

Ash Regan's Prostitution Bill call for views - suggested points for allies

MSP Ash Regan has introduced a [bill](#) to Scottish Parliament which aims to criminalise clients paying for sex in Scotland, otherwise known as the Nordic Model. Sex workers don't want this bill - it would put us at higher risk of violence and push us further into poverty. The Nordic Model is also opposed by organisations such as Amnesty International, the World Health Organisation, and the UK's national frontline charity for sex worker safety, National Ugly Mugs. **We need help from sex workers and allies to make sure the bill doesn't become law.**

How can allies and sex workers help? By **writing to the Criminal Justice Committee** through its call for views on the bill, to tell them that you don't want the Nordic Model in Scotland. The submission form is here:

<https://yourviews.parliament.scot/justice/prostitution-offences-support-bill/consultation/intro/>.

This link may also be helpful for anyone who has questions about how the committee will use their submission: [Privacy notice: Committees: Submitting your views to a committee | Scottish Parliament Website](#)

The deadline for writing to the Committee is 5th September. We need as many people to respond as possible to help us demonstrate widespread opposition to the criminalisation of the purchase of sex. You do not need to be a current sex worker, nor be based in Scotland to respond. The support of allies in getting our voices heard is invaluable.

The call for views asks five questions, although you don't need to respond to all of them - questions 1 and 5 are probably the most important. We have included suggested points below, **but the more you are able to tailor your response, the more impactful it will be** on the Committee. We have also included research that you may find helpful as part of this, especially if you do not have lived experience of sex work.

If you'd like some support with writing a submission, we're holding a drop-in on 22nd August, 1-5pm, for allies and sex workers. Email us at Scotland4Decrim@proton.me for more information on this.

Please share this consultation amongst your friends and networks, as the more evidence we provide and the more allies who stand with us, the more likely we are to defeat this bill. Do let us know if you have any questions about the bill or the consultation.

Questions

1. The Bill proposes to create a new offence of paying for the performance of a sexual act by a person. The Bill (at section 1) includes details of the circumstances in which an offence would be committed. The Bill (at section 9) includes a definition of "a sexual act". The Bill states that activities such as striptease, pole dancing, lap dancing, or other erotic performances are not included in the definition of a "sexual act".

What are your views on this proposal?

We would recommend that you respond to say you **oppose the criminalisation of paying for a sexual service/act**. You may wish to mention:

- All sex worker-led organisations in the UK oppose this law
- No current sex workers were consulted on the drafting of this bill
- Sex workers should be supported rather than having their work criminalised
- Criminalising clients negatively impacts on sex workers' safety procedures, e.g. sex workers are less able to vet clients, to ask for a deposit, have to avoid working with a friend indoors, street workers are displaced to more secluded areas and therefore unable to look out for each other as easily
- That this law does nothing to tackle the underlying reasons why people enter sex work - poverty and the cost of living crisis, discrimination from other more typical forms of employment, disability, caring responsibilities, etc.
- The Scottish Government has already thoroughly consulted with the public, and the public has been clear – Scotland doesn't want the criminalisation of clients.

You may wish to reference some of the research which shows that the Nordic Model has exposed sex workers to more poverty, violence and exploitation where it has been implemented:

- According to Ugly Mugs Ireland, crimes against sex workers almost doubled in the two years following the introduction of the law in the Republic of Ireland in 2017, with crime up 90% and violent crime up 92%
- A 2020 study commissioned by HIV Ireland found that sex workers who experienced violence at work were increasingly reluctant to report to the police under the Nordic Model.
- In a 2019 review commissioned by the Northern Irish Ministry of Justice, the policy of criminalising the purchasing of sexual services in Northern Ireland was shown to be an abject failure. Reported assaults against sex workers **increased by 225%** from 2016 – 2018. Evidence suggested that, while some clients were deterred by the law, **dangerous, violent and abusive clients remained unaffected** by the legislation. Nearly all workers interviewed felt that the law had **increased the stigmatisation of sex workers** in ways that made them more anxious and which had a negative impact on their day to day life.
- In France, the Nordic Model has been in place since 2016. A Medicins du Monde report found that the law has led to 42% of workers being more exposed to violence, 38% finding it increasingly hard to demand condom use, 70% observing no improvement or a deterioration of their relations with the police, 78% losing income, and 63% experiencing a deterioration of living conditions. A 2018 systematic review of 28 years of global research found that any criminalisation of sex work (including client criminalisation) triples the likelihood of sex workers experiencing violence, and **doubles their likelihood of contracting HIV**.

