human rights perspective that it violates the human rights of sellers of sexual acts to freely choose their profession. A small number of the private individuals opposing the Bill argued that it discriminates against men and disabled people in denying them their human right to a fulfilling sex life.

Few opposing respondents disagreed with all of the elements proposed in the Bill, with decriminalising sellers and repealing previous convictions finding

widespread agreement even in this group. Only those who opposed the entirety of the Bill on principle disagreed with these elements.

An analysis of responses to individual questions is set out in the following sections, with Question 1, on the most important measure of the proposed Bill—and therefore the only mandatory question—analysed in more detail than the rest.

Shared Themes

One issue commonly raised by both sides and by individuals as well as organisations was terminology. The most common slogan used by the opposing side was “sex work is work”, with the accompanying arguments being a demand to treat prostitution like any other job and afford those involved in prostitution the same rights as all other workers, to statutory sick leave, income tax rules and holiday pay. There was no mention of some of the other protections that all workers legally enjoy, such as protection from sexual harassment and bodily fluids nor protection from abuse and violence on an employment level. Although many of these respondents believe that the women and girls involved in prostitution need more protection from abuse and violence, they generally shared a strong distrust of and dislike for the police, which may explain why none asked for the latter type of employment regulations to be put in place.

Respondents supporting the Bill raised two language issues: that the term “sexual services”, used in some parts of the consultation, was misleading as it gave the impression that prostitution is a service industry, and buyers are merely customers buying a service. Use of this term was strongly criticised as undermining the Bill in itself—if prostitution is merely a service industry and buyers just customers buying a service, why would there ever be a need to criminalise the buyers? Several respondents highlighted that the report on prostitution published by Reem Alsalem, quoted on pages 5, 9 and 11 of the consultation, defined prostitution as selling “sexual acts” instead and explained why “sexual services” was a term Ash Regan should not be using in the wording of the Bill.

Even more frequent were comments rejecting the slogan “sex work is work” with sometimes detailed explanations as to why this is an inappropriate term. Respondents highlighted that the international human rights treaties which include reference to prostitution do not use this term. One respondent submitted the Open Letter by Reem Alsalem, published just before the consultation closed, which closely examines and condemns the use of the term “sex work” as downplaying or denying the harms of prostitution. 88 Karleen Gribble, an expert in “the language used to refer to women, particularly in situations of adversity”, dedicated her whole response to the language issue, noting the importance of terminology in addressing the issue of prostitution.

SECTION 3: RESPONSES TO CONSULTATION QUESTIONS

This section sets out an overview of responses to each question in the consultation document.

General aim of the proposed Bill

The aim of and background to the proposed Bill were outlined on pages 8 to 39 of the consultation. Details of the proposal were outlined on pages 40 to 46.

Questions 1 through 5 concerned the key elements of the proposed Bill, while questions 6 to 11 concerned enforcement, support and financial issues, with the concluding questions seeking views on equality and sustainability impacts.

Question 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 / Unsure)? Please explain the reasons for your response.

95 respondents (95% of the total) answered this question. There was only full support or full opposition, no respondents chose the partial options. Of those who answered this question:

- A large majority of respondents (72 respondents or 76% of those who answered the question) fully supported criminalising buyers.
- 21 respondents (22%) fully opposed this measure.
- 2 respondents (2%) chose the neutral option
- 33 organisations (79% of organisations who answered the question) supported criminalising buyers, while 7 (16.5%) opposed it, and a further 2 (4.5%) were undecided or expressed no clear view.

Reasons for supporting the proposal

Prostitution is violence against women and girls

Those in support of criminalising the buyers generally hold the view that prostitution is an act of violence against women and girls (VAWG). It has life-long, harmful consequences for the sellers of sexual acts. Coupled with the fact that nearly all women and girls involved in prostitution experience violence,

harassment and abuse, respondents point out that it is unacceptable to accept the status quo.

89 Professor Jo Phoenix, who has a research focus on prostitution, states that there is an international consensus on the fact that prostitution is extremely dangerous. She goes on to say that full decriminalisation or legalised prostitution (as demanded by all opponents to the proposal) may address some issues faced by the seller such as by giving them more control over their working conditions, however, it cannot address the violence and exploitation which happens outside of legalised brothels. This is because prostitution is not a standalone concept, but rather is intertwined with crime, drugs, smuggling and trafficking.

91 Dr Melissa Farley, who is the director of a prostitution research institute in Canada, shared her latest research into prostitution as torture, demonstrating a strong link between prostitution and violence. “Formerly prostituted interviewees reported acts of physical, sexual, and psychological torture, including strangulation, rape, beatings, restriction of movement, denial of privacy, sleep, or food, and being forced to witness the torture of others. The 45 women had high levels of PTSD and dissociation.”

When prostitution is seen as VAWG, we must do more than just seek to reduce harm to its victims

One support organisation, which requested to remain anonymous to protect the women and girls it supports, submitted as part of their response the following analysis. It highlights that allowing prostitution to continue as before is incongruous with policies aimed at safeguarding women and girls, such as Equally Safe, the Scottish Governments strategy set up to protect women and girls from male violence and to deal with its impact:

Comparison of the victim profile of the VAWG model with prostitution

	VAWG	Sex Trade
Vulnerable/Previously abused/Exploited enter	?	YES
Trauma-Bonded. Denial. Dissonance. Dissociation. Split Persona. Coerced.	YES	YES
Extreme violence. Multiple abusers	?	YES
Shattered mental/physical health	YES	YES
Re-entry normal	YES	YES

They say that “presenting the facts in this way helps demonstrate that the sex trade is MVAWG, Male Violence Against Women & Girls – at its most extreme.”

They also provided a “Summary of how the sex industry is currently dealt with compared to other forms of VAWG. Once the sex trade is recognised as VAWG, the appropriate way to address it is self evident.”

Comparison of policies on and attitudes towards VAWG and prostitution

	VAWG	Sex Trade
'Normal, Empowering, Choice'	NO	YES
Recognised as harm even if no Violence	YES	NO
Accepted as 'Inevitable'	NO	YES
Abusers Decriminalised	NO	YES
Abusers Listened to	NO	YES
Victims in Denial Listened to	NO	YES
Survivors Listened to	YES	NO

Another respondent, **57 Ann Hall**, writes that because prostitution is now defined as a form of violence against women and girls, the proposed Bill fills the gap in the current legislation as it prevents demand and holds exploiters accountable, whilst allowing victims to rebuild their lives. She adds that we need to have a clear plan in place to keep women and girls safe and in her view the current government does not.

87 NRS, VAW Services, Glasgow City Council notes that the current legislative framework is inadequate to hold buyers to account or to address the harms caused by prostitution and thinks the Bill is necessary to close this gap.

Society has a duty to protect its most vulnerable members

There's almost unanimous consensus that women and girls who enter prostitution have experienced complex trauma, typically childhood sexual abuse and poverty, both of which fuels their vulnerability and puts them at risk of being exploited. To protect them, supporters believe that buyers should be held criminally liable because they are participating in the active exploitation of vulnerable individuals.

Women enter prostitution not out of choice but necessity

Respondents believe that women and girls who enter prostitution do so not because they freely choose to do so, but because they are forced to sell sexual acts due to poverty, addiction, homelessness and other vulnerabilities.

89 Professor Jo Phoenix notes that there is a complex issue of consent in prostitution—true consent depends on whether or not people have a choice to agree or disagree to doing something, but for the majority of women in prostitution, there is an element of some kind of force in their life—whether that be economic or social. She also highlights the strong and close link between many other problems, including housing, poverty, exploitation and violence, with prostitution.

Other respondents also question whether consent is ever possible when the sexual act is not freely and enthusiastically agreed to, but is part of an exchange

of money, goods or services, with transactional sex being raised as a particular area of concern for young and vulnerable women who are easily exploited.

3 Anonymous Individual writes that challenging demand is the “best way forward to end transactional sex.”

The Commodification of women’s bodies is a human rights violation that harms all of us

Respondents who support the Bill believe that allowing men to continue buying sexual acts from women and girls does not just have an impact on the sellers, but on society as a whole. They think it furthers misogynistic attitudes towards women and girls and has a negative impact on overall levels of violence against all women and girls, not just those involved in prostitution. They see prostitution as commercial sexual exploitation, which is inherently harmful to the sellers, to women as a class and to society as a whole.

56 Joanne Norris states that prostitution is never a choice and that “men are soliciting a crime and participating in gross misogyny”.

62 Jacinta Cooke writes that the “commodification and purchase of a woman’s body contravenes basic human rights and dignity” which should therefore be punishable by law. She would also like the legislation to go further to include all aspects of sexual exploitation such as lap dancing, stripping and pornography.

As long as men can freely buy access to women’s bodies, true equality between the sexes is impossible.

Respondents note that prostitution does not just have an impact on the individual but also on misogynistic and societal views and violence towards women across society. Overall, respondents view prostitution as commercial sexual exploitation and believe that the industry inherently harms not only the individual but society and women at large. Respondents agree that this is because nearly 100% of buyers of sexual acts are male, while sellers are female, pointing out that this is an extreme manifestation of the inequality between the sexes that still exists today.

Criminalising the buyer will make Scotland a less attractive target for human traffickers.

Supportive respondents argue that prostitution fuels human trafficking and organised crime. The view across supportive respondents is that only by criminalising the buyer can trafficking into Scotland be reduced.

Criminalising the buyer will reduce demand for prostitution, and respondents think this will lead to fewer women and girls being exploited

Respondents share their view that buyers fuel the industry and perpetuate its harms. They believe that if we as a society wish to reduce the numbers of women and girls being affected, we must tackle the buyers.

31 Lorraine Skorupska shares her view that prostitution exploits poverty and the lack of choices of women and states that only by criminalising the buyer can we see change in this “degrading and dehumanising industry”.

58 Kruti Walsh states that “the responsibility for the exploitation of women in the sex industry must rest with the men who create the demand”.

Criminalising the buyer will put the shame where it belongs – on the perpetrator and not the victim.

24 Dr Anna Cleaves believes that we need to criminalise buyers as the buyers are otherwise law-abiding men, who do not want a criminal record. She states that “The buyer is the criminal not the prostituted person” and believes that in time the shame of being caught buying sex will act as a successful deterrent.

70 L. McLarty states that men should be “held to account for the abuse they inflict upon the ‘commodity’ they bought. Women are not for sale.”

74 Jen Gale states that criminalising the buyer and not the seller will “reduce the shame” for the women and increasing the shame for the buyer due to being caught committing a criminal offence will reduce demand and put fewer vulnerable women and girls at risk. She further writes that we cannot “call ourselves civilized if we put men’s appetites ahead of the lives and safety of young girls”.

Reasons for opposing the proposal

Criminalising the buyers will increase the risk to sellers

Almost all respondents who oppose the Bill state that it will increase the risk to sellers and lead to more violence against them. They believe that the Nordic Model does not work and that “all the evidence” proves them right. This was the most commonly stated reason for opposing the proposed measure of criminalising the buyer. Many of the respondents stated that a full decriminalisation model was the only way to decrease the risk to sellers.

25 Anonymous Individual opposes the measure due to the belief that it would be dangerous to those who sell sex. The respondent agrees that it decreases demand, but notes the Bill does nothing to resolve the ongoing financial hardship faced by the sellers. The respondent further writes that the measure would increase the power of the buyer as it creates desperation in the seller, having their client pool significantly reduced, also making it more likely clients will ask for uncomfortable demands or not be truthful with their identity.

46 Anonymous Individual believes that forcing sex workers into a “legal grey area” means they will be less supported by the police and forced to do extreme activities by client as they have already broken the law.

50 Anonymous Individual believes that from a health perspective, criminalisation could lead to increased STDs and health risks due to the fact that condoms are used as evidence under the Nordic Model meaning they are less likely to be used. And further states that this measure also increases the pool of potentially criminal candidates—if someone is deterred from breaking the law, they will be deterred from buying sex. However, this respondent writes, those who are not deterred and who commit violent crimes and theft etc., will not be put off by this law, therefore the law-abiding clients will disappear leaving the sex workers with recourse to potentially more unsafe clients.

Criminalising the buyers will not reduce demand but merely drive prostitution underground

There is a widespread belief among opposing respondents that criminalising the buyers will drive the whole industry underground, which will in turn increase the risks for sellers. What “underground” means is not clear. It may refer to indoor prostitution, by now the most common form in Scotland

Prostitution is work like any other

Most if not all respondents who oppose the proposed measures believe that prostitution is work like any other and demand the adoption of a different legal model, full decriminalisation instead, where neither the buyers nor the sellers are criminalised.

Criminalising the buyer is therefore an unwanted interference with ordinary commercial activities of citizens, with some respondents criticising the state for interfering with people’s private lives.

Criminalising the buyers will increase stigma, discrimination and shame for the seller

Several respondents submitted their view that criminalising the buyer will have a detrimental impact on sellers by increasing stigma, discrimination and shame. No evidence is provided for this frequent claim.

69 Larissa Sandy claims that the proposed model perpetuates stigma, discrimination and shame and does not give sex workers the right to justice and social benefits as other working people.

Harm does not come from the buyer but the police and society

This reason is closely related to the previous reason for opposing. It posits that women are not harmed by selling sexual acts, but by the police and society response to the sale of women's bodies. Respondents go on to state that only fully decriminalising both buyers and sellers can reduce the harms of prostitution.

The Bill confuses human trafficking and consensual prostitution

36 Dominic O'Regan criticises that the Bill confuses human trafficking and consensual prostitution, and states that all the evidence shows that 90 to 95% of women involved in prostitution have freely chosen to do so.

Sellers will put themselves into riskier situations to protect buyers

4 Ryan McSorley believes that the Nordic Model would leave sex workers less safe and that sellers would be more likely to make unsafe accommodations to satisfy client safety and anonymity, with clients less likely to comply with protocols that could identify them.

32 Dr Lynzi Armstrong states that criminalising the buying of sex does more harm to women in prostitution than good. Women will still participate in selling sex although it will be done more covertly and unsafely to avoid clients being targeted by authorities.

The Bill infringes on women's right to freely choose what they do

Several respondents criticise this approach as infringing on women's right to freely pursue the profession of their choice.

2 Robert Shields notes that there is a belief that prostitution is work and that women should be able to do what they choose. He further states that even though the Bill categorises prostitution as abuse, this is not the case for all sellers of sexual acts where a lot of them do not view their experiences negatively.

He goes on to criticise the term survivors as misleading, because it only accounts for those who later align with abolitionist groups and come to view their clients as abusers, but in his view, this is not the majority of sellers rather a portion. Therefore, he believes, criminalising its sale will have negative effects. He further writes that doing so is telling people how to live their lives and seems to impose what is right or wrong on those involved in prostitution, a lot of whom are perfectly happy.

The Bill discriminates against men and disabled people

25 Anonymous Individual notes that if the Bill becomes law, disabled people would be unable to fulfil their sexual needs, and that prostitution could satisfy

their “human right to a pleasurable sex life”. The respondent finds it absurd to criminalise sex because it is an inherent part of life.

52 Anonymous Individual believes that women being able to freely solicit while men are potentially jailed for “succumbing to a fundamental human instinct” in all sorts of personal circumstances is “fundamentally wrong”.

The Bill unfairly presents those involved in prostitution as victims

36 Dominic O’Regan believes that the view that people involved in prostitution don’t know their own mind or are too abused is gaslighting to the sellers of sexual acts.

This Bill does not improve working conditions for sellers and does not address the issues that drive involvement in prostitution

Most of the respondents who are of this view state that poverty needs to be addressed at its core and not through legislation on prostitution.

88 Stacey Clare opposes the measure based on the belief that the Nordic Model does not provide sex workers any relief or improvements to their working conditions whatsoever. She claims that no evidence exists from the states that have adopted it, such as France, Canada, Ireland etc., that the safety of sellers has improved. She further notes that the Bill is ideological and does not address the social problems that cause women to sell in the first place, whereas full decriminalisation has been adopted in New Zealand and has had positive effects, leading to sex workers being more likely to report abuses against them and reflects what sex workers desire.

The Bill represents outdated values

6 Anonymous Individual asks “what century is this? Are we going back to the Puritans?”

Councils and Public Services

These respondents unanimously agree that the Bill is needed to close a gap in the current legislative framework and that a law that criminalised buyers can successfully tackle demand for prostitution and thereby reduce the number of women and girls harmed by selling sexual acts. They also agree that women and girls do not freely choose to enter prostitution.

17 The Equally Safe Edinburgh Committee calls prostitution “an abuse of women’s fundamental human rights and a form of exploitation” and states that therefore this exploitation needs to be punishable by law.

76 East Ayrshire Council recognises that women involved in selling sex are often vulnerable, exploited and often have limited choices due to poverty, inequality or gender-based violence.

Frontline Services

All frontline services support this measure. They recognise prostitution as violence against women and girls and believe that existing Scots Law is currently not enough to tackle the issue.

11 Anonymous Organisation submits that “turning sex into a commercial activity, the inside of your body into a commodity is in and of itself inherently harmful” – they believe this causes deep psychological damage and trauma. Based on their experience of working with women and girls involved in prostitution, they write that women’s bodies are not here to please one man after another and that our bodies are not designed for unwanted sex.

This is why, they further state, harm is inherent to prostitution, regardless of whether it was chosen, or any overt abuse was never experienced. “Sexual desire cannot be bought. And there’s a word for sex without desire – RAPE”. They go on to call the claim that it is a choice a false argument – just because someone chooses something does not mean it isn’t harmful.

They also suggest that poverty is not the prime motivator for entry into prostitution, because the vast majority in poverty will never enter the sex trade. For those that do, the poverty is coupled with some other vulnerability such as abuse such as through a grooming or a coercive boyfriend and highlight that the women and girls involved usually have multiple and often complex needs and vulnerabilities.

30 Faces and Voices of Recovery UK (FAVOR) calls prostitution exploitative and harmful and supports the measure based on evidence from Sweden and France showing that the Nordic Model acts as a strong deterrent, whereas those adopting decriminalised approaches have led to higher rates of exploitation in comparison. They also state that we need to have a legal approach based on human rights principles thereby reducing the inherent harm in prostitution.

37 Lanarkshire Rape Crisis Centre supports the measure because women should not be reduced to commodities or a “transactional dehumanised status.” They also believe it would contribute to the aim of challenging men’s demand and send a clear message to society that women are of equal value and not services or products relating to their bodies.

60 The Women’s Support Project define prostitution as a form of commercial sexual exploitation and violence against women and girls. They note it is also a cause of gender inequality and highlight that this view is entirely in line with the Scottish Government’s stance. They note that men are currently not held to account in Scotland and state that “instead, Scotland is permitting the

normalisation of and fuelling the demand for the sex trade and therefore the trafficking of women for sexual exploitation”.

