

# **LOCAL GOVERNMENT COMMITTEE**

Tuesday 7 January 2003  
(*Afternoon*)

Session 1

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## LOCAL GOVERNMENT COMMITTEE

### 1<sup>st</sup> Meeting 2003, Session 1

#### CONVENER

\*Trish Godman (West Renfrew shire) (Lab)

#### DEPUTY CONVENER

\*Dr Sylvia Jackson (Stirling) (Lab)

#### COMMITTEE MEMBERS

Mr Keith Harding (Mid Scotland and Fife) (Con)

Tricia Marwick (Mid Scotland and Fife) (SNP)

\*Dr Richard Simpson (Ochil) (Lab)

\*Iain Smith (North-East Fife) (LD)

\*Ms Sandra White (Glasgow) (SNP)

#### COMMITTEE SUBSTITUTES

Robert Brown (Glasgow) (LD)

Angus MacKay (Edinburgh South) (Lab)

\*John Young (West of Scotland) (Con)

\*attended

#### THE FOLLOWING ALSO ATTENDED:

Ms Margo MacDonald (Lothians) (SNP)

#### WITNESSES

Councillor Yvonne Allan (Aberdeen City Council)

Ms Sandra Bruce (Aberdeen City Council)

Ms Brenda Flaherty (Aberdeen City Council)

George Lewis (SCOT-PEP)

Senga MacDonald (Drugs Action)

Jan Macleod (Women's Support Project (Glasgow))

Anne-Marie Manning (Base 75)

Ruth Morgan Thomas (SCOT-PEP)

#### CLERK TO THE COMMITTEE

Eugene Windsor

#### SENIOR ASSISTANT CLERK

Ruth Cooper

#### ASSISTANT CLERK

Neil Stewart

#### LOCATION

The Chamber



## Scottish Parliament

### Local Government Committee

*Tuesday 7 January 2003*

*(Afternoon)*

[THE CONVENER *opened the meeting at 14:02*]

### Item in Private

**The Convener (Trish Godman):** Comrades, we are two minutes late so I will start the meeting. I welcome back all members after the Christmas break to our last parliamentary term before the election. The term is a long one—it is four months long. Richard Simpson has just looked at me as if to say that that is a very long time—it is.

I ask the committee whether it agrees to take item 4 in private to allow us to consider an approach paper for the Prostitution Tolerance Zones (Scotland) Bill and discuss potential witnesses. It is normal practice to take such items in private. Are members agreed?

**Members indicated agreement.**

## Subordinate Legislation

### Scottish Local Government Elections Amendment Rules 2002 (SSI 2002/522)

**The Convener:** Item 2 is consideration of two negative instruments. The first was issued to members some time ago and no comments have been received. The Subordinate Legislation Committee had nothing to report on the instrument. No motions to annul have been lodged and no other action can be taken on it. If members have no comments, I ask whether the committee agrees that it has no recommendation to make on the instrument.

**Members indicated agreement.**

### Taxi Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Amendment Regulations 2002 (SSI 2002/521)

**The Convener:** The regulations were sent to members some time ago and no comments have been received. Members will remember that the regulations correct a technical inconsistency that appeared in the statutory instrument that the Local Government Committee considered on 10 December 2002. The Subordinate Legislation Committee drew the Parliament's attention to the fact that the Executive had not amended other aspects of the instrument that it had identified as being defectively drafted. No motions to annul have been lodged and no other action can therefore be taken on the instrument. However, as there are still faults with the instrument, members might wish to register their concerns about the defective drafting when we report back.

**Dr Sylvia Jackson (Stirling) (Lab):** What is meant by the last paragraph in the letter to the Presiding Officer from the Scottish Executive? It says:

"The current Instrument is necessary to amend that earlier Instrument but due to shortness of timescales it has not been possible to comply with Article 10(2)."

**The Convener:** The clerk informs me that that relates to the 21-day rule.

**Dr Jackson:** What are the implications of not meeting the 21-day rule?

**Ruth Cooper (Clerk):** The Parliament has 21 days—from the date of the laying of the instrument to the date of its coming into force—in which to scrutinise the instrument. If the rule is broken, that will mean that there has been less parliamentary scrutiny. However, the rule can be broken in exceptional circumstances. As the regulations are an amending instrument, I imagine that that is why the rule was broken.

**Dr Jackson:** That does not sound particularly satisfactory. Perhaps we should bring that to the attention of the Subordinate Legislation Committee as well.

**The Convener:** We should also say that the SSI has been before the Local Government Committee previously. The regulations were badly drafted. They have gone back and have been returned, but there are still parts that have not been sorted out.

Are members agreed that the Local Government Committee has no recommendation to make on the regulations, other than the ones that I have mentioned?

*Members indicated agreement.*

**John Young (West of Scotland) (Con):** Before we move on, convener, may I ask a question on behalf of my colleague Keith Harding?

**The Convener:** Yes.

**John Young:** Mr Harding wonders whether there is any danger that the bills that are at stage 1 will in some way be delayed from moving to stage 2 as a result of the subject matter that the committee is considering today. He is specifically worried about his Dog Fouling (Scotland) Bill, which is going through stage 1 at the moment.

**The Convener:** I do not think that there will be a problem. However, that is not a matter for the committee; it is a matter for the Parliamentary Bureau, because it sets the timetable. I am given to understand that the bills that are in process at the moment will be completed before 31 March.

**John Young:** So if Keith Harding has any doubts, he should approach the Parliamentary Bureau.

**The Convener:** Yes.

**John Young:** Thank you.

## Prostitution Tolerance Zones (Scotland) Bill: Stage 1

**The Convener:** I welcome Ruth Morgan Thomas, who is the manager of SCOT-PEP—the Scottish prostitutes education project. I also welcome George Lewis, who is co-chair of SCOT-PEP, and Senga MacDonald who is from Drugs Action in Aberdeen. The committee has had your written evidence and members will have read it, I can assure you. I ask Ruth Morgan Thomas to give us an overview, after which I will open up the meeting to questions. I prefer to have more dialogue than would be involved if you were just talking to us about your projects. The meeting is not as formal as it might seem, so please relax and let us know what you have to say about the bill.

