



Proposed Prostitution Law Reform (Scotland) Bill

Jean Urquhart MSP

Summary of Consultation Responses

This document summarises the responses to the consultation on the proposed Prostitution Reform (Scotland) Bill.

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Proposed Prostitution Reform (Scotland) Bill – Jean Urquhart MSP

Summary of consultation responses

1. This document summarises and provides analysis of the responses to a consultation exercise carried out on the above proposal.
2. 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. These three sections have been prepared by the Scottish Parliament's Non-Government Bills Unit (NGBU). Section 4 has been prepared by Jean Urquhart MSP and includes her commentary on the results of the consultation.
3. 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.
4. 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.
5. Copies of the individual responses are available on the following website:
<http://prostitutionreform.scot>.
6. Responses have been numbered for ease of reference, and the relevant number is included in brackets.
7. A list of respondents in numerical order is set out in Annexe A and an alphabetic list is contained in Annexe B.

Section 1: Introduction and background

8. Jean Urquhart's draft proposal, lodged on 8 September 2015 is for a Bill to decriminalise activities associated with the buying and selling of sexual services and to strengthen the laws against coercion in the sex industry
9. The proposal was accompanied by a consultation document, prepared with the assistance of SCOT-PEP and NGBU. This document was published on the Parliament's website, from where it remains accessible:

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/29731.aspx>.

10. The consultation period originally ran from 8 September 2015 to 1 December 2015 but was extended until 8 December 2015.
11. Engagement with the consultation was promoted via the use of social media, primarily Jean Urquhart and SCOT-PEP's Twitter and Facebook accounts. Information about the consultation was also sent to all major press outlets leading to features in several national daily newspapers and online media sites.
12. In addition, a dedicated website was set up to improve accessibility to the proposal, which included a navigable online version of the full consultation document and a short video explaining the proposed changes. The website was promoted via social media, Jean's own website and blog, and YouTube.
13. The consultation exercise was run by Jean Urquhart's parliamentary office.
14. 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):
<http://www.scottish.parliament.uk/parliamentarybusiness/26514.aspx>
 - Guidance (Part 3):
<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/25690.aspx>

Section 2: Overview of responses

15. In total, 207 responses were received.
16. The responses can be categorised as follows—
 - Just over two thirds, 136 (66%), were from private individuals (members of the public) with around 10% declaring themselves as current or previous sex workers.
 - A fifth, 43 (20%), were from representative organisations (e.g. business associations, trade unions, political parties or other bodies with a role representing their members or supporters' views collectively)
 - 12 (6%) from campaign organisations
 - 8 (4%) from charity organisations
 - 8 (4%) from “others” (including academia and public sector agencies)
17. Thirty respondents requested that their submission be treated as an anonymous submission.
18. A small number of submissions appear to be the product of a co-ordinated campaign with identical responses to each question. Generally, most of these respondents were broadly in favour of the proposal to decriminalise activities associated with the buying and selling of sexual services; however, a number of organisations opposed the Bill on the basis that prostitution is an act of violence against women.
19. Of those respondents in favour of the general aim of the Bill, some did not agree that the New Zealand legislative model was the best model to adopt. In addition, there was a lack of consensus on the proposals relating to outdoor sex workers and whether they were appropriate.
20. A significant number of individual respondents felt that the Bill would have positive implications for equalities. However, a large number of organisations believed that it could have negative implications, viewing prostitution as a form of violence against women.

Section 3: Responses to consultation questions

21. This section sets out an overview of responses to each question in the consultation document. As it is an overview, not all respondents have been comprehensively quoted; rather, comments have been summarised and combined to reflect the general themes.

General aim of proposed Bill

22. Page 6 of the consultation document contains an executive summary which outlined the four aims of the proposed Bill. Based on the New Zealand legislative model of safe working practices, it aims to—

- permit more than one sex worker to work from the same premises;
- make street-based sex work safer;
- strengthen measures against the coercion of sex workers; and
- permit sex workers to have joint finances with their families.

Question 1: Do you support the general aim of the proposed Bill? Please indicate “yes/no/undecided” and explain the reasons for your response.

23. 196 respondents (95% of the total) answered this question and broadly speaking, respondents supported the general aim of the proposed Bill—

- A large majority (70%) of respondents who answered the question supported the proposed Bill. A minority (23%) opposed the proposal in principle, and some questioned whether it was necessary or likely to be effective in practice. The remaining respondents were undecided or expressed no clear view.
- Ninety-three individuals and 43 organisations were supportive; 32 individuals and 13 organisations were not.

Reasons for supporting the Bill

24. A majority of respondents supported the general aim of the proposed Bill which is to ensure the safety of those involved in prostitution and that they should not be criminalised. Comments in support of the Bill included—

- It is based on high quality research. Sex workers themselves are being included in the formation of laws affecting them and should be at the forefront of any prospective laws [[R15](#), [R18](#), [R27](#), [R107](#)]
- Decriminalisation significantly reduces stigma and vulnerability to violence, as well as improving access to a range of human rights and to healthcare, to protection from crime, the right to family life, and removes the risk of arrest and prosecution. It can reduce the stigma, social exclusion and marginalisation of sex workers and provide increased rights over clients and managers. The absence of a criminal record for sex work will also re-

move an obstacle for those wishing to leave the industry and pursue other work [[R27](#), [R28](#), [R32](#), [R38](#), [R46](#), [R95](#), [R123](#), [R181](#), [R121](#)]

- ‘The measures you propose would have given me more options for working safely ... your proposals would enable us to organise for better working conditions – a right which is currently out of our reach’ [[R20](#)]
- The criminalisation of sex workers has not reduced or eradicated sex work and has created greater risks for sex workers. The Bill is constructive legislation in the area of sex work instead of the usual crusade from the unholy alliance of evangelicals and misguided feminists who deny others their agency. This Bill would move the discussion around sex work away from a moralistic debate. The current law in Scotland is fundamentally gendered, and ignores the fact that we have sex working people from across the gender spectrum [[R24](#), [R31](#), [R39](#), [R79](#)]
- Criminalisation of sex work does not reduce the numbers of sex workers but pushes sex workers to the margins of society. Decriminalisation can ensure that sex workers feel more comfortable in reporting crimes committed against them, as they don’t risk being prosecuted for breaking the law, or risk losing their livelihoods by having clients targeted [[R29](#), [R47](#), [R63](#)]
- ‘The rights of sex workers in Scotland have been ignored for too long and we are in danger. In 2015, there were 451 attacks reported in the UK alone’ [[R23](#)]
- ‘Decriminalisation could help reduce HIV risk and vulnerability in the context of sex work in Scotland. Punitive environments have been shown to limit the availability, access and uptake of HIV prevention, treatment, care and support for sex workers and their clients’ [[R75](#)]
- ‘Criminalisation denies the existence of sex work as a choice and this stigmatises and isolates sex workers who are not yet ready or do not want to exit. All people involved in sex work should be heard and supported, regardless of whether they want to stay in or exit the industry’ [[R195](#)]