They believe that the Bill “sends a clear message that Scotland prioritises women’s equality over men’s entitlement and profits.” They note further that the new offence brings Scotland in line internationally, such as under Article 6 of the UN Convention which states that parties should take all steps possible to reduce exploitation of prostitution. They believe that the current legal framework makes Scotland an attractive place for sex trafficking and means it is out of line internationally.

67 Restore Glasgow writes that the laws of Scotland must evolve to provide stronger support for individuals facing CSE. They believe that we need to reduce demand by criminalising the buyer, thereby providing a safer environment that empowers women to rebuild their lives.

Christian Organisations

All Christian organisations write in support of this measure and explain that they do so based on the fact that prostitution is exploitative and contrary to their beliefs. They highlight especially the belief that all of us are equal while prostitution exacerbates inequality.

44 The United Reformed Church National Synod of Scotland Mission Committee states that “The exploitation of people as commodities, with its dehumanising effect, is contrary to our principles and completely out of place in any society that aspires to the values of justice and equality”.

65 The Free Church of Scotland recognises prostitution as violence against women and girls and emphasises the church’s requirement to speak up for those who are in need. It calls Scotland’s current approach unsatisfactory and unfit for the modern world where prostitution has moved off the street and online. It finds the measure necessary to change the societal attitudes of men relating to purchasing sex and changing their behaviour in relation to commercial sexual exploitation.

66 Christian Concern support the measure, calling prostitution inherently immoral and unethical. They note that “Those paying for sexual services are facilitating degrading treatment of mostly women and should face the force of the law”.

75 Evangelical Alliance Scotland supports the measure based on the Christian moral conviction that each human is made in God’s image therefore men and women are completely equal and paying for sexual services perpetuates gender inequality. They further write that “a woman’s body is not an object to be sold or a commodity”.

77 The Christian Institute notes that women fall into prostitution due to vulnerability, abuse and coercion. They further write that poor mental health is

also linked to entrance into prostitution with high levels of complex trauma and vulnerability present in these women and girls.

Abolitionist and Women's Rights Groups

All abolitionist and women's groups recognise prostitution as a form of violence against women and girls. Viewed in this way, they believe, anyone who perpetuates that harm must be criminalised. It does not matter whether the individual suffered harm but rather the industry is inherently abusive and harmful. This must not be placed on the seller but on the buyer. Many drew from the positive examples of other countries who have already adopted the Nordic Model. They also focused on human rights and Scotland's obligations under international human rights treaties the UK has ratified.

13 A Model for Scotland writes that the current model in Scotland fails to deter perpetrators or hold them to account. "Their entitlement to sexual access to women's bodies is unchallenged, furthering unequal power relations between women and men." They further note that Scotland also has multiple unmet international legal obligations to reduce demand for sexual exploitation.

15 For Women Scotland support the measure because international experience shows the biggest deterrent for men buying women is the fear of criminalisation. They further note that in the Red-Light District in Amsterdam, trafficked women have said that it is harder to get help as police assume they are there by their own free will. They state that countries with legalised prostitution are associated with higher human trafficking than countries where it is prohibited and point to Sweden as an example of a successful country where the prostitution market declined.

22 Beira's Place notes that all forms of commercial sexual exploitation are violence against women. They state that buying and profiting from selling women's bodies is a breach of human rights and should be punishable by law.

29 The Scottish Women's Convention note prostitution is fuelled by women's disadvantage in society and the systemic patriarchal attitudes in society which also provides for men's dangerous and violent behaviour. This places the stigma on prostitutes as "morally dubious" leading to stigma and further abuse. They support the measure, because a criminal offence of buying therefore places the focus on men's behaviour.

41 Scottish Women's Aid support the measure and note that it would mean Scotland is fulfilling its international obligations under Article 6 of the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

43 Nordic Model Now! point out that the sex trade only exists due to demand from buyers. The seller would not be engaging in such activity without the payment, which gives the buyer an element of control and authority over the situation. This means the sexual activity is not fully consensual as it is not freely

given. Women compete and participate in even more extreme activities out of fear of losing income. They believe that the only thing that will deter men is exposure, whether that be on the sex offender list or through convictions; this is why this legislation is necessary.

84 The Centre to End All Sexual Exploitation (CEASE) support the measure because it challenges the notion that women's bodies are to be bought and sold and follows successful countries including France, Ireland, Northern Ireland, Norway, Israel, Iceland and Canada. They highlight that Sweden has proven that public attitudes have transformed towards women after it adopted this law.

90 The European Migrant Women's Forum write that criminalising buyers is particularly important for migrant and refugee women, because it empowers women to report instances of abuse. They strongly object to the term "sexual services" used in the consultation because what happens cannot be described as "services" as it is a violation of human dignity and a violation of the integrity of a person, the right to life free from inhumane and degrading treatment, torture and violence, the right to health and the right to life, among others. Describing this as "services" equates it with a "job" which is inaccurate. The Bill criminalises the buyers of a violation of human rights, not "services" to a "customer". They advocate for more accurate and neutral terminology – buyers and sellers of sexual acts.

Pro-Prostitution Organisations

They all opposed the measure and call for full decriminalisation instead, a model which sees both buyers and sellers decriminalised. Although all of these organisations state they are concerned about this measure increasing the risk to the women and girls involved in selling sexual acts, some express opposition to all protective legislation, including laws outlawing human trafficking.

19 The Josephine Butler Society believe that based on evidence of other countries, criminalising buyers causes more harm to sellers. While they acknowledge that demand has decreased in Norway and Sweden, countries that have had the Nordic Model in place for decades, they think these countries are not comparable to the UK. They think Ireland, which has had the law for less than ten years is a better comparison and evidence from there shows it hasn't reduced demand. They believe that full decriminalisation is the most effective way to reduce harm.

20 Anonymous Organisation write that growing evidence across multiple countries shows that this approach leads to sellers of sexual acts facing increased violence and decreased access to justice and better working conditions. They believe the Swedish model has increased stigma and increases safety concerns for women as the seller will be more cautious about being caught therefore can insist on secretive and isolated places. They state full decriminalisation is needed instead.

34 National Ugly Mugs oppose the measure because they believe it is better to promote a resources-first anti-poverty and human and labour rights approach rather than a criminal-legal solution. They agree that involvement in sex industries is a constrained choice driven mainly by economic need and a lack of resources, but think it is a “lethal” policy to prioritise criminalisation of the buyer over sex worker’s safety.

They further submit that criminalising the buyers does nothing to address the supply-side. It criminalises sex worker’s income streams and is not a pathway to ending violence. They believe it increases competition within industries due to scarce buyers where sex workers have to engage in high-risk sexual activity to remain competitive and that buyers will gain more control within the industry and demand more for less work. They go on to criticise the consultation because they believe it ignores information about the negatives of the Nordic Model as seen in other countries such as Northern Ireland.

72 The Street Workers Collective Ireland believe that prostituted women and girls will be forced to take more risks in terms of which clients they see to avoid detection and that clients will have the upper hand in negotiation because they agree that those selling sexual acts do so out of need. They state that the police often exacerbate harms to sex workers and expect that this Bill will lead to increased police surveillance leading to increased disrespectful behaviour from the police. They criticise the premise of the Bill that stipulates prostitution as inherently harmful and think that the only people who will suffer in an attempt to target men, is women. They suggest that the Bill should focus instead on the root cause of sex work such as addressing poverty.

78 Scotland for Decrim believe that criminalising the purchase of sexual acts puts sellers in more danger, increases poverty, stigma and violence. They state that criminalising the buyers means they are more scared of getting caught by the police, so may insist on meeting in more isolated areas leading to increased risks, giving the seller less time to assess a client. The buyers that remain will be the ones most content with breaking the law, therefore likely to pose more risks to the seller. They believe buyers will be less likely to report potential situations of trafficking. It gives more powers to the police, but the police cannot be trusted in this area due to high reports of violence and abuse in this area. They suggest that full decriminalisation should be implemented—such as in New Zealand where they think it has been successful, combined with anti-poverty measures from the government.

81 The East London Strippers Collective (ELSC Productions CIC) state that criminalising the buyer does not work in any way and creates a criminal marketplace where workers are more at risk.

82 The English Collective of Prostitutes states that “sex work [is] not driven by men’s demand, it is driven by women’s need for money.” Instead, poverty should be addressed “robustly at its core.” They oppose the measure because they believe it would be disastrous for sellers, increase violence and do nothing to address trafficking. They also believe that it would further marginalise and stigmatise women in prostitution, increase the risk of violence and leave them

less able to report to police. They think the Bill will give police a power over women who are already vulnerable, to keep women safe prostitution needs to be fully decriminalised.

Question 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 etc Please explain the reasons for your response.

95 respondents (95% of the total) answered this question. There was overwhelming support for the measure, with just 7% of those who expressed an opinion opposing it. Of those who answered this question:

- An overwhelming majority of respondents (86 respondents or 91% of those who answered the question) fully supported decriminalising sellers.
- 6 respondents (6%) fully opposed this measure.
- 1 respondent (1%) chose partially supportive and neutral
- 1 respondent (1%) was partially opposed
- 1 respondent (1%) was neutral
- 41 organisations (93% of organisations who answered the question) fully supported decriminalising sellers, while 2 (5%) opposed it, and a further 1 (2%) chose the neutral option.

Summary of Responses

Support for this measure was overwhelming from both individuals and organisations, regardless of their stance on Question 1. Those who support decriminalising the sellers of sexual acts view Section 46 as unfairly criminalising already vulnerable women, further perpetuating their vulnerabilities, and causing them more harm by giving them a criminal record and silencing them from speaking out against abuse.

The vast majority of responses supported repealing this section, regardless of whether they supported or opposed the overall provisions of the Bill, albeit for different reasons.

Those who oppose criminalising the buyers but support repealing Section 46 (most respondents who were opposing the Bill and in particular all pro-prostitution groups), did so on the basis that this section should be repealed for the benefit of the sellers of sexual acts under a different legal framework, that of full decriminalisation.

Those who support criminalising the buyers and support repealing this section did so on the basis of the need to shift the blame onto the buyer rather than the seller who they note are vulnerable and likely being exploited.

Those who support criminalising the buyer but oppose repealing this section (two of the Christian organisations and very few others), did so on the basis

that prostitution is so harmful that there is a need to completely eradicate it on the buyer side and the seller side, by criminalising both.

Selected Responses

13 A Model for Scotland state that facing sanctions for their own abuse makes it difficult for the women to exit the sex trade due to fear of criminalisation. “Punishing victims for their own exploitation is grossly unjust and counterproductive”

15 For Women Scotland notes that women in prostitution are vulnerable and often suffered from abuse or addiction. Many women wish to exit but face obstacles such as homelessness or criminal records. “The men who use prostitutes are exercising their freedom and have chosen to exploit these women. It is shameful that victims have been criminalised while the men who abuse them go unpunished.” They instead want the law to punish buyers, because sellers are vulnerable and punishing the seller increases their vulnerability.

17 The Equally Safe Edinburgh Committee notes that

- CSE exploits women’s vulnerability, is an abuse of their human rights and rarely a choice.
- Section 46 applies to women who solicit in public places, which is one of the most vulnerable groups in Scotland.
- women who solicit do so as a last resort and it “traps women in a cycle of violence and trauma that can be insurmountably challenging to escape”.
- those in prostitution are victims and the law needs to reflect this by removing provisions that would further victimise them.
- those affected by CSE should also be seen as vulnerable witnesses thereby entitled automatically to special measures when providing evidence in court.
- removing soliciting laws which are so harmful and keep vulnerable women further stuck is in line with the fact that they are victims who need help, not criminals.

18 Scott Bamford supports repealing Section 46, because it “places the criminal responsibility on the vulnerable individual who is being used for sex.”

22 Beira’s Place notes that women selling sex are unlikely to be doing so by choice, but rather through a lack of choice and are extremely vulnerable. “The criminal justice system needs to understand that women who solicit for prostitution are victims and survivors of CSE and not criminals.”

25 Anonymous Individual notes that “Those soliciting in public places are likely to be the most vulnerable sex workers, and as such the very last thing they need is for the state to be perpetrating gross acts of violence on them by criminalising them”.

28 FiLiA states that “we cannot criminalise women for their own disadvantage” as they are often vulnerable and have faced a variety of difficult life circumstances. Criminalising them also makes it difficult to exit.

29 The Scottish Women’s Convention believes that Section 46 places women in further hardship while ignoring the buyers of sexual services. The respondent also notes that focusing on criminalising these women means the chance of exiting are less, because a criminal record creates significant barriers to exiting such as making it more difficult to find employment, further causing them to be stuck in prostitution and placing them in a higher risk of poverty. It also prevents women from accessing vital services.

30 Faces and Voices of Recovery UK (FAVOR) believes that “Criminalising individuals who are already marginalised and exploited perpetuates injustice, particularly for women who are disproportionately represented in prostitution.” And further notes that “The current legal framework unjustly criminalises the victims of exploitation, while failing to hold accountable the individuals who choose to exploit these women.” This respondent expects that shifting criminality onto buyers will reduce demand thereby improving the issues prostitution brings.

31 Lorraine Skorupska states that because the women and girls involved in prostitution are typically extremely vulnerable and have suffered from abuse, addiction and poverty, “the State punishing women and girls who have endured such levels of violence and abuse is perverse”.

46 Anonymous Individual partially opposes this measure but supports places where clients and sex workers can meet safely such as red-light districts, where sellers should have to register to prove a right to work and brothels must be properly regulated.

47 Anonymous Individual supports this measure and writes that the women who enter likely have adverse traumatic experiences which the experience in the sex industry exacerbates. Women require protection to allow for recovery rather than criminalisation.

49 Chris Elton believes that soliciting should still remain a criminal activity as it sends the message that prostitution has no place in a healthy society. Those forced into it through trafficking and coercion should not face prosecution.

60 The Women’s Support Project writes that Section 46 “sanctions women for their own abuse” and stresses that a major reason why women do not report abuse or violence within prostitution is due to fear of stigma and criminalisation. The respondent expects that removing this section would lead to more women coming forward which is safer.

65 The Free Church of Scotland notes that

- the majority enter prostitution due to vulnerabilities, coercion and trauma
- “Prostitution is inherently violent and damages those in it”

- it is hard for women to exit prostitution, and a criminal record makes it even harder
- the Bible teaches Christians that prostitution is morally wrong but also offers protection for those who are exploited
- “When it comes to the woman caught up in prostitution, we recognise that something can be morally wrong/sinful and yet the criminal law is not the best way of addressing the issue”
- Christians see many principles in the Bible which support the Nordic Model.
- “Within the Bible we see support for a model that offers grace and compassion to those being exploited, rather than using the blunt force of the criminal law”.
- To be effective, needs to be combined with measures which drive people out of prostitution.

69 Larissa Sandy supports this measure on the condition that it is part of full decriminalisation and notes that soliciting laws force women into unsafe situations and subject them to client and police violence which negatively impacts access to health care and other services. And that solicitation laws like section 46 perpetuate stigma and discrimination. The respondent concludes by saying that evidence from New Zealand shows that decriminalising does not lead to an increase of street-based workers and there was a more positive relationship with the police.

70 L.McLarty writes “Many involved in prostitution are desperate, dealing with substance abuse, mental-health difficulties, childhood neglect/abuse and impoverishment. To punish them further for the societally-coerced self-harming 'choices' they make wrt section 46, is wrong.”

72 The Street Workers Collective Ireland note that often it is the sellers with the most urgent economic need that end up working on the street which is exactly what this provision criminalises. They believe it is unfair to criminalise those who are trying to support themselves and their families financially. Convictions also further marginalise as they have lifelong detrimental impact. However, they further note, Section 46 should be repealed as part of a different Bill – one which results in full decriminalisation of prostitution.

75 The Evangelical Alliance Scotland support the measure because “Victims of prostitution should not be punished for their own exploitation.”

77 The Christian Institute

“Prostitution creates cycles of abuse, drug addiction, and trauma, from which it is incredibly difficult to escape without support, safety, and opportunity. The core objective of this legislation – to reduce prostitution and facilitate women leaving it behind for good – is welcome. However, the ambition should be greater than reducing prostitution – the goal should be as complete an eradication of the harm and moral ill of prostitution as is within the Scottish Parliament’s power.

This goal can be achieved while still retaining offences attached to the sale of sex. The concern with the proposal to repeal section 46 without any proposed replacement is twofold.

First, selling sex in any circumstance is morally wrong. Its harms are manifold and inescapable. It is impossible for prostitution to exist without significant harm. This is most severely felt by the person whose body is sold for sex – regardless of consent or the circumstances leading to that point.

Criminalising the purchase of sex sends a strong signal to society that prostitution is wrong. However, having no offences attached to selling sex will send the message to some, including sex buyers, that the only problem is exploitation and so prostitution is acceptable if the seller fully consents. The legislation in its current form could therefore send conflicting messages to Scottish society.”

“Of course, those recruited into prostitution as children or because of other vulnerability are victims. As discussed in response to question 1, they are a large majority of women in prostitution in the UK. Prosecuting them would not be in the public interest, and there must be a strong presumption against it. There is clear precedent in the Lord Advocate of Scotland’s instructions to the police on the non prosecution of victims of trafficking, updated in January 2024.”

87 NRS, VAW Services, Glasgow City Council states that it is important to stop viewing women involved in prostitution as criminals. They believe repealing Section 46 will deliver “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”. They highlight further that “Nowhere else in society do we seek to criminalise traumatised women” and demand that men who buy sex for their own gratification should be at the front and centre of the response instead.

89 Jo Phoenix notes that this measure would stop policing efforts being focused on the women.

90 The European Network of Migrant Women believe sellers should be decriminalised “as they are victims of systemic discrimination and inequalities.”

Question 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 etc. Please explain the reasons for your response.

95 respondents (95% of the total) answered this question. There was overwhelming support for the measure, with just 5% of those who expressed an opinion opposing it. Of those who answered this question:

- An overwhelming majority of respondents (85 respondents or 90% of those who answered the question) fully supported this measure.
- 5 respondents (5%) fully opposed this measure.
- 3 respondent (3%) neither opposed nor supported the measure
- 1 respondent (1%) was partially supportive
- 1 respondent (1%) was unsure
- 42 organisations (95% of the 44 organisations who answered the question) fully supported this measure, while 1 (2%) fully opposed it, and a further 1 (2%) was unsure.

Summary of Responses

Amongst respondents who answered this question, there is overwhelming support for the repeal of previous convictions. All of those who support the measure believe that for the women affected, previous convictions for soliciting act as a barrier to exiting prostitution and rebuilding their lives. They believe that these convictions rob the women of future opportunities to, for example, enter certain professions and employment opportunities, accessing housing and education and cause problems in relation to looking after their children.

Even those respondents who otherwise oppose all or some measures of this Bill (because they prefer a full decriminalisation model) view these convictions as a barrier to exiting and moving on to employment.