**Ruth Morgan Thomas (SCOT-PEP):** Thank you for the invitation to give evidence on behalf of SCOT-PEP and the women working in Edinburgh on the streets of Leith.

There are diverse feminist perspectives and political stances on sex work. Regardless of all the theories, the vulnerability of sex workers in society today remains undeniable. The most vulnerable are undoubtedly those involved in street prostitution. A legislative framework is needed to enable each area to implement policies and strategies that are based on evidence of what works and that respond to local conditions to reduce sex workers' vulnerability, to increase their ability to access support and services and to combat involuntary sex work.

I will focus initially on four aspects of the impact that having and not having a tolerance zone in Edinburgh have had on the women who work on our streets and then I will consider briefly other strategies that are required to deal with the social phenomenon of the sex industry.

The first area that I will discuss is violence against women. During the last year of our non-harassment zone, which was an informal zone that operated in Edinburgh, only 11 women were attacked, which is less than one a month. In October last year, there were six attacks in one month. That is not uncommon. SCOT-PEP has become aware that, in addition to the increase in the number of attacks, fewer women are reporting attacks to the police and taking the time to report them to us.

During the operation of the non-harassment zone, Edinburgh developed an unparalleled record for apprehending and gaining convictions against men who had viciously abused, assaulted, raped and murdered women who were working as prostitutes on our streets. The lack of such a zone

will mean that we could lose that record, which was achieved only through the co-operation and trust that was built up between the women who worked as prostitutes, the police and SCOT-PEP. That situation is in grave danger of being eroded completely.

The second issue that I will consider is child sexual abuse through prostitution. During the last two years of the non-harassment zone, no under-16-year-olds at all were involved in street prostitution in Edinburgh. The police, as well as SCOT-PEP's contact recording, confirm that figure. However, in the past year, two 14-year-olds and one 15-year-old have been involved in street prostitution in our city. Women who had previously reported the presence of children involved in street prostitution to the police and SCOT-PEP are no longer aware of their presence because they have been forced to disperse and can no longer work collectively. We are therefore unable to monitor and report to the police children who are becoming involved in prostitution. That should remain a grave concern to us all.

The third issue is the criminality that is associated with street prostitution. Again, during the period of the non-harassment zone, the presence of drug dealers, pimps, minders and other undesirables was reduced due to the police's ability to manage and control the designated area. None of those undesirables managed to gain a hold for any significant period of time. The women themselves reported drug dealers, other women's partners and protection racketeers who sought to move in. That, too, required co-operation and trust between the police and the women.

In the past year, we have witnessed a significant and steady increase in the presence of drug dealers, who primarily deal heroin on our streets and are coming into the area and targeting women specifically. That has resulted in an increase in dependent drug use and injecting among the women with whom we work. In addition, because women fear for their safety, the number of partners and minders who are around when the women are working has increased. Because the women are now dispersed over such a significant part of north Leith, the police are no longer able to manage and control the situation effectively, despite a phenomenal increase in police activities and resources. Women no longer report the presence of such undesirables, as they have a hostile relationship with the police rather than the relationship of confidence and trust that existed previously.

The fourth area concerns the health risks that are associated with sex work. During the operation of our zone in Edinburgh, the women on the streets regularly attended the SCOT-PEP medical

outreach clinic. Because of that, the incidence of sexually transmitted infections that were reported among the women working on the street as prostitutes was lower than the incidence among female members of the general public who attended sexual health clinics.

Since the loss of the zone, we have seen a significant decline in the number of women who access the medical outreach clinic, which now, because of the loss of the zone and the fact that we no longer have a drop-in service but a mobile one, is operating out of a national health service building on Leith Walk. We are no longer able to monitor the public health outcomes and the impact that prostitution is having on sexual health. That, too, is of concern.

Those are the four main issues that I want to raise today. SCOT-PEP believes that three strands are essential to tackle the social phenomenon of prostitution and to combat the nuisance, exploitation, violence, criminality and abuse that can be associated with the sex industry.

The first strand is prevention. To remove involuntary sex work, it is essential that the issues of poverty, drug use, homelessness and childhood abuse and neglect are tackled. While such phenomena remain in our society, individuals will become involved in prostitution to address their needs or as a result of coercion. We support holistic sex education that focuses on how young people perceive their bodies. That is essential to raise awareness and to prevent all forms of sexual exploitation, which occur both within and outwith the sex industry.

14:15

The second strand is harm reduction. That is about creating an environment in which women can be empowered to work together and within which self-worth, dignity and respect are nurtured. Creating such an environment has a significant impact on the violence against and exploitation of sex workers. The provision of support and services that reduce the vulnerability and marginalisation of sex workers, while promoting respect for self and others within a non-judgmental environment, has been shown in Edinburgh to reduce the violence, exploitation and exclusion that sex workers in Scotland experience.

The non-harassment zone was an essential component of the successful harm-reduction strategy that operated in Edinburgh. In the Edinburgh environment, it is difficult to see how we can ensure that the harm that has come to those involved in street prostitution since the loss of the zone can be reduced without a legal framework that enables the city to re-establish a designated area.

The third strand is support to move on from the sex industry. SCOT-PEP has always been committed to supporting those who wish to move on from the sex industry. We recognise the need to create multiple layers of opportunities and support to enable that to happen. However, we also recognise that not all sex workers wish or are able to move on immediately. The SCOT-PEP new futures project was funded by Scottish Enterprise and was accessed by 10 per cent of the sex workers who came into contact with us—an average of 60 people a year. The project provided support to 96 individuals, only 19 of whom remain in contact with SCOT-PEP for support around on-going involvement in the sex industry.

SCOT-PEP believes that sex workers should be consulted on the development, implementation and evaluation of all strategies that are considered for dealing with the social phenomenon of prostitution. Sex workers should not be perceived merely as criminals, targets for public health initiatives or victims to be assisted. They should be considered as citizens with the right to determine their needs and aspirations. Given that no Government or law enforcement strategy has managed to eradicate prostitution, let us not abandon to fend for themselves those who work in the sex industry today and will work in it next week, next year and in the next decade—as the women of Edinburgh felt abandoned in December 2001.