Reasons for opposing the Bill

25. Those respondents who did not support the Bill cited the following reasons —

- Prostitution is harmful for those directly involved and by mainstreaming the sex industry there is a broader cultural harm which normalises and condones sexual violence and identifies women as a sex class. This Bill reinforces the view that women’s bodies exist for the sexual gratification of the male. This affects not just women in prostitution, but all women. In general, prostitution is an act of violence against the person who is prostituted and is therefore unacceptable in any society [[R3](#), [R133](#), [R148](#)]
- ‘Things have to change for working girls but I don’t think you are going the right way about it’. ‘I don’t think what you are suggesting will help anyone like me’. ‘I think if there were legal brothels allowed it would be a lot easier for girls like them [her daughters] to get involved’ [[R35](#), [R36](#), [R37](#)]
- ‘We support the intention of protecting the safety of women (and men, but it is primarily women) selling sex and preventing exploitation. However, the general aim of the Bill is to bring the ‘new Zealand model’ of regulating the sex industry to Scotland and we strongly reject that approach’ [[R135](#)]
- Prostitution is not a legitimate form of work and should therefore not be managed or regulated as such. Prostitution is a form of exploitation which is steeped in gender inequality and power imbalance; Those involved in prostitution should not be criminalised but

supported to exit prostitution. Positioning prostitution as a ‘regular job’ serves to sanitise something that is inherently exploitative, and mask or deny the significant harms involved [R6, R9, R12, R13, R137, R156, R165, R168, R169, R170, R171]

- Commercialising prostitution is inconsistent with the Scottish Government’s drive to reduce violence against women and girls strategy, Equally Safe. It would increase demands for trafficking, which the Scottish Government has recently taken steps to tackle with its Human Trafficking and Exploitation (Scotland) Act 2015 [R144, R149, R155, R169, R179, R180, R184, R204]
- The proposal to decriminalise commercial sex would have the effect of increasing and empowering pimps and brothel owners and perpetuate the cycle of violence, coercion and subjugation [R146, R172]

Other comments

26. Other comments included—

- The use of the term ‘sex work(ers)’ was thought to be inappropriate [R3, R2, R5, R11, R135, R141]

Legislative model – New Zealand approach

27. The proposal advocates adopting the New Zealand model which, under the Prostitution Reform Act (PRA), decriminalised prostitution in New Zealand in 2003. Views were sought on the appropriateness of Scotland adopting this model.

Question 2: Do you agree that the New Zealand Prostitution Reform Act is a model for Scotland to follow? Please indicate “yes/no/undecided” and explain the reasons for your response.

28. 158 respondents (76% of the total) answered this question. Of those, 94 (60%) including 74 individuals, agreed that the New Zealand PRA was an appropriate model for Scotland. Fifty two (33%) thought that it was not a good model for Scotland.

Support for New Zealand legislation

29. Numerous respondents referred to the review of the implementation of the New Zealand PRA carried out in 2008, which concluded that it had been an effective piece of legislation. Some respondents explicitly agreed that the New Zealand model was a good one to adopt—
- It has proven results based on evidence in relation to safeguarding the health and well-being of sex workers, and has the welfare of sex workers at its heart [R14, R15, R26, R31, R33, R56, R57, R198]
 - It normalises relations between sex workers and the police and reduces police corruption in relation to sex workers and allows access to justice for sex workers. It empowers sex workers [R22, R29, R63, R85,]
 - In New Zealand, sex workers can choose how they work, where they work and who, if anyone, they work for [R28]
 - We oppose the Nordic model. Evidence has shown the implementation of the Nordic model in Sweden has resulted in serious adverse effects and is acknowledged by the

Swedish Government itself as having increased harm to sex workers [R34, R74, R94, R102, R103]

- This model was developed from the ground up, by sex workers themselves, it has their rights and safety as its priority and protects them from exploitation [R92, R95, R110, R123, R181, R189, R190]
- We have a clear model that illustrates how the rights of sex workers can be protected, and it would be negligent not to heed this example [R67]
- ‘New Zealand is a country with a similar population, demographic, and cultural heritage to those of Scotland. Its issues with sex-work, prior to decriminalisation, were also similar to those of Scotland’ [R97]
- We are particularly impressed by how this model has improved sex workers’ relations with the police [R102]

Opposition to New Zealand legislation

30. A number of respondents disagreed that the New Zealand legislative model was an appropriate model to adopt. The main arguments in favour of alternative models included—

- The Nordic model (also known as the Swedish model), where those who exploit women are held to account, should be explored [R1, R11, R141, R150, R165, R169, R174, R178, R185, R200, R201, R202, R206]
- Banning commercial sex trading for both purchaser and supplier along the ‘Sex Buyer Law’ model adopted by Northern Ireland would be a better model [R143, R146, R164].
- The criminal justice system, regulatory culture, public sector architecture, employment law, and approach to gender based violence in New Zealand is distinct from Scotland’s. It is not desirable to take a model that has been developed in one country and impose it on another. A Scottish model should be developed and implemented [R2, R9, R12, R13, R148, R165]
- A Scottish model should be developed, aligned with the aims of Equally Safe, which works to reduce demand to buy sex and is tackled alongside gender inequality. This is fundamental to reducing violence against women and children [R10, R98, R13, R154, R156]
- ‘Research for New Zealand indicates that shame still exists for women involved in prostitution and there has been an increase in the numbers of women (and children) involved in prostitution’ [R134]
- The decriminalisation model has inflated the market and increased trafficking from Asian countries. It has increased the number of underage girls present in the brothels [R138, R165]
- ‘It has failed to stop the exploitation of children under 18’ [R149]
- ‘A colonial imposition of a misogynistic practice is something that we should not be considering bringing into Scotland’ [R163]

Other comments on the New Zealand legislation

- The PRA is an excellent working model ... however it does have some gaps, such as the exclusion of temporary migrants from legal work in the sex industry which puts migrant sex workers in a more vulnerable position [R42]
- We do advocate for minor tweaks to some aspects of the New Zealand model, including

removing probity checks (which may exclude sex workers with historical sex working charges from owning a brothel), and visa prohibitions limiting the freedom of migrant sex workers to work in the sex industry in their new home country [R187]

- Consideration would need to be given to whether the specific provisions in the PRA would be appropriate or need to be adjusted for the Scottish context and further consultation would be needed on the details of any legislative change. The views of sex workers in a range of work settings should also be sought before implementing any proposals [R197]
- Our sole reservation with the New Zealand model is the continued criminalisation of non-native sex workers, particularly because migrant sex workers are a sizeable, particularly vulnerable sex worker subpopulation in Europe [R198]
- I would hope that Scotland would go beyond the New Zealand model and extend the same rights and protection to all, regardless of immigration status [R85]

Impact of the legislative proposal

31. The consultation sought views on the impact of the proposal and what the main advantages and disadvantages would be.

Question 3: What (if any) would be the main advantages of the legislation proposed? What (if any) would be the disadvantages?