Almost every answer from supporters of the Bill is based on the reasoning that prostitution is today defined as violence against women and that it is therefore absurd to continue to hold a victim liable for something in their past which is now understood as abusive, coercive and exploitative.

The very few respondents who opposed this measure reasoned that the women broke the law as it was at the time of their conviction. And because they broke the law, they should not have their convictions repealed even if the law now changes. 42 The Law Society of Scotland, note in their response that there have been many instances of historical unfair statutes holding someone criminally liable only to see convictions quashed when a better understanding emerges. Those who oppose the Bill support repealing previous convictions because they believe that prostitution is work like any other and something that is an ordinary job should never have been criminalised. Among these

respondents the view is common that they support this measure but only if it is part of a Bill that fully decriminalises prostitution.

Another common argument from those supportive of the aims of the Bill is that previous convictions should be repealed as they only and unfairly target the women selling sexual acts while the men buying them escape all sanctions. These convictions stigmatise the women and shame the victims, repealing them would be another step towards holding the perpetrators to account by placing shame and criminality on the men who buy sexual acts.

Selected Responses

1 Anonymous Individual believes it “is morally indefensible to criminalise victims and not their customers (perpetrators).”

6 Anonymous Individual, who otherwise opposes the Bill, agrees with this measure because “Sex shouldn’t be a crime.”

11 Anonymous Organisation writes that these convictions mean a women’s past always haunts her and blocks her from certain jobs whereas her buyers aren’t blocked from any opportunities. “For what other victim would we so label and discriminate against?”

19 The Josephine Butler Society, who otherwise opposes this Bill, is fully supportive because a conviction of soliciting can have lifelong detrimental effects for someone who was already vulnerable or coerced.

21 Anonymous Individual believes this measure would allow people to move on “without the shackle of an unjust conviction”.

24 Dr Anna Cleaves notes in support of this measure that these convictions can bar women who have exited prostitution from certain professions such as teaching while “buyers are still ‘respectable’ members of the community.”

37 Lanarkshire Rape Crisis Centre says that “Women deserve to be free from any stigma and barrier that any historical involvement has resulted in “

38 Anonymous Individual writes that “Desperate people should not be penalised for survival actions.”

41 Scottish Women’s Aid writes in support of this measure that disclosure of a conviction of this kind can cause shame and embarrassment, which “traps women in a cycle of poverty and inequality”.

42 The Law Society of Scotland notes that it is unsure about this measure and asks for more details but states there have been previous instances of pardoning convictions based on historical injustices. They believe that such an approach would be preferable to the model of the Post Office (Horizon System) Offences (Scotland) Act 2024.

43 Nordic Model Now! notes that these convictions limit opportunities outwith the sex industry and comments “women with convictions for this offence are some of the most vulnerable and marginalised women in society.” They further write that most have suffered some form of trauma and criminalising them for these disadvantages while those “whose demand fuels the sex trade escape any form of sanction and are effectively a protected class of misogynist.”

47 Anonymous Individual believes that women who have experienced sexual exploitation should not also have to live with a criminal record preventing them from moving on with their lives.

49 Chris Elton partially opposes the measure and notes that only those convicted who had been forced or coerced into prostitution should have previous convictions quashed.

61 Alison Weir “No victim should ever have been criminalised.”

62 Jacinta Cook believes repealing these convictions is the right thing to do and acknowledges the traumatic background that created these “so-called crimes.”

65 The Free Church of Scotland writes in support that “it is very hard for women to get out of prostitution and a criminal record makes it even harder”

75 The Evangelical Alliance Scotland states that “Victims of prostitution should not be punished for their own exploitation.”

77 The Christian Institute partially supports the measure and suggests that the Bill could set out a minimum threshold of vulnerability to recruitment or coercion in prostitution. If a person meets this test, then past convictions could be repealed, e.g. if the person had a vulnerability that was exploited, and they were effectively coerced into prostitution.

78 Scotland for Decrim comment that these convictions cause stigma and stop sellers from participating in other forms of work, they also impact upon housing and having children.

82 The English Collective of Prostitutes note that these convictions make it seem as though sellers of sexual acts are criminals and further comment that a criminal record causes barriers and puts the women at greater risk of exploitation, rape and other violence as it is a barrier to exiting prostitution.

85 Scott Buxton opposes on the grounds that people who were convicted of an offence at the time a law was in force should not have their offence repealed at a later date, as they did break the law at the time.

Question 4: What is your view of giving people in prostitution the legal right to support? Fully supportive etc. Please explain the reasons for your response.

93 respondents (93% of the total) answered this question. There was strong support for the measure, with just 2% of those who expressed an opinion opposing it. Of those who answered this question:

- A strong majority of respondents (77 respondents or 83% of those who answered the question) fully supported this measure.
- 7 respondents (8%) partially supported this measure.
- 5 respondents (5%) neither opposed nor supported the measure
- 1 respondent (1%) was partially opposed
- 1 respondent (1%) was fully opposed
- 1 respondent (1%) was unsure
- 1 respondent (1%) chose not to express a view
- 37 organisations (88% of the 42 organisations who answered the question) fully or partially supported this measure, 2 (5%) partially or fully opposed it, 2 (5%) remained neutral and 1 (2%) expressed no view.

Summary of Responses

A large majority of responses across individuals and organisations supported giving all people involved in prostitution the legal right to support. There were a large number of highly detailed and comprehensive comments on this question, especially from local authorities and frontline services with experience in delivering support to those involved in prostitution, which stressed that this is a vital part of the Bill.

For supporters of the overall aim of the Bill, there was a consensus that those selling sexual acts do so because their circumstances (poverty, deprivation, homelessness, substance abuse and other issues) leave them vulnerable to harm and drive their involvement in prostitution. Respondents believe that they should have the statutory right to support to recover their lives.

Many respondents believe the creation of a right to support would demonstrate Scotland's commitment to women who have been subjected to this form of sexual violence and give recognition of the harms caused by the sex trade. They also highlighted the responsibility of the government to make a clear stand to address root cause issues that feed prostitution and the wider attitudes to women in our society.

The network of existing services and its expansion across the country to provide a hub and spokes model of grassroots and local level groups and agencies was suggested to be a solution to deliver a consistent, high quality, comprehensive support solution that is underpinned by a legal right to access support.

Respondents who support the Bill frequently emphasised that because the vast majority of those involved in prostitution are women and girls, most of whom have experienced male violence, support and exiting services must be provided on a female-only basis.

On the whole, even respondents who oppose criminalising buyers supported giving people in prostitution the legal right to support. The only two respondents who opposed this measure belonged to this group and both expressed scepticism of the thinking behind it and distrust for this measure. Their comments suggest that they oppose this measure because it is part of a Bill they oppose.

The vast majority of respondents who explained their reasons for their response agreed that a legal right to support would be an important step in protecting some of the most vulnerable and marginalised women in Scotland but emphasised that a legal right to support must be combined with funding for the services they need. Most if not all comments from respondents who support the Bill shared their concerns that without adequate funding the legal right to support alone would not deliver the support women and girls need who are or who have been involved in prostitution.

Although the consultation proposes a statutory right to support which will give people involved in prostitution the legal right to access whatever service and support they need, there was a shared suspicion among this group of respondents that this statutory right would or could be used to exert pressure on the women to exit prostitution or to force them to exit in exchange for access to support.

Selected Responses

10 Not Buying It

“This MUST be a legal provision if there is any chance for it to be enacted and enacted properly. Measures must be in place to ensure it is not ‘sex worker’ groups who receive the relevant funding– who provide no exiting and whose real purpose is to keep women trapped in the industry even longer and lobby for the decriminalisation of pimps and punters. There must be care to fund only appropriate NGOs.

In our experience, many funders view prostitution as ‘work’ some even overtly state that they support full decriminalisation and that they will only fund pro sex work groups. We have been involved in several successful legal challenges against public bodies for breach of equality law in their pro-sex industry decisions. We would suggest NOT providing exiting support could already be a breach of equality law - which could even now be challenged by victims in the UK Court.”

11 Anonymous Organisation, who support women involved in prostitution:
“Unless they have this right they will not be given meaningful support - as is

often the current situation. Even then it can often be inadequate with the appropriate support services not adequately funded.

90% want to escape, it absolutely must be provided, particularly given the extreme difficulties of leaving (with re-entry on average 8 times standard). With adequate funding however, exiting can be readily achieved. This also means costs can be minimalised – and quickly balance out the costs of the current situation if exiting is even ultimately achieved, including additional costs such as the extortionate costs of children being taken into care (where they are then also at risk), multiple rehab attempts etc etc.

Great care must be taken to plan this, coordinate exiting support with clamping down on sex buying and ensuring the relevant services are well prepared and resourced to assist with exiting and post exiting support.”

13 A Model For Scotland highlight that recent legal changes have created a new barrier for sex trafficking victims to access support in Scotland. They stress that the statutory right to support must be given to all people involved in prostitution regardless of their immigration status. They also note that access to support is unequal across Scotland and inadequate in many places. They further emphasise that the “provision of specialist exiting services which recognise the severity of this form of abuse and the barriers individuals face to leaving is a crucial component of this proposed bill, to ensure that victims can recover from the multiple and severe traumas and harms experienced in the sex trade and rebuild their lives.”

17 The Equally Safe Edinburgh Committee (ESEC) believe that “Anyone who has been exploited through prostitution should have their rights to the right support enshrined in legislation. In our view, this should apply to everyone equally, including women with No Recourse to Public Funds (NRPF).”

19 The Josephine Butler Society fully support the measure and stress that those who exited prior to this Bill should also be given this right. They stress however that support should not be conditional on individuals expressing a desire to exit or any other conditions

25 Anonymous Individual

“I'd be less supportive of them being aggressively sold so called 'support to exit' - by service providers signed up to the moralistic conservative viewpoint that exchanging sex for money is a form of commercial exploitation and that'd they'd be better off living in poverty than doing so. Any such programmes that offer support to exit without providing adequate support to meet a person's economic and other needs is nothing other than moralistic proselytising.”

28 FiLiA note that “If as a society we create the opportunity to exit, we must also ensure that support is available to enable it. Therefore it makes its imperative that we recognise the harm that Women will have experienced in prostitution and ensure that they are legally entitled to support to help them recover from it and move forward to rebuild their lives.”

31 Lorraine Skorupska writes that “Women and girls need a safe and properly resourced route out of prostitution and protection from those who wish to exploit them, particularly those threatening them with violence.”

35 Ali Morris

“Women enter prostitution because of vulnerabilities. This is now well researched and evidenced. Support is the only way women will exit successfully.”

36 Dominic O'Regan

“(I reject the ideologically motivated term 'prostitution' unless it is used by a sex worker or their representative organisations). Legal support services need to be designed in close conjunction with sex worker organisations, like National Ugly Mugs and others. e.g. they must not be ideologically driven to imply that workers should be leaving sex work. That is a decision for an individual worker.”

37 Lanarkshire Rape Crisis Centre

“As we see with women who have received support from the rape crisis sector; effective and meaningful support options are crucial not only to making that initial decision to move away from selling or exchanging sex, but having formal rights to support would mean higher chances of not re-engaging within the sex trade. LRCC has worked in positive partnership with the Women’s Support Project and we fully recognise the huge life challenges for women in exiting. There exist good practice models of specialist services working in tandem; addressing health, substance use and crisis support needs in a trauma skilled and sustainable way. The creation of a right to support would demonstrate Scotland’s commitment to women who have been subjected to this form of sexual violence and give recognition of the harms caused by the sex trade.”

44 The United Reformed Church National Synod of Scotland Mission Committee believe “this is an essential element of enabling people to exit prostitution.”

46 Anonymous Individual

“People doing sex work should be able to access specialist health support and shouldn't be pressured to leave.”

47 Anonymous Individual

“Ensuring that women who have been sexually exploited will receive support to enable them to recover and build their lives should be a statutory obligation or the services will not be delivered in an environment where non-statutory services are being cut.”

54 Anonymous Individual

“All victims of crime should have a legal right to the support they need. Women fleeing prostitution are vulnerable and should be cared for as such”

69 Larissa Sandy believes that peer organisations should provide the support and be state-funded, that the statutory right to support should also include increasing employment rights and health and safety for sellers of sexual acts

and that being involved in prostitution should be recognised under the Equality Act 2010 as a protected characteristic.

65 Free Church of Scotland

“For the Nordic model to be effective in combatting violence against women and girls it is vital that all three strands of the model are adopted including appropriate support.”

67 Restore Glasgow

“Prostitution is a form of exploitation, and it fuels human trafficking. There must be an accessible and comprehensive system of support to ensure that victims can escape this cycle and rebuild their lives. A legal right to support (with specific and clear services) is critical to making this possible.”

77 The Christian Institute

“It would be best for the Scottish Government to provide a legal right to support and to ringfence funding directly for people exiting prostitution. Otherwise, it would be all too easy for the necessary financial resources to dwindle or be dropped if political or financial priorities change.

Creating the legal right to support could ensure that access to support will not vary significantly from region to region, city to city, or year to year, but will be available over the long term. This would mean women would be able to leave prostitution safely, with the levels of support needed to start a new life.”

78 Scotland for Decrim support this measure but stress that support must not be coercive or depend on exiting prostitution and share their belief that services must be delivered by those who have been or are involved in prostitution.

79 Rape and Sexual Abuse Centre Perth and Kinross

“RASAC would fully support the proposal to provide comprehensive support for people in prostitution. RASAC support and advocacy services, along with other specialist services in Scotland hear from survivors and observe the difference person centred support can make to survivors of sexual violence daily. Survivor centred support would ensure the survivors unique needs and recovery is supported using an intersectional, survivor led approach, and their pace was respected. Services designed to support those involved in / exiting prostitution would understand the reality of women potentially exiting and re-entering prostitution, possibly multiple times during their engagement. Supporting survivors without judgement, but with empathy to their unique situation and encouragement for them to continue to work towards their own personal recovery goals would be an invaluable resource. Services would ideally be set up to provide support quickly at point of need using a joined up, holistic approach.”

84 The Centre to End All Sexual Exploitation (CEASE)

“Affording victims and survivors of prostitution the legal right to support is critical to ensuring they can receive the appropriate support services and provisions to safely exit prostitution. The provision of social services (and health care), as well as exit services, are critical and require full implementation, including

statutory funding. As in France this must also be available on a statutory basis to migrant women, regardless of their immigration status.”

86 North Ayrshire Health and Social Care Partnership believe that “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.”

87 NRS, VAW Services, Glasgow City Council

“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.”

Question 5: What is your view of including provisions for exiting services in the bill? Fully supportive etc. Please explain the reasons for your response.

92 respondents (92% of the total) answered this question. There was overwhelming support for the measure, with just 7.5% of those who expressed an opinion opposing it. Of those who answered this question:

- A substantial majority of respondents (74 respondents or 80% of those who answered the question) fully supported this measure.
- 5 respondents (5%) partially supported this measure.
- 6 respondents (7%) neither opposed nor supported the measure
- 6 respondents (7%) were partially opposed
- 1 respondent (1%) was fully opposed
- 36 organisations (86% of the 42 organisations who answered the question) fully or partially supported this measure, 2 (5%) partially opposed it, 3 (7%) remained neutral and 1 (2%) expressed no view.

Summary of Responses

Support for this measure is strong, with 85% of respondents agreeing, regardless of whether they support the overall aims of this Bill. The only opposition to this element of the proposal came from those who viewed such a provision as a coercive measure designed to force women to leave prostitution.

These respondents were few in number, however, as even among those who are opposed to criminalising buyers and who consider prostitution to be merely another form of work, some see a need for exiting services for those who choose to leave prostitution. This is an acknowledgement that exiting is viewed as difficult even by some of those otherwise opposed to the Bill.

The vast majority of respondents who see the sellers of sexual acts as victims of commercial sexual exploitation noted that there was a need to understand and address the root causes and drivers for involvement in prostitution, including trauma, abuse and poverty as limiting self-value and life choices.

Organisations working with victims of sexual and physical violence, coercive control and addiction identified the many overlaps with people in prostitution and urged that support strategies must acknowledge the need for comprehensive, consistently high-quality support across Scotland and that this support must be locally available and long-term.

Many respondents supporting this measure stressed the need for all support given to people involved in prostitution to be non-judgemental, respectful and responsive to their own wishes and not to the beliefs or policies of those who support them.

This question offered respondents an opportunity to share their views on the current state of support and exit services in Scotland. Respondents with experience delivering support services in particular noted that access to support is dependent on a “postcode lottery” with the majority available in the Central Belt and little elsewhere. They stressed a need for the establishment of outreach services that will support women in rural areas and the Highlands and Islands. Many respondents referred to the Scottish Government’s plan for support services announced in 2024 and that it could help deliver the support services women and girls in prostitution need.

Respondents highlighted that exit strategies must accommodate the reality that exiting prostitution is not an event but a long, difficult process for almost all in prostitution. This underpinned the need for support to be comprehensive in tackling root causes and available for the long-term.

There was considerable overlap with responses to the previous question. Respondents strongly supported the need for a legal right to services to recover the lives of people in prostitution and stressed that this should be combined with support and exit strategies that are adequately and reliably funded by the Scottish Government.

As can be seen in the selected responses below, there was a large number of highly detailed responses to this question, presenting data and sharing experiences from their own practice from frontline services and local authorities as well as researchers. Several respondents also sent us the Position Paper on Exit Strategies published by UN Special Rapporteur Reem Alsalem after the deadline closed. It is included as supplementary information with the full responses but is not further analysed here.

Selected Responses

2 Robert Shields

“The majority who leave prostitution do so without support-it's a minority especially street prostitutes who may have addiction problems that need support.”

3 Anonymous

“Exiting is very difficult and it is common for women to spend months or years trying to do so with some episodes where they return to transactional sex. The driver for these failures is money and is the reason why they need to return to selling sex. Whilst I am very supportive of provisions for exiting, these need to include financial support. I would suggest that there is redistribution of money received from fines to women who require financial support beyond that available from government benefit system to help women permanently exit involvement in prostitution“

4 Ryan McSorley

“If sex work were decriminalised and people did not hold the mistaken belief that prostitution is inherently harmful, there would be no need for ‘exiting services’.”

5 Dr Jacqui Stoye

"It is essential. However, I should say that it must be victim led, not enforced, and utterly dependent on the person's particular circumstances. Some of this provision should include training for staff in a whole plethora of services. Often women don't come forward to ask for help because of fear and shame and there need to be various ways of reaching out to women and giving them time, without that being cast against them. The effects of living in difficult circumstances, with fear and violence added into the mix create hugely complex mental effects and healing and recovery will take time.

