



**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

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Room M1.06  
The Scottish Parliament  
Edinburgh  
EH99 1SP

Date: 13<sup>th</sup> December 2012

**Consultation on the Criminalisation of the Purchase of Sex (Scotland) Bill (2)**

Dear Rhoda

In response to your consultation document the NSWP does not support your proposals to introduce a bill to make it an offence to purchase sex.

The criminalisation of sex workers' clients is often claimed to be part of a new legal framework to eradicate sex work and trafficking by 'ending demand'. The flawed premise of criminalising buying sex is that clients' demand for sex is responsible for women entering and remaining in sex work. While male and transgender sex workers are overlooked in this analysis, female sex workers are often perceived as legal minors and are construed as victims with no agency in what are often anti-migrant narratives. This construction frames and stigmatises female sex workers as harmful to all women, family and the nation at large.

There is no conclusive evidence to suggest that legal measures criminalising clients eliminate or significantly reduce sex work. The available evidence suggests instead that such measures increase repression, violence and discrimination against sex workers. Indoor venues, such as massage parlours refuse to keep condoms on the premises since they can be used as evidence of sex work. Increased mobility and the displacement of sex workers to hidden venues impedes provision of health and social services to sex workers. The criminalisation of clients is not a human rights-based response to sex work.

Your proposal conflicts totally with all of the latest international guidance and recommendations regarding the law surrounding sex work, including:

- Global Commission on HIV and the Law report 'HIV and the Law: Risks, Rights & Health' (2012)
- UN Development Programme (UNDP), the UN Population Fund (UNFPA) and the Joint United Nations Programme on HIV/AIDS (UNAIDS) report *Sex Work and the Law* (2012)
- The UNAIDS Guidance Note on HIV and Sex Work (2009) updated with UNAIDS Advisory Group on HIV and Sex Work annexes (2012)
- WHO HIV/AIDS Programme - Prevention and Treatment of HIV and Other Sexually Transmitted Infections for Sex Workers in low- and middle-income countries: Recommendations for a public health approach (2012)

Yours sincerely

A handwritten signature in black ink that reads "Ruth Morgan Thomas".

Ruth Morgan Thomas, Global Coordinator