**Senga MacDonald (Drugs Action):** I thank the committee for inviting me to give evidence. I support much of what Ruth Morgan Thomas said and will not repeat the points that she made. However, I would like to highlight some issues.

Based on my experience in Aberdeen, I—and the agency that I represent—support the bill as a pragmatic approach to the management of prostitution that recognises that prohibition is ineffective. The bill provides a framework for managing the complex issues relating to prostitution to which Ruth Morgan Thomas has referred. It takes account of the needs of those who are involved in prostitution and balances those needs with the wishes of the local community.

The position in Aberdeen is slightly different from the position in Edinburgh. In Aberdeen, the vast majority of women who are involved in prostitution are injecting drug users with a range of personal problems. In my experience, the criminal nature of the activity does not influence significantly the decision to become involved in street prostitution. I believe that the criminal justice process is more likely to reinforce problems than to offer solutions.

I interpret the bill as supporting councils to ensure that designated zones are safer, not only

for the women who are involved in prostitution, but for the wider community. For example, it would support councils to improve street lighting and access to services that reduce harm, about which Ruth Morgan Thomas has spoken. The bill would assist councils to address public health issues and provide people with opportunities to change their lifestyle.

The main difficulty in Aberdeen has related to the size of the zone. In other words, the main problems that have arisen have been implementation problems. The aspect on which the bill falls down is its failure to acknowledge the importance of consultation with the women who are involved. To achieve successful implementation of the bill and to give people a sense of ownership, it is important that the bill should provide for such consultation.

**The Convener:** Before I invite questions, I will say a couple of things. Any witnesses who wish to answer should signal that to me. I again welcome Margo MacDonald to the committee. As members know, the Prostitution Tolerance Zones (Scotland) Bill is her bill. I hope that you had a nice Christmas break, Margo.

The SCOT-PEP paper mentions that self-worth among sex workers decreased when the zone ended. Do you believe that there is an association between self-worth and the number of prostitutes seeking routes out of prostitution? What impact would the establishment of the tolerance zone have on efforts to get girls out of prostitution?

**Ruth Morgan Thomas:** As I said in my presentation, the loss of the zone affected the women's self-esteem by creating a sense of abandonment. They felt that society had turned its back on them. Although society knew about the dangers of street prostitution, the City of Edinburgh Council was not prepared to take steps to protect the women and to offer them safety. That had an impact on how they viewed their worth and on how society viewed their worth as human beings and as citizens.

In my view, the pragmatic approach of having a zone is to say, "Let women determine their own needs and aspirations." Although many women want to move on from prostitution, they might not want to do so immediately. Ten per cent of the sex workers who came into contact with SCOT-PEP accessed the support that was provided by the new futures project that operated within the non-harassment zone. Rather than wanting to get an immediate exit by moving on the next day, they wanted support for developing a range of plans, such as going to college or moving to a different city. Having a zone enables such support to be provided within the zone.

I am no longer confident that we are in contact with as many of the women who work on the



streets in Edinburgh as we were. Edinburgh is unique in that there is no longer a red-light area. The women are highly dispersed. The pattern is similar to the pattern in English cities that have operated a zero-tolerance policy. It is incredibly difficult to establish contact with new women who come into the industry. A zone makes it possible to focus support, to work with women on the issues that have led them into prostitution and to help them to work out personal action plans for their futures.

**The Convener:** I want to ask about an issue of administrative detail. In the absence of a tolerance zone, how do you get in touch with prostitutes?

**Ruth Morgan Thomas:** When the zone was abandoned, women dispersed. We used to engage in street outreach on foot within the zone and around its periphery. Many women who were coming into prostitution for the first time would not come into the zone immediately. In December 2001 and January 2002, we were covering approximately 4 square miles of Leith, because we knew that women were working in that area.

The women have dispersed widely. They work in ones or twos. We had to purchase a car, because we could no longer do such outreach work on foot. We now drive around areas of Leith. Some women tell us where they are and where they are likely to work, which enables us to take condoms to them. We also have a mobile unit, which is parked in a non-residential area. Women can phone, find out its location and go there. However, there are difficulties in accessing the unit. If the police see a known prostitute in the area, she will be stopped, cautioned and charged. Women have been cautioned and charged when trying to access support services. Contacting women who are dispersed across such a wide area is a difficult problem.

In addition, how do we identify who is working as a prostitute and who is simply walking on the streets of Leith? My staff deserve unparalleled praise for being so diplomatic. We approached women who were not working and we managed to explain to them, without offending them, why we were doing our work. My staff should get a pat on the back from everybody for that. However, it is a nightmare trying to contact women when there is no red-light area. We have lost our historic red-light area and no longer have a toleration zone.

**The Convener:** Kerb-crawling is not an offence, but soliciting is. If we changed the law on that, what difference would that make?

**Ruth Morgan Thomas:** England has had kerb-crawling legislation long enough for us to look at what has happened there.

**The Convener:** But what if kerb-crawling was not an offence and we got rid of the offence of soliciting?

**Ruth Morgan Thomas:** And had neither?

**The Convener:** Yes. It seems to me that the bias is towards one gender.

**Ruth Morgan Thomas:** Absolutely. I would support the position of neither activity being an offence because I think that existing legislation creates barriers in relation to civil and human rights, public health and the ability of women to develop a sense of self-worth about the person they are today, who will be a part of them tomorrow.

**Senga MacDonald:** My concern about shifting the balance towards kerb-crawling—I assume that that is what you are speaking about, is it not?

**The Convener:** No. I know the evidence against doing that. We have an offence of soliciting in this country, but not an offence of kerb-crawling. We could make the situation more even, if you like, by getting rid of the soliciting offence rather than by making kerb-crawling an offence. I know that soliciting is not an offence in a tolerance zone. However, we could consider making soliciting, like kerb-crawling, not an offence. Would that be in any way helpful?

