

Summary of proposed legislative changes

a briefing
from SCOT-PEP

At present, laws around sex work in Scotland make sex workers less safe, and more vulnerable to exploitation. Jean Urquhart MSP has been in discussion with sex worker-led charity SCOT-PEP about how to make sex workers safer. This is an overview of some of the key proposed changes.

Repeal the soliciting law.

This directly criminalises street-based sex workers (the vast majority of whom are women). This law means that street-based sex workers have to work in isolated, unlit places, avoiding the police. It means that violent offenders know that street-based sex workers are unlikely to feel able to report attacks. It hinders people trying to leave sex work, as a conviction for soliciting offences will not help someone get another job.

proved well-founded: SCOT-PEP – then an outreach service – recorded a 50% rise in violent attacks against street-based sex workers in the first six months of the law. A senior Lothian and Borders police officer stated that the new law meant *“prostitutes working further away from the gaze of CCTV cameras and police officers, putting themselves in more dangerous situations”*³. It is clear this law makes sex workers more vulnerable to violent men, and therefore we support its repeal.

Repeal the kerb-crawling law.

This law criminalises the clients of street-based sex workers, and means street-based sex workers’ initial interactions with clients are rushed, because the client is jumpy and keen to get away. Street-based sex workers have to accommodate this jumpiness by getting into his car quickly – so sex workers have less time to decide whether a potential client seems safe, and must forgo ‘time-consuming’ safety measures like making a note of his number plate. In order to find clients – who want to avoid the police – street-based sex workers have to work in isolated and unlit areas, far from help if anything goes wrong. The Scottish Government’s Expert Group on Prostitution warned against kerb-crawling legislation in 2006, citing concerns about the effect that displacement would have on sex workers’ safety¹, and UK Home Office research found kerb-crawling laws create a situation where women *“will still go out on the streets, often at a later hour, remaining there for longer... increasing their vulnerability [to violence]”*². The Expert Group’s fears about this law sadly

Repeal the brothel-keeping law.

Two sex workers working together in a flat for safety can both be arrested, and – absurdly – each charged with ‘brothel-keeping’ the other. This forces sex workers who fear arrest to work alone, making them vulnerable to violent men posing as clients. Where sex workers do work with a friend for safety, violent people will often use the law against them: an attacker saying *“call the police then – I’ll tell them what this”* is common. The law therefore protects violent offenders, and makes those that they seek to target significantly less safe. Where sex workers do work for managers, the brothel-keeping law that criminalises those workplaces means sex workers are without employment protections. Our proposals would introduce a requirement for brothel-managers to be background-checked and licensed, to ensure that managers have no convictions for violent crimes or sexual offences. Currently, people who manage sex workers in Scotland are not subject to any background checks, and nor do the workplaces they run have to adhere to any employment laws. That should change.

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1 <http://www.gov.scot/Resource/Doc/30859/0024989.pdf>, p66
2 http://mesmac.co.uk/files/tackling_street_prostitution.pdf, p24
3 *Violence And Sex Work in Britain*, Hilary Kinnel, p71