



This paper provides a response by the Scottish Women's Convention to the consultation on legislative proposals on prostitution, brothel closures, kerb crawling and lap dancing clubs.

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, policy groups, round table events 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.

**A new criminal offence of paying for sex with a person controlled for gain.**

The Scottish Women's Convention would welcome any change in legislation which criminalises the act of purchasing sex and recognises that prostituted women are victims of male violence against women. 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 and we would support the need for a similar model to be adopted in the UK.

Without care, support and protection prostituted women are still vulnerable to multiple trafficking and continued exploitation. 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.

This, in our opinion, is as important as criminalising the purchase of sex. The consequences of not implementing this supporting structure within the draft proposals would be that women are still within the control of gangs and individuals who profit from and exploit trafficked and prostituted women.

While the proposal seeks to prosecute those who purchase sex, it does not appear to protect the women from continued abuse and, more worryingly, the proposal as it stands makes no provision to prosecute those who seek to control, extend and gain from this immoral and exploitative trade.

### **A new civil order to enable police to close brothels**

While the SWC welcomes curtailment of activities in any establishment where women are exploited, we seek assurances that the legislation will address appropriate funding to ensure that the closure of any such establishment is not an end in itself.

Closure itself does not ensure protection of the women, nor does it prevent the ability of the establishment to continue functioning. Runners will often have second premises to which women will be immediately removed, thus perpetuating the cycle of abuse and control. If the aim of legislation is to reduce (or indeed eradicate) establishments where women are trafficked and prostituted, then it is imperative that the raiding and closure of premises means not only that concerns of the community are recognised and respected, but also that women abused by trafficking and prostitution are not further punished by, for example, imprisonment for non payment of fines, or lack of appropriate documents.

We believe provision must be made for women to be given access to a safe and supporting environment for a suitable period of time, where they can access services, care and advice. We support the need for fully funded and trained police units, working in conjunction and consultation with relevant organisations and outside agencies, who are capable of tackling the global nature and sophisticated network of gangs and individuals.

Any advantages to be gained from new legislation in relation to control of premises would be diminished if the Government do not take the opportunity to recognise the complex needs of women who find themselves in this situation.

### **Amend the Sexual Offences Act 1985, to remove the requirements of persistence, annoyance and nuisance from the offences of kerb crawling**

The SWC supports the proposal to remove the requirements of persistence, annoyance and nuisance from the offence of kerb crawling. The SWC's policy position is a zero tolerance approach to abuse of and violence against women.

As a punitive measure, we believe that a fine or community service would have limited deterrent value and the likelihood of re-offending would be significant without the requirement to take part in education and awareness-raising initiatives which deter exploitative behaviour towards women. It is vital that positive attitudes towards women are encouraged and the wider consequences of purchasing sex are exposed.

Punishment with rehabilitation is the only way to bring about a change in the attitudes of male gender culture.

## **LAPDANCING**

The Scottish Women's Convention supports the need for a comprehensive review of the powers presently available to local authorities and communities to challenge or limit licences issued to lap dancing clubs.

It is wholly unacceptable to limit objections to localised 'competent' authorities and individuals. Current licensing regulations do not provide sufficient controls for lap dancing and related activities. We believe that this power has to be extended to enable interested groups to voice their concerns regarding these establishments, regardless of their geographical location. We feel that the ability of these groups to participate in the decision making process would assist often ill-equipped communities to formulate and challenge the granting of licenses.

It is our view that 'adult entertainment' is frequently a euphemism for commercial sexual exploitation and it normalises activities which disguise more abusive, controlling and demeaning behaviour towards women.

The SWC believe that through legislative intervention local authorities must be provided with the powers to grant licences on the basis of the activity itself. We believe the powers should be focused on the interpretation of 'public entertainment' and do not agree with these establishments being licensed in the same way as entertainment for adults as opposed to something which is not suitable for children.

In Scotland we would look towards an amendment to the Civic Government (Scotland) Act 1982, which would bring licensing for lap dancing, pole dancing, table dancing and strip clubs in line with licences for sex shops and cinemas. This would mean that local authorities would only grant a licence on the grounds of the activities taking place within the establishment. This, in turn, would allow greater scope for objections by the local population and other interested parties.

In conjunction with the empowerment of local authorities to control the licensing of these establishments, proposed legislation must take into account that 'jobs' within such clubs are being advertised in local job centres as legitimate career options for young women and girls. To protect women from exploitation and abuse, the effect of conflicting messages cannot be ignored.

Finally, the SWC think that any advertising or promotion of jobs in this 'industry' by Job Centres conflicts with the gender equality responsibilities required by public service providers.

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