In addition, to everything above, claiming asylum can be particularly challenging for women trafficked for CSE. Women must demonstrate that they face persecution based on specific grounds such as race, religion, nationality, membership in a particular social group, or political opinion. Proving that exploitation falls into these categories can be difficult. In addition, their trauma and fear can affect their credibility, they may not have access to documentation, the legal process can be very intimidating, there may be cultural and language barriers, and there is the pervading, ever-present fear of retaliation from their traffickers. It would be helpful if there were a legal requirement in the bill to fast-track trafficked women into safety and support.”

17 The Equally Safe Edinburgh Committee (ESEC)

“We fully support that there needs to be specialist exiting service provision for women exploited through prostitution in the proposed Bill. Currently, Scotland experiences a ‘postcode lottery’ in terms of where VAWG services are located, and this landscape becomes increasingly challenging when seeking specialist support to exit prostitution given the complexities and sensitivities involved in any work on CSE.

However, the increasingly challenging funding landscape has seen existing specialist services operating on ever-decreasing resources and struggling to provide the comprehensive and holistic support that women require in order to exit prostitution. This is further complicated by the current funding review for Delivering Equally Safe. To provide the support women need to exit, there needs to be flexible access to funding for new and emerging services.

There also needs to be considerable investment in existing specialist exiting services, as well as investment in non-specialist VAWG services to be able to identify exploitation through prostitution and provide appropriate support, referrals and signposting. Resources would be hugely appreciated if used to create standard best practice guidance on CSE for all specialist and non-specialist services beyond VAWG services.

Harm reduction cannot be the only way forward, but there is a place for it - for example in using proceeds from fines against those purchasing sex and sexual

services to supplement the cost of delivering specialist exiting services to women.”

19 The Josephine Butler Society

“We are not opposed to exiting services as a matter of principle. If sex workers wish to exit then they should be given every opportunity and support to do so. But this should not be a quid pro quo for receiving support from these services. If sex workers also wish to continue to sell sex then they should not be denied support.”

22 Beira’s Place – Edinburgh Women’s Sexual Assault Support Centre

“Beira’s Place fully supports the expansion of service provision for women exiting prostitution in the proposed Bill. Current services are sparse outside of the central belt, and though the Scottish Government’s own strategy ‘Prostitution – challenging and deterring men’s demand’ aims to create a co-ordinated local and national response, there is an obvious gap in primary prevention work on challenging men’s demand.

The strategy states that one of the ‘key components’ of the strategic approach will be “disrupting, deterring demand, and tackling its drivers”. But the sex industry is a multi-billion pound industry worldwide with the exploitation of women and girls being a fundamental part of that industry and our current economic climate unable to ensure that this issue will be a priority.

However, recognising the needs of abused and exploited women and girls must remain at the heart of the government’s commitment to improving the lives of survivors of CSE and protecting young women in the future from further exploitation.”

25 Anonymous Individual

“To that the extent that these provide a legal right for those sex workers who wish to access support of any kind, I’d be supportive. Again these services should be non-judgemental and non-biased, they should not seek to proselytise a moralistic view that sex work should be illegal.”

28 FiLiA

“We must ensure that Women have easy access to specialist services that can understand and respond to the needs of Women who will have experienced multiple traumas and will require Women only, Women centred, trauma informed flexible support according to their diverse and varying needs.”

30 Faces and Voices of Recovery UK (FAVOR)

“I fully support the inclusion of provisions for exiting services in the proposed bill. Addressing the root causes of prostitution, such as poverty, addiction, domestic violence, and coercion, is crucial to enabling individuals to exit prostitution. Comprehensive exiting services should be established in major urban centres, offering not only essential facilities for rest and basic care but also access to legal, financial, and social support.

Rural areas must also be adequately serviced, with proactive outreach to ensure that women in these regions have access to exiting services. The trauma experienced by women in prostitution must be recognized, and appropriate psychological and counselling services must be made available as part of a broader exit strategy.”

36 Dominic O'Regan

“It is clear this bill is ideologically driven. All services for sex workers (including for those who may wish to leave or reduce their sex work working hours) need to be designed in close conjunction with sex worker organisations, like National Ugly Mugs and others. So they must not be ideologically driven to imply that workers should be leaving sex work. That is a decision for an individual worker.”

37 Lanarkshire Rape Crisis Centre

“It is shameful that even in highly populated parts of Scotland there are so few services that have a role currently to help people exit. The services that do operate do so on unstable funding models and low capacity. A hub and spoke model of support services would be an effective model of delivery, addressing individual need and being responsive to demand. Violence Against Women Partnerships are well placed to co-ordinate the necessary statutory services within this model and lead on bringing all partner agencies and specialist support services on board. We have confidence in the strong partnerships in North and South Lanarkshire to deliver on this outcome.”

41 Scottish Women's Aid

“Exiting” or leaving prostitution is a process, not an event, and can be a long and difficult process due to personal circumstances and pressures, taking many years. Services will be required to: - supportively address women's insecure immigration status; facilitate access to safe, secure, and affordable accommodation; offer support into employment and education; financial aid; access to appropriate health services but to name a few. Our response to Question 4 above in terms of the strategic national and local approach is relevant here.”

43 Nordic Model Now!

“People involved in prostitution, the vast majority of whom are women, need access to specialist services which understand their experience of multiple forms of disadvantage and trauma and are centred on, and informed by their circumstances and needs. The support should be flexible and include, but not be limited to, health services such as mental and psychosocial support, rehabilitation services for those with alcohol and substance use issues, and support groups, as well as social and financial support including housing, social security benefits, child support and support to access vocational training and employment.”

44 The United Reformed Church National Synod of Scotland Mission Committee

“We believe this is essential to enable people to exit prostitution. A range of supports will be required which must be person centred and trauma informed. We would hope to see a full range of support available which will include

financial support, housing, sexual health services, trauma recovery. the cost of not providing these services is too great. There also needs to be consideration of the personal safety of those exiting prostitution as they could be at risk from clients or controllers.”

60 Women's Support Project

“There are so many barriers to leaving and staying out. A lot of the time it's like, “Do you know what? I'm stuck between a rock and a hard place, and I can't get out of this.” As much as I want to get out of this, I can't because I can't afford to because I've got all these bills that I have to pay. The reality of this is that if I don't do this work, I'm going to end up homeless, I'm going to end up with no money, I'm going to end up working minimum wage, and I'm going to end up not being able to feed my kids. Then women are meant to choose.” Barbie Outside

It is important to reflect on the word ‘exiting’ which is often used in relation to women moving on from selling or exchanging sex. Exiting can sound finite, as a one-off action when it is far from a linear or clear-cut with complex journeys to stop selling or exchanging sex. Women often leave for short periods at different points and may decide to become involved again for different reasons.

Exiting is an ongoing process. Women can take many years to leave (if they ever do) and for some of them it can be a lifetime journey.

Women also talk of challenges when their identity is tied to the experience of selling sex.

Many women have exited without support, whilst for others, if they do not get the support they need, then they are more likely to need ongoing interventions over their life course. Some women have said it can be harder to leave the ‘sex industry’ than to remain involved.

“Exiting” support needs to be comprehensive and afford women real choices and long-term alternatives.

1. Regularisation of immigration status for undocumented women
2. Priority access to safe, secure, and affordable accommodation
3. Guidance counselling (careers and education)
4. Further education and training opportunities
5. Access to financial aid to allow a transition out of prostitution.
6. Access to holistic health services and practical and emotional support
7. English language and English literacy skills /interpreting services.

Exiting support must be tailored to the needs of the individual, working with them to identify and remove the barriers trapping them in prostitution, to ensure a sustainable exit when they are ready to leave.”

61 Alison Weir

“No woman dreams of being a prostitute. It is the result of desperation and an inability to escape circumstances. We must provide that escape route.”

62 Jacinta Cooke

“It would seem to be essential to support women who wish to leave such a voracious industry to provide well-funded services and exit routes. This benefits everyone in society as well as the individual women themselves, reducing poverty, substance abuse and treating trauma encourages a positive engagement with communities, and if done properly ensures that once women have left the commercial sex industry they feel empowered to stay out.”

67 Restore Glasgow

“The right to support, without the provision of clear and well-defined services, risks being too vague to hold any real value. Therefore, it is essential that these exiting services are outlined as clearly as possible.”

68 Suzanne Malyon

“There is a desperate need to provide services for those vulnerable and exploited ones in prostitution to be provided with help. Counselling, rehab & housing alongside help with getting into work or education would be a good investment into those affected.”

69 Larissa Sandy

“My full support for the provision of these services is conditional upon the program supporting sex workers’ choices, including the choice to remain in sex work.”

70 L.McLarty

“A comprehensive framework is necessary to help those wishing to exit prostitution. Practical, emotional, financial and health support systems are necessary.”

72 Street Workers Collective Ireland

“As sex work is an economic activity, the most useful provision would be to replace the income earned through sex work. Instead of creating exiting services for sex workers, it would be more beneficial for the government to examine ways to provide targeted income schemes to people in, or at risk of, poverty. Tackling poverty and deprivation would lead to a reduction in the amount of people that feel the need to do sex work in order to support themselves.”

75 Evangelical Alliance Scotland

“We fully support provisions for exiting services as this would provide victims with the necessary aid to escape prostitution. Exiting services have proved successful in other jurisdictions, including Sweden and France, and in conjunction with the legal right to support will be a key measure in ensuring the legislation works as effectively as possible.”

77 The Christian Institute

“Including provisions for exiting services in the bill is welcome. It is central to the fulfilment of the ambition to see women freed from cycles of commercial sexual exploitation.”

Recognition of and provision for the complex needs associated with leaving prostitution will equip women to leave prostitution for good.

Provisions for exiting should include ensuring women are protected from further harm, supported to heal physically and psychologically, and that they are equipped with skills to gain sustainable and legal employment that meets the basic demands of human dignity and worth.

As with the proposal for the legal right to support, legislating for exiting provisions can ensure that *sufficient levels of support* remain available for women leaving prostitution over the years to come. Providing clarity on what support should exist, such as safe houses, will facilitate this too. This can allow for the creation of, for example, safe houses that can equip women with new skills whilst providing wrap-around care.

Research found that 89% of women in prostitution wanted to leave and needed support to do so. Of these, 75% needed a home or safe place, 76% needed job training and 61% needed healthcare. Needs for counselling and protection from pimps, peer support and legal assistance were also frequently mentioned. Depression is almost universal amongst those in prostitution and, as mentioned under question 1, the majority suffer with severe PTSD. As discussed under question 2, there is often a time lag associated with processing the trauma of prostitution. Women will need enough time in safe accommodation (securely away from those who exploited them) to enable them to begin to recover from the years of abuse and exploitation, often involving coercion and mental domination.

There are charities in the UK and abroad that model wrap-around support, including the provision of safe houses, counselling support and training for employment.

Charities with experience of supporting survivors of sex trafficking out of prostitution should be given opportunities to provide wrap-around exiting programmes.

Ambitious legislation can create pathways to allow women to walk away from prostitution for good. Providing exiting support, regardless of the circumstances of entry, would facilitate long-term change for women in prostitution across Scotland.”

79 Rape and Sexual Abuse Centre Perth and Kinross

“RASAC would fully support the provision of exiting services. Many women are forced into prostitution due to a lack of choices and often this is due to multiple and complex issues and barriers. A diverse range of trauma responsive services available at point of need would be key to supporting women not only to exit but to maintain this ongoing. Often services feel disjointed and long waiting lists can leave women feeling like receiving support for their situation is not a priority. Services to support basic needs such as housing, health, finances and utilities would be important, but often people are unable to sustain these changes due to isolation, loneliness and mental health issues. Services to

support women to reconnect and explore meaningful opportunities relevant to them would be an advantage, along with employment and volunteering opportunities when they in a place to explore this.”

81 The East London Strippers Collective (ELSC Productions CIC)

“Services for exiting or re-skilling are best offered by members of the community; not the state. It is clear from this bill that the state are in & of themselves hostile to sex workers & do not see or respect their inherent agency/bodily autonomy. As such, they would be unfit to support Sex Workers in any attempt to re-engage in civilian work. This provision is also predicated on the assumption that all sex workers WANT to exit the industry. This is simply untrue.”

85 Scott Buxton

“This is very important for similar reasons to those given in our response to question 4. Including provisions for exiting services in the bill puts them on a statutory footing and means they are more likely to require regular review by a committee of the Scottish Parliament. These exiting services should be complemented by regular recording and publication of monitoring data which looks at the background of those people who are assisted, including whether or not they entered prostitution as minors, from outside the UK, etc”

87 NRS, VAW Services, Glasgow City Council

“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.”

Question 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?

77 respondents (77% of the total) answered this question. There was significant diversity of opinion on this question. Of those who answered this question:

- 74 respondents left comments (96% of those who answered).
- A significant majority (48 respondents or 62% suggested ways of enforcement
- 26 respondents (34%) stated the proposed offence should not be enforced or criticised it in their comments
- 3 respondents (4%) said they had no view on this question.
- 30 organisations (79% of the 38 organisations who answered the question) suggested ways of enforcement, 6 (16%) rejected enforcement and 2 (5%) expressed no view.

Summary of Responses

Organisations who work with survivors of the sex industry are predominantly supportive of a multi-layered enforcement strategy that centers the protection and support of people in prostitution to mitigate the risk of harm in any prosecution of the buyers of sexual acts. Almost all organisations and many individual respondents noted that training would be paramount in ensuring the success of the proposed law.

Many respondents suggested that a simple fine would be inappropriate to the serious nature of the offence. Others believe that fines should be the starting point of any enforcement action. Enforcing the proposed offence to tackle the increasing trend in the online sale of sex acts is a concern and an area that many respondents agreed needed focus.

Many of the supportive respondents referred to learnings from other jurisdictions that implemented the Nordic Model to challenge demand. Some also mentioned learning from pilot schemes, such as the use of existing number plate recognition technologies in Ipswich to tackle kerb-crawling and using digital communication and tracking.

Many respondents suggested that a mass public campaign was needed to ensure the law is understood and that people in prostitution are destigmatised and supported to exit.

Almost all respondents making enforcement suggestions noted that a suite of measures would be needed to ensure enforcement is effective in challenging demand for commercial sexual acts, including making buyers carry the stigma that currently falls on the sellers. Frontline services and local authorities who commented on this question often provided detailed suggestions and references to enforcement in other jurisdictions. Enforcement that is not at a

national level raised concerns of inconsistencies and losing clarity in understanding the law that may if enforcement is at local authority levels.

Respondents who opposed the overall aims of the Bill rejected enforcement altogether, as they did not support bringing in the proposed law and reiterated many of the comments from previous questions, such as the demand for adopting a different law (full decriminalization) or a discussion about prostitution being work like any other.

Selection of Responses

2 Robert Shields

“I don’t think they should be enforced-the policing of what is a consensual act by means of wiretaps etc., are a gross breach of civil liberties”

5 Dr Jacci Stoye

“The key aspect to criminalising the buying of sex is that it is different to most laws, in that it is directed towards those who are otherwise law-abiding men who wish to remain so, not the criminal fraternity. After all, buying sexual services is currently legal. The power of this law is to act as a deterrent, and it works in the same way that the anti-drink-driving, wearing-a- seatbelt, and not-using-a-mobile-phone-whilst-driving laws did. Law-abiding citizens do not want to enter the criminal justice system, lose their freedoms, or their standing in the community.

To begin with it would be important to have a public advertising campaign to inform buyers that this would be a criminal offence, and to inform sellers that they would not be criminalised or punished in any way. This will be enough to deter some buyers. The threat of wives, families and colleagues finding out will be greater than any fine. I don't think the punishment should be too high for a first offence, not because I don't think it is a serious crime, but because for most men it won't be necessary, and it won't bring swathes of men into the criminal justice system and thereby attract negative criticism from an already overloaded public service, the media and the public.

In Sweden, it was customary to do an on-the-spot fine, commensurate with the buyer’s wage, if a buyer pleaded guilty for a first offence. If he pleaded not guilty, it would go to trial (apparently this was very rare!). However, a further offence should have a far heavier financial penalty, leading to the possibility of a custodial punishment if the offender were to persistently flaunt the law. However, fining heavily has the benefit of not overcrowding prisons, whilst simultaneously increasing the funds for supporting women to exit, where the fines should be directed.”

11 Anonymous Organisation

“Evidence suggests that very cheap, easily enforced measures such as small fines or ‘naming and shaming’ deter the vast majority of buyers. France’s ‘re-education’ scheme also seems to work well. Preventing sex buying in the first place, however, is key – this means an end to constant media soft porn

promotion and robust school education (e.g. including it in sex and relationships education). And this is necessary from the youngest possible age as children are bombarded with sex industry messaging or even pornography itself from the youngest imaginable age. It also means working hard to end children accessing porn and an end to all violent/abusive porn.”

18 Scott Bamford

“This bill needs support with a huge public marketing campaign. The sex industry is huge and lucrative. Prostitution thrives in an environment when society says it is permissible and acceptable to buy a woman's body, there needs to be a strong statement to refute this and state why.”

19 The Josephine Butler Society

“We do not believe that the proposed offence should be enforced. We have seen in countries that have introduced similar legislation that sex workers end up bearing the brunt of the impact of the law, either through loss of income, increased risk of harm from clients, or being unfairly targeted by law enforcement (which undermines the entire philosophy behind the legislation).”

13 A Model for Scotland

“The Scottish Parliament's Cross Party Group on Commercial Sexual Exploitation's 2021 inquiry into sexual exploitation advertising websites provides substantial evidence that pimping websites are a major enabler of sex trafficking and sexual exploitation in Scotland. Market-leading websites centralise and concentrate demand online from sex buyers, therefore making it quicker and easier for exploiters to advertise sex trafficking victims and for 'would-be' sex buyers to locate women to pay for sex. The report finds that the scale of sex trafficking and sexual exploitation facilitated by the websites vastly outstrips policing capacity to respond to it. It also evidences successful international legal and law enforcement initiatives to tackle these websites which Scotland can learn from, including the USA's example.

It is crucial to introduce the offence of enabling and/or profiting from the prostitution of another person, to effectively combat the role pimping websites play in facilitating commercial sexual exploitation. The UK Parliament's Home Affairs Select Committee human trafficking 2023 inquiry report also recommended that "Legislation which bans third party profit-taking from the prostitution of another person should be extended to prohibit any individual or company from enabling and/or profiting from the prostitution of another person, including facilitation that takes place via online, digital services, websites and the internet."

15 For Women Scotland

“Training for police and others: A key lesson from other countries is that implementation of the Nordic Model is most effective when accompanied by in-depth training for the police, judiciary, Crown Prosecution Service (CPS), and frontline workers in education, social services, local government, the NHS, etc. All partners involved in criminal justice, support, and health services, should, therefore, take part in specialised training programmes and build co-ordinated trauma informed responses.”

“Police in Ipswich used kerb crawling legislation and number plate recognition technology for their zero-tolerance approach.”