32. Just over half responded to this question at 122 responses (59%).

Advantages

33. The main advantages of the proposed legislation cited were—

- Increased well-being and safety at work for sex workers who would have more control over their working environment, improved access to services, including HIV prevention, treatment care and support, and labour rights [R15, R18, R27, R28, R30, R32, R33, R34, R38, R42, R44, R47, R60, R64, R67, R69, R73, R74, R75, R80, R88, R98, R102, R107, R125, R156, R197]
- Women would cease to be criminalised and would be able to report violence and abuse and seek support to exit prostitution without fear of criminal sanctions; criminal records would not prevent future employment opportunities [R1, R3, R9, R15, R31, R32, R34, R40, R86, R121, R154, R166, R204]
- Women and men involved in selling sex would no longer be defined as ‘a known prostitute’. It would reduce the stigma and give sex workers the freedom to engage in a profession of their choice [R5, R9, R41, R47, R49, R51, R60]
- The removal of the gendered language of current Scottish Government policies on prostitution; people of all genders sell sex in Scotland, and any effective legislation must reflect that [R56, R91]
- Being able to earn in a more dignified manner and being able to legally pool earnings with family etc. is important. It will allow greater communication between clients, sex workers and law enforcement [R14, R57]

- It could include the provision of funding and training for sex-worker groups, to develop and sustain organisational strength and expertise, to effectively communicate and share good practices with each other and externally [R75]
- Implementing this legislation would send a message that Scotland actually cares about sex workers, recognises them as experts on their own experiences, and is committed to their safety and well-being [R85]
- It focuses on the protection, health and safety of people who sell sex in Scotland [R181]
- The reduction of stigma around sex work would also assist the unionization of sex work, the development of more supportive networks providing legal, medical and financial support to sex workers and a widening acknowledgment of the health education role of sex workers [R196]

Disadvantages

34. Typical comments regarding the potential disadvantages were—

- The potential to create mega brothels in Scotland similar to those that exist in Germany. It may make Scotland a more attractive target for traffickers and increased risk of coercion [R3, R5, R30, R75, R105, R135, R141, R144, R148, R150, R156, R204]
- Prostitution might become more normalised and perceived as a legitimate career to which young people may aspire [R12, R13]
- It might lead to regional variation in the ability of sex workers to work legally, dependent on local authority stance [R31]
- Opponents of sex work in general will become more vocal, which could lead to polarisation in society [R43, R191]
- Backlash and disagreement from feminist and religious groups [R88]
- Taxing sex workers would lead to an increase in the price of sex, which might encourage some to continue to work outside the system (to gain competitive advantage, at a risk) [R99]
- The Brothel Operator Certification system is not without some flaws, most seriously, that law enforcement officers become the de facto regulators of the system Unless a crime is being committed, regulation of brothels should be conducted by appropriate municipal and health authorities and sex workers should be directly involved in guiding the work [R126]
- Giving local authorities the power to refuse brothel licenses can lead to circumstances where license applications are rejected for moral and political reasons. Clear guidance on location and conditions should be developed in consultation with sex workers. An appeal process should be considered when applications appear to have been unfairly rejected [R126]
- Due to the unequal economic exchange that takes place around the purchase of women's bodies, i.e. in the main men are the purchaser and women a commodity, the legalisation of such runs the risk of further entrenching inequality. The reality of choice is a myth for many women involved in prostitution [R134]
- It will undermine all attempts to achieve gender equality and women's access to their human rights. It does not acknowledge that prostitution is a highly gendered issue that primarily affects women and girls from lower socioeconomic classes [R171, R203]

Current law – outdoor sex workers

35. Another strand of the proposal's aim is to repeal the Prostitution (Public Places) (Scotland) Act 2007 and repeal section 46 of the Civic Government (Scotland) Act 1982.

Soliciting and kerb-crawling

36. The consultation highlighted that street based sex workers bear the brunt of the criminalisation of prostitution and experience the highest rates of arrest, prosecution and conviction. The proposal seeks to repeal the law in relation to soliciting and kerb-crawling.

Question 4: Do you agree that current laws against soliciting and kerb-crawling should be repealed? Please indicate “yes/no/undecided” and explain the reasons for your response.

37. There were 126 (60%) responses to this question. Seventy-eight of those who responded (62%), including 62 individuals and 16 organisations, agreed that the current laws should be repealed. Only 16 respondents (around 13%) disagreed. It should be noted that some of those who agreed that the laws against soliciting should be repealed did not agree that the laws against kerb-crawling should be repealed.

Agree

38. Typical comments from those who agreed that the current laws should be repealed stated—

- This is one of the most important aspects of this proposed legal reform. Having a specific act against prostitution only marginalises and stigmatises sex workers [[R42](#), [R63](#), [R80](#)]
- This is perhaps the most important part of your proposals. Street sex workers are the most visible among us, which makes them the most vulnerable. One of the most vulnerable groups in our society is simply made more vulnerable [[R18](#), [R73](#), [R80](#), [R89](#)]
- When the safety zone was removed in Edinburgh, attacks on sex workers shot up by over 95% per cent. The police turned their attention to catching kerb crawlers rather than protecting the workers. The horrendous numbers speak for themselves [[R23](#)]
- They discriminate against sex workers and drive them into darker, more dangerous and isolated locations where they are at greater risk of violence and limit their ability to appeal for help [[R26](#), [R40](#), [R41](#), [R48](#), [R71](#), [R89](#), [R91](#), [R125](#), [R197](#), [R198](#)]
- These laws reduce sex workers' ability to screen clients, carry out necessary safety strategies and ascertain risk prior to accepting a client [[R28](#), [R32](#), [R47](#), [R49](#), [R67](#), [R74](#), [R79](#), [R91](#), [R181](#), [R197](#), [R198](#)]
- These laws tend to be enforced more heavily in affluent areas, or in those undergoing gentrification. This has the effect of displacing sex workers into more dangerous environments, and disproportionately impacts those who are most socioeconomically disadvantaged [[R47](#)]
- They are draconian and immoral and a waste of valuable police resources [[R54](#)]
- Solicitation laws disproportionately affect poor and homeless individuals. They serve to restrict street based sex workers' ability to work safely within the industry or to leave it [[R56](#), [R91](#)]
- Violence against street-based workers increased following the introduction of the

kerb-crawling legislation [[R85](#), [R107](#)]

- Street work is declining in most “Westernised” countries due to new technology (smart phone internet etc), it may be prudent to establish tolerance zones [[R124](#)]
- There is ample evidence that shows that criminalisation seriously impedes the attempts made by street based sex workers to stay safe. There is no evidence to suggest that demand (for commercial sex) has decreased since these laws were adopted in 2007 [[R181](#)]
- Community-based initiatives involving local residents, sex workers and local agencies may also help towards an integrated solution to the management of street spaces [[R197](#)]

Disagree

39. Respondents quoted the following reasons why they were against repealing the current law against soliciting and kerb-crawling—

- By repealing the laws against kerb crawling a clear message would be sent out that Scotland endorses the purchasing of women’s bodies by men for the purpose of sexual gratification [[R7](#)]
- This would remove an offence that allows Police and Local Authorities to challenge the behaviour of men who cause nuisance and disruption in communities. It would also send the message that this behaviour is acceptable [[R9](#), [R98](#), [R169](#)]
- I feel public displays of the availability of paying for sex are inappropriate and not ‘family friendly’ [[R70](#)]
- These laws protect women from street harassment and deter sex buyers. They make neighbourhoods which have been affected by highly visible street prostitution safer [[R135](#)]
- This communicates to society that the purchasing of sex is acceptable in Scotland. This also communicates that it is acceptable to purchase and exploit women and that women are commodities to be purchased and sold [[R137](#)]
- The best way to reduce the harm or risk of violence in prostitution is to reduce demand [[R141](#), [R206](#)]
- We live in a society where women are already excluded from social spaces due to fear of sexual harassment and violence. Condoning payment for sexual services gives conflicting messages about respect in relationships, and the value of human beings [[R154](#)]

Other comments

40. A number were undecided. Typical comments included—

- I would like to do more research on this [[R14](#)]
- Soliciting is a pest ... it is dangerous and horrible and to be discouraged. Kerb crawling is equally abhorrent and dangerous to sex workers and to the public [[R51](#)]
- This is likely to be the one part of the proposed Bill that has a greater visible effect for the public – which many may find undesirable – particularly if it leads to an increase in soliciting and kerb-crawling in public places [[R60](#)]
- I don’t believe that a sex related transaction only concerns those who buy and sell sex on the streets. The views of the local community and local residents cannot be entirely ignored. For that reason, I find myself wondering whether any reform of this law needs to be accompanied by a re-examination of tolerance zones [[R122](#)]

- It should be repealed if there is an alternative law which criminalises the purchase of sex everywhere i.e. in all settings [R134]
- What I want to see is the Nordic model [R171]

Indoor sex workers

41. A brothel is classified as any premises in which more than one sex worker operates. The proposed Bill would allow small groups of sex workers (maximum 4) to work together collectively and would make provision for larger licenced brothels. The consultation sought views on these proposals relating to indoor sex workers.

