

**Presbytery of Edinburgh
Social and Community Interests: Spring 2004
Response to the Prostitution Tolerance (Scotland) Bill**

On 3 February 2004 the Presbytery of Edinburgh agreed to the following:

The Presbytery:

1. believe prostitution to be contrary to human dignity, and urge all relevant parties to address the root problems that cause men to use prostitution and women and men to enter prostitution;
2. note with alarm the huge increase in violence against prostitutes since the withdrawal of the 'tolerance zone' in 2001;
3. express concern for the welfare and safety of prostitutes and encourage MSPs to support the Prostitution Tolerance Zone (Scotland) Bill;
4. affirm that all residents in Edinburgh have the right to live in an area free from soliciting and its associated problems, and welcome the extensive provision for consultation in the proposed Bill;
5. commend the work of Scot-Pep for their education and health programmes, and in particular, their work with women and men who seek to exit prostitution.

*Introduction*¹

The Scottish Parliament will soon consider the Prostitution Tolerance Zone (Scotland) Bill, introduced by Margo MacDonald. Although the Bill would in theory allow any local authority in the country to designate non-harassment zones, in practice, it would affect only Edinburgh, Glasgow, Aberdeen, and possibly, Dundee.

Women and men² working as street prostitutes represent some of the most vulnerable members of our city, and it was the conviction of the committee that Presbytery should make a helpful and constructive contribution to the debate engendered by the introduction of this Bill. Prostitutes are not popular members of society, generating a whole range of mainly negative responses. A recent Board of Social Responsibility report affirmed, "it is particularly important that where the public attitude is one of indifference or of self-protection, the Church should seek to reach out and minister...to those working in prostitution."³ It is with this in mind that, in this particular instance, the committee recommends that Presbytery lend its support to the proposed Bill.

Prostitution in Edinburgh: The Present Situation

There are an estimated hundred or so women working as prostitutes on the streets of Edinburgh. With many more in Aberdeen and Glasgow,⁴ and several times as many "indoor workers," prostitution is a problem that will not go away.

For some twenty years, Edinburgh's street working prostitutes benefited from a non-harassment or 'tolerance zone' in the Docklands of Leith. This informal arrangement operated on rules agreed between prostitutes and Lothian and Borders Police. The scheme developed over time and was initiated by the Centenary Project, a project supported by the Church of Scotland.⁵ The zone

¹ The committee are grateful to Mary Blackford, Margo MacDonald's research officer, who gave a presentation and took questions on the proposed bill.

² The discussion surrounding the Bill is generally concerned with women. Although any "Tolerance Zone" which would be established would not be gender specific, the vast majority of male prostitutes in Edinburgh are what is known as "Indoor Prostitutes," i.e. working in (licensed or unlicensed) establishments or advertising over the internet.

³ *General Assembly Reports* (1999), Board of Social Responsibility, 24/25

⁴ Glasgow Council report an estimated 1400 prostitutes on their streets. Prostitution in Glasgow is much more closely related to the drug trade than is the case in Edinburgh (*The Guardian*, 5 June, 2002).

⁵ The Centenary Project was initially set up by the Women's Guild, working with drug addicted prostitutes.

effectively limited street prostitution to a confined area. So long as sex workers were acting in a reasonable manner, no action was taken. However, associated crime such as pimping and drug dealing was still prosecuted.

The unofficial non-harassment zone enabled sex workers to work in a safer environment, where the police, health board and Scot-Pep (Scottish Prostitutes' Education Project) could work together. Scot-pep operated a drop-in service, providing information on sexual health, supplying condoms and a needle exchange service, and importantly, offering support for those who wished to leave prostitution.

However, the Dockland area of Leith became residential, and the zone was moved to the area around Salamander Street. As that area was developed, there was understandable resentment that men seeking prostitutes were approaching women residents and debris was being left in closes. In November 2001, therefore, the zone was suspended.

