



5 September 2025

Criminal Justice Committee
Pàrlamaid na h-Alba The Scottish Parliament
Edinburgh
EH99 1SP

Submitted via email to: ProstitutionOffencesAndSupportBill@parliament.scot

To the Criminal Justice Committee

Re: Prostitution (Offences and Support) (Scotland) Bill 2025

Thank you for the opportunity to provide a submission on the Prostitution (Offences and Support) (Scotland) Bill 2025.

Scarlet Alliance is Australia's national peak sex worker organisation. Formed in 1989, our membership includes sex worker organisations and individual sex workers across unceded Australia.

Scarlet Alliance and our organisational members are led and run entirely by past and current sex workers. Our membership explicitly excludes current sex industry managers, receptionists and business owners - including those who are or have been sex workers themselves.

We advocate for equality, justice and the highest level of health for past and present workers in Australia's sex industry, using best practices including peer education, community development and community engagement. Through our work and the work of our member organisations, we have more contact with sex workers and access to sex industry workplaces than any other organisation in Australia.

Scarlet Alliance represents sex workers on several government and non-government committees and advisory mechanisms. We provide expertise on sex work in a variety of government, research, service provision, and civil society arenas. We sit on the [National Roundtable on Human Trafficking and Slavery](#), and we are a partner organisation for the [Additional Referral Pathway](#) to the Support for Trafficked People Program (STPP).

Scarlet Alliance stands in solidarity with sex worker peer organisation Scotland for Decrim in opposing the Prostitution (Offences and Support) (Scotland) Bill 2025. Sex workers across the world reject the 'end demand' model of sex work regulation (also referred to as the 'Nordic Model', 'Swedish Model', 'neo-abolitionism' or 'asymmetric criminalisation'). These legislative frameworks harm sex workers' autonomy, health, wellbeing and economic stability.

Research demonstrates that 'end demand' legislation does not deliver effective and safe regulation of sex work. Instead, **evidence supports the full decriminalisation of sex work as best-practice regulation.** This

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has been acknowledged and endorsed by respected international organisations and policy makers, including:

- UNAIDS¹
- The World Health Organisation²
- The United Nations Population Fund (UNFPA), the United Nations Development Programme (UNDP),³ and the United Nations Working Group on Discrimination Against Women and Girls⁴
- The International Labour Organisation (ILO)⁵
- The Global Alliance Against Traffic in Women (GAATW)⁶
- Amnesty International⁷
- Human Rights Watch.⁸

Scarlet Alliance has attached our [Briefing Paper on Sex Work Decriminalisation](#) to the Committee, which informs this submission. Our responses to the Committee's consultation questions are included below. Should the Committee wish to discuss any aspect of this submission, or for Scarlet Alliance to provide any further evidence to the Committee, please do not hesitate to contact me via email.

Yours faithfully,



Mish Pony

Chief Executive Officer

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¹ Joint United Nations Programme on HIV/AIDS (UNAIDS), *UNAIDS guidance note on HIV and sex work*, UNAIDS/JC1696 (April 2012), <https://digitallibrary.un.org/record/3951817>.

² World Health Organization, *Violence Against Sex Workers: What Does the Evidence Say and What Are the International Human Rights Standards That Inform WHO Normative Standards* (WHO submission to the Call for inputs by the Special Rapporteur on Violence Against Women, 1 February 2024), <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/call56hrc/subm-sr-violence-against-un-enti-world-health-organization.pdf>.

³ United Nations Development Programme, *Sex Work and the Law in Asia and the Pacific: Laws, HIV and Human Rights in the Context of Sex Work* (Report, 5 December 2015), <https://www.undp.org/publications/sex-work-and-law-asia-and-pacific>.

⁴ United Nations Human Rights Council Working Group on Discrimination Against Women and Girls, *Eliminating discrimination against sex workers and securing their human rights*, 39th sess, 1st pt, A/HRC/WG.11/39/1 (7 December 2023), <https://docs.un.org/en/A/HRC/WG.11/39/1>.

⁵ International Labour Organisation, *Recommendation concerning HIV and AIDS and the World of Work*, No. 200 (17 June 2010), <https://www.ilo.org/resource/recommendation-concerning-hiv-and-aids-and-world-work-2010-no-200>.

⁶ Global Alliance Against Traffic in Women, *Sex Workers Organising for Change: Self-representation, community mobilisation, and working conditions* (Report, 31 January 2018), <https://www.gaatw.org/resources/publications/941-sex-workers-organising-for-change>.

