

## **CRIMINALISATION OF THE PURCHASE AND SALE OF SEX (SCOTLAND) BILL**

### **RESPONSE TO CONSULTATION**

The Association of Directors of Social Work (ADSW) welcomes the opportunity to respond to the current public consultation on the Criminalisation of the Purchase and Sale of Sex (Scotland) Bill lodged by Trish Godman MSP.

#### **Background**

ADSW supports the principle of the Bill: to create new offences criminalising the advertising, facilitation and purchase of sex. The Scottish Government already accepts that prostitution is harmful and a form of violence against women. The proposed legislation would reinforce this view and be a critical step in addressing the damaging effects of prostitution and sexual exploitation through human trafficking. The Association concurs that sustainable change will only occur when the men who purchase sex from vulnerable women and children acknowledge that it is unacceptable, is an abuse and degradation of women, and has no place in modern Scotland. We commend Glasgow City Council's 'End Prostitution Now' campaign materials that depicts men, fathers, brothers and sons, all of whom must recognise that prostitution is violence against vulnerable women and children.

There are two component parts of the Bill:

- To challenge the inevitability and social acceptability of prostitution
- To cause disruption and reduce the 'market' by lowering demand

#### **What option do you favour? Please explain the reasons for your choice.**

ADSW supports Option 2, which would criminalise only the purchaser. The Association considers prostitution as dangerous and abusive exploitation, where unscrupulous individuals and organised criminals target vulnerable women and children. Criminalising the purchaser would acknowledge the vulnerability of the seller, avoid further victimisation; and it would secure appropriate support and treatment, rather than punitive sanctions. The Bill would remove the current disparity that exists in the purchase of street and off street prostitution. The message would be that Scotland will take sanctions against those who purchase and exploit women and children for prostitution. ADSW supports the use of non court sanctions for those women in the criminal justice system as a direct result of prostitution.

ADSW recognises the need for mainstream and specialist services to work together to support and assist individuals to exit prostitution. Community Planning Partnerships will be instrumental, along with health, education, employment, housing and counselling services.

#### **What penalties have a deterrent effect for the purchaser/seller?**

Research suggests that the arrest of the purchaser may be the single biggest deterrent to buying sex (Wilcox et al, A rapid assessment of the literature as part of the Tackling Demand for Prostitution Review, Home Office 2008). In 2008 the Women's Support Project interviewed 110 men (Challenging Men's Demand) who identified the following deterrents:

- 89% - being on the sex offender register
- 79% - spending time in jail
- 72% - increased criminal penalties
- 70% - car impounded
- 69% - higher fines

Evidence from Sweden, where legislation to criminalise the purchase of sex was introduced a decade ago has shown a substantial reduction in the number of individuals purchasing and selling sex, and a significant change in public attitudes towards prostitution. Of equal importance, there are significantly fewer individuals trafficked into Sweden than to other European countries. Following the success in Sweden, Norway and Finland have introduced similar legislation.

### **What are the barriers to policing and enforcing a prohibition on advertising?**

The profit made from advertising prostitution and associated activities, pornography, escorts, saunas, masseuses, strip and lap dancing clubs, telephone/internet sex lines mean **all/any** attempts to reduce revenue will be challenged and met with opposition. The Scottish Government, along with other agencies, should ensure that the principles of the Bill are not lost as a result of complicated and costly processes. Advice to address such issues should be sought from other jurisdictions, such as Sweden, Norway, Finland and the Republic of Ireland. It will be critical that approaches to address prostitution are coordinated, given the current financial situation.

### **What penalties are appropriate for those who advertise brothels or prostitution, bearing in mind these may range from individuals such as prostitutes to organised gang members?**

ADSW recognises the wide range of advertising and supports penalties that acknowledge the seriousness of the offences and the impact of prostitution on individuals and communities.

### **What are the barriers to policing and enforcing this part of the proposal?**

Considerable profits are made from the advertising and provision of prostitution. Those involved, especially organised criminal gangs, will seek ways to protect their profits and circumvent the law. Individuals involved in prostitution are vulnerable, often in fear and addicted to drugs, and as such are unlikely to volunteer and provide evidence to charge those who profit from them.

### **What other costs may arise as a consequence of this proposal?**

Availability and access to appropriate universal and specialist services is critical to enable women and children to receive the care, support and treatment they will need to exit prostitution. The role of health, addiction and sexual health services are critical, as are housing, education and employment services. The needs of victims who have been trafficked into prostitution and subject to deportation without appropriate care and support must be reviewed. Community Planning Partnerships have a central role in identifying local need, priorities and provision of services. The experience from Sweden suggests that over a period of time the number of individuals buying and selling sex through prostitution can be reduced. ADSW believes that monies from the Proceeds of Crime (Scotland) Act should be utilised to support services working with the victims of prostitution.

### **Are there any equality issues that arise from this proposal?**

The Scottish Government is committed to ensuring a 'fairer, safer and stronger and healthier' Scotland for all its citizens. Such aspirations cannot be fully achieved when vulnerable women and children are sold for the sexual gratification of men. Prostitution is based on inequality, an inequality in which the buyer, the man, is always in control. That prostitution is harmful and founded on gender inequity is recognised by the Scottish Government. As the professional association of senior social work managers we are acutely aware of the often irreparable harm that prostitution causes to individuals, families and communities. This was recently well illustrated in the TV play 'Five Daughters'. The profile of those who enter prostitution is a sad indictment on our society and strengthens ADSW's commitment to early intervention and preventative strategies, alongside universal and specialist services. This Bill would give a strong and clear message that men cannot buy or sell women and children for sex. It would, as has been demonstrated in Sweden, help change public perception and attitudes towards prostitution and those who are involved in it.