“The evidence from Sweden suggests that concerns about public shame have been key in reducing demand for prostitution. According to a 2010 government report, “Police officers and social workers report that buyers of sexual services have become more cautious and that the ban has led to a decrease in demand, at least for street prostitution, as a result of criminalization.””

“According to the police, buyers are afraid to be caught, but they are more concerned about the possibility that the offence of which they are suspected will become known to family and acquaintances than about the penalties they risk.”

17 The Equally Safe Edinburgh Committee (ESEC)

“As with the introduction of any new legislation, the ESEC anticipates that should this Bill be enacted, specialist training and information will be disseminated to VAWG partners to raise awareness of the provisions within the legislation. We would also anticipate that special consideration will need to be made around the sensitivities in enforcing the offence.

Should police attend when someone is purchasing sexual services, it is possible that the victim might obstruct the arrest due to the fear of losing income or due to other risks against them (or their family), leading them to become potentially hostile and violent. This is particularly true if the victim has been coerced into CSE by an abusive partner or a criminal network. This could include human trafficking networks who may be exerting control on the victim through abusing or controlling their family or loved ones.

It is therefore extremely important that there is a recognition and acceptance that those selling sex, particularly women, are victims of a crime and their reactions and responses be treated as trauma responses rather than wilful (criminal) conduct. We recognise that this can be challenging, especially given the current discourse around commercial sexual exploitation, which views the sale of sex as a choice, rather than a form of violence and exploitation.

To prevent such risks escalating, it needs to be made clear, at the point of arrest, that this is a state decision, and not based on a report by the victim. This should hopefully provide a level of protection to any victims who are affected by other types of crime or control by criminal groups.”

22 Beira’s Place – Edinburgh Women’s Sexual Assault Support Centre

“As with most new legislation, we anticipate that all partners involved in criminal justice, support, and health services, take part in a specialised training programme that emphasises the needs for a co-ordinated trauma informed response to women currently involved in any form of commercial sexual exploitation, or trying to exit.

One argument posited in favour of the “sex work is work” lobby is that women are against the prosecution of buyers of sex and may protest against arrest of

their clients. This must be viewed through a lens of understanding of the fear women may have of losing money, not being able to buy the drugs they need, or being forced to prostitute by an abusive partner or organised gang and being unable to pay them off. There may be other dangers to women and this may cause hostility to police or other services.

This is another reason for comprehensive training for all services so that there can be an understanding of the deeper issues for women who are selling or exchanging sex. Qualitative work should be done in order to understand the nature of the fears and threats exploited women have, and organise ways to mitigate these and protect them. Policy should be tested in ways that ensure that the intended outcomes are achieved.”

24 Dr Anna Cleaves

“Initially arrested and fined. See Simon Haggerstrom ‘Shadow’s Law. When fined men (principally men) plead for wives/partners not to be informed. Most declare that it is their first time to be a ‘sex buyer’. Arrest and fine acts to deter.”

26 Male Allies Challenging Sexism

“Police should make use of their local knowledge of areas and establishments where the purchase of sexual services is happening and closely monitor these. Anyone found to be soliciting sexual services or paying for these should be charged with a criminal offence and be put on a register.”

29 The Scottish Women’s Convention (SWC)

“We hold some concerns regarding the enforcement of such an offence. Women in prostitution have traditionally negative views of law enforcement staff, as a result of continual criminalisation and stigmatising attitudes, as well as experiences of violence. Additionally, consideration of online technologies on prostitution must be made within the development of this Bill.”

30 Faces and Voices of Recovery UK (FAVOR)

“Effective enforcement of this offence will require comprehensive training for police, judicial authorities, and frontline workers across various sectors, including education, social services, and healthcare. This training should focus on trauma-informed responses, ensuring that those in positions of authority understand the complexities of prostitution and the exploitation involved.

In terms of enforcement techniques, the use of technology such as kerb-crawling legislation and number plate recognition, as employed in Ipswich, has proven successful in reducing demand for prostitution. Sweden’s experience demonstrates that the fear of public shame and social consequences acts as a powerful deterrent for men purchasing sex. Therefore, enforcement strategies should focus on these psychological deterrents as well as legal penalties.”

35 Ali Morris

“Men will not stop buying women’s bodies unless it is a cold hard shock. Having a potential criminal conviction is the only way they will stop.”

36 Dominic O'Regan

“There should be no new offences, but a clear statement and eventual law to fully decriminalise sex work (workers, clients, 3rd parties)”

39 Tim Dieppe

“A fine is not likely to be sufficient as it would not deter the rich.”

41 Scottish Women’s Aid

“Consistent application nationwide will be required to prevent buyers simply moving to areas of the country that are considered or reported to be “under-policed. It must be clear that the offence covers “off-street locations” and the virtual world, which will require a change in the nature of investigations to identify and prosecute buyers.

Consideration will have to be given on how to protect women during prosecutions of buyers and how to avoid or minimise them being required as witnesses in the prosecution of the new offence.

As the consultation notes, “payment” must be widely defined, including provision of goods and services, to capture all eventualities and ensure that activities are not allowed to fall outside the offence, particularly where they are contrived to do so.

What is missing from the legislative proposal is how this offence could be used to take action against those who organise and facilitate the exploitation of women, for instance “escort agencies”, websites and it may require creation of an additional, complementary offence to cover this.

Successful implementation of the offence will require extensive training for front-line and investigative officers, and for the judiciary but more importantly, an attitude change towards this form of violence against women and the focus put on those who buy and exploit as opposed to the exploited seller. Therefore, to ensure this happens, it is also absolutely vital that the draft legislation contains monitoring, evaluation and reporting duties relating to investigation, prosecution, conviction and sentencing.

We would also support the paper’s proposal that, in preparation for the new offence the Scottish Government should conduct an awareness-raising campaign to ensure that those who purchase sexual acts are aware of the new offence.”

43 Nordic Model Now!

“It is important that education programmes and publicity highlighting the serious harms caused to individuals and wider society, including education programmes aimed at younger people, are initiated alongside the implementation of the new offence and that these continue. To convey the message that the harms caused by prostitution are serious, paying for sexual services must be treated as a criminal act enforced by the police.”

44 The United Reformed Church National Synod of Scotland Mission Committee

“The proposed offence should be enforced through a change of focus by Police Scotland onto the purchasers of sex rather than those who are selling it. The policing approach should be person centered and trauma-informed. We think that monitoring of social media accounts and the dark web is significant and think there is a role for working in conjunction with technology companies”

50 Anonymous Individual

“To this day the sex work industry is still going strong in Sweden despite having the Nordic Model since 1999, 25 years, and details of many sex workers to book can still be found online in seconds for the main Swedish cities. It would appear the Nordic Model is expensive and impossible to enforce in any form of effective manner.”

52 Anonymous Individual

“Clearly reading reports of the Swedish experience enforcement is a problem which in itself makes this bill a bad idea. Look at the Wikipedia entry on it and that final US table. Prosecutions fall, presumably as police forces are demoralised trying to get convictions. What capacity has Police Scotland got to add this offence? What budget is ScotGov going to put to it?”

58 Kruti Walsh

“Those of us working in the women's sector are only too aware of issues around enforcement / obtaining justice when it comes to the safety and protection of women. We believe it is important that a balance is struck between an approach that is pragmatic, alongside the need for an ambitious commitment to seeing these offences properly enforced. We understand that one option could be for enforcement to sit within the jurisdiction of the local authority, as opposed to the police. Whilst we recognise the benefits of this, in terms of the local authority being motivated to correctly enforce (financial incentive) we would have some concerns.

Firstly, if we are serious about systemic change the serious nature of these offences must be recognised as a criminal, therefore police matter. We would not want them to be inadvertently minimalised by an enforcement approach that is not sufficiently robust. Secondly, there is a high likelihood that sex buyers will be perpetrators of other harms against women, whether that is domestic abuse, stalking or other offences. There is an opportunity for police to build a better picture regarding the profile of potentially dangerous males in the area.

Whilst some of the issues regarding misogyny and sexism within the police force are well recognised, we want to be ambitious about the ability of the police to respond appropriately to these offences.

1) Mark scenes of prostitution, and in these scenes, hand out a report to every man. For example, if the police enter a brothel or a prostitution apartment - every man found there is defined as a sex buyer and receives a report. If there are objections like "What if it's a pizza delivery man?" The answer: he can appeal the report.

2) Enact a clause blocking prostitution sites and take them off the web immediately before all criminal proceedings are exhausted. Issue a towing

order for each site (if opened under a different name, it will be taken down immediately). This is a very effective thing. Prostitution is currently published mainly on the Internet, and without a website blocking law, it would be very difficult to enforce.

3) Even if it is difficult to prosecute a pimp - first of all, shut down the brothel. Some of them reopen, but if 40 brothels are closed - 40 new ones are not opened, fewer are opened. All this hurts their pocket and viability.

This will take leadership within the force and require training for officers on the ground to increase their commitment to seeing justice achieved. It is important that officers understand the profound harm that prostitution causes to women. It is equally important that they understand that a man who presents as nice and polite is more than capable of raping and hurting women.”

63 Anonymous Individual “It should not. The Nordic Model probably makes sex workers less safe by giving them less time to screen clients. Sex work should be decriminalised so sex workers feel safe to report incidents of violence without losing their livelihood.”

65 Free Church of Scotland

“It is essential that alongside enforcement there should be a widespread public information campaign (like the one that accompanied the change in the smoking laws). This will help those in society understand that prostitution is always violence to women and degrading to women. No human being should ever be “for sale”. It may reduce demand even before the offence is being enforced. There must also be age-appropriate education programs in schools that explain honestly the damage that prostitution causes. “

“Experience in other countries has also shown that for the Nordic Model to be effective, it needs to be accompanied by in-depth training for the police, judiciary, procurator fiscals, and frontline workers in education, social services, local government, the NHS, etc.”

66 Christian Concern

“A fine cannot be the sole penalty for paying for sexual offences, as this would lead to bias whereby the more well-off would not really be deterred. Seeking out prostitution is linked to dangerous attitudes to women, boys and children, as well as dangerous paraphilias and anti-social behaviour. It would therefore be a good idea to look into the range of penalties used for sexual offences, as deterrents.”

67 Restore Glasgow

“There must be robust and transparent prosecution of the proposed offence to send a strong message of deterrence and ensure that offenders are appropriately punished. Only through firm enforcement and public awareness will this effectively reduce demand. Lessons must be learned from Northern Ireland where similar policies haven't yet shown the hoped-for reduction in demand, quite possibly due to a lack of a strong and unified stand within policing/prosecution services.”

68 Suzanne Malyon

“A person buying sexual services could be out on a register, similar to a sex offenders register, along with a fine and / or community service.”

76 East Ayrshire Council

“Robust enforcement acts as a clear deterrent to would-be sex buyers who require to be identified and held accountable. Implementation must be nationwide to ensure that men do not travel from one location to another. The majority of the sex industry takes place in off street locations. There must be proactive evidence-led investigations to identify and prosecute sex buyers in off-street locations. It is not acceptable that the purchase of sex in a public place is illegal but if a sex buyer steps off the street into a sauna, no crime is committed.

Action must also be taken against those who organise and facilitate the exploitation of women, including where women are advertised for sale on websites etc.”

77 The Christian Institute

“There are a variety of ways that the offence of purchasing sex can be enforced. Strong custodial sentences for sex buyers are required to deter sexual exploitation. Sex buying should be taken seriously in the courts, recognising the severity of the harm caused.

Repeat offences should increase the level of penalty – whether this is time in prison or a fine. The proposed bill suggests a maximum fine of up to £10,000 and/or six months’ imprisonment on a summary conviction, or a fine or 12 months’ imprisonment following solemn proceedings. A *minimum fine* should be set in law, increasing in cases of repeat offences.”

79 Rape and Sexual Abuse Centre Perth and Kinross

“It would be crucial that the offence of paying for sexual activity was robustly and consistently enforced across all of Scotland’s communities, cities, villages and rural areas. The wide variety of spaces where the buying of sexual activity takes place, both physical and online would also need to be considered to ensure this issue does not just change shape to adapt to new legislation.

Online platforms who advertise and facilitate the selling of sexual services should be held accountable for their complicity in the exploitation of people. Landlords offering short term cash in hand lets, hotels and holiday lets should be made aware of their complicity in this crime should they knowingly or negligently allow this offence to take place. Media awareness campaigns that draw attention to this new offence and highlight the harms would be beneficial in gaining public empathy and encouraging intelligence sharing.”

80 Trevi Women

“Enforcement - important to enforce as men who buy sex may also be perpetrating other harms against women. Training required to ensure that all involved understand the importance of enforcing. Need to consider what

protection is in place for women who are required to support any enforcement action, will women be asked to provide witness statements, how will they be safeguarded?”

85 Scott Buxton

“A fine cannot be the sole penalty for paying for sexual offences, as this would lead to bias whereby the more well-off would not really be deterred. Seeking out prostitution is linked to dangerous attitudes to women, boys and girls, as well as dangerous paraphilias and anti-social behaviour. It would therefore be a good idea to look into the range of penalties used for sexual offences as deterrents. Prison may need to be considered in order to maintain a level of consequence to stop people doing it - may even need to have protection programs for the people in the middle of it all.”

86 North Ayrshire Health and Social Care Partnership

“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 of 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.”

87 NRS, VAW Services, Glasgow City Council

“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.”

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

61 respondents (61% of the total) answered this question. There was significant diversity of opinion on this question. Of those who answered this question:

- 29 respondents (48% of those who answered) believe no new powers are needed.
- 7 respondents (11%) believe new powers are needed
- 13 respondents (21%) made other comments
- 8 respondents (13%) were unsure and
- 4 respondents (7%) said they had no view on this question.
- 10 organisations (36% of the 28 organisations who answered the question) reject new powers for the police, 2 (7%) support new powers, 10 (36%) left other comments, 4 (14%) expressed no view and a further 2 (7%) were unsure.

Summary of Responses

Opinions on this question vary significantly, but the number of respondents who believe that there is no need for new policing powers outweighs those who believe there is a need by a factor of four. Most respondents shared their view that the existing powers would be enough to enforce the new offence and that it is far more important to ensure that the police use those existing powers effectively and consistently across all of Scotland. To achieve this aim, training the police as well as all agencies and services in understanding and implementing the new law and in trauma-informed practice was seen as vital.

Another common theme was the belief that supporting the enforcement of existing policing powers, through raised awareness, public campaigns, better training and institutional changes like more female officers would have a greater impact than new powers.

Some respondents noted that Police Scotland shared their understanding of prostitution as violence against women and girls and that they know from their own practice that the police now see the women as victims of exploitation and abuse who need support not as perpetrators of a crime.

Local authorities and frontline services and those with experience working with women and girls involved in prostitution emphasized the importance of working collaboratively with Police Scotland in enforcing the proposed Bill. They also felt that they should consult the police on the need for additional powers to ensure any required changes to operational procedures are planned for early to make the implementation stage of this bill as smooth as possible.

A significant number of respondents who support the Bill noted that most prostitution was now effectively underground in Scotland. On-street prostitution

is less common than indoor prostitution, with the latter facilitated through the use of online prostitution sites. Respondents felt that these sites would need to be addressed if the Bill is to succeed in tackling demand, with several suggesting that separate legislation may be needed to target these websites directly. Respondents who believe there is a need for new policing powers frequently mentioned that they would be needed to tackle these sites.

A common theme among supportive respondents was the necessity of monitoring police performance, to measure the impact of the new crime in tackling demand for prostitution as well as to collect better data on the nature and needs of those exploited by commercial sexual exploitation.

Clarity and understanding of the new legislation are regarded as critical, such as the criteria and thresholds required for observation and surveillance which were suggested must be clearly defined and stipulated in legislation.

Those who oppose the overall aims of the Bill collectively rejected giving the police any new powers and often expressed a desire to see less police involvement in prostitution, generally through full decriminalisation. Their comments frequently expressed frustration with and some hostility towards the police, but as many of those respondents do not live in Scotland it is likely that this is in relation to negative experiences with their own local police forces and not a reflection on current policing by Police Scotland.

Selected Responses

3 Anonymous Individual

"I do not think new powers would be required but resources would be"

15 For Women Scotland

"...it appears the police may already have the necessary powers to adapt to the new offence. However, some training and coordination would be beneficial.

A study, carried out by the Women's Support Project in 2008 asked 110 men who had bought sex what would deter them from purchasing sex. They responded as follows:

- 89% - being added to the sex offender register
- 79% - spending time in jail
- 72% - increased criminal penalties

Evidence from Sweden also shows that the combined threat of fines, arrest, police registers and prison sentences reduced street prostitution by half."

17 The Equally Safe Edinburgh Committee (ESEC)

"In terms of policing powers, we are aware of good practice taking place, with an increased understanding of the vulnerabilities and risks affecting people selling or exchanging sex...Ultimately, we believe that criteria and threshold

required for observation and surveillance to take place need to be clearly defined and stipulated in legislation.”

22 Beira’s Place – Edinburgh Women’s Sexual Assault Support Centre

“We believe that rather than increasing policing powers, a “primary prevention” approach is needed to enable a cultural shift which recognises that all forms of CSE are harmful to women, as well as being a crime. A wide ranging programme of awareness raising, publicity campaigns, and training across services could help to implement the changes in legislation...Intelligence gathering must also recognise that while covert operations are taking place, women continue to be abused sexually, physically, and psychologically. It is understandable that police wish to identify and apprehend those in charge of running brothels etc, but while extended operations are taking place, women continue to be violated and abused.

Such strategies should be tested in real world settings to ensure they meet their aims. Specialist training and roles for female police officers including working with other agencies should be done as part of research, including piloted and tested to ensure that they can meet their intended purpose and result in reducing harm to women and girls.”

25 Anonymous Individual

“No. The police have quite enough powers that they can and do regularly abuse already and have been documented to use and abuse even where the Nordic Model has been introduced.”

28 FiLiA

“All online prostitution sites urgently need to be addressed– as this is where most sex buying now occurs.”

30 Faces and Voices of Recovery UK (FAVOR)

“Evidence from studies and experiences in other jurisdictions indicates that targeted policing, alongside the threat of criminal penalties such as inclusion on a sex offender register, can serve as strong deterrents. Training for police in recognising the complexities of prostitution, along with robust coordination between law enforcement, social services, and healthcare providers, will be essential for effective enforcement.”

31 Lorraine Skorupska

“The powers are there. What is lacking is a will to prioritise this area. Prostitution is only one part of a societal apathy about abuse, violence, rape and murder against women and children driven by the acceptance and normalisation of the most extreme pornography infesting the internet. Through exposure what was once abhorrent and evil is becoming mundane and our criminal justice system is colluding in this destruction of norms.”

35 Ali Morris

“Online websites are a main conduit for selling women so these have to be tackled. The police need to be able to close these down.”