⁷ Amnesty International, *Amnesty International policy on state obligations to respect, protect and fulfil the human rights of sex workers* (Report No. POL 30/4062/2016, 26 May 2016), <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>.

⁸ Human Rights Watch, 'Sex work' (Web Page, updated 9 Dec 2024) <https://www.hrw.org/topic/womens-rights/sex-work>.



Creation of a new offence of paying for the performance of a sexual act by a person

Scarlet Alliance strongly rejects the introduction of an offence of paying for the performance of a sexual act. We emphasise that sex worker-led organisations across the UK and internationally do not support the introduction of this offence.

While all different in substance and scope, so-called 'end demand' legislative frameworks remove some offences relating to consensual sex work, but retain or introduce offences that criminalise the clients of those workers. Evaluations of this approach consistently show that:

- 'End demand' legislation does not reduce the size of the sex industry
- 'End demand' legislation does not reduce trafficking or modern slavery offending
- 'End demand' legislation creates negative outcomes for sex workers.

'End demand' legislation does not reduce the size of the sex industry

Regulatory frameworks appear to have little impact on the size of sex industry markets,⁹ and there is no evidence that asymmetric criminalisation actually reduces or 'ends demand.' In Sweden, while the number of street-based sex workers declined after introducing offences for clients in 1999, this can be attributed to new technology (mobile phones and internet access) enabling sex workers to advertise their services outside of physical public spaces.¹⁰ There was also no evidence that the legislation reduced indoor sex work,¹¹ and no evidence of a reduced number of clients.¹²

'End demand' legislation does not reduce trafficking or modern slavery offending

There is also no evidence to suggest that asymmetric criminalisation reduces trafficking or modern slavery offending.¹³ Rather, international analysis suggests that *any* form of 'criminalisation, by perpetuating stigma, discrimination, and social marginalisation of sex workers, [creates] the conditions in

⁹ This is also true of both criminalised and decriminalised frameworks. In Aotearoa New Zealand, there was no change in the number of sex workers after the introduction of decriminalisation legislation in 2003: Gillian Abel, Lisa Fitzgerald and Cheryl Brunton, 'The Impact of Decriminalisation on the Number of Sex Workers in New Zealand' (2009) 38(3) *Journal of Social Policy* 515, <https://doi.org/10.1017/S0047279409003080>;

When sex work was unexpectedly criminalised in a single district in East Java, researchers observed a short-term market decrease that returned to previous levels within five years: Lisa Cameron, Jennifer Seager and Manisha Shah, 'Crimes Against Morality: Unintended Consequences of Criminalizing Sex Work' (Working Paper No. 21/20, Melbourne Institute of Applied Economic & Social Research, October 2020) 12-13, <https://melbourneinstitute.unimelb.edu.au/publications/working-papers/search/result?paper=3520565>.

¹⁰ Susanne Dodillet and Petra Östergren, 'The Swedish Sex Purchase Act: Claimed Success and Documented Effects' (Conference Paper, Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges, 3-4 March 2011) 8-11, <https://www.nswp.org/resource/academic-research/the-swedish-sex-purchase-act-claimed-success-and-documented-effects>;

Ann Jordan, *The Swedish Law To Criminalize Clients: A Failed Experiment In Social Engineering* (Issue Paper 4, Center for Human Rights and Humanitarian Law, American University Washington College of Law, April 2012) 6-7, <https://www.nswp.org/news/the-swedish-law-criminalize-clients-failed-experiment-social-engineering>.

¹¹ Susanne Dodillet and Petra Östergren (n 9); Jay Levy and Pye Jakobsson 'Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers' (2014) 14(5) *Criminology & Criminal Justice* 593, <https://doi.org/10.1177/1748895814528926>.

¹² Susanne Dodillet and Petra Östergren (n 9) 14-16.

¹³ Susanne Dodillet and Petra Östergren (n 9) 12-14.



which violations of sex workers' rights, including exploitation and trafficking, can continue with impunity.¹⁴ Asymmetric criminalisation means that migrant sex workers risk deportation if their sex work is discovered or reported, regardless of whether they are experiencing exploitation.¹⁵ Research also suggests that criminalised clients may be deterred from reporting exploitative conditions due to fear of arrest.¹⁶

Evidence indicates that the decriminalisation of sex work,¹⁷ combined with safe and accessible migration pathways,¹⁸ and resourcing for sex worker-led organisations,¹⁹ 'has a positive influence on the degree of independence that sex workers can achieve from exploitative managers and operators.'²⁰ Scarlet Alliance is a partner organisation for the Australian Government funded [Additional Referral Pathway](#) to the Support for Trafficked People Program, allowing peer outreach workers to connect sex workers experiencing trafficking and slavery-like conditions with advice and support.