**Senga MacDonald:** I think that that would be helpful, but soliciting would still have to be managed and I think that the bill proposes to manage it by consultation.

**Dr Richard Simpson (Ochil) (Lab):** I found today's evidence fascinating because it was effectively about controlled trials. There was a tolerance zone in Edinburgh, but there is no longer one. A tolerance zone is being developed and the evidence about consultation with local people in that area was fascinating. Glasgow claims not to have a tolerance zone, but it has a red-light district. The situation is fascinating.

It seems to me that the fundamental problem is that 90 per cent of prostitutes are drug addicts. Prostitutes have always used drugs, but until 10 to 15 years ago they tended to use tranquillisers rather than heroin. In my view, the approach of prosecuting them and, in some cases, sending them to prison—which, until recently, was mainly done in Glasgow rather than in Edinburgh—has been counterproductive.

Given that Aberdeen and Glasgow operate tolerance zones—Glasgow might not call it that, but that is effectively what it is—what additional benefits would a legal framework give? Why cannot Edinburgh simply go back to operating a non-harassment zone? In addition, even if we made the bill law, would not Edinburgh still have the difficulty of finding a zone? What benefit would a law give to Edinburgh in finding a zone? Finally, why cannot Aberdeen, having designated its zone, improve its street lighting and introduce closed-

circuit television and other measures that are highly appropriate for increasing the protection of the women?

14:30

**Ruth Morgan Thomas:** I will respond on the Edinburgh question. The street women in Edinburgh and I were somewhat bewildered at the loss of the tolerance area. We felt strongly that there was clear evidence of the benefits for and achievements in public health, safety, women's self-esteem and the accessibility of support. I am still bewildered by the fact that we do not have that tolerance zone any more, given what the most vulnerable of the street women are left facing.

I am afraid that you will have to ask the City of Edinburgh Council why it cannot go back to operating a non-harassment zone. I do not have an answer, but I am aware of the legal challenges that the council faced from residents, as it was seen to be aiding and abetting an illegal act. I am clear that that is what the businesses and the residents of Leith in the new zone threatened the council with, which is why the experiment failed. It never really had a chance to bed down and we did not have the chance to resolve the practical issues about used condoms and the waste that was being left behind.

Had we been given the opportunity, I believe that we could have worked in the community to resolve those issues. I know that toleration zones in the Netherlands have worked with communities. Residents, businesses, sex work projects and the women have worked together to find out how they can co-exist. The community of sex workers does not exist in a bubble; it is part of our community and it is part of the community of nearly every city across Europe. I do not know whether that answers the question why Edinburgh cannot continue to operate a non-harassment zone.

**Dr Simpson:** I think that that helps. We will obviously ask others what would be the outcome of passing the bill, which is not a compulsory bill, but a permissive bill that will allow local authorities to use such measures if they wish to do so. I am trying to determine the advantages that the bill would have over taking a laissez-faire attitude. Such an attitude has worked in Edinburgh for many years, is beginning to work well in Aberdeen and has worked well in Glasgow, despite the evidence that some people are attempting to present to us today.

**Ruth Morgan Thomas:** I think that the advantage of the bill is that it will provide a legislative and legal framework. According to my reading of the bill, mere objections to prostitution occurring will not be sufficient reason to say that a zone should not go ahead. I recognise that there will be difficulties.

One of the things that I regret most about the transfer of the zone in Edinburgh is that due time was not given for consultation because of a media leak that confirmed where the zone was going to be. I am confident that the police would have consulted more widely. We need to enter into full consultation. SCOT-PEP, sex work projects and sex workers should be part of that, because the reality of Edinburgh's street prostitution scene did not match the perception that was commonly held by the public. The general perception of street prostitution is that it involves violence, drugs, criminality and disorderly behaviour, but Edinburgh's was a small and quite orderly zone that did not have any of those nuisances.

The other point that should be noted is that there was within the tolerance area less crime than in any other area of Leith, which is an area of quite high crime in the city. Vandalism and burglaries in the area were reduced because the women were there, so there were advantages to the zone. People who hear that they might have a tolerance zone on their doorsteps do not see that picture of what the zone will mean. We can work with the community and I still believe that the majority of the general public support the measure in principle.

**The Convener:** As long as the zone is not on their doorstep.

**Ruth Morgan Thomas:** Absolutely.

**George Lewis (SCOT-PEP):** I would like to add one comment to what Ruth Morgan Thomas said about the legal framework. One of our continuing frustrations over the years has been the fact that nobody with any political authority was able to help us to establish a zone. We had tacit support from the police, other stakeholders and the health authorities but, with a few honourable exceptions, nobody of a political nature was prepared to put their head above the parapet. That was the case for many understandable reasons, one of which was the fact that people would say that we were talking about illegality and that they could not be seen to be endorsing that. To give the approach a legal framework would bring local authorities into the partnership to enable us to find a suitable zone. We would not have that without legislative back-up.

**Senga MacDonald:** The situation in Aberdeen was that, for some time before the zone was defined, the problem was managed, and it was positive in many ways. However, there was still the fear of prosecution among the women—there were no guarantees. Given the requirement for street lighting, for example, councils and the police are concerned that they are condoning criminal activity. The bill would allow a more proactive approach to be taken to address the issue.

**Ruth Morgan Thomas:** On the question of why the bill should be enabling legislation rather than compulsory, I think that it is important that each area be allowed to determine its own policies and strategies, because what works in one city will not necessarily work in another. Local authorities need to be able to determine what will work in their areas, based on the evidence they have.

**Dr Simpson:** I was impressed by the figures that you gave us in your paper and orally relating to the change in the pattern of violence. That is an interesting change and I would like to get more figures that would show us whether November was an exceptional month or whether a pattern is emerging. The level of violence is a problem.