40 Anonymous Individual

“New or additional policing powers are not helpful to sex workers. Efforts should be focused to full decriminalisation in line with substantial evidence in this field.”

41 Scottish Women’s Aid

“It is important that this is discussed as soon as possible with Police Scotland so that any need for additional powers through legislative reform can be dealt with, if necessary, through the Bill and similarly, consideration given to which operational procedures would require updating.”

42 The Law Society of Scotland

“It appears to us that the existing powers of the police should provide a sufficient basis for the investigation and enforcement of any new offence.”

43 Nordic Model Now!

“Removing deterrents for sex buyers increases demand for prostitution and therefore trafficking. Removing deterrents for those who profit from the prostitution of others has made the UK much more attractive as a destination for sex traffickers responding to the increase in demand. Having both deterrents in place would be highly beneficial and would enable the UK to comply with its obligations under international law to address domestic demand from sex buyers...

The largest commercial sex websites only collaborate with law enforcement to an extent that suits their commercial interests in enabling them to dominate the market. Some of them employ former police officers while national law enforcement agencies have difficulty in retaining experienced staff...

Performance targets should be introduced and resources, including additional personnel, should be provided. Legislation should be introduced to block these websites if being creative with the use of existing powers proves insufficient.”

44 The United Reformed Church National Synod of Scotland Mission Committee

“We wonder whether new powers in relation to social media, the web and access to social media accounts is necessary.”

52 Anonymous Individual

“More draconian action, more illiberal measures against the public. We are having our share of such an increase from this new Labour Government. No.”

67 Restore Glasgow

“It is crucial that police/first responders receive adequate training on new legislation, ensuring a unified and consistent approach in its implementation.”

68 Suzanne Malyon

“No, no policing powers necessary but possibly training by groups who advocate for the Nordic Model”

72 Street Workers Collective Ireland

“The police should not receive new powers as this offence should not be introduced.”

78 Scotland for Decrim

“We do not agree with giving police officers more powers, especially in relation to the criminalisation of sex work.”

84 The Centre to Eliminate All Sexual Exploitation (CEASE)

“Police should be given all the necessary powers in order to fully implement the offence, including on the spot fines. It is also vital that police are fully supported and actively encouraged to implement this offence. In England and Wales, despite laws on prostitution being in place, they are woefully implemented.

Analysis in 2024 by UK Feminista and CEASE reveals:

- Convictions for the offence of 'placing of advertisement relating to prostitution' (Section 46 of the Criminal Justice and Police Act 2001) fell by 99% between 2010 and 2023, from 327 convictions in 2010 to just two in 2023.
- Convictions for 'paying for sexual services of a prostitute subjected to force etc. (Section 53A of the Sexual Offences Act 2003) fell by 100% between 2010 and 2023, from 43 convictions in 2010 to zero in 2023.
- While convictions for 'Soliciting another for the purpose of obtaining their sexual services as a prostitute in a street or public place' (Section 51A of the Sexual Offences Act 2003) rose sharply between 2010 and 2011, from 64 to 208, the number of convictions then proceeded to drop by 88% between 2011 and 2023, from 208 convictions in 2011 to 25 convictions in 2023.

Statistics also show enforcement of other sexual exploitation offences has been persistently low during the same period.

It is vital that any law that is passed to protect victims of prostitution while criminalising those who create the demand for it, must be taken seriously by the Police Service of Scotland.”

Question 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 (tick as many 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.

86 respondents (86% of the total) answered this question. There was significant agreement for the need for support services on this question, with the vast majority (98%) choosing either all or part of these options. Of those who answered this question:

- 59 respondents (69% of those who answered) ticked all options.
- 25 respondents (29%) ticked at least one option and
- 2 respondents (2%) expressed no view
- 31 organisations (79% of the 39 organisations who answered the question) choose all options, 7 (18%) ticked at least one option and 1 (3%) expressed no view.

Summary of Responses

The vast majority of respondents agreed that those involved in prostitution need support services, regardless of their support or opposition to the overall aims of the Bill. Most respondents ticked all or almost all of the options, with outreach visits to brothels the most likely box to be left unticked and some respondents expressing concerns about this option.

Local authorities, frontline services and those with relevant experience chose all of the options and added in the comment box which additional services are needed. Support for migrant women, who are likely to need language services, help with their immigration status, especially if they fall into the “No Recourse

to Public Funds (NRPF)” category was frequently mentioned as was childcare support.

Both opponents and supporters of the Bill stressed the importance of alcohol and drug addiction services, with opponents often suggesting the need for alternative sources of funding if women were to exit and supporters emphasising the need for mental health services.

Supportive respondents also stressed the need for a holistic, comprehensive approach to support being adopted across Scotland, because the women typically have complex needs and vulnerabilities which cannot be adequately addressed if services are disjointed. Several suggested learning from other jurisdictions where the laws based on the Nordic Model had included provisions for support and exiting services, such as France.

Opposing respondents still recognised that people involved in selling sexual acts need support services, although their reasoning often differed from that of supportive respondents on the basis of their belief that prostitution is not inherently harmful. The fact that both sides showed such strong agreement to providing support and exit services to sellers of sexual acts highlights the importance of providing and especially funding these services as part of a consistent and reliable approach across all of Scotland.

Christian organisations further commented that faith-based support through church groups for instance are also available, for those who wished to access it.

Several respondents suggested that only the provision of a Universal Basic Income (UBI) could reliably replace the money earned from selling sexual acts and so help women exit prostitution successfully.

Selected Responses

5 Dr Jacci Stoye

- thinks childcare should be added to the list and penalties tightened up for men who do not provide child maintenance.
- a befriender service would be helpful especially to accompany women to appointments for health, housing, job centres, college interviews and so on. This could be undertaken by volunteers who have undergone training.
- specialist housing could have a warden and a list of volunteers who could be on call for help and support.
- “It’s about providing a safety net, encouragement, and confidence building, as well as making sure that women receive the mental and physical care, and finances that they are entitled too.”

13 A Model for Scotland

“The French legislation, The Act Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons, introduced the requirement of the provision of exiting prostitution programmes and established a fund for providing support to victims of sexual exploitation. Support provision includes psychological support, monthly financial support, accommodation, residence permits where necessary and employment support.

Every local authority is required to operate an agency to coordinate assistance for victims of prostitution, pimping and human trafficking. A fund for preventing prostitution and providing social and professional support to prostituted persons was established. Additionally, temporary residence permits valid for at least six months can be issued for victims of prostitution who are not French nationals.

In February 2022, Héma Sibi, Advocacy Coordinator at CAP International, highlighted that the impact of this approach had been significant: ‘since we have adopted the law, 600 women have benefited from an exit programme and almost 90% of those who have finished an exit programme and who are supported by our French grassroots organisation have found a stable job at the end of this exit programme, so it is a very successful model of social professional reintegration”

16 Anonymous Individual suggests additional services:

Support for women with children, to help them engage with children's services, or to be able to not have their kids taken into care, or to help get custody of their kids back

- Legal support
- Prison in-reach
- the provision of safe and secure housing
- An alternative income

17 The Equally Safe Edinburgh Committee

“The ESEC would suggest that Outreach services would be hugely beneficial to women selling or exchanging sex on-street. Our experience has taught us that traditional service provision can be challenging for women to access, and often it is more productive for services to go to the women rather than the other way around.

However, shifts in the trends in prostitution might also make this challenging. Over the past 10 years, we have seen a decrease in the numbers of women exploited through street prostitution or selling sex in saunas and an increase in the numbers of women selling sex from private flats, hotel rooms and advertising online. To address the needs of women selling sex from premises other than on-street or saunas and brothels, we may need to think creatively about how outreach services might reach them, especially given the challenge that often these premises are short-term lets.

Additionally, in terms of other services that we feel would be necessary for women, we would like to highlight court advocacy such as EDDACS and Rape

Crisis provides to women affected by domestic abuse and sexual violence respectively. At this point, we would also reiterate that we would wish to see women exploited through prostitution automatically qualifying for special measures in court as they would qualify as vulnerable witnesses.”

32 Dr Lynzi Armstrong

“Sex workers should have equal access to any services designed to support people struggling with specific issues. Instead of seeking to design a range of new services that single out sex workers and label them as victims, the government should instead focus on increasing funding for services that already exist to support people (not specifically sex workers) struggling with their mental health, alcohol and drug use, access to housing etc. A priority should be ensuring that such services are safe for sex workers who need to access them and will not cause further harm to them through disrespectful and stigmatizing treatment.”

37 Lanarkshire Rape Crisis

“All of the above types of support should be considered as they address the range of issues that women involved can face. Local networks of third sector agencies are in strong positions to pilot innovative approaches to delivering co-ordinated support services.

Survivors who have had involvement in the sex industry have shared with us the long-term impacts ranging from physical and emotional to financial and practical and so services need to be very well connected to respond to the immediate and longer-term needs.

A good example of a service addressing a wide range of need is ‘Tomorrows Women’, the Glasgow based model of support for women involved with the justice system. Positive outcomes can be achieved from the multi agency, trauma informed approach and the incorporation of a range of services including substance use, personal development and life skills.”

41 Scottish Women’s Aid

“Support needs to be comprehensive to address the many and complex needs of women so we consider that all the services listed would be necessary. Further, migrant women and trafficked women will need additional support, particularly around immigration status. Creation and implementation of national and local data collection and monitoring systems will also be needed.”

43 Nordic Model Now

“As we mentioned in our response to Q5, people involved in prostitution, the vast majority of whom are women, need access to a variety of specialist services which are centred on, and address the circumstances which resulted in their involvement in prostitution and their specific needs. All the forms of support mentioned in this list should be provided so that a flexible and holistic approach is taken to support for people in prostitution and those who are exiting it.

As an “Other”, we would like to add access to specialist support and advice for migrant women who may be at risk of detention and deportation as illegal migrants. This risk can be a very significant barrier to exiting prostitution. The Human Trafficking Foundation has publicised data showing that even where women are referred to the National Referral Mechanism on the grounds that they are victims of modern slavery, they wait twelve months longer than men on average for a conclusive decision.”

44 The United Reformed Church National Synod of Scotland Mission Committee

“We would wish to affirm the importance of spiritual support for people in prostitution and exiting prostitution. We would point to the recovery church movement which aligns closely with the principles of Alcoholics Anonymous to support people with multiple forms of addiction. We would also highlight the work being carried out in Dundee by the Methodist Church in providing a listening service within the Dundee Women's Hubworking in partnership with Women's Rape and Sexual Abuse Centre.”

52 Anonymous Individual

“Everything but money. UBI? Women do this work for money they can't get elsewhere. Nothing I can imagine short of a UBI will change that.”

58 Kruti Walsh emphasised the need for specialist support:

“We would challenge the over-reliance upon volunteers in this work. Whilst we know of many exceptional volunteers who have quite simply saved women's lives, we are concerned that the use of volunteers is the default model for the provision of support to highly traumatised women. In our experience, women involved in the selling of sex require a specialist response – they are all too often survivors of childhood trauma, who have been subjected to high levels of sexual violence, are being actively exploited and have multiple unmet needs around substance misuse, mental health and accommodation. The work is complex to say the least. To put the outcomes of vulnerable women in the hands without sufficient training and supervision is at best ineffective, at its worst, dangerous.”

60 Women's Support Project

“Women in CSE are a diverse group and so have a diverse range of needs. Support needs to be comprehensive to address these and any model of support developed needs to include mental health / psychological support, substance use and recovery programmes, safe emergency housing along with access to stable longer term appropriate accommodation.

There needs to be well resourced partnerships to support women to exit and sustain that position in the longer term. Women also need access to financial supports and emergency crisis funds and linked to welfare and benefit advice. All support needs to be trauma informed and have clear pathways and protocols in place to ensure consistency across sectors and locales. There must be resourcing for local co-ordination and agreements on national and local levels as to data collection and monitoring.

At the heart of all support must be the needs of women with commitment towards opportunities for them to shape support services and approaches.

Immigration and migration

Migrant and trafficked women should be guaranteed safe accommodation along with access to at least a temporary residence status (in the case of undocumented migrants). They, and their children need food, clothing, medical services, and childcare. They also need access to education, training, and employment programmes to ensure they can move on and exit. There also should be recognition of the fear women can experience on the consequences for them and their families from controllers, pimps, and traffickers.”

65 The Free Church of Scotland

“We believe a holistic and flexible approach is needed, recognising that every woman’s situation is different. A variety of mainstream services must be provided and a number of services not directly addressing prostitution should be trained to sign post women to further help.

We note that over recent years there has been an erosion of women only services in areas like homeless hostels, addiction and mental health. This can be particularly harmful to women who are or have been involved in prostitution. Their needs are often acute and can be very different from those of men. Furthermore, their trauma has been caused by the actions of men.

Living in a hostel with homeless men is inappropriate for all vulnerable women but even more so for women with lived experience of prostitution. Participating in group work with men is often counter productive for women who are or have been involved in prostitution. Therefore, it is imperative that mainstream services, particularly homelessness, addiction and mental health services, provide women only facilities – particularly for group work and all residential facilities. This understanding needs to be built into the commissioning of services.

Mainstream services should also be alert to the role they can provide in preventing women entering prostitution in the first place. As extreme poverty, homelessness, addictions and the coercive control of male partners are often key drivers in women becoming involved in prostitution, the provision of adequate social security, job and training opportunities, affordable housing, addiction services and practical support to escape abusive partners must be seen as high priority and funded accordingly.

We also believe that decriminalising those who are prostituted has the potential to open up more conversations with mainstream support agencies regarding prostitution. At the moment there might be a reluctance to open up about it for fear of prosecution. We need to empower women to speak openly and seek the help they need.

For most women who are involved in prostitution, the most immediate barriers to exiting are (a) the lack of an adequate alternative income; (b) drug addiction; (c) being under the control of a pimp or trafficker, who is often their ‘boyfriend’

or intimate partner; and/or (d) homelessness. Other longer-term issues can include physical and mental ill-health, including PTSD and crippling anxiety, and the lack of a social network outside of the prostitution milieu.

Research carried out in the UK by the Roger Matthews and others found that the majority of women can leave prostitution relatively quickly given support and motivation that is positive, proactive, and includes practical help with addressing the immediate barriers mentioned above (http://www.researchgate.net/publication/303791910_Addressing_Prostitution_The_Nordic_Model_and_Beyond).

“Services must be women-only, welcoming, non-judgemental, trauma informed, and free. Funding must be ring-fenced and permanent so that expertise and trust can be developed, collaboration with other services established, and there can be long-term planning.”

73 Amnesty International

“Any form of support should be developed in meaningful consultation with sex workers, including those facing multiple forms of discrimination, respond to the lived experiences of sex workers and respect individual agency.”

81 East London Strippers Collective (ELSC Productions CIC)

“None of the above will inherently reduce the prevalence of sex work; these services need to be provided without the underlying agenda to shame & reduce sex work. These services need to be provided with actual, accessible cash grants in order to solve for immediate survival needs that meaningfully affect the prevalence of sex work.”

87 NRS, VAW Services, Glasgow City Council

- “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.”

89 Jo Phoenix

“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.”

Question 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.

84 respondents (84% of the total) answered this question. There was a varied response to this question, but 85% supported raising awareness. Of those who answered this question:

- 28 respondents (33% of those who answered) ticked all options.
- 43 respondents (51%) ticked at least one option and
- 13 respondents (16%) ticked none but left a comment instead
- 15 organisations (41% of the 37 organisations who answered the question) choose all options, 17 (46%) ticked at least one option and 5 (13%) ticked none but left a comment instead.

Summary of Responses

Support for raising awareness through any or all of the listed options depended on overall support of the Bill. Supporters of the Bill collectively believe that raising awareness is an important step in ensuring the success of the proposed Bill. Opponents of the Bill reject raising awareness completely.

Most if not all who support raising awareness, choose internet and social media as effective means of educating the public about the new law. Print media and education in schools were less favoured options in general. However, among abolitionist and women's rights groups, the latter is seen as a vital option in changing public attitudes about buying sexual acts.

Several of the supportive respondents suggest placing a legal obligation on pimping websites to carry information about the new legislation and/or support services for the women.

Selected Responses

10 Not Buying It

“It is important to couple direct campaigns like this with media coverage/documentaries/social media expose’ and school education of the reality and harm of prostitution (which best demonstrates WHY this is an offence). This helps deter sex buyers not through fear of being caught but through understanding the extreme harm they are causing (whilst also deterring girls from entry).”

12 Anonymous Individual “I welcomed the approach of Iceland which focused on the 'decommodification' of women perhaps awareness of the new offence should seek to increase the impact it is seeking to achieve.”

13 A Model for Scotland

“A Model For Scotland's International Insights report on the experiences of other countries that have adopted demand reduction laws found that public awareness campaigns are crucial to realising the potential of the law. In Ireland's experience, not only was this crucial for the purpose of deterring sex buyers by making them aware they are committing an offence, but also for ensuring that women exploited in the sex trade are equipped with the knowledge that they are not committing an offence, removing a key barrier to seeking help and support.”

17 The Equally Safe Edinburgh Committee

“The ESEC recognises that exploitation through prostitution overwhelmingly affects women, with those purchasing sexual services being overwhelmingly men and boys. As such, awareness needs to be raised primarily with men and boys to deter them from purchasing sexual services, in tandem with raising awareness for women and girls that they have a legal right to support and that they will not be criminalised for selling sex.

We believe that all of the above forums for raising awareness would be appropriate, but we would also wish to add that the legislation should compel ‘pimping websites’ to include information about the legislation, or at the very least, information about support services for women who advertise/are advertised on those websites for sexual services. This would include escorting agencies and sauna websites.

We would also suggest that the content of awareness raising materials should be adapted based on the target audience, the medium through which they will be communicated and the location where they will be placed. In Edinburgh, we feel that it would be appropriate for material to be distributed to our Justice Centres, Police Stations and VAWG services for example, although the content

of the material should be appropriate for each of those venues and the people who are likely to access them.”

18 Scott Bamford

“Raising awareness is key to change and shape social attitudes and challenge what has been allowed to become social norms of the general acceptance of prostitution and for those in prostitution to be marginalised and considered less than human. All channels are important.”

28 FiLiA

“It is vital to prevent entry (and deter sex buying). School education is needed at the youngest ages (our kids are currently being ‘educated’ by extreme violent porn after all). But also addressing the media’s constant propaganda of the sex/porn industries – which helps encourage entry and no doubt buying. And then there is the wider objectification and sexualisation of women and girls which is the bedrock upon which the sex/porn industry operates.”

29 The Scottish Women’s Convention

“We propose that through a combination of online and in-person advertisement a wide range of people can be targeted, including women who engage in prostitution and men who currently seek sexual services. Through targeted approaches in areas where prostitution is known to occur, women in prostitution are provided with increased knowledge surrounding their right to support, potentially leading to an increase in the usage of support services.