Question 5: Do you agree that small groups of up to four sex workers should be legally entitled to work collectively from the same indoor premises? Please indicate “yes/no/undecided” and explain the reasons for your response.

42. 127 respondents (61% of the total) answered this question, with clear support from 91 (72%) of those who responded, although 20 organisations (and six individuals) (20%) were not supportive.

Agree

43. Those respondents who agreed stated—

- This is common sense. This improves safety and other working conditions and makes it harder for violence to be used against workers [R14, R30, R45, R60, R64, R72]
- ‘Sex workers are normal people and like others, they like companionship’ [R32]
- Collective working improves the safety and security of customers and sex workers alike. Safety in numbers is a pretty basic concept, and allowing four sex workers to work in the same premises is hardly going to turn areas into red light districts [R15, R31, R88]
- Allowing sex workers to work together allows them to build a network of support and carry out their work in a supportive environment. It allows them to pool resources while sharing costs [R28, R34, R47, R78, R107]
- ‘This makes it easier for charities and outreach services to work with those in the industry to provide safer sex supplies, reducing vulnerability to sexually transmitted diseases’ [R49]
- ‘At the very least. Though it looks a bit restrictive and not like the NZ system. But it’s a start’ [R61]
- ‘The legal existence of these small cooperatives is extremely important in ensuring the bill tackles harm reduction for those most vulnerable’ [R63]
- Right now sex workers working indoors have to choose between two sets of unacceptable risks: the dangers associated with working alone and the risks of prosecution [R73, R80]
- ‘The vast majority of sex sold in Scotland is done via small collective brothels. Currently, this presents very little annoyance or nuisance to the community as evidenced by the fact that the police rarely receive complaints of this nature’ [R181]

Disagree

44. Those respondents who were not in favour of legalising groups of (up to four) sex workers to work collectively stated—
- It would be an attempt to manage an act of inequality, rather than reducing the opportunity for such acts [R1]
 - There is little or no evidence to support that establishing small owner occupied brothels (SOOB) will make prostitution safer [R3, R204]
 - Women working together, if they feel safer that way, should not be criminalised for doing so, but concerns were raised with the proposal to consider groups of individuals together in an unlicensed, “Small Owner Operated Brothel as small business. This should not be legitimised [R6, R9, R168, R170]
 - ‘We are concerned this could be used for exploitation’ [R98]
 - ‘The proposal to introduce Small Owner Operated Brothels (SOOBs) without any requirement for licensing or legal oversight is deeply disturbing’ [R144]
 - ‘What this measure does is sanction the operating of unlicensed and therefore unregulated brothels with no proper measures in place to identify or tackle the human rights abuses rife within the sex industry’ [R165]
 - ‘The proposal does not make any mention of the impact SOOBs might have on communities’ [R204]

Brothel-keeping

Question 6: Do you agree that the licensing regime already in place for sexual entertainment venues should be extended to cover indoor premises where more than four sex workers are employed? Please indicate “yes/no/undecided” and explain the reasons for your response.

45. 118 respondents (57% of the total) answered this question. Fifty-one (43%) agreed with the question, made up of almost entirely individual respondents (46). By contrast, 34 (29%) disagreed, made up of 11 individuals and 23 organisations.

Agree

- In principle we support the idea of licensed brothels to the extent that they enable a safe working environment for sex workers. However, it is important to design a licensing regime that has the health and safety of sex workers as its priority. This means that sex workers must be involved at every stage of development [R27]
- The distinction between SOOBs (in the NZ model) and larger brothels is a sensible one [R60];
- This would ensure that those working in brothels would know their managers had been background-checked, as well as that their place of work had been properly checked for health and safety [R73, R80]

- As a feminist I am uncomfortable with licensed sexual entertainment because in my experience men who frequent these establishments perpetuate sexist and unhelpful attitudes towards women. However, protecting the safety of sex workers is a necessary first step in challenging these unhelpful attitudes [R86]
- A licensing regime offers the prospect of imposing high standards of management, health and safety, and regularising the nature of the business and its location, ensures NHS support and in the long term, removes the current stigma associated sex work [R107]
- The duty of government is to prevent harm not to regulate people's private lives – this provision recognises the reality of people making their own choices whilst making the exercise of those choices safe [R119]
- Yes, but the situation is complex and my preference would be for planning permission being sought for any premise where sex is sold, including home-based (residential) sex work, with licensing used as a process to ensure good standards of safety and hygiene are being maintained in premises. The major caveat here is that license application should not be overly complex or expensive, so as to discourage individuals from applying [R196]

Disagree

46. Typical comments from those respondents who were not in favour of extending the current licensing regime included—

- The approach is fraught with danger: current licensing arrangements only serve to protect public safety in relation to the sale of alcohol and are not fit for purpose in sexual entertainment venues [R3, R204]
- We refute the view that paying for sex can ever be for 'entertainment' as the power imbalance between woman and punter is just too great. Gender based violence is not an acceptable form of entertainment [R6, R155, R168]
- We do not see how such a licensing regime would fit with a Violence Against Women (VAW) approach in Scotland [R9]
- I don't believe in licensing but if the industry wanted to bring in their own guidelines, I would support that [R54]
- This could be used to disguise trafficking and exploitation [R98, R206]
- It would be completely inappropriate to extend the SEV regime to create large brothels on the high streets of our towns and cities. Highly visible and culturally tolerated prostitution feeds into social and cultural attitudes and creates a climate in which vulnerable people are more likely to be drawn into the sex trade [R135]
- This will legitimise prostitution and encourage brothel keeping. An increase in the number of brothels would make Scotland a very attractive place for human traffickers [R156]

Undecided

47. Some respondents were undecided and made the following comments—

- Time needs to be taken to design a licensing regime that has the health and safety of sex workers as its priority and the regime should be developed in consultation with sex workers themselves [R28, R29, R46]
- The cost of licences would require to be sufficiently affordable that they did not generate a 'black market' of sex workers [R31]

- These provisions put the licensing scheme at risk of excluding or rejecting many applicants for licences, who may go on to run such premises without licences [R42]
- It is slightly vague in its discussion of licencing detail...it is important for licensing to be transparent, fair and efficient [R63]
- Expert academic evidence is required, which examines the different licensing regimes for brothels used around the world (e.g. New South Wales Australia, New Zealand, the Netherlands) to learn what is effective and what is not [R181]
- This is an issue that has differing opinions and it is important that sex workers are represented in any consultations regarding potential regulation of premises [R197].