We tend to address the problem largely in geographic terms and we want to create a zone in which people could be better managed. The current problem relates to a dispersed population, which appears to present less of a problem to the local residents, perhaps because the prostitutes are not organised. However, if the prostitutes are dispersed, how do we make contact with them? From the figures in the papers, I estimate that there are about 2,200 prostitutes, 90 per cent to 95 per cent of whom are heroin-injecting drug users. That means that somewhere between one sixth and one fifth of all female drug addicts in Scotland are involved in prostitution. We need to address the problem on an individual basis and to allocate resources that will ensure that more workers are on the streets at night in the right places—even if those places are dispersed—rather than create a zone. I am not saying that I am against the creation of tolerance zones, but I think that the individuals are the important part.

**Ruth Morgan Thomas:** A zone not only makes possible the management of the sex workers within it, but allows them to work collectively and to manage themselves. One of the greatest losses that has resulted from the closure of the zone in Edinburgh is that the women no longer support one another. They no longer watch one another's backs because they are busy watching their own back. A community that worked together collaboratively has been divided.

**Dr Simpson:** That is interesting in the light of the Aberdeen experience, where creation of a zone has led to tensions. You also said that those who seek to enter prostitution for reasons that you outlined such as poverty, drug abuse and child abuse, do not go to the zone immediately; rather, they tend to go to the peripheral area. Given the pressures that are involved, it might take time to collectivise the women.

**Ruth Morgan Thomas:** The issue is also one of size. In the four or five years before the women in Edinburgh were moved from Coburg Street to Salamander Street, the size of the designated

area was reduced by 75 per cent, which created conflicts. One must recognise that, within a zone, women need a certain amount of space to ensure that they are not on top of one another. They are there to earn money and, if there are women every yard or two, that creates tensions.

Prior to the loss of the non-harassment area, we found that the majority of the local prostitutes were not drug dependent or injecting heroin. They used drugs, but were not dependent drug users whose lifestyles were dominated by drugs. However, that has changed during the past year. When we lost the large area, the drug-using women who used to come to Edinburgh from the west coast—about 44 per cent of our service users came from the west coast—were forced to work with local women, which caused tensions. The reduction in the size of the area had already increased that conflict considerably. When there was enough space in the zone for women to have separate areas, there was no conflict. I believe that Senga MacDonald made the point that the designated area in Aberdeen was so small that women were being crushed together.

**Senga MacDonald:** Historically, there is a fairly natural area in Aberdeen for women who become involved in prostitution to go, but the zone is too small. My concern is that if a zone is too small, it creates an area of intolerance within the natural area. People are then even more afraid to report incidents of violence or to come forward for help. Although I support the bill, it is important that consultation with the women play a big part in designating zones.

**Ms Sandra White (Glasgow) (SNP):** I think that we all agree that prostitution is not what one would call a glamorous profession. From the papers and evidence that have been given, the vast majority of prostitutes—95 per cent—are drug users. Most have suffered some form of child abuse and do not enter prostitution through free choice. However, there are mentions throughout SCOT-PEP's paper of self-respect and self-worth. The Aberdeen City Council paper, with which Drugs Action was closely involved, stated that six out of 10 women said that the tolerance zone in the Aberdeen area offered them no benefit whatever. Would tolerance zones give prostitutes self-worth and self-respect?

**Senga MacDonald:** I will respond to that, because Drugs Action was involved in that survey. I will explain the position. Before the tolerance zone was defined, there had been a lead-up of about two years during which a tolerant approach was taken by the police. The women were aware of that; it reduced some of the fear of prosecution and encouraged access to services. There was a very good relationship between the police and the women. However, from their point of view, the

introduction of the zone was a retrograde step, which they saw as a punitive measure.

**Ms White:** Did the zone give the women self-worth and self-respect?

**The Convener:** Can you repeat the question?

**Ms White:** Throughout the Drugs Action paper are mentions of self-worth and self-respect. Would tolerance zones give the women who work in prostitution self-worth and self-respect?

**Senga MacDonald:** Women will still have issues around self-worth and self-respect and a tolerance zone will not in itself address that—there must be additional support and services. For example, in Aberdeen, all of our services are offered on an outreach basis. We do not have a drop-in centre, so our contact with the women is opportunistic. Tolerance zones must be accompanied by other provision.

**Ruth Morgan Thomas:** I do not think that tolerance zones will create self-respect or self-worth. Self-worth and self-respect need to be nurtured within supportive environments and without judging people. Too often, we judge those who are involved in sex work.

I agree that 90 per cent of women who are involved in street prostitution are drug users. However, that is not the case for the majority of sex workers in Edinburgh. We estimate that, of the women who are involved in sex work in Edinburgh, only about 15 per cent are in sex work on the streets, as opposed to the 85 per cent of women who work indoors. The statistic on drug use does not relate to the women working indoors in Edinburgh.

The promotion of people's self-worth when they are sex workers is a critical part of their moving on from sex work and being able to have self-respect and to value themselves as human beings for their entire lives. However, tolerance zones will not provide that. Through our work, one aspect that we have tried to stress is that an holistic approach must be adopted towards people and that they must be given help and support. They must also be respected as human beings who have every right to self-determination and to make bad choices as well as good choices.

**Ms White:** My original point was that the bill is an enabling measure. From my reading of the bill, a tolerance zone is basically a pick-up point. Your idea of a tolerance zone is much wider and involves such things as drop-in centres. The bill is an enabling bill that will leave matters up to individual councils, but zones created under the bill will be simply pick-up points where women can pick up clients. What happens after that will be outwith the tolerance zone. What are your views on that?

14:45

**Ruth Morgan Thomas:** There are a number of points to be made. Edinburgh's non-harassment zone did not have an area within which the business could be done—women had to go outwith the zone for that. One incredible feature of the Edinburgh model was the lower levels of violence compared with Dutch tolerance zones. The Dutch have incorporated into their zones areas in which the business can be done, which they did because of the idea that women are most vulnerable when they leave a tolerance zone. The reduction in violence in Edinburgh was partly the result of nurturing self-respect and enabling women to work collaboratively and collectively to develop safety tips.