Also, we believe that it would be valuable for specific mention of prostitution to be provided within secondary education. It can be argued that sex and relationship education provide a setting for preventative action, tackling misogyny and patriarchal assumptions surrounding women’s bodies.

Currently, women and young women have explained that sex and relationship education lacks information surrounding consent and negative relationship behaviours, contributing to dangerous mindsets amongst young men. We would therefore recommend significant shifts across sex and relationship education, with an inclusion of the lived experience of prostitution and associated harms.”

34 National Ugly Mugs

“We support a media campaign related to sex worker safety and advertisement of resources available to those in need, not an expensive campaign to promote carceral approaches to social and economic issues that target buyers instead of drawing attention to inequities and the economic drivers that push people into survival work, and the lack of resources available to working class people to survive.”

37 Lanarkshire Rape Crisis

“We believe this campaign will be most effective if traditional and digital media methods are used to reach a range of demographics. Its particularly important to also have this awareness included in RSHP to reflect the focus on prevention in the Equally Safe Delivery Plan. From our work in Lanarkshire schools its clear

that young people receive messages from their social media content around 'sex work' which legitimises, normalises and promotes it. There is currently no clear factual information to counter this."

43 Nordic Model Now

"All these methods are likely to be effective to counter the relentless obfuscation about what prostitution is and its sanitation by many different forms of media. Inclusion in secondary education is vital as children are already being exposed to violent and extreme pornography. They are also growing up in an environment where commercial sex websites have greatly lowered the barriers to setting up as a pimp, where putting a profile up on these sites takes a matter of minutes and where accessing women through those profiles is as easy for buyers as ordering a pizza."

60 Women's Support Project

"Any new legislation needs to have must have a lead in period of public education and awareness raising to ensure widespread awareness. These campaigns are crucial to the success of any law and should utilise innovative multimedia methods to ensure coverage with clarity on legislation and the principles behind it.

Learnings from previous national campaigns on child sexual exploitation, sexual violence and domestic abuse should be used and should identify on key messaging for different groups e.g. sex buyers, potential sex buyers, young men, general public and women who sell sex.

Any such multi-faceted campaign should focus on sex buyers but must not stigmatise the women or present them in any stereotypical or judgemental ways. Specific resources should be developed alongside women to ensure they understand the legislation, that they will not be criminalised, what being a witness means along with information on support and services."

65 The Free Church of Scotland

"It is essential that alongside enforcement there should be a widespread public information campaign (like the one that accompanied the change in the smoking laws). This will help those in society understand that prostitution is always violence to women and degrading to women. Women and children should never be for sale. It may reduce demand even before the offence is being enforced.

There must also be age-appropriate education programmes in schools that explain honestly the damage that prostitution causes. However, we want to be careful not to contribute to the further sexualisation of children and so we believe that billboards and leaflets to the home that could be seen by children are inappropriate."

66 Christian Concern

"Some awareness-raising methods are likely to be more appropriate than others. Use of internet and social media is the most appropriate and likely the

most effective. Billboards likewise would give awareness campaigns visible authority.

It is not clear exactly how and where the four sets of materials are to be located, e.g. where would 'materials to support and exiting services, etc.' be found? It would be more challenging to distribute materials to areas where prostitution is known to occur as not all of those are residential areas, and as prostitution has mostly moved indoors, distributing material in residential areas may have the unintended effect of attracting more people in search of prostitution.

It is not clear to us whether inclusion in secondary education is appropriate; much depends on exactly how individual schools handle RSHP classes. Given that the approach to pornography in RSHP is often neutral or even supportive, and yet that pornography is essentially prostitution on film, this suggestion requires more detailed consideration than this consultation can provide. It may require amending RSHP in Scotland.”

76 East Ayrshire Council

“A full and comprehensive campaign would be required to change the narrative around commercial sexual exploitation, with a full multi-agency partnership response. This should be viewed as a medium to longer term campaign.”

Question 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.

78 respondents (78% of the total) answered this question. There was a large majority in agreement that legislation is required. Of those who answered this question:

- A large majority of respondents (55 or 71% of those who answered) thought this legislation was required
- 14 respondents (18%) thought different legislation was required
- 5 respondents (6%) thought no new legislation was required
- 2 respondents (2.5%) were unsure and
- 2 respondents (2.5%) left other comments
- 25 organisations (71% of the 35 organisations who answered the question) agreed that legislation is required, 6 (17%) want different legislation, 2 (6%) disagreed that legislation was required and 2 (6%) were unsure.

Summary of Responses

The majority of respondents believe that new legislation is required and explained that there was no other way to effectively tackle men's demand for prostitution. Without exception, those who answered yes to this question also support the overall aims of this Bill.

Those who oppose the overall aims of the proposed Bill fell into two different groups – the bigger group agree that legislation is required but they want full decriminalisation instead, the smaller group believe that there is no need for legislation.

Selected Responses

5 Dr Jacci Stoye

“Absolutely and most definitely, I think legislation to criminalise the buying of sex is imperative. It is not sufficient on its own. It must accompany the decriminalisation of selling sex, the repeal of past convictions for soliciting, and the multiple support package for the victims of this violence to rebuild their lives.

The idea that prostitution is inevitable, is utterly untrue. If there is a willingness to end violence, it can be achieved, as history has shown us. Nothing bad will happen if men stop buying sex, but swathes of women will not be traumatised physically, mentally and emotionally and their well-being can only benefit society.

The internet has turbo-charged the number of women in prostitution and trafficking to proportions beyond anything we could have imagined. It has been normalised by pornography and calls from all sides for full decriminalisation of

pimps and buyers, even in the knowledge that thousands of trafficked women are raped every day with seeming impunity.

Reading the comments of punters on punter websites (collected by feminist organisations), demonstrates that appealing to men's better natures doesn't work. To paraphrase many comments: they (the buyers) have paid for a service and how that woman arrived there to provide it, is not their concern. They often realise the woman has been trafficked, but over and over again, unbelievably, they still use her. It is always reduced to paying for a service -if I've paid, then it is mine to have, regardless of any moral issues of consent, or compassion for the obvious vulnerability (even to them) of the woman.

In our CPG Parliamentary Inquiry, referred to in my first response, Detective Superintendent Filippo Capaldi said in his interview that the police were doing their job, it was up to politicians to change the law. Of course, education and ending poverty, childhood trauma and substance abuse would help, but if men didn't buy sexual services, then prostitution wouldn't exist. And we need the law to enforce that."

13 A Model for Scotland

"A multi-pronged approach to combating commercial sexual exploitation is required, including the use of educational initiatives for both children and adults that address the severe harms caused by paying for sex, how the sex trade is underpinned by women's inequality and intersecting forms of discrimination, and the importance of freely given sexual consent.

However it is also crucial that legislation to deter and hold sex buyers accountable is simultaneously introduced to deter sex buyers whose behaviour is influenced by legality. In a study of men who pay for sex, the Child and Woman Abuse Studies Unit at London Metropolitan University reported: "legality contributes to normalisation, which in turn increases the likelihood of paying for sex".

A study by the University of Leicester published in 2018 asked over 1200 sex buyers the following question: 'Would you change your behaviour if a law was introduced that made it a crime to pay for sex?' Over half of the respondents said they would 'definitely', 'probably' or 'possibly' change their behaviour.

23 CARE for Scotland

"Legislation is unquestionably required as demonstrated by the international evidence widely cited in the consultation document. It is self-evidently not credible to seek to eliminate this particular form of violence against woman for as long as it remains legal for men to purchase sex.

To this end, we note the recommendation of the most recent 'Report of the UN Special Rapporteur on violence against women and girls, its causes and consequences' (A/HRC/56/48) that States should: "Adopt the abolitionist legal framework and its five pillars, including the decriminalization of women in prostitution; providing comprehensive support and exit pathways; criminalizing the purchase of sexual acts; criminalizing all forms of pimping; and implementing sensitization campaigns for sexual act buyers"

(<https://documents.un.org/doc/undoc/gen/g24/078/81/pdf/g2407881.pdf>)

CARE for Scotland also supports legislation to prevent advertising of prostitution online through pimping websites or offline and would support extension of this Bill to include such an offence.

We support the proposals put forward in 2021 by the Cross-Party Group on Commercial Sexual Exploitation that the Scottish Government should: "Introduce the offence of enabling and/or profiting from the prostitution of another person" and by the Home Affairs Select Committee in 2023 that: "Legislation which bans third party profit-taking from the prostitution of another person should be extended to prohibit any individual or company from enabling and/or profiting from the prostitution of another person, including facilitation that takes place via online, digital services, websites and the internet."

34 National Ugly Mugs

"As we set out above, the proposal is fundamentally flawed as it does not fully draw upon the international evidence showing that the Nordic Model does not deliver the results claimed in the proposal, and in fact worsens the harm faced by sex workers."

36 Dominic O'Regan

"Legislation for the full decriminalisation (workers, clients and 3rd parties) of sex work should be introduced. This recognises workers agency, provides clear harm reduction benefits, destigmatises what is consensual adult acts, rejects purity culture, is supported by a large number of intersectional feminists and other organisations, virtually all relevant and unbiased human rights organisations and academic research.

Several leading feminist politicians, influencers and educators have changed their mind to support full decriminalisation after they truly listened to sex workers and connected to the issue without ideology.

It may well be that the world is moving to full decriminalisation as it becomes clearer what the true motivations of those who are anti and in favour area, as sex workers get more voice, the increase in truly respectful consent driven 'sex-positivity', and the increase in women purchasing sexual services."

37 Lanarkshire Rape Crisis

"Due to the deep inequality from the high financial and personal gains to those who exploit women, legislative change in this area is the most clear and direct way to robustly challenge demand and improve support access for those exploited."

Moreover, outlawing paying for sex has a strong normative impact. The European Commission's 2016 study on the gender dimension of trafficking in

human beings highlighted research on Sweden's Sex Purchase Act, which concluded that it "had a normative effect on prospective buyers and thus had an impact on the extent of prostitution in Sweden".

Only when the law sends a message that prostitution is a criminal offence will it start to be acknowledged amongst the public as a form of violence against women and a form of sexual abuse."

43 Nordic Model Now

"Legislation prohibiting paying for sexual services with another person will be necessary to convey the message that the Scottish Government recognises the harm that prostitution causes in society, and is serious about addressing this, by creating a meaningful deterrent.

There are, however, multiple examples of legislation being enacted in UK jurisdictions without the necessary resources being provided to support changing public attitudes or the working practices of frontline services which are essential to that legislation's effective delivery and implementation. Practical difficulties which may arise with the implementation of specific offences do not always feed into discussions about how these offences are defined or inform the legislative process more generally. Post-legislative scrutiny and reviews of implementation are not built into the process.

The Scottish Government's strategy to promote joint working between services and better awareness within services has the potential to provide useful input into this process and assist in the effective implementation of legislation to sanction buyers, but only if it is properly funded and resourced."

69 Larissa Sandy

"The global evidence shows that the Scottish government should regulate the sex industry through existing employment and labour laws, and all laws criminalising sex work should be repealed and the full decriminalisation of sex work introduced. New legislation is not required to effectively regulate sex work."

87 NRS, VAW Services, Glasgow City Council

"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."

Question 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.

79 respondents (79% of the total) answered this question. 73 respondents ticked one option, 5 respondents chose two options, and 1 respondent did not tick an option but expressed their choice in the comment box and was counted alongside the others. Of those who answered this question:

- A significant majority of respondents (52 respondents or 66% of those who answered the question) believed the Bill would lead to some or a significant increase in costs (24 significant, 23 some and a further 4 respondents chose a significant increase and another option)
- 10 respondents (13%) chose not to express a view.
- 17 respondents (21%) thought that there would be no change or a reduction in costs, with one of them choosing both no change and a reduction
- 38 organisations answered this question, 27 (74% of organisations who answered the question) believed costs would increase, 6 organisations believed there would be no change or a reduction and 4 chose not to express a view.

Summary of Responses

As can be seen from the numbers above, there was widespread agreement among respondents answering this question that the Bill would lead to an increase in costs. From the comments it is obvious that there is even more agreement here than the numbers suggest. That's because the most common belief among respondents is that the Bill would lead to an increase in costs only at first, but that over time the benefits of the Bill would lead to a reduction in costs. Even respondents who believe that the Bill would lead to a reduction or no change in costs think that there would be an increase initially.

Key themes emerge amongst those respondents who oppose the Bill – they expect that there would be a cost to those selling sexual acts because their income stream may be affected by law-abiding buyers staying away. They also believe that the cost increase would be due to increased police enforcement activities and court costs. Few mention a cost increase due to support and exiting services.

Most if not all supporters of the Bill believe that the need to provide support and exiting services would lead to a cost increase, some think the increase in costs will be considerable and a few criticise that the consultation underestimates this cost. They argue that if the Bill becomes law, there would be a higher support need, more demand for exiting services and funding for organisations that support women in prostitution rebuild their lives, ranging from trauma care to help with housing, training, childcare, medical and other

They agree with opponents that there would be more costs associated with enforcing the new law and prosecuting those who break it. Whether this is considered a worthwhile use of money depends entirely on respondents' support for or opposition to the Bill. Supporters think the increase in costs is justified by the benefits and changes that the Bill will bring about. Opponents think the money would be better off spent elsewhere.

Many supporters who added additional comments believe that the aims of the Bill cannot be achieved without adequate funding for the frontline services that support women and girls in prostitution. All councils and public services as well as frontline services commenting on this question echo this belief and stress that chronic underfunding of support services has already put a strain on services.

Another common argument among supporters is that prostitution has extensive costs for society, in the harm it causes to the people directly involved in prostitution and to their families. All Christian organisations highlight this issue in their submissions. Large numbers of comments further note that prostitution is closely linked to crime and human trafficking, which also means significant costs to society.

Selected Responses

6 Anonymous Individual expects a significant increase in costs, for police, councils and NHS and thinks it would be better to regulate and tax and use the proceeds to help those at the bottom.

15 For Women Scotland believes there would be no overall change, because initially increased resources for exiting programmes would in the mid to longer term be outweighed by a reduction in the level of services required due to health problems, substance abuse etc that comes with prostitution. They conclude that “Even if these cost savings were not likely, women’s human rights should not depend on a cost-benefit analysis”

17 The Equally Safe Edinburgh Committee writes that this bill is not just legislation but is an ethical matter for society. Therefore, whilst there are costs in enforcing this Bill, the cost is justified. They make a number of suggestions, including that instead of brand-new services being established, there should be training and upskilling staff in existing VAWG services, such as domestic abuse service, rape and sexual abuse support services and others, as well as general welfare services such as Citizens Advice. They believe that the costs and benefits cannot only be considered in financial terms. The costs of prostitution are more than just financial; they are physical, emotional, financial, social and intergenerational. The benefit of implementing this legislation is going to extend across all of these areas.

39 Tim Dieppe believes that costs will reduce if the Bill becomes law, because of the extensive costs of allowing prostitution to continue, including health costs and family breakdown costs and criminal activity, all of these costs will be saved by reducing prostitution.

52 Anonymous Individual expects a significant increase in costs, because for every conviction, there will be a defendant whose reputation, job, marriage and life is at stake, who will defend vigorously against the case and the legal system will pay heavily.

60 The Women's Support Project believes there will be a significant increase in costs and shares that although they strongly support the principles of the Bill, they are concerned that the financial impact has not been given due and realistic consideration. There has been under-investment of CSE over the decades and recent funding has been inadequate. Substantial additional resources are therefore needed to raise awareness, public education, training, resources and information, participation, and consultation with women. Without adequate funding, the aims of the bill are unlikely to be achieved.

66 Christian Concern expects a significant reduction in costs if the Bill becomes law, because there are extensive costs to society in allowing prostitution to continue unchecked. These costs can be reduced by clamping down on those who pay for sexual services. They note that prostitution is associated with family breakdowns, criminal activity, poor well-being for children, health costs and other issues. They believe that reducing demand will therefore reduce costs associated with these areas.

87 NRS, VAW Services Glasgow City Council expects a significant increase in costs and notes that:

- public sector bodies would be impacted by this legislation, including Police Scotland, homelessness services, substance recovery services, COPFS, Criminal Justice Services, NHS primary and acute care, all of which would require significant funding.
- “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. “

- TARA is currently in receipt of £622,000 of Scottish Government funding to deliver trauma informed support service nationally. Replicating this across Scotland will require significant long-term funding.
- the Bill will primarily impact enforcement and public sector resourcing and capacity.

Question 12: Any new law can have an impact on different individuals and groups in society, for example as a result of their age etc. 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.

75 respondents (75% of all respondents) answered this question.

Summary of Responses

A majority agree that the Bill will have an impact on the most marginalised members of society, but opinions vary on whether this impact will be positive or negative. Supporters expect the Bill to have a positive impact on women and girls. Some also think there will be an impact on other protected characteristics.

Respondents who oppose the Bill tend to believe the impact will be negative, respondents who support believe it will be positive. Those who oppose the Bill are generally concerned that there is a risk of further marginalising vulnerable groups.

Among respondents with relevant experience, there is a mix of views, but most think the bill will positively impact women. Those who oppose seem concerned with individual groups within prostitution, usually LGBT with an emphasis on those who identify as trans, rarely with those protected under disability, religion or race, sex and age (in this case women and children).

Selected Responses

5 Dr Jacci Stoye

“From a standpoint of equality, the perpetrators of this human misery make a fortune from the trade that tortures millions of women and children. This must be the most unequal of all relationships - slave owners and slaves. If the criminalising of buying sex stops men buying sexual services, then it puts pimps and traffickers out of business. In my opinion, it will enhance the equality of women, without any detrimental affect on any other particular group, provided that support is fully given to the women to exit”

6 Anonymous Individual

“You have ASSUMED that the sex workers are female with male clients! Perhaps a good long hard look at that before anything else is appropriate? Male sex workers exist as do Trans, and clients can be any gender.”

15 For Women Scotland

“Prostitution is a symptom and a result of women's structural inequality: we urgently need legislation in order to hold perpetrators accountable for their part in this form of violence against women. The legislation will also help inform

cultural attitudes and challenge attitudes that normalises the commodification and abuse of women”

17 The Equally Safe Edinburgh Committee states that the only group that might feel ‘adversely’ affected by this legislation comprises people who pay for sexual services, primarily men and boys. In their view, this highlights the power difference between women and girls who will benefit, and men and boys, some of whom will experience this legislation as a challenge to what they see as a ‘right’ to pay for sexual services— the male sense of ‘entitlement’ to female bodies.