Of course, suspension of the non-harassment zone has not ended prostitution. Street workers have simply dispersed, ironically into the more residential Leith Links area. The increase in complaints against prostitutes by residents has been matched by a five-fold increase in violence against women working in the sex industry. Consequently, it is more difficult for the police to keep control of the situation, there are increased health dangers, and Scot-Pep is no longer able to effectively provide its education and health services.

The Bill

It is into this situation that Margo MacDonald's Bill is being introduced. The informal arrangements, still being practised in Aberdeen, have proven ineffective in Edinburgh. Without statutory underpinning, the practicalities of moving the zone were impossible, and the Council felt unable to take positive action to protect vulnerable women engaged in illegal activity.

The proposed bill does not legalise soliciting. It enables local authorities to designate areas within their boundaries as 'prostitution tolerance zones,' where the Act prohibiting soliciting would be suspended at set periods within a designated area.⁶ It recognises that though street prostitution is not desirable, it is nonetheless endemic. Its stated objectives are: "to enable the police, health boards and local authorities to ensure that prostitution is practised in as orderly, secure and tolerable a manner as possible; to minimize the opportunities for associated criminal behaviour; to maximize the practice of safer sex and to promote public health policies."⁷ The bill does not force such zones on communities; it is enabling, not requiring. There is also extensive provision for consultation; the local authority must take into account the views of residents' groups and Community Councils, and there is a right of appeal to the Scottish Executive. Furthermore, the police have the power to suspend a zone at any time should offence or disturbance be caused.

The two most pressing arguments for this enabling legislation are the problems of violence, and serious health issues.

Violence against Sex Workers

The level of violence perpetrated against prostitutes has increased significantly since the cessation of the non-harassment zone. The general feeling of sex workers and public alike that "both physical violence and rape by clients are often considered [to be] an occupational hazard [for prostitutes],"⁸

⁶ Policy Memorandum Document #2

⁷ Policy Memorandum Document #5.

⁸ *General Assembly Reports* (1999), Board of Social Responsibility, 24/26

is simply unacceptable. Yet this risk is an inevitable consequence of the lack of some form of protected area. During 2001, when the zone was in place, there were 11 reported attacks on sex workers. In 2002, this number increased to 31. In the first six months of 2003, already 54 attacks were recorded.⁹ This alarming increase in the number of attacks against women working as prostitutes since the loss of the tolerance zone does not include the number of unreported attacks. The fear of criminalisation makes the women, who have been victims of violence, less likely to report incidents to the police. Therefore, the true level of violence against women resulting in the abandonment of the non-harassment zone is likely to be even higher.

Within a tolerance zone, on the other hand, measures are in place to reduce the risk of violence. Put simply, there is safety in numbers. In a non-harassment zone, women will often work within sight of one another, noting who the clients are, and new prostitutes have the benefit of being with others more experienced. Significantly, pimps are not allowed in the zone, and perhaps most importantly, the police will usually appoint a liaison officer, who becomes a trusted figure.¹⁰ The loss of the tolerance zone means that more women are working in isolation, greatly increasing their vulnerability. Those well-meaning folk who oppose the Bill's intentions risk putting already vulnerable women even more at risk.

Health concerns

With the dispersal of prostitution, Scot-Pep's work has been greatly hampered, with it being less able to offer access to health care, HIV testing, and effectively controlling drug problems. During the period of the zone, Edinburgh's prostitute community had a very low level of intravenous drug use.¹¹ However, since the withdrawal of the zone, Scot-Pep is seeing more women at its needle exchange, and again, many women are not coming forward. As women now work on their own to avoid attention from both police and local residents, isolation has led to the loss of peer support and women exchanging information that will protect them. The pimps have moved back in, and the level of drug use is rising, with the attendant risks of serious health problems.