Tolerance zones are pick-up points, but they are also places where collective working can be encouraged and where women can be empowered to care for themselves and others. When that is done, women are more aware of what happens around them and are more able to assess the risk of going with particular clients. Women in Edinburgh probably refuse more clients because of safety reasons than do women in other cities. The zones are pick-up points, but they provide the opportunity to open drop-in centres and to do clearly targeted street outreach work. The zones provide the opportunity to support and assist women while they are working and to assist them to move on.

**Iain Smith (North-East Fife) (LD):** I am concerned about whether the bill would work in practice and whether local authorities would pick up the gauntlet and try to create prostitution tolerance zones. My understanding is that the Edinburgh and Aberdeen non-harassment areas were areas in which prostitutes had traditionally operated. However, certainly in Edinburgh, the bill might lead to the creation of new areas that were not ones in which prostitution was traditionally undertaken. Given that elected members are always a bit chicken because elections come up every so often, is it realistic to assume that a local authority that is comprised of elected members will set up what would become one of the biggest nimby issues of all time?

**Ruth Morgan Thomas:** I recognise the difficulties, but I hope that politicians will have the courage—to use a polite word—to examine the evidence from the experiment in Edinburgh. Some of the evidence on the achievements of our harm-reduction strategy, not only from SCOT-PEP but from the police and the local health board, is incontestable. I hope that politicians will have the courage to recognise that the group of women concerned is one of the most vulnerable groups of women in society and that it deserves to be given protection. I am an optimist at heart, so I remain hopeful about that.

**Senga MacDonald:** It is not a coincidence that the areas that have had informal zones are Glasgow, Edinburgh and Aberdeen. The police and other agencies in those areas responded to the need to manage a situation that they faced. I hope that, where similar situations are faced in other areas, the relevant agencies will at least be given a framework within which to respond to it appropriately.

**Iain Smith:** Is there a need for legislation, given that without the bill the police and other agencies have created informal or unofficial tolerance zones in Edinburgh and Aberdeen?

**Senga MacDonald:** The difficulty at the moment is that the zones are open to challenge because prostitution is a criminal activity.

**Ruth Morgan Thomas:** In Edinburgh, Salamander Street was not a traditional area for soliciting. It was an area to which women traditionally took clients to do business, because it is very industrial and contains a number of derelict warehouses. However, it was not a traditional area for prostitution. That is why the relocation of the zone failed. I understand that the residents and businesses had a legal basis for challenging the police, whom they accused of aiding and abetting the introduction of an illegal act to an area where it had not historically taken place. My preference was to maintain the zone in Coburg Street, which is a traditional area for prostitution. It will be very difficult to move street prostitution out of such areas. Tolerance zones are likely to be created in and around traditional areas.

It is very difficult to create an area for prostitution. As areas such as Coburg Street are regenerated, is it appropriate for street prostitution to occur there? We are talking about primarily residential areas. The women say that they do not want to work in residential areas, so we need to consider how to manage the situation in a way that benefits not only the women, but the community, and which reduces the nuisance that can be caused by street prostitution.

**Iain Smith:** The bill suggests that a code of conduct would be drafted as part of the introduction of a tolerance zone. What should such a code contain? How could it be enforced?

**Ruth Morgan Thomas:** A code of conduct operated in Edinburgh when we had the non-harassment zone, and the women respected it. The code set out the hours within which soliciting would be tolerated and it stipulated that partners and drug dealers should not enter the zone. The women worked towards those objectives, because the code of conduct was discussed with them and there are things that the women do not want. We must listen to the community, but we must also listen to the women. We should introduce a code of conduct that the women respect.

When the Edinburgh non-harassment zone was moved from Coburg Street to Salamander Street, I was asked to guarantee that all the women would move. I said clearly that I could not do that because I had no control over the women, but that we would encourage them to move. I was not convinced that all the women would comply, but when the zone moved there was 99 per cent compliance. That was phenomenal—it was way beyond anything that I had expected. If we can demonstrate clearly to the women involved that there are clear benefits for them and that they must give something back, that is fair and the women will accept it. Even the women who came from the west coast and were drug users respected the ground rules of the new area.

**John Young:** My first question is addressed to the convener. Did you say that kerb-crawling is illegal in Scotland?

**The Convener:** No, I said that kerb-crawling is not an offence in Scotland, although soliciting is illegal.

**John Young:** On page 7 of its submission, SCOT-PEP states that West Yorkshire police charged drivers with kerb-crawling. Is there a difference between Scots law and English law in this area?

**The Convener:** Yes.

**John Young:** That has cleared that up. Now I can put questions to the witnesses.

You mentioned the John school and say that West Yorkshire police did not appear to regard it as a success. The scheme is based on an American model from San Francisco. The San Francisco police got the idea from the Stockholm police. However, police officers who gave evidence to the committee a few weeks ago said that there was a difference between the West Yorkshire scheme and the schemes in San Francisco and Stockholm. When I asked about the San Francisco John school I was told that in San Francisco the police could threaten to have the names of kerb-crawlers published in the press, so that their wives—if they were married—or other people would see them. The Swedish police had similar powers. Under the European convention on human rights, we cannot do that.

Do you think that the police made a fair point? Do you think that there is a place for John schools or workshops of that type? They do not appear to have worked in Leeds, but that does not mean that they will not work in other areas.

**Ruth Morgan Thomas:** I do not support the idea of John schools in terms of the aims that I put in the written submission, which are about preventing men from buying sex and putting off those who have done so. There are serious issues

of violence, exploitation and abuse of sex workers and I want resources to be put into addressing things that harm sex workers.

We have not gone with the Swedish model and criminalised the buying of sex. The selling of sex is not illegal in this country and yet so many things that impact directly on sex workers' safety and well-being are illegal and make them more vulnerable. The experience of John schools in England would be reflected if we went down that road. We should seriously consider apprehending men who attack and abuse sex workers and those who exploit sex workers, because that is what our legislation was put in place to do in the first place. We should seriously consider addressing with those individuals why they believe that women—not just prostitutes, but any women—should be treated in that way. That is the issue that we should consider in relation to John schools. We should consider the rehabilitation of men who attack, violate, rape and murder women and we should consider why those men do that, rather than why men buy sex.