Protections for sex workers

48. The Bill would repeal section 11(1) - (4) and (13) of the Criminal Law (Consolidation) (Scotland) Act 1995 and introduce more stringent provisions against coercion.

Living on the earnings of prostitution and coercion in the sex industry

Question 7: Do you agree that the laws on living on the earnings of prostitution and procuring should be repealed and that there is a need for more stringent and robust laws against coercion in the sex industry modelled on the New Zealand Prostitution Reform Act?

49. 1.122 respondents (59% of the total) answered this question.

50. The majority (70%) of respondents, including 70 individuals and 17 organisations, agreed with the question. Seventeen (14%) respondents disagreed of which the majority (14) were organisations.

Agree

51. A number of recurring points were made by respondents who agreed that the laws on living off the earnings from prostitution and procuring should be repealed and that there is a need for more stringent laws against coercion—
- This is possibly the most ridiculous and isolating law on sex work that we have, effectively forcing sex workers to live alone in case their partner is accused of living off their earnings. And stronger coercion laws would balance out any worries that this would lead to an increase in pimping [R15]
 - These laws above all else stigmatise sex workers' relationships with others including their own family. They are outdated and extremely damaging to sex workers and their partners, families, and friends as family members may be stigmatised or arrested for living with them and sharing in living off their earnings [R27, R28, R32, R33]
 - The laws as they stand offer no protection for sex workers who don't identify as women. Frequently they are actively sexist [R56, R91]
 - Laws on living on the earnings of prostitution and procuring make "controlling for gain" and procuring prostitution (even when there is no force or coercion involved) a "lifestyle offence", prosecutable under Proceeds of Crime legislation. Numerous examples have

resulted in families losing their homes and seeing their assets frozen [R34]

- Of course there should be robust laws against coercion. Any new laws should not conflate sex work with trafficking [R41]
- It is important to ensure existing legislation on coercion and exploitation can be complementary to new legislation for sex workers, therefore it may not be necessary to introduce new laws as it may already be in existence. If so, it should be transferred across into any new law pertaining to sex workers [R44]
- The bill should strengthen the capability of sex workers to negotiate fair pay and hours [R63]
- A legal system which distinguished more carefully between voluntary and coerced sex work would allow policing and criminal justice work to be focussed specifically on coercion, rather than quotidian aspects of sex workers' finances and interpersonal relationships [R74]
- Coercion in sex work – by managers, traffickers, or 'pimps', romantic partners or family members, police officers, or anyone else – is a genuine threat to the safety, rights, and wellbeing of sex workers everywhere. It is enabled, not helped, by social stigma of criminalisation [R125]
- These laws are outdated and do not reflect the current complex situation regarding sex work. For example, they may criminalise partners, family members or friends of sex workers who may be in a financial relationship with a sex worker, regardless of whether this is mutually beneficial [R196, R197]

Disagree

52. Respondents who were not in favour of this aspect commented—

- We can find no evidence to suggest the partners and family members in particular children were prosecuted by Crown Office from living off of prostitution [R3]
- Superficially, it would be a concern that repealing these laws would in fact facilitate further exploitation [R5]
- The laws on living off the earnings of prostitution and procuring should not be repealed as it is often impossible to determine whether a prostitute has been trafficked or not. Furthermore, as highlighted above, prostitution is frequently associated with other criminal activities. It is morally wrong for anyone to benefit from illegal activity; [R12, R13, R148]
- I also believe that it is crucially important to enhance the life chances of people who end up being trafficked and in prostitution through addressing social and cultural inequality in this country and globally. For those who are currently involved in sex work, opportunities to access routes out of prostitution are also essential [R12, R13]
- Coercion is always wrong. Women and men should never be forced to act in ways that are against their will. Laws that protect them from harm should always be available to them, hence the call to criminalise those who perpetrate violence and who purchase sexual services [R12, R13]
- This could lead to legalised pimping and coercion by family members and partners [R98, R203]
- Having a criminal offence of living on the earnings of prostitution is an important safeguard against the exploitation of women by men who seek to abuse their partners,

friends, daughters etc [\[R135\]](#)

- The law should not enable anyone to profit from the prostitution of another person whether coercion is used or not. Removing the offence of procuring legitimises and facilitates pimping and creates opportunities for exploitative relationships to develop [\[R141, R154\]](#)
- It is often impossible to determine whether a prostituted woman has been trafficked or not [\[R148\]](#)
- This is an appalling misguided proposal as what it essentially does is sanction pimping. It ignores the fact that vulnerable women are often pimped in the context of an intimate relationship and that pimping is a tool used by perpetrators of domestic violence [\[R165\]](#)

Undecided

53. A number of respondents were unsure. One respondent stated—

- We are awaiting further information as to how the current law on living on the earnings of prostitution has been used in Scotland. We are concerned that if the existing legislation on living on the earnings of prostitution and procuring should be repealed there may be inadequate safeguards to prevent coercion and exploitation, especially from partners and family members [\[R9\]](#).

Question 8: Do you agree that there should be a statutory right for sex workers to refuse to provide, or refuse to continue to provide, sexual services?

54. Again, just over half, 122 respondents (59% of the total) answered this question.

55. There was overwhelming support on this question, from 101 (83%) of the respondents who directly answered the question. This was made up of 79 individuals and 22 organisations. Only three respondents (2%), all organisations, disagreed.

Agree

56. Respondents who agreed commented—

- In keeping with Articles 3, 4, and 5 of The Human Rights Act all sex workers are entitled to the protection of:
 - freedom from torture and inhumane or degrading treatment
 - right to liberty and security
 - freedom from slavery and forced labour [\[R5\]](#)
- Sex workers should have these basic labour rights. A statutory right of this nature would have strong symbolic effect on sex worker safety in Scotland [\[R23, R49, R181\]](#)
- Even during an appointment if a sex worker feels they wish to end the session they should always have the right to do so [\[R28, R32\]](#)
- This should go without saying. Everyone has the right to say ‘no’ and sex workers are no different [\[R72, R86, R107\]](#)
- Work needs to be done to reduce the false idea that sex workers can’t be raped [\[R33\]](#)
- Obviously. Scottish law recognises the importance of consent in sexual activity; this shouldn’t cease to apply simply because one (or more) party is receiving payment [\[R91\]](#)

- While I wish that such a right would go without saying, I believe that enshrining it in law would help to cement sex workers' rights to autonomy, self-determination, and bodily integrity [R125]
- Sex workers should be able to assert the right to refuse sexual services to anyone. Sex work is about granting time, companionship, and access to sexual services, not relinquishing control over what happens to one's person [R198]

Disagree

57. Those who disagreed explained—

- The required legislation already exists. Any additional legislation would be discriminatory to women involved in prostitution [R1, R203];
- Women always have the right to refuse any kind of sexual activity, at any point, regardless of whether they are receiving payment (of any kind) or not [R6]

Safer sex supplies

58. The proposal will include a statutory obligation on brothel operators and managers to ensure that safer sex supplies are available on their premises.

Question 9: Do you agree that there should be a statutory obligation on brothel operators to ensure safer sex supplies are made available on their premises?

59. Just over half, 117 respondents (57%) answered this question.

60. As with questions 7 and 8, there was significant support for the proposal. Only eight respondents (7%, five individuals and three organisations) disagreed, whereas 82 (70%, 62 individuals and 20 organisations) were clearly in support.