Three years ago, Scot-Pep, could be reasonably confident that it was reaching and providing support and health promotion services to upwards of 95% of street based sex workers. However, since the ending of the non-harassment zone and the resultant dispersal of prostitutes, outreach to street workers has been made far more difficult. This is particularly the case with those new to working on the street; women are slipping through the net at a time when they are most vulnerable. Most worrying is the incidence of under-age girls working as prostitutes. When there was a tolerance zone in place, those girls who were under age were reported to the police. Since the end of the zone, there have been at least two unconfirmed reports of children working as prostitutes on the streets of our city. The consequences of ending the tolerance zone—appalling increase in violence against women; increased risk of disease and HIV infection; increased vulnerability of women who work in the sex industry; exploitation of women at risk by ruthless pimps and drug dealers; children under sixteen selling their bodies on the streets—must be positively and decisively confronted.

*Concerns about a Non-harassment Zone*¹²

The committee are aware that there have been voices strenuously opposing the creation of such zones. Prostitution is in the main exploitative and harmful to women, and the Women's Support Project, therefore strongly opposes "any move to legalise, normalise or condone this harm."

⁹ Figures reported to Scot-Pep. *Policy Document #13*

¹⁰ In the last decade, there have been two prostitutes murdered. Because of the level of co-operation, between police and sex workers, the perpetrators were both arrested within forty-eight hours.

¹¹ Estimated at 30% five years ago.

¹² The following are taken from submissions to the consultation process.

Similarly, C.A.R.E.¹³ share this concern. They argue the setting up of a tolerance zone “would legitimise the sexual exploitation of women and children in the minds of adult men and will create an environment where such exploitation may increase.” C.A.R.E. are also concerned that if the Bill were passed, it would be to the detriment of public morality by making prostitution acceptable. A similar ‘moral’ argument is advanced by the Baptist Union of Scotland, who does not support the Bill, “because of a deep-rooted Christian conviction that prostitution destroys both individuals and society and should not find legal acceptance in a well-ordered society.” Of all religious groups, most publicised is the opposition from the Roman Catholic Church.

Whereas, the committee agree fully with the general view from these groups that more emphasis should be given in helping prostitutes exit from prostitution, it rejects the dichotomy set up between this aim and creating a non-harassment zone. The reality that these groups fail to address is that the choice is not between there being prostitutes and not being prostitutes, or even between the exploitation and non-exploitation of women. The choice is between prostitution taking place in a dangerous unregulated environment or within a safer zone with access to health and education projects. It is seductively easy to make moral pronouncements without facing up to the hard choices and painful compromises demanded by the reality on the ground. Tempting as it may be, while we may wish to moralise, women are being assaulted, raped and murdered.

The alternative is intolerance. Clampdowns are popular but ineffective. The resultant dispersal is dangerous. The General Assembly was told that, “there is no evidence to support the claim that criminalisation reduces the level of prostitution.”¹⁴ Furthermore, criminalisation and the handing down of fines simply place vulnerable people in a vicious circle, where turning again to prostitution is the only means by which they can pay off those fines. General assembly in 1999 supported “changes in the law and practice that will encourage the development of alternatives to fines and imprisonment [for prostitutes]”¹⁵

The committee wish to see the situation where no woman or man would feel the need, or choose to enter prostitution. For this, the root causes of poverty, drug dependence, and abuse have to be more seriously addressed. Those currently involved in prostitution should be given maximum support to escape the sex trade.

Only in a safer environment with access to health care and education about harm reduction and safety, will such projects have the greatest opportunity to succeed. Whilst respecting that there will be a wide variety of opinions on this subject, the committee believes that Margo MacDonald’s Bill represents the most realistic way to achieve this aim and therefore deserves the Presbytery’s support.

¹³ Christian Action Research Education are a Christian lobby group.

¹⁴ *General Assembly Reports* (1999), Board of Social Responsibility, 24/27

¹⁵ *General Assembly Deliverance*, Board of Social Responsibility (1999), 13, iv.