**Senga MacDonald:** I wanted to say something about the code of conduct. I am concerned that a code of conduct would not allow the kind of flexibility that we can provide. My concern is that a tight code of conduct would not allow itself to respond flexibly to changing issues and changing concerns within the community. I support limited time scales, but anything beyond that could be counterproductive.

**John Young:** My final question concerns tolerance zones, which I think gave added security and safety, as far as one can do that. I noticed in the report that, once tolerance zones ceased, a number of women who came from Glasgow and the west tended to go back, because they thought that they were safer. There were a number of murders of prostitutes which, in the main, have never been solved.

I put this question to the police officers as well as to the other witnesses. Bearing it in mind that we are told that prostitution is the oldest profession in the world, that it will always exist and that the vast bulk of the population—including the committee—are sorry for women who have to go on the streets, have you given any thought to state-run or municipally run centres or brothels that follow the French pattern? Do you think that such centres might prove to be safer for women, who would have better medical checks, and that they might to an extent take away the problems that there are in establishing tolerance zones in certain areas? I am not saying that there would not be problems with centres of that type, but is there anything to be learned from the French system?

**Senga MacDonald:** Centres of that type would address some of the needs of a small number of

the women about whom we are talking, but we are talking about a different population. Many of the women with whom we are working have not made a career choice and they would be reluctant to take what they would see as an additional step towards that. I really do not think that such centres offer an alternative as such, but they are another option.

**Ruth Morgan Thomas:** The sex industry in its broadest sense is not just about street prostitution. Edinburgh probably reduced street prostitution to as low a level as possible. I agree absolutely with Senga MacDonald that street prostitution provides an opportunity for women who will never be able to hold down full-time jobs until they stabilise their lifestyles, get their drug use under control, get their housing issues addressed and address some of the abuse issues from their past and—in some cases—their present. Those women will not be able to work in the indoor sex industry. Whether a brothel is state-run or privately run, it is like having a full-time job for the women who work there. They have to turn up on time and they have set hours; they cannot come and go as they please.

One reason why women are led into street prostitution from the drug-using community is that prostitution has none of the rigidity that is normally associated with work. If we consider only the street prostitution scene, I do not think that legalising brothels of any sort will be a solution that will enable those women to move out of street prostitution. Nevada has had legalised brothels for many years; it was believed that they would eradicate street prostitution in the state, but they have not. A two-tier market has been created in which women who work on the streets are a hundred times more vulnerable than they were when prostitution was illegal throughout the state.

The sex industry is complex. One cannot tinker with a bit of it and expect the rest of it simply to sit there nicely or disappear. We are experiencing that in Edinburgh. One small shift in the overall approach has been made in Edinburgh and that has had phenomenal consequences.

15:00

**Dr Jackson:** You say that the sex industry is complex. The more I hear about it, the more complex I think it becomes. The importance of flexibility in different geographical areas has been mentioned. We have information in front of us from the Routes Out of Prostitution social inclusion partnership in Glasgow. Will the witnesses say something from the Aberdeen and Edinburgh point of view about the Glasgow approach? That would help me to get things in perspective before we move to another question and would give a more holistic view of matters.

**Senga MacDonald:** I am not sure whether I can comment on the Glasgow approach. Different approaches are required in different areas and I do not have direct experience of the situation in Glasgow, so I would be reluctant to comment.

**Ruth Morgan Thomas:** I would have to say the same. Sex industries in different cities evolve in different ways. Any strategy can be adopted as long as we consider the requirement for an evidence base for strategies and policies and can prove that they will benefit sex workers as well as the rest of society. Local authorities should have flexibility.

Despite the similarity in the zones, the sex industries in the two cities are very different. There is not the significant bulk of women in indoor establishments in Aberdeen who are involved in prostitution. One cannot say, "Here is our model and it will work for you." The sex industry is not like that; it evolves and builds itself around local law enforcement policies and legislation. That is why it has lasted so long, even though it is illegal or criminal. In Iraq, sex workers have been publicly executed for selling sex, yet the sex industry continues there. It works around whatever is in place. One needs to work with the sex industry that exists; one cannot pick up a new one and put it into a city.

**Dr Jackson:** Senga MacDonald said that she did not have direct experience of what is happening in Glasgow to enable her to comment on the Glasgow approach. You are saying that sex industries have grown up as they have done as a result of what is happening in areas. Are you saying that what has developed in Glasgow is appropriate for Glasgow's problems?

**Ruth Morgan Thomas:** I had a look at the paper from the Routes Out of Prostitution SIP. It states the strategies that are required and SCOT-PEP agrees with those, although there is potentially a difference in what we mean by harm reduction. Can we promote the self-worth of sex workers while they are sex workers?

**Dr Jackson:** You mentioned that collective working has been a big plus point in Edinburgh and how you previously worked with the tolerance zone. Is it possible to move towards collective working without a tolerance zone? Glasgow would argue that it is also trying to work towards that.

**Ruth Morgan Thomas:** Glasgow has a historic red-light area. Whether it is referred to as a tolerance zone or as a safer-working zone, the women there work collectively. If you walk through the city centre or the red-light area, you will see women standing on the same street, shouting or talking to one another, exchanging safety tips and so on. That is what used to happen in Edinburgh, but now one woman will tend to walk around each

area. They are usually very mobile, as covering significant distances avoids loitering charges. They do not work more than two at a time and have lost the ability to communicate.

The staff team regularly asks itself what it can do to try to bring the women back together to support one another, or to persuade them to take the time to submit so-called ugly mug attack reports—it takes quite a while to do one of the reports that we do on attacks; perhaps half an hour—to protect women who just a year ago were working side by side and were protecting each other. It is possible to encourage and nurture that sort of working if the women are working in an historic area, but it is an incredibly difficult challenge.

**Dr Jackson:** If there is a red-light area in Glasgow, could it not be used to encourage such collective responsibility?