19 The Josephine Butler Society notes that in the Bill women are identified but men and LGBTQIA+ people are not. They believe that men and LGBTQIA+ people who are engaged in sex work will be disproportionately affected if not included in the bill. They further state that approximately 20% of sex workers aren’t women, so it is important not to ignore this 20% and to enable these groups to access support in the same way as women

24 Dr Anna Cleaves

“Disabled people have been cited as ‘needing prostitution’. Disability rights groups urge us not to be so patronising as to assume disabled people cannot have partners.”

30 Faces and Voices of Recovery UK (FAVOR) believes the Bill will have a significant positive impact on women, particularly those most vulnerable to exploitation. They expect that it will offer protection to those currently exploited and will challenge societal attitudes that normalise the commodification and abuse of women. It will also provide crucial support for survivors.

37 Lanarkshire Rape Crisis writes that women who are already marginalised, e.g. black or minority ethnic women who have been targeted for exploitation, would be a group who benefit from a right to support, meaning this legislative change would serve to improve a range of outcomes for them.

43 Nordic Model Now states that

- Being able to override some women’s sexual autonomy without penalty or sanction affects how men view all women and girls.
- Prostitution undermines equality between men and women.
- An enforced offence targeting buyers and the provision of properly funded, flexible and holistic support for women wishing to exit emphasises that no woman is for sale.
- It will improve attitudes towards women and girls and increase equality between the sexes.
- It will also reduce sexual exploitation and grooming into prostitution of children.
- Also will improve the situation of migrant women and women of colour, and disabled women, who are over-represented in prostitution.

44 The United Reformed Church National Synod of Scotland Mission Committee believes that the Bill would increase equality and dignity for all, because it sees individuals as people and not commodities which could be sold. And that it would remove people from criminal activity.

46 Anonymous Individual holds that the Bill would negatively impact on disabled people, stating that disabled people have sought out sex workers to fulfil their sexual needs as it would obviously be inappropriate for a carer who isn't their partner or spouse to do so. "Disabled people shouldn't be criminalised for fulfilling their sexual needs if no one else can."

58 Kruti Walsh believes "By clearly stating that no women is for sale, it will improve views on sex equality" and "that migrant women, black and minoritised women and disabled women who are over-represented in prostitution and so, work to abolish this trade will positively impact these groups."

60 The Women's Support Project writes that migrant women are overrepresented in prostitution and that CSE and the sex industry with its key players relies on disadvantage and discrimination – disability, social class, race, ethnicity, migratory and legal status, sexual orientation, and gender identity. – all are overrepresented in prostitution and would benefit from the Bill.

67 Restore Glasgow whose work aims to safeguard and enhance the lives of marginalised individuals in society, while preventing criminalising and stigmatisation of those trapped in prostitution believe the Bill would lead to a fairer society by challenging the notion that women's bodies are commodities.

70 L Mclarty suggests that there should be support for the families of the men convicted if this Bill becomes law.

76 East Ayrshire Council states that the Bill would address the inequalities that women face and particularly benefit women who experience numerous inequalities due to gender, race, disability, immigration status etc.

86 North Ayrshire Health and Social Care Partnership shares their concern that migrant women may hesitate to access the support available due to fear of deportation.

87 NRS, VAW Services, Glasgow City Council states that "Prostitution is an institution which reinforces and perpetuates the unequal status of all women."

89 Professor Jo Phoenix states that arguments that transgender people and gay men would be disproportionately impacted by criminalising the purchase of sex need to be examined and that there is no robust evidence in this country to support the idea that transgender people are disproportionately more involved in prostitution. She further notes that the evidence that supports this claim comes from data from South America and North America where men who identify as trans often fund their transition via prostitution.

Question 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?

63 respondents (63%) of all respondents answered this question.

Summary of Responses

Supporters of the Bill believe that the commodification of women's bodies makes a strong, healthy and just society impossible. They support criminalising the buyers because this sends a strong signal to all of Scotland that women are unbuyable, that we do not condone a practice as inherently harmful as prostitution and that we support its victims. Supporters also believe that this Bill will have an effect not just on those involved in buying and selling sexual acts, but on all of society. Almost all of the supportive respondents who answered this question share the conviction that it will improve the equality between the sexes, safeguard vulnerable women and girls, reduce human trafficking, have a positive effect on public health and so make Scotland a better society for future generations.

Frontline services share a strong belief that only legislation of this kind will improve the lives of women and girls involved in prostitution. They also believe that only if these women and girls are protected and no longer freely buyable will Scottish society achieve true equality, fairness and justice.

Opponents of the Bill believe that it will worsen working and living conditions for sellers of sexual acts, put them at greater risk of harm and leave them worse off. They do not believe that there will be an effect on society. Some respondents also believe that the Bill is a waste of time, will worsen inequality and increase stigma for sellers of sexual acts.

Selected Responses

5 Dr Jacqui Stoye

“What is critical to recognise is this: currently we do not have a strong, healthy and just society. How can a society be healthy and just where those with power and wealth can buy those who are vulnerable and poor? How can a society be healthy and just, where police cannot stop the trafficking of women for sexual purposes which permits ‘law-abiding’ men to buy access to their bodies against their will? How can a society be healthy and just where it sends mixed messages about buying sexual services being legal, when it is known by those in power that, for many prostituted women, this is their Hobson's choice? Prostitution thrives in inequality and inequality enables prostitution to exist. Ending this scourge in our society would improve the health, well-being and equality of all its citizens and strengthen its sense of justice.”

9 Paul Milnes writes that “if genuine employment opportunities are developed and men become used to the idea that it's wrong to exploit women's bodies for money, then the benefit to society would potentially be enormous.”

17 The Equally Safe Edinburgh Committee

“As we have mentioned throughout our response to this Consultation, this proposed Bill challenges the status quo, which supports male entitlement to female bodies for sexual exploitation. For over 10 years, the Equally Safe strategy has recognised prostitution and CSE as a form of VAWG, yet very little has been done on a strategic level to prevent and eradicate this type of violence. Criminalising the purchase of sexual services would send a very strong message to current and future generations that humans are not for sale. We believe that this proposed Bill gives us an opportunity to create lasting change by challenging gender inequality and breaking the cycle of intergenerational trauma. We fully support that this opportunity is taken to create a fairer, healthier and more productive Scotland for future generations.”

19 The Josephine Butler Society believes that the Bill would create a more unstable environment for sex workers, increasing stigma and risk, have a disproportionate impact on migrant sellers and lead to a rise in violence. They believe it would neither boost economy nor promote fairer wealth distribution but would instead heighten stigma, division and inequality.

21 Anonymous Individual notes that “a strong, healthy and just society excludes trade in sexual services, a trade whose existence undermines respect and autonomy for each other.” And further writes that a new law would boost men’s ability to influence their peers towards better attitudes to women.

22 Beira’s Place expects “there will be a positive impact on society by showing that we value women’s right to their own bodily integrity and agency and by showing that men do not have the right to expect to violate and abuse in return for money, accommodation, or any other payment.”

24 Dr Anna Cleaves believes “It is not a healthy society in which it is acceptable for people to have to sell their bodies to all comers, however unhygienic, violent and prurient in their sexual tastes, again and again and again to make a living. Is this OK for your wife/mother/sister/daughter/ male relative? Then it is not OK for someone else’s family member.”

28 FiLiA think the Bill will allow girls to “grow up in a society that no longer regards them as a disposable commodity.”

30 Faces and Voices of Recovery UK (FAVOR) note that:

- prostitution often correlates with an increase in other criminal activities, including drug dealing and anti-social behaviour
- reducing demand through this Bill will contribute to a safer, healthier environment for all members of society and that
- this Bill will contribute to the creation of a more just and equitable society for future generations.

32 Dr Lynzi Armstrong expects the Bill to lead to deeper inequality and injustice for sex workers.

36 Dominic O'Regan believes that the Bill would lead to a significant reduction in sex worker mental and physical health (including HIV) and criticises that it is “ideologically driven and not based on principles of justice and human rights.”

37 Lanarkshire Rape Crisis state that the detrimental health impact on women involved in the sex trade is well evidenced. They further note that “these proposals will directly challenge demand, and, combined with reducing stigma for women and ensuring meaningful support to exit, there will be wide ranging and significant benefits to society as a whole.” They further expect that the Bill “will deliver a key piece of symbolic progress for Scotland in being a country that views women as equal and deserving freedom from all forms of violence.”

38 Anonymous Individual believes that only gender equality creates a more healthy and just society and “prostitution is an institution of gender inequality.”

40 Anonymous Individual thinks that the Introduction of the bill will create a less stable financial climate around the economy of prostitution and those who rely on this as a source of income and believes that it will “impact on the safety/working conditions for sex workers, impacting on their overall health and wellbeing.”

43 Nordic Model Now

“Our current discriminatory approach to prostitution, which harms women who are already highly disadvantaged and marginalised and limits their prospects while perpetuating wider harms across society, carries no risk to the buyer, who is king. It carries few risks to those who profit from the prostitution of others by serving buyer demand. Constraining buyer demand through enforced sanctions and funding a greater focus on supporting women to exit, will reduce the rewards for those who facilitate and profit from the prostitution of others relative to the risks associated with their involvement. It will reduce the costs they impose on society. It is more likely to protect and enhance the environment, achieve a sustainable economy and create a strong, healthy and just society for future generations.”

48 Anonymous Individual expects that any proposal to enhance the well-being of society is bound to bring “long term benefits in many areas, including self-respect, health, reduction of criminal activity.”

52 Anonymous Individual doesn't believe this act is either just or ultimately sustainable and believes it is an attempt at a quick fix, “a gamble that fear will suppress male urges,” which will not work in the long-term.

58 Kruti Walsh states that the Bill “brings hope for a future where women are equally valued and girls grow up in a society that no longer regards them as a disposable commodity.”

67 Restore Glasgow

“Given that prostitution is a cause and consequence of the inequality between men and women, a move to reduce prostitution will have a positive effect on moving towards a fairer, more equitable society. Providing sustainable options for women to escape poverty without the need to resort to selling their bodies will contribute to a stronger economy through increased workforce participation, higher incomes, and greater consumption, ultimately fostering improved human development.”

71 Women Won’t Wheesht expects the Bill would improve the mental health of women exploited by prostitution, end the cycle of violence against prostituted women and “Signals to men that women are not commodities to be exploited resulting in a healthier attitude towards all women.”

72 The Street Workers Collective Ireland think the Bill is “criminalising a means of survival” and in this way reinforce existing inequalities for future generations.

77 The Christian Institute

“A strong, healthy and just society must be built on firm foundations, which the biblical worldview provides. Particularly in this context, the fact that all people are made in God’s image with equal value means they are worthy of being treated with the utmost respect.

The attitude that sex can be bought is destructive; it commodifies, degrades, and devalues women and girls in particular.

Money spent on prostitution provides significant resource to organised crime in Scotland. Trafficking for sexual exploitation is by far the most profitable type of trafficking. Money diverted from prostitution will reduce funding for many criminal activities. Instead this money will go to legitimate and legal businesses that are contributing to the growth of the Scottish economy.

The abolition of prostitution would bring about unadulterated good. Normative change that sees prostitution viewed as unacceptable and inherently harmful can contribute to significantly reducing violence against women. It will also see, for those women who could be exploited, different futures where they have healthy relationships, families and contribute their skills to society.

By challenging the demand for sexual exploitation and creating significant barriers for sex buyers, the Scottish Parliament can create laws that will radically change how vulnerable women and children are treated – fostering a culture of dignity, respect, and care.”

78 Scotland for Decrim think the Bill:

- will prevent us from achieving a strong, healthy and just society
- will make sellers more likely to experience poverty, eviction, violence and worse health outcomes.

- “perpetuates the outdated and dangerous patriarchal idea that women’s sexuality needs to be ‘policed’ and ‘protected’ and kept to serve traditional relationship structures.”
- will increase stigmatisation
- and be financially unfair as 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’.”

81 The East London Strippers Collective (ELSC Productions CIC) thinks it is a waste of time to pursue this Bill when time could be spent on other areas such as divestment of fossil fuels, public transportation etc.

84 The Centre to End All Sexual Exploitation (CEASE) states that because prostitution is violence against women and girls, there can never be a just society when the most vulnerable girls and women are being bought and sold for sex. For them, prostitution is an obstacle to a just and fair society.

87 NRS, VAW Services, Glasgow City Council thinks it will create a more just society for future generations that will be stronger and healthier and help shape social norms, making it clear what is not acceptable and discourage it by providing consequences and sanctions.

This will shift the balance of power to women who will have protection and the opportunity to access support and exiting services. They further note that prostitution is a gendered issue, stemming from gender inequality 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.” They emphasise that “sex is not a human right, and no one is entitled to anyone’s affection or body.” They believe this Bill provides an opportunity to reverse these inequalities and create a more just society for future generations.

SECTION 4: MEMBER'S COMMENTARY

For far too long, the bleak reality of prostitution as a system of violence and exploitation has gone unchecked. Recent data, including our consultation summary, reaffirms what many frontline organisations have been telling us for years: poverty, desperation and abuse conspire to trap women in an industry that robs them of dignity and safety. In 2014, the Scottish Government and COSLA declared in Equally Safe that prostitution is violence against women, yet our existing laws have failed to reflect this understanding. The time for change is not just imminent, it's overdue.

Listening to the voices of women in prostitution, often criminalised for trying to survive while those who pay for sex face little consequence, reveals the stark imbalance in the current system. Over the last 10 years, I have had the privilege of speaking to dozens of women either currently involved in the sex trade or sex trade survivors. Their resilience in the face of adversity is commendable, but not one has shared a positive experience. In every meeting, I would ask, 'Do you think we should make buying sex illegal?' The answer was always 'yes'.

The connection between prostitution and human trafficking cannot be overlooked; sex buyer demand fuels an exploitative trade where women may be coerced, groomed or trapped by hardship. Efforts to make prostitution 'safer' have been in vain. In Germany, for instance, so-called 'legalised' brothels have been marred by a grim tally of deaths, reminding us that violence is an inherent part of prostitution, not an anomaly to be managed. A new approach is urgently needed to address the root causes of the crisis of male violence against women in society. The 'Unbuyable' Bill is a clear statement that women (and men) should not be commercially exploited for sexual acts—humans are not commodities.

A Nordic Model approach, successfully implemented in countries like Sweden and Norway, promises a more compassionate, effective solution. By criminalising the purchase of sex and decriminalising those who sell it, we hold buyers to account and recognise the true victims of exploitation. Alongside that, granting legal rights to support—exit services, counselling, and real alternatives—ensures that the women involved have a genuine path out of prostitution. We can also reduce demand by rolling out public awareness campaigns that challenge harmful gender stereotypes and uphold the principle that women's bodies are not commodities.

The consultation surfaced a common issue—there is a qualitative difference in the evidence provided by pro-prostitution groups who attempt to provide very small, unrepresentative and often discredited studies against a whole body of opposing research. Many cite no supporting evidence at all for their claims and, for the most part, fail to address important research projects, such as the large EU study on human trafficking cited in the consultation.

With this proposal for a Bill, Scotland can back its words with genuine action to protect vulnerable women. It sends a clear message: we will not accept the buying and selling of women's bodies nor allow poverty to be met with

exploitation. This is a collective responsibility, and in the years to come, when future generations cast a look back on the history of the sex trade, let them see that, at this moment, we have the mettle to make a stand. We took a step forward—together—to say that exploitation and violence are never acceptable, and that Scotland is well able to do right by those who need it most.

My heartfelt thanks to the individuals, groups and organisations who responded to the consultation. Your contributions—every thought, concern and suggestion—have been invaluable. This proposal for a Bill is about protecting Scotland's most vulnerable from commercial sexual exploitation of prostitution and the harms that result. This is a critical step in reframing shame in the battle to remove the scourge of male violence against women in Scotland.

I am inspired by the depth of passion and commitment in the one hundred responses received. They reflect the Scotland we all believe in—a nation where safeguarding, fairness, equality, and integrity are at the heart of everything we do. Your voices have strengthened this proposed legislation and reminded us of what can be achieved when citizens engage in shaping the future of our country.

ANNEXE

Response Number	Name of organization/individual
1	Anonymous Individual
2	Shields, Robert
3	Anonymous Individual
4	McSorley, Ryan
5	Stoyle, Jacci
6	Anonymous Individual
7	Oz
8	Anonymous Individual
9	Milnes, Paul
10	Not Buying It
11	Anonymous Organisation
12	Anonymous Individual
13	A Model For Scotland
14	Cross-Party Group on Commercial Sexual Exploitation
15	For Women Scotland
16	Anonymous Individual
17	Equally Safe Edinburgh Committee
18	Bamford, Scott
19	Josephine Butler Society, The
20	Anonymous Organisation
21	Anonymous Individual
22	Beira's Place - Edinburgh Women's Sexual Assault Centre
23	Care for Scotland
24	Cleaves, Anna
25	Anonymous Individual
26	Male Allies Challenging Sexism
27	Scottish Courts and Tribunal Services, The
28	FiLiA
29	Scottish Women's Convention, The
30	FAVOR
31	Skorupska, Lorraine
32	Armstrong, Lynzi
33	Anonymous Individual
34	National Ugly Mugs
35	Morris, Ali
37	Lanarkshire Rape Crisis Centre
36	O'Regan, Dominic
38	Anonymous Individual
39	Dieppe, Tim
40	Anonymous Individual
41	Scottish Women's Aid
42	Law Society of Scotland, The
43	Nordic Model Now
44	United Reformed Church, The

45	North Lanarkshire Council, North Lan VAWG Strategic Group
46	Anonymous Individual
47	Anonymous Individual
48	Anonymous Individual
49	Chris Elston
50	Anonymous Individual
51	Dufficy, Teresa
52	Anonymous Individual
53	Arif, Serena
54	Anonymous Individual
55	Anonymous Individual
56	Norris, Joanne
57	Hall, Ann
58	Walsh, Kruti
59	NZPC
60	Women's Support Project, The
61	Weir, Alison
62	Cooke, Jacinta
63	Anonymous Individual
64	Deeming, Kate
65	Free Church of Scotland, The
66	Christian Concern
67	Restore Glasgow
68	Malyon, Suzanne
69	Sandy, Larissa
70	Mclarty, L.
71	Women Won't Wheesht
72	Street Workers Collective Ireland
73	Amnesty International UK
74	Gale, Jen
75	Evangelical Alliance Scotland
76	East Ayrshire Council
77	Christian Institute, The
78	Scotland For Decrim
79	Rape and Sexual Assault Centre Perth and Kinross
80	Trevi Women
81	East London Strippers Collective (ELSC Productions CIC)
82	English Collective of Prostitutes
83	Gibble, Karleen
84	Centre to End All Sexual Exploitation (CEASE), The
85	Buxton, Scott
86	North Ayrshire Health and Social Care Partnership
87	NRS, VAW Services, Glasgow City Council
88	Clare, Stacey
89	Phoenix, Jo
90	European Migrant Women's Forum
91	Farley, Melissa