2. The Bill proposes to repeal [section 46 of the Civic Government \(Scotland\) Act 1982](#).

Under this section of the 1982 Act, a person who is found guilty of loitering, soliciting or importuning in a public place for the purposes of prostitution commits an offence.

What are your views on this proposal?

We would recommend responding that you are **in favour of this section of the Act being repealed**. You may want to include reasons such as the following:

- That this law targets the most vulnerable of sex workers, those who are street-based workers
- That it drives sex work underground, preventing workers being able to work together for safety and to watch out for one another
- That it puts sex workers under more surveillance and harassment by police, who are often violent towards sex workers
- This form of criminalisation increases STI transmission, as often if a sex worker has condoms on their person, this is used as evidence by police for convictions
- Criminalisation in this form means that fewer safety checks can be conducted by the worker, such as requesting clients' identification, which increases the risk of violence
- Sex workers should not be criminalised for working to support themselves to survive.

3. The Bill proposes to quash historic convictions under [section 46 of the Civic Government \(Scotland\) Act 1982](#), which relates to the offence of loitering, soliciting or importuning in a public place for the purposes of prostitution.

What are your views on this proposal?

We would recommend responding that you are in favour of prior convictions under this Act being quashed. You may want to discuss:

- Having a prostitute's caution and/or a criminal record for a prostitution offence brands sex workers as criminals, making them an easy target for the police and others in authority to discriminate and deny them their rights.

In practice this means that sex workers:

- are [barred from finding other jobs](#) and prevented from leaving the industry
- lose custody of their children, are deported or prevented from travelling to other countries
- are made more vulnerable to exploitation and violence and are denied compensation and insurance, among other injustices.
- The risks of criminalisation through prostitution offences, and the impacts of them, are compounded for sex workers who are migrant, trans, women of colour, street workers and working class.
- Anything else you think may be relevant here.

4. The Bill proposes (at section 6) to place a duty on the Scottish Ministers to ensure that a person who is or has been in prostitution is provided with assistance and support. The Bill sets out a non-exhaustive list of the types of assistance and support that may be provided.

What are your views on this proposal?

We would recommend that you highlight the lack of concrete proposals, aligned with no financial backing to these services. You may wish to mention:

- That funding for exit services was supposed to be part of the implementation of the Nordic Model in Sweden, but has not been provided. Instead, money has been spent on policing.
- Nordic Model advocates lean on the provision of ‘exit services’ as justification for increasing criminalisation. But in reality, these exit services are incredibly underfunded and do not meet the needs of those wishing to exit, according to the Scottish Government’s own [research](#). In Ireland, Nordic Model supporters acknowledge that [“there is no evidence that these things are in place in Ireland”](#).
- The lack of financial support available for mental health and addiction services, the lack of affordable and social housing, and restricted access to legal aid already. The Bill offers a right to support to these services to anyone in prostitution, but only points to two methods of funding which are already severely overstretched.
- There is a danger that this support would also align with common practice in support services, that the person requiring help must no longer engage in sex work. Anyone, whether they must continue engaging in sex work or not, deserves a right to support.

5. Do you have any other comments on the Bill which you have not already covered elsewhere?

We would suggest using this section to write **in your own words** what you think the Scottish Government should do to support sex workers, and why this matters to you. Why do you care about sex workers’ safety and rights? Is someone you love a sex worker? What kind of Scotland do you want to live in?

Examples could include that the Scottish Government should:

- Improve people’s access to affordable housing
- Ensure that the social security system works to prevent poverty
- Ensure that sex workers have equal access to healthcare and other important forms of support
- Take action to reduce stigma, discrimination and violence towards sex workers
- Include and centre current sex workers in all policymaking relating to sex work.