Agree

- Safe sex practices and provision of supplies is essential. It could be provided in partnership with health organisations who can monitor the health of workers and provide treatment where necessary [R26, R107]
- Capitalism encourages business owners to reduce costs wherever possible, so it is conceivable that even within a completely legal brothel, owners would skimp on these vital supplies. Enforcing provision of safer sex supplies would take the onus off sex workers as employees needing to either pay for these themselves or try to convince their employers to provide them [R27]
- I would argue that it be mandatory for brothel operators to maintain relationships with local law enforcement and health authorities. This should be the role of brothel operators as an employer, on health and safety grounds. It should be a condition of service, failure on the part of the brothel keepers to comply should cost their licence [R26, R51, R94];
- This is a reasonable and pragmatic approach, as opposed to prosecution of those who engage in unsafe sexual practices [R85]
- It will help fight the spread of HIV and other diseases [R99, R107]
- Local authorities and health and safety inspectors should be responsible for enforcing this duty [R181]

Disagree

- Not a statutory obligation - In a decriminalised context this should be encouraged and sex workers should have appropriate avenues to whistleblow should managers not have condoms on the premises [R32]
- Brothel operators or others who profit from prostitution should not be considered legitimate and should be criminalised [R203]

Financial implications

61. Respondents were asked:.

Question 10: What is your assessment of the likely financial implications (if any) of the proposed Bill to you or your organisation? What (if any) other significant financial implications are likely to arise?

62. 91 respondents, just under half (44%) of the total, answered this question.

63. Respondents made a number of observations including—

- The financial implications would be substantial, all of this in a time of reducing budgets, in particular for local authorities, if they were to assume the role of a regulatory body [R3]
- Increased tax revenues [R54, R70, R196]
- There are already significant costs to local services, such as to NHS Ayrshire & Arran, South Ayrshire Council and our local women’s support services due to prostitution and we believe that some of the proposals in the Bill could actually increase those, particularly around women’s substance misuse and mental health [R6]
- Services funded under violence against women (VAW) may risk the loss of funding. If prostitution is seen as a form of employment – regulation could fall under employment and occupational health. It would no longer be seen as an equality issue and therefore services, which use a VAW approach, may not be funded. All the expertise and experience gained over many years would no longer be available to those involved in prostitution [R9, R98, R134, R137]
- Through this Bill, the Crown Prosecution Service will make substantial savings from not policing prostitution. There would be savings in terms of freeing up police time, the criminal justice system, and legal aid budgets [R34, R49, R97]
- We should hope that there would be a small rise in health spending as in the process of decriminalising and de-stigmatising sex workers we should be encouraging greater uptake of access to sexual health services [R94]
- The financial effect on the country will of course be positive, in terms of saved police and judiciary time, reduction of cost to our NHS in repairing victims of violence, reduction in mental trauma among workers and users of their services, reduction in sexually transmitted diseases, and positive revenue from taxes on legal earnings [R127]
- We would envisage potential loss of financial support as the proposals within this Bill legitimise prostitution which would then mean that it was no longer considered a VAW issue in Scotland [R137]

- There are likely to be costs in relation to antisocial behaviour. Increased resources in the medium- and long-term to deal with increase in victims of exploitation, human trafficking and organised crime [[R204](#), [R206](#)]

Equalities implications

64. The proposal argues that by decriminalising sex work, it will address inequalities by ensuring that sex workers can enjoy greater protection from violence; that their rights will be upheld and they will have access to justice. Respondents were asked:

Question 11: Is the proposed Bill likely to have any substantial positive or negative implications for equality? If it is likely to have a substantial negative implication, how might this be minimised or avoided?

65. 105 respondents (51% of the total) answered this question. This was made up of 73 individuals (70%) and 32 organisations (30%).

Positive implications

66. Some respondents believed it would have a positive impact on human rights and other comments included—

- I believe this Bill will have a positive impact on equality in Scotland, since the vast majority of sex workers are women. To me, true equality must include sex working women too, and this Bill finally listens to what we know we need [[R23](#)]
- Treating sex workers under the law like any other workers and as people with full rights and access to services and legal remedy will be a huge step forward for human dignity and equality [[R27](#), [R48](#)]
- The proposed Bill will significantly improve the safety, health and wellbeing for sex workers in Scotland and as such represents a significant step forward for equalities [[R28](#)]
- The implications for equalities are massive. I think that these proposals send the message that we are just human beings like everyone else and deserve rights [[R46](#)]
- Austerity, poverty and lack of decent employment are some of the main reasons why people enter the sex trade. Making the industry safer would make the lives of people affected by inequality much safer [[R69](#)]
- It would have highly positive implications for sex workers' equality. However, it would undoubtedly be seen as negative by those who favour the eradication of the sex industry, including those who perceive its existence as being an affront to all women, whether they engage in sex work or not [[R85](#)]
- It will have substantial positive implications for equality ... I do not believe that feminism can reach its goals of equality by portraying some women as more equal than others, or by constructing policies around prostitution and sex work that disadvantage women in any way. As a feminist, it is very important to me that all women are protected from gender- and sex-based criminalisation [[R86](#)]
- Feminist arguments often focus on the idea that the sale of commercial sex in itself is damaging to women's equality and gender relations – however, this is difficult to prove and we see abuse and exploitation in the sex industry as symptomatic of wider social

sexism rather than its cause. Furthermore, we are unwilling to countenance sacrificing the safety of women (and others) working in the sex industry for the comfort of more privileged women and for ideological objectives. In concrete terms, the Bill will only have a positive impact on equality for sex workers in society [\[R102\]](#)

- Sex work legislation also impacts on LGBT and disabled persons; ending criminalisation of sex work and offering personal and employment protection under new legislation would encourage progress in reducing discrimination towards those who experience marginalisation in society [\[R121\]](#)

Negative implications

67. Those respondents who believed the proposal would have negative implications for equality stated—

- The implementation of this bill will impact across all forms of violence against women; prostitution will become a legally sanctioned form of domestic abuse. This Bill is contrary to the policy positions on Violence Against Women from the Scottish Government and the main political parties in Scotland [\[R3, R168, R170, R202, R204\]](#)
- We do not believe that we should live in a society that believes it is okay for some men to pay to have sex with women (and sometimes men) and that there should be individuals available for this purpose [\[R6\]](#)
- It has substantial negative implications for equality since the majority of people who sell sex are women, whereas the majority of people who purchase sexual services are men, thereby creating an imbalance of power between men and women. The motivation of the proposed changes may have been to empower sex workers, but the effect will be to subjugate women further as prostitution and the gender inequality becomes normalized [\[R12, R13, R141, R148\]](#)
- These proposals, if enacted, would be very damaging to gender equality – and such negative implications can't be mitigated, as the core of the proposal is to enshrine in law a system of exploitation which is rooted in, and thrives on, gender inequality [\[R135\]](#)
- This proposal will be detrimental to race equality. The prostitution industry emphasises the 'exotic' nature of women in saunas, and indulges in racial stereotyping, encouraging punters to see women as a range of varieties or types instead of full human beings. If SOOBs or larger brothels were created, we would no doubt see these advertising women on the basis of their nationality, fuelling racist attitudes [\[R135\]](#)
- If someone is denied their right to life or has limited choices through poverty, poor health or social circumstances and turns to selling sex for survival that cannot be construed as having a valid 'choice'. This Bill would result in most vulnerable members of our society being more open to exploitation and inequality, including health inequalities [\[R155\]](#)

