



**Consultation by Rhoda Grant MSP**  
**Member for Highlands and Islands Region**  
**Criminalisation of the Purchase of Sex**  
**(Scotland) Bill (2)**

**December 2012**

***Introduction***

The Scottish Women's Convention (SWC) is funded to engage with women throughout Scotland in order that their views might influence public policy.

This is achieved in a number of different ways - through roadshow, round table, conference and celebratory events. Following each event a report is compiled and issued to women who attend and relevant policy and decision makers.

The SWC uses the views of women to respond to Scottish and UK Government consultation papers.

***SWC Evidence Source***

The Scottish Women's Convention engages with women using numerous communication channels including Roadshow events throughout Scotland, Thematic Conferences and regional contact groups. During these events the issue of prostitution and the purchase of sex has been discussed.

The SWC also responded to the consultation held by Trish Godman MSP during the last parliamentary term, which considered the criminalisation of the purchase of sex and related activities.

This response provides the views of women and reflects their opinions and experiences in a number of key areas relevant to this consultation document. The SWC have only responded to questions that relate to what women have discussed.

### Purpose of the Consultation

Prostitution is inherently harmful and dehumanising. The buying of sexual activity is sexual exploitation and is recognised as a form of violence against women. The demand creates a market where vulnerable individuals are compelled and/or forced into a cycle of exploitation that places them, and their families, at risk. It is vital that Scotland takes a zero tolerance stance on the buying of sexual activity.

Creating an offence will strengthen the existing legislative framework against purchasers. Scotland should aim to be an unattractive market for those who organise prostitution activities and sexually exploit individuals for commercial purposes.

#### **Q1. Do you support the general aims of the proposed Bill?**

##### **YES**

The SWC supports the general aims of the proposed Bill. Prostitution is a form of violence against women and is, as such, a barrier to gender equality.

For far too long the focus has been on women who sell sex and not the men who purchase it. Women are convicted of crimes relating to prostitution, for example soliciting, which are often punishable by a fine. Inability to pay these fines results in imprisonment and removal from family and support networks, which leads to the establishment of a dangerous and vicious circle. These women require help and support to exit prostitution and should no longer be criminalised.

Most girls and young women do not enter prostitution through choice. These women often have complex needs, such as mental health issues, extreme poverty and drug and alcohol misuse problems. The men who purchase sex are the only ones who make a free choice and at present face no repercussions for doing so.

The current lack of legislation criminalising the purchaser allows a degree of *“invisible man protection”*. Attitudes such as *“men have needs”* and *“boys will be boys”* are perpetuated as those who buy sex are at present not accountable in the eyes of the law.

Criminalising the purchaser will also reduce demand. This, in turn, will contribute to a decline in the number of women trafficked for the purposes of commercial sexual exploitation.

**Q4. What are the advantages and disadvantages in using the definitions outlined above?**

The definitions of payment and sexual activity as outlined are sufficient in the context of this Bill. It is important that payment does not only constitute the exchange of money but also covers, as outlined, the discharge of an obligation to pay or the provision of goods and/or services.

With regards to what constitutes “*payment*”, it is vital to consider where the law will stand in relation to online prostitution services, for example paying for sexual acts via webcam. This ever-increasing area of the sex industry, considered a ‘discreet’ method of purchasing sex, must be considered as part of the debate.

**Q5. What do you think the appropriate penalty should be for the offence? Please provide reasons**

The SWC agrees with the proposal to make the “*maximum penalty for an offence under the Bill ... a fine not exceeding level 3 on the standard scale*” (currently £1000). It is, however, worthwhile considering other penalties which could act as a deterrent to those who have purchased sex in the past. Monies recovered through payment of fines should go towards organisations dealing with preventative work and exit strategies for those involved in prostitution.

The potential to be “*named and shamed*” is also thought to be a substantial disincentive to buying sex. Other potential strategies could include compulsory education programmes.

**Q8. 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?**

Prostitution is a significant barrier to gender equality. Without legislation which criminalises the purchaser, women will continue to be subjected to exploitation and wider inequalities. Meanwhile, men who pay for sex will continue to do so without repercussions.

The proposals contained within the Bill is more than just an opportunity to criminalise demand. It is a real opportunity to advance equality in Scotland and to send a clear message to future generations that prostitution is harmful to society as a whole.

In 2014 Scotland will hold both the Commonwealth Games and the Ryder Cup. Such major sporting events result in increased prostitution and the trafficking of women to and within the host country. Support for this Bill will help ensure that those who seek to bring women into Scotland for the purposes of commercial sexual exploitation are further dissuaded from doing so.

The SWC held a Conference Against Human Trafficking on Monday 29<sup>th</sup> October 2012 in Glasgow. The content of this consultation was discussed during the conference.

For copies of the report please contact Lorna Kettles, SWC Research Advisor, on 0141 339 4797 or email [lorna.kettles@scottishwomensconvention.org](mailto:lorna.kettles@scottishwomensconvention.org).

Alternatively the report is available on the SWC website.

[www.scottishwomensconvention.org](http://www.scottishwomensconvention.org)