



The Scottish Women's Convention

Response to Consultation on Stage 2 amendments to the Criminal Justice and Licensing (Scotland) Bill

In support of Amendment 8 lodged by Trish Godman MSP – proposed changes to the Sexual Offences (Scotland) Act 2009

March 2010

Introduction

The purpose of the Scottish Women's Convention (SWC) is to communicate and consult with women in Scotland to influence public policy. Through the Convention's policy work, round table and celebratory events the SWC strives to have contact with women and relevant organisations. The SWC aims to provide an effective way of consulting with a diverse range of women in Scotland.

The Scottish Women's Convention has a network of over 300,000 women from relevant organisations throughout Scotland.

This paper provides a response by the Scottish Women's Convention to the call for written evidence on Stage 2 amendments to the Criminal Justice and Licensing (Scotland) Bill

Amendment 8 lodged by Trish Godman MSP – proposed changes to the Sexual Offences (Scotland) Act 2009

This proposes to create 3 new offences:

- Engaging in a paid-for sexual activity -
- Advertising paid-for sexual activities -
- Facilitating engagement in a paid-for sexual activity.

SWC Submission

The Scottish Women's Convention offers strong support to the amendments proposed by Trish Godman MSP. Our organisation believes that the proposed amendments, which would make it an offence to engage in paid for sexual activity, will effectively deter a large number of men from buying sex. Recent research suggests that men would be reluctant to buy sex if there was a real threat of public exposure or criminal proceedings¹

The proposed amendments would also send out a strong message to those who profit from prostitution, i.e. pimps, traffickers and brothel owners - a message that says Scotland will challenge the exploitation of individuals bought for sex.

¹ Women's Support Project - Challenging Men's Demand for Prostitution in Scotland - Page 28 - 69-79% of punters stated that they would be deterred by greater criminal penalties. Some of the men suggested that a combination of criminal sanctions and public exposure would be most effective. Apr 2008.

EAVES project - Men Who Buy Sex – 4.19 Deterrence – Being added to a sex offender register, prison or being publicly exposed. Higher fines, greater criminal penalties would deter these men from buying sex, if they were convinced that laws and penalties would actually be enforced. Dec 2009

The proposed amendments are a very positive and much needed approach towards eliminating the demand for prostitution that drives the supply.

In the longer term it also offers an opportunity to change conflicting attitudes in Scotland about “commericalised sex” and violence against women (VAW). The Scottish Government hope to change these attitudes as outlined in their publication “Safer Lives: Changed Lives”. Prostitution is clearly included as part of a wide spectrum of behaviours that constitute male violence against women.

“Activities such as pornography, prostitution, stripping, lap dancing, pole dancing and table dancing are forms of commercial sexual exploitation. These activities have been shown to be harmful for the individual women involved and have a negative impact on the position of all women through the objectification of women's bodies.”²

It could be reasonably argued that most purchasers of sex in Scotland are men and most sellers of sex are women. The SWC believe the proposed amendments, if supported, would demonstrate a binding commitment by policymakers to the eradication all forms of violence against women.

The SWC strongly believes that the purchase of sex and the facilitation of paid-for sex contribute significantly to much wider gender exploitation. Too many women, working both on and off the street are subject to coercion, control and exploitation. By criminalising the seller of sex we attribute blame to those who are exploited while allowing those who buy sex to abdicate all responsibility for creating the demand for prostitution.

Furthermore, a core element of the eradication of VAW in Scotland is to educate young people in “respect and responsibility” and in doing so create a more equal society where respect is embedded in our culture. The SWC believe Scotland will not achieve this outcome whilst there are conflicting sexual behaviour messages about who is a victim and who is perpetrator or what constitutes abuse, violation or exclusion. This lack of consistency exacerbates the inequalities that force women to be exploited by selling sex and allow men to purchase it.

A number of those opposed to these amendments suggest that making it an offence to purchase sex will drive the “industry” underground and make women more vulnerable. The SWC would like to stress that we do not wish to place women at further risk of violence, persecution or exploitation and point to the Swedish Strategy as a way forward.