Other comments

- This proposed Bill does not go far enough to address inequality for the majority of those selling sex who do so out of reduced choices. Further consideration is required as to how to address the constrained choices as a result of social and structural inequality that often lead to individuals to sell sex [\[R4\]](#)

Section 4: Member's Commentary

68. "I would first like to thank everybody who responded. This consultation had a huge response, and people were very generous with their expertise.
69. I believe that this consultation has helped to highlight the voices of people who are currently selling sex, and these are the people who should be prioritised in policy-making around this issue. I know that this consultation, has been an eye-opening process for many of my colleagues, who have had an opportunity to see the issue of sex work in a new light. I have every faith that this new perspective – one that centres around current sex workers, their safety, and their labour rights – will be carried forward into the next parliamentary session and beyond.
70. There was broad agreement with the general aims of my proposals. However, there were several suggestions that these proposals should 'go beyond' the New Zealand model, in particular in regards to the rights of non-EU migrant workers. It is worth noting that migrant workers from within the EU would be already covered by my proposals, in terms of all EU citizens' existing rights to live and work anywhere within the EU. I have a great deal of sympathy with the need to fine-tune how best to deliver rights and safety for non-EU migrant workers, and believe that this should be taken on board in future discussions of these proposals. Immigration is of course an issue currently reserved to Westminster, but I look forward to discussing further with migrant sex workers and groups led by migrant sex workers as to how these proposals can be extended to cover them as far as possible.
71. Where there was some disagreement with the broader aims of my proposals, this tended to focus on the question of criminalising 'demand', and calling for the Nordic model to be adopted. I would argue against the idea that criminalising the clients of sex workers does anything to help sex workers, regardless of their reasons for selling sex.
72. I am also deeply concerned that in countries where the Nordic model has been implemented we still see sex workers arrested and prosecuted along with their clients. The very first prosecution under Northern Ireland's new sex buyer law was of one client – and three sex working women who were prosecuted for brothel-keeping as they were found to be working together. Raids that are ostensibly focused on clients – but that in fact lead to the prosecution of sex workers – are of course one of several key concerns that sex workers and human rights organisations have about such 'sex buyer laws' with little criticism of this 'unintended consequence' from those who supported this approach.
73. There was almost universal agreement that repeal of soliciting laws is urgently required. It was recognised by a huge number of respondents to the consultation that these laws significantly harm street based sex workers and prevent them from working safely. There is strong political will to repeal these laws and I would urge colleagues in the next Parliamentary session to ensure that this is done as a matter of priority.
74. My proposals on repealing the kerb-crawling laws elicited a range of responses. I was heartened to see that many people read the evidence and put the safety of street-based sex workers at the centre of their thinking and their responses. Where there was disagreement, this tended to fall into two camps: people who were concerned about the impact of visible street-based sex work on their communities, and people who were concerned as to what message the repeal of the kerb-crawling law would send about the availability of women's bodies, and the possibility that this would encourage street harassment.
75. With regards to the issue of the impact on communities, I think it is worth first noting that sex workers, including street-based sex workers, are of course part of our communities and not separate from them. So when we are considering the impact on communities, we also have

to include the safety and rights of street-based sex workers in that conversation. I would also note that communities are not ‘safer’ if street-based sex workers within them are more vulnerable to violence, which is the effect that the criminalisation of kerb-crawling produces. While I understand that people may not want to see street-based sex work, strong evidence from around the UK shows that everyone within a local community is happiest and safest through the use of tools such as community mediation. This is where local residents – including sex workers – facilitated by social workers, discuss their collective concerns and arrive at solutions together. Driving street-based sex workers into the shadows and forcing them to get into cars more quickly does not make sex work go away: it only makes it more dangerous.

76. Several people wrote to me with concerns as to the ‘message’ that would be sent about the availability of women’s bodies, and the possibility that this would encourage street harassment. I am a lifelong feminist, and take the status and safety of all women in our society very seriously. I want to reassure the people who wrote to me with these concerns that I have heard you. My response is that, in the same way that street-based sex workers are not separate from our communities, so sex working women are not separate from the category of women, and when we talk about the status and safety of women, women who sell sex need to be included in that conversation and in our considerations. I do not believe that women as a whole are safer, or have higher status in our society, if sex working women are placed in a position that makes them more vulnerable to violence – and the evidence shows that criminalisation of kerb-crawling does make sex working women more vulnerable to violence.
77. Street harassment is profoundly wrong: all women (and indeed all people) deserve to move through public space without abuse or catcalls. I do not believe that street-based sex work is a major cause of street harassment. Some men choose to weaponise the stigma of sex work against non-sex working women, by suggesting that those women are sex workers – and this is wrong. But the Nordic model, which was recommended by most of those who expressed these concerns, increases the societal stigma against sex workers. It would in fact sharpen the weapon in the hands of these men for its use against all women.
78. Furthermore, many respondents highlighted that where the Nordic model has been implemented, research shows that street harassment from members of the public against street-based sex workers goes up. In France, when the Nordic model seemed set to pass in 2013, local residents organised vigilante groups to drive sex workers from the streets. In Norway, street-based sex workers told Amnesty International, “It’s mostly women but sometimes men who insult us. It’s happened lots of times. ‘You prostitute go back to you own country’. ‘F**k out of my sight’”. If we seriously wish to end street harassment – as I do – then a legal framework which empowers members of the public to treat street-based sex workers in this way is clearly not the answer.
79. With regards to my proposals as to the safety of indoor sex workers, again I was encouraged by the widespread agreement I received. There is a large and growing awareness in Scotland that our laws regarding indoor sex work make little sense, and as one respondent put it, “right now sex workers working indoors have to choose between two sets of unacceptable risks: the dangers associated with working alone, or the risks of prosecution”. In particular, my proposals that would allow small groups of workers (up to four) to work together indoors were met with a great deal of approval. It is obvious to many people that where sex workers are legally forced to work alone, they will be more vulnerable to violence. Furthermore, there seems to me to be a logical inconsistency in the arguments of those who opposed this measure: namely, that they focus extensively on the many dangers associated with selling sex, and yet seek to force sex workers to undertake this work alone. Sex workers themselves can of course very capably attest to the many ways in which selling sex can currently be dangerous or fraught – and it is for that reason I support their calls to be able to legally work together indoors in small groups.

80. There were mixed responses to the proposal to license larger commercial brothels. Many respondents, including sex workers and the organisations that represent their interests, supported the principle of licensed brothels but were unsure if the current licensing regime for sexual entertainment venues was an appropriate licensing model that would properly uphold the rights of workers. I, therefore, recommend that further research be done into potential licensing systems for brothels, and thorough consultation with sex workers must be the foundation of this. The final proposal should incorporate the results of that research. Some respondents raised concerns about the dangers of “legitimising” the sex industry through licensing brothels. I hope I made it clear in my proposals that I have no ambitions to “legitimise” or “normalise” the sex industry. My concern is in ensuring that while sex is sold that it is done as safely as possible, and I remain committed to the notion that one of the most effective ways to do this is through an appropriate licensing system for brothels that give sex workers legal rights with which to hold their managers to account.
81. The vast majority of those who responded to the question on repealing the procuring laws and replacing it with a more robust law against coercion in the sex industry were in favour. Those who objected to this element of the proposal were concerned that it would put sex workers in danger of exploitation. It could be argued that this was a somewhat confused response given that my proposal is designed to increase the safeguards for people working in the industry and to extend this to people of all genders. I remain committed to this element of my proposals and am heartened by the majority support. The law on procuring as it stands is over-broad and rarely used: a combination that makes sex workers fearful of contacting the police, given concerns about how the law could be used against their families; while it also does little to tackle exploitation. Scotland needs a stronger and more streamlined law against coercion in the sex industry – one that is led by what sex workers say they need – and I believe that my proposals would achieve that.
82. There was overwhelming support for introducing a statutory right for sex workers to refuse to provide sexual services, although a minority suggested that this was unnecessary as laws against rape and sexual assault would apply in this circumstance. There was also clear majority agreement that provision of safer sex supplies in sex working premises is crucial, and that an effective way to achieve this is in introducing a statutory obligation on brothel operators to provide such supplies on their premises.
83. It has been a great privilege for me to present these proposals to the Scottish people, and I am encouraged and heartened by the support I have received. I hope to see these proposals succeed in the next Parliamentary session.”