'End demand' legislation creates negative outcomes for sex workers

The negative outcomes of asymmetric criminalisation for sex workers have been well documented. Enforcement of offences related to sex work inevitably target sex workers, even if sex work itself is not subject to criminal offences.

For example, from 2007-2011, the Norwegian police initiative Operation Homeless aimed to enforce criminal laws prohibiting landlords from leasing premises for sex work. The operation resulted in raids of over 400 apartments allegedly occupied by sex workers, resulting in homelessness and economic instability for many sex workers, with migrant sex workers disproportionately affected.²¹ Despite the operation officially ending in 2011, the laws remain unchanged, and sex workers continue to face forced evictions without notice and no rights to legal recourse.²²

In Canada, research has found that asymmetric criminalisation reduces both sex workers' ability to negotiate with clients and report criminal offending.²³ In Sweden, sex workers report 'having less in the way of choice of client and bargaining power, as well as less negotiating time with clients who are fearful

¹⁴ Global Alliance Against Traffic in Women (n 6) 27.

¹⁵ Amnesty International, *The Human Cost of 'Crushing' the Market: Criminalization of Sex Work in Norway* (Report No. EUR 36/4034/2016, 26 May 2016) 11, <https://www.amnesty.org/en/documents/eur36/4034/2016/en/>.

Jay Levy and Pye Jakobsson, 'Abolitionist feminism as patriarchal control: Swedish understandings of prostitution and trafficking' (2013) 37(2) *Dialectical Anthropology* 333, <https://doi.org/10.1007/s10624-013-9309-y>.

¹⁶ Jane Scoular and Anna Carline, 'A critical account of a "creeping neo-abolitionism": Regulating prostitution in England and Wales' (2014) 14(5) *Criminology & Criminal Justice* 608, <https://doi.org/10.1177/1748895814543534>.

¹⁷ World Health Organisation, *Implementing comprehensive HIV/STI programmes with sex workers: Practical approaches from collaborative interventions* (Report, October 2013), <https://www.who.int/publications/i/item/9789241506182>.

¹⁸ Elaine Pearson, 'Australia' in Mike Dottridge (ed), *Collateral Damage: The Impact of Anti-Trafficking Measures on Human Rights around the World* (Global Alliance Against Traffic in Women, 2007) 28, <https://gaatw.org/resources/publications/908-collateral-damage-the-impact-of-anti-trafficking-measures-on-human-rights-around-the-world>.

¹⁹ World Health Organisation (n 17).

²⁰ P.G. Maciotti, Eurydice Aroney, Calum Bennachie et al., 'Framing the Mother Tac: The Racialised, Sexualised and Gendered Politics of Modern Slavery in Australia' (2020) 9(11) *Social Sciences* 192, <https://doi.org/10.3390/socsci9110192>.

²¹ Amnesty International (n 15) 31-33.

²² Ibid 33-37.

²³ Jennifer McDermid, Alka Murphy, Bronwyn McBride, et al. 'How Client Criminalisation under End-Demand Sex Work Laws Shapes the Occupational Health and Safety of Sex Workers in Metro Vancouver, Canada: A Qualitative Study' (2022) 12(11) *BMJ Open* e061729, 5-7, <https://doi.org/10.1136/bmjopen-2022-061729>.



of arrest' and that clients are less willing to share personal details for screening and security purposes.²⁴ Sex worker organisations are deterred from distributing condoms and other health and safety information and equipment, for fear of being charged with 'facilitation offences' and being the subject of public outcry,²⁵ and sex workers have also reported being deterred from carrying condoms as these may be used as evidence in charges against clients.²⁶

Overall, global evidence demonstrates that asymmetric criminalisation forces sex workers to choose between working lawfully and working safely,²⁷ and acts as a barrier to sex workers reporting crime,²⁸ accessing sexual and mental healthcare, housing, legal services and financial services.²⁹

Repeal of s 46 of the *Civic Government (Scotland) Act 1982*

Scarlet Alliance joins Scotland for Decrim in supporting repeal of s 46 of the *Civic Government (Scotland) Act 1982*, which criminalises 'loitering' or 'soliciting' in a public place.

Street-based sex workers tend to represent the most marginalised members of our community. Globally, street-based workers are more likely to be older workers, LGBTQI+ workers, migrant workers, Indigenous workers, workers who use drugs and workers experiencing homelessness and housing insecurity.