² **4.1 Violence Against Women: A Definition** - “Safer Lives: Changed Lives - A shared approach to tackling violence against women in Scotland” (June 2009). <http://www.scotland.gov.uk/Publications/2009/06/02153519/5>

The criminalisation of the purchaser of sex has been in place in Sweden since 1999. The SWC believes that the noted success of the Swedish legislation is due to the structures which support the law in assisting women to find routes out of prostitution.

The Swedish Government have put in place a fully funded support mechanism whereby women are offered housing, healthcare, counselling and financial support which offers a route out of prostitution.

These interventions are critical to ensure those exposed to the exploitative nature of prostitution are able to exit their situation safely and with adequate support. It must be recognised that exposure to adverse circumstances and lack of support drive many into prostitution in the first place.

The overwhelming majority of women that the SWC have consulted with throughout Scotland do not concur with the view that it is an issue of choice for women to engage in prostitution - that selling sex is a choice freely made. Considerable evidence is available to support our participants' view that many young girls and women enter prostitution as a result of a critical lack of choice in their life.³ In most circumstances it is only the buyer of sex who is exercising free choice.

Women have told the SWC they are willing to accept there is a very small minority in prostitution who stipulate they have chosen to sell sex. However, their view is that the vast majority of prostituted women have been exposed to multiple social and material disadvantages including homelessness, poverty and leaving the care system. Risk factors for entry into prostitution also include experience of physical and mental trauma as a result of domestic or child sexual abuse.

There was a strong indication in feedback that if it is unlawful to buy sex from someone under 18 years old it was equally unlawful to purchase it from someone over 18 years old, particularly as it was likely the seller had been forced into prostitution below the age of eighteen. Many women said that the high percentage of drug and alcohol misuse among those engaged in prostitution supports a view that it is not in any way a "chosen" career path or one that those providing sexual services feel is voluntary or desired.

³ <http://www.fawcettsociety.org.uk/documents/Prostitution%20Factsheet%201.9.07.pdf>

52% of women in street prostitution were under 18 when they first worked in prostitution.

Three quarters of women in street prostitution report being physically abused by their partners.

37% of women in prostitution have spent time in care.

22% of women in prostitution were homeless or living in temporary accommodation when they first sold sex.

74% of women in indoor prostitution, and 28% of those in street prostitution cite household expenses and supporting their children financially as their primary motivation.

For those who suggest free choice and lucrative earnings compels their desire to work in prostitution, evidence from the Tyneside Cyrenians “Hidden for survival” study (Feb 2008) found sex is sold for as little as £5 – the average price being £37. This SWC believe this suggests desperation forces the selling of sex not the expectations of a lucrative freely chosen profession.

Women have told the SWC that there is a worrying trend towards the normalising of sex work (for example jobs in massage parlours and lap dancing clubs being advertised in Job Centre Plus) and mainstreaming the “sex industry” through the internet and “clubs”. This is potentially grooming our young people to condone wider clusters of attitudes related to sexual behaviours that normalise and justify both gender inequality and gender exploitation. It is increasingly seen as normal for men to use prostitutes as part of a “boys’ night out” or attending international sporting events such as the Olympics and World Cup.

Women will continue to be subjected to exploitation and wider inequalities while male demand for financially procured sexual activity is viewed purely as a commercial transaction for “punters” and not a criminal offence. We therefore urge the Scottish Parliament to support Amendment 8.

The SWC do not support the two further amendments 8A – 8D lodged by Margo Macdonald

- Causing alarm etc. by engaging in a paid-for sexual activity and profiting from coerced paid-for sexual activities.

Nor do we support amendment 461 lodged by Nigel Don which creates an offence of paying for sexual services of a prostitute subjected to force etc.

It is the view of the SWC that prostitution is harmful to both the individual and society as a whole irrespective of whether the person is forced or not. In addition we believe that the burden of proving force or coercion would make such legislation unworkable.

March 17th 2010

If you require further information or additional copies of this report please contact

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All SWC reports and consultation responses can be accessed on our website
<http://www.scottishwomensconvention.org/what-we-do.asp>



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