Annexe A

Numerical List of Respondents

Response number	Name of organisation/individual
1	Say Women
2	Engender
3	Glasgow Violence Against Women Partnership
4	LGBT Youth Scotland
5	COSLA
6	South Ayrshire Multi Agency Partnership to Tackle Violence Against Women and Children
7	NHS Spittal Street
8	The Scottish Coalition Against Sexual Exploitation
9	Women's Support Project
10	Scottish Women's Aid
11	Ann Hall
12	Hazel Watson
13	Rev Lindsey Sanderson
14	Susan Hamilton
15	John McDonald
16	Erik Hestevold
17	Richard Doherty
18	Sofia Helgadottir
19	Katherine Mackinnon
20	Anonymous Sex Worker
21	Anonymous
22	Anonymous
23	Laura Lee
24	Anonymous

Response number	Name of organisation/individual
25	Jonathan Mendel
26	Mhairi Duncan
27	Glasgow Feminist Collective
28	Umbrella Lane - Sex Worker Support Service
29	International Committee on the Rights of Sex Workers in Europe (ICRSE)
30	Mandy Armstrong
31	Erin Jordan
32	Amy (Sex worker)
33	Anonymous Sex Worker
34	English Collective of Prostitutes
35	Anonymous Sex Worker
36	Anonymous Sex Worker
37	Anonymous
38	Harry Giles
39	Thomas Alka
40	Neil Bartlett
41	Anonymous Sex Worker
42	Urban Justice Center Sex Workers Project
43	Anonymous (Client)
44	New Zealand Prostitute's Collective
45	Tomothy Cooper
46	Anonymous Sex Worker
47	Mike Crawford
48	Charles Brothy
49	Scottish Liberal Democrat Women
50	David Grant
51	Margaret Aitken
52	Brenda Carey
53	Gerard Clark

Response number	Name of organisation/individual
54	Katrina Angus
55	Anonymous
56	Nick Batley
57	Nicole Blackwood
58	Anonymous
59	Anonymous
60	David Masters
61	Dr Peter Ashby
62	Luk
63	Buchanan Institute
64	Fiona Gilbertson
65	Leslie Hills
66	London Young Labour
67	Megan DePutter
68	Liam Davenport
69	Ellen MacAskill
70	Anonymous
71	Clare Hollowell
72	Anonymous
73	Anonymous
74	Anonymous
75	HIV Scotland
76	Neil Davidson
77	Nicki Turton
78	Lola
79	Jemma Tracey
80	Anonymous
81	Hamish Allan
82	Anonymous
83	Mz Jane (London Dominatrix)

Response number	Name of organisation/individual
84	Morton Little
85	Nine consultation
86	Sarah Nicolson
87	Jem
88	Janine Ewan
89	Lars Thomas Sønsteby
90	Danni Glover
91	Heather
92	Zi Teng
93	Anonymous
94	Anonymous
95	Associazione Radicale Certi Diritti
96	Anonymous
97	George Lewis
98	Scottish Lead Clinicians in Sexual Health Consultation Board
99	Vincent Fitzpatrick
100	Tom Manganiello
101	Barry Mitchell
102	Centre for Gender Studies, Sussex University
103	Toni Mac
104	Dr Brooke Magnanti
105	Anonymous
106	Dr Tom Sissons
107	Anonymous
108	Alison Waugh
109	Anonymous
110	STOPAIDS
111	Aprosex
112	Dr Melanie Thomson
113	John Raven

Response number	Name of organisation/individual
114	Dr Linda Cusick
115	Wendy Lyon
116	X:talk
117	Global Alliance against Traffic in Women
118	Hydra e.V.
119	Lionel Joyce
120	STAR
121	Annie Rhodes
122	The Very Rev Kelvin Holdsworth
123	RnRT
124	Dr Robert Shields
125	Megan Daigle
126	Kerry Porth
127	Stephen Webster
128	Andrew Still
129	Rebecca Maule
130	James Stewart
131	Persons Against Non-State Torture
132	The Law Society of Scotland
133	Magi Gibson
134	Dumfries and Galloway Domestic Abuse and VAW Partnership
135	Zero Tolerance Charitable Trust
136	Anonymous
137	Rape and Sexual Abuse Centre, Perth and Kinross
138	SPACE International
139	Scottish Women's Convention
140	Tim Knox
141	Christian Action Research and Education (CARE)
142	Chris Thorogood
143	Exodus Cry

Response number	Name of organisation/individual
144	The Christian Institute
145	M A Macleod
146	Free Church of Scotland
147	Elaine Cameron
148	Jacci Stoye
149	Dr Graham Keith
150	Anna Fisher
151	William Baird
152	Deidre O' Reilly
153	Roberta Stevenson
154	University of Bristol Centre for Gender and Violence
155	NHS Greater Glasgow and Clyde
156	Scottish Sorpotomists
157	Paul Gough
158	Sarah Dobson
159	Mike English
160	Kayode Adisa
161	Ruth Allen
162	Geraint Williams
163	Mhairi McAlpine
164	Steve Rawbone
165	Ruhama
166	Joan Skinner
167	Elisabeth Sammon
168	Highland Violence Against Women Partnership
169	Soroptimist International of Crieff
170	Scottish Borders Violence Against Women Partnership
171	Annette Lawson
172	Penny White
173	Doreen Smith

Response number	Name of organisation/individual
174	Fiona Beveridge
175	Niall Balmer
176	Joan Short
177	Michael B
178	Liz Kalsi
179	Kenneth Gordon
180	P F Frizelle
181	SCOT-PEP
182	CONFIDE
183	David Randall
184	Donald Fleming
185	Anonymous
186	Anonymous
187	Sex Workers Outreach Project (Australia)
188	Sex Workers Outreach Projecy (Canada)
189	TAMPEP International Foundation
190	Aids Fonds
191	Anonymous
192	Valerie Kerr
193	Jennifer M Hepburn
194	Global Network of Sex Work Projects
195	Terrence Higgins Trust
196	Phil Hubbard, University of Kent
197	Sex Work Research Hub (universities collective)
198	Sex Workers Outreach Project (USA)
199	Triple-X Workers' Solidarity Association of BC (Canada)
200	Nordic Model Information Network
201	European Women's Lobby
202	End Demand
203	Forth Wave Edinburgh Feminist Activists

Response number	Name of organisation/individual
204	Community Safety Glasgow
205	Australian Sex Workers Alliance (Scarlet Alliance)
206	Equality Now
207	NUS Scotland Women

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