While criminalisation has been consistently linked with experiences of violence and negative health outcomes for all sex workers,³⁰ street-based workers disproportionately experience higher levels of violence and worse health outcomes.³¹ Criminalisation and stigma deter workers from reporting crime,³² as well as accessing vital services.³³

Conversely, **full decriminalisation** enables sex worker organisations to more effectively distribute free condoms and provide cost-effective education and outreach services,³⁴ and leads to substantial 'health

²⁴ Jay Levy and Pye Jakobsson (n 11) 7-8.

²⁵ Ibid 8-9.

²⁶ Don Kulick 'Sex in the New Europe: The Criminalization of Clients and Swedish Fear of Penetration' (2003) 3(2) *Anthropological Theory* 199, <https://doi.org/10.1177/1463499603003002005>.

²⁷ Lucy Platt, Pippa Grenfell, Rebecca Meiksin et al. 'Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies' (2018) 15(2) *PLOS Medicine* e1002680, 22, <https://doi.org/10.1371/journal.pmed.1002680>.

²⁸ Ibid 36.

²⁹ Ibid 38-9.

³⁰ Kathleen Deering, Avni Amin, Jean Shoveller, et al. 'A Systematic Review of the Correlates of Violence Against Sex Workers' (2014) 104(5) *American Journal of Public Health* e42, <https://doi.org/10.2105/AJPH.2014.301909>; World Health Organization, *Violence Against Sex Workers: What Does the Evidence Say and What Are the International Human Rights Standards That Inform WHO Normative Standards*, (World Health Organization, February 2024) <https://www.ohchr.org/sites/default/files/documents/issues/women/sr/call56hrc/subm-sr-violence-against-un-ent-i-world-health-organization.pdf>,

³¹ Kathleen Deering et al., (n 30) e51.

Lucy Platt et al., (n 27) 1.

³² Kathleen Deering et al., (n 30) e42;

Zahra Stardust, Carla Treloar, Elena Cama et al., "I Wouldn't Call the Cops If I Was Being Bashed to Death": Sex Work, Whore Stigma and the Criminal Legal System' (2021) 10(3) *International Journal for Crime, Justice and Social Democracy* 142, <https://doi.org/10.5204/ijcjsd.1894>.

³³ Kathleen Deering et al., (n 30) e42.

³⁴ United Nations Population Fund (UNFPA) and UNAIDS, *Developing effective condom programmes* (UNAIDS Reference Report, 2020) 28-29, 36, https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_UNAIDS_TechBrief.pdf.



sector savings' resulting from averted cases of violence, HIV and STIs.³⁵ It is vital that Scotland repeals s 46 of the *Civic Government (Scotland) Act 1982* to promote street-based sex workers' safety and improve health outcomes and service access.

Section 6 duty to ensure that a person who is or has been in prostitution is provided with assistance and support

Scarlet Alliance echoes the concerns of Scotland for Decrim that s 6 of the proposed Bill lacks specificity, without clear budget proposals as to what supports would be implemented and how they would be delivered. In particular, we note that the proposed duty does not specify that supports would be provided regardless of whether a sex worker wishes to continue doing sex work.³⁶ Supports that are contingent on a person rejecting or leaving themselves without work are neither genuine nor accessible. With sufficient resourcing, support services such as migration advice, legal services,³⁷ mental healthcare, and sexual healthcare can be co-designed and co-delivered by sex worker peer organisations, who are best placed to identify community needs and appropriate services.

³⁵ Amanda Srsic, Katarzyna Dubas-Jakóbczyk and Ewa Kocot, 'The economic consequences of decriminalizing sex work in Washington, DC—a conceptual model' (2021) 11(3) *Societies* 112, <https://www.mdpi.com/2075-4698/11/3/112>.

³⁶ In Sweden, similar 'supports' are contingent on workers '[positioning] themselves as being a victim and/or their sex work as being problematic': Global Network of Sex Work Projects, 'Impacts of the Swedish Model's Justifying Discourses on Service Provision'(Advocacy Toolkit: The Real Impact of the Swedish Model on Sex Workers No. 3, December 2014) <https://www.nswp.org/resource/nswp-publications/advocacy-toolkit-the-real-impact-the-swedish-model-sex-workers>.

³⁷ See, e.g., Southside Justice, *Southside Justice's Sex Worker Legal Program 18-month Impact Report* (Report, April 2024), https://southsidejustice.org.au/news_articles/sex-worker-legal-program-18-month-impact-report.