**Ruth Morgan Thomas:** Absolutely. That is what I am saying. There is an historic area in Glasgow, where women work together, unlike in Edinburgh and in many English cities, where there is almost zero tolerance. There, the women are ducking and diving; they cannot stand on the streets in groups of three or four, because that brings too much attention.

**Dr Jackson:** So why is a tolerance zone needed?

**Ruth Morgan Thomas:** I think that we need a tolerance zone because, in Edinburgh, women cannot work collectively.

**Dr Jackson:** They can in Glasgow, can they?

**Ruth Morgan Thomas:** Yes, they can.

**John Young:** Is that not to do with the geography of the cities? There are a lot of lanes in the centre of Glasgow, where women can operate at either end.

**Ruth Morgan Thomas:** Because many of the women in Edinburgh are known to the police, because of the trust and co-operation that was built up during the operation of the non-harassment area, they are now being forced to go down side streets. If they go out and work in twos and threes in side streets in north Leith, which are primarily residential, the residents who live there will phone the police and the police's priority is to respond to those complaints. If they fail to respond to them, the residents become very vocal. The people who live in the particular area of Leith where the women work do not feel that the police are doing enough, yet women are regularly being cautioned and charged by the police because of the heavy policing. The women cannot afford to pay their fines and finance their drug habit, so they go out working more.

Dr Jackson looks quite puzzled. Perhaps we could invite you down and take you out on the street where you will be able to see the situation. The women will not work collectively, because they become targets for the residents and for the police, whom they are seeking to avoid. Their interest in being on a certain street is to make money. For the majority of them, that is to buy drugs. They will put themselves in danger to do that, and they will work on their own.

**Dr Jackson:** So you are basically saying that there is no area in Edinburgh that could work in a similar way to the area concerned in Glasgow.

**Ruth Morgan Thomas:** There is no such area at present. The Coburg Street area was heavily policed following the relocation of the zone, and Salamander Street was incredibly heavily policed. The women have been driven out of the historic areas, where they used to work collectively, into side streets. They believe that they can reduce the chances of the police arresting, charging and cautioning them, and of being fined, by working in isolation and by trying to blend into streets that other people will be wandering along. We do not have a red-light area in Edinburgh.

**Ms Margo MacDonald (Lothians) (SNP):** I think that we will be able to resolve some of these final points by asking the people from Glasgow the same questions.

**The Convener:** Do not worry—we will.

**Ms MacDonald:** Ruth Morgan Thomas was saying that there is currently no red-light area in Edinburgh. Believe me: I have rattled round some places where there could be tolerance zones should the bill become law—there are potential areas—although the choice of areas is not part of the bill. That decision would be entirely up to local authorities once they have the legal ability to make it.

I would like to check something that Senga MacDonald said so that I am absolutely clear about it. Prostitutes in Aberdeen said that they did not think that they had benefited—“benefited” was the word that they used in their response—from the establishment of a tolerance zone there. I think that I heard Senga MacDonald say that that was because, in the time leading up to the recognition of a given geographical area, the other elements of a tolerance policy were already in place. Provided that they did not think that there was additional or associated criminality or any great public annoyance, the police were not cautioning or charging. As a result, when the women were told that they could only behave as they were behaving inside the constricted area, the step was retrograde from their point of view. The issue was not the sum of the elements of a tolerance policy; it was the geographical constraints.

**Senga MacDonald:** That is right. There had been a tolerant approach within the wider area—there was a tolerance zone, but it was not stated as being a tolerance zone, so the right to prosecute was still there. Often, when our outreach workers went down there, the streets would be empty and people would be up side streets. They would disappear because the criminal investigation department or whatever had been down. From time to time, it was much more difficult to access them within that area. In the main, the women said of the tolerance zone that it was the natural area and that it was helpful.

**Ms MacDonald:** The next point concerns the size of the geographical area that a council could designate. In Utrecht and all the other places where such measures have been put into effect, it has been found that it is important to get the size of the area right. When I was in the area in Aberdeen, one street seemed to me to be a suitable area, if you like, in that there could be no possible public annoyance, but there was no street lighting.

I want to determine whether the constraints on having street lighting and closed-circuit television, for example, were the same as those we discovered in Edinburgh, where the council said that it could not spend public money on introducing facilities that would make for a safer environment for everyone concerned. Is that why there is no lighting in that long, straight street—I forget its name? Is it the case that the women will not go into it because it is not safe enough?

**Senga MacDonald:** Certainly, that is an issue. They are concerned about their safety within the area. I know the street that you are talking about.

There are mixed views about CCTV. Some of the women have concerns about it, and although there is support for it from a number of the women, if there was CCTV in the dock tolerance area, it could keep some of the most vulnerable women, who are just entering prostitution, out of it.

**Ms MacDonald:** If there were the sort of consultation that I have outlined as being required before a zone is designated, I presume that that sort of issue could be ironed out at that stage. It could be decided whether having CCTV would be suitable.

**Senga MacDonald:** Yes. I would say so. I want the need to consult the women to be reinforced.

**Ms MacDonald:** Section 2(4) of the bill states that those who are consulted can include people who are thought fit to be consulted. I do not want the bill to state specifically that prostitutes will be consulted, but the people who live and work in an area should be consulted.

I will ask George Lewis a question, before I finish. He must be feeling a wee bit left out.



Criticisms have been made of the general approach of non-harassment or tolerance zones—or whatever you want to call them—and harm reduction, because, it is said, they sanitise what is not an easy or pleasant way to earn a living and make it easier for those of us who do not earn our living in such a way, by placing prostitution out of sight and out of mind. You are vice-chair of a support organisation. How true does that ring? I do not expect you just to say that you disagree with the point. What is your response? We know that if we find another place in Edinburgh, it will probably be out of sight. Does that mean that it will be out of mind?

**George Lewis:** There is a whole moral can of worms there. Would Ruth Morgan Thomas like to take that one up?

**Ruth Morgan Thomas:** It certainly would never be out of mind. The areas that we have operated in Edinburgh for nearly 20 years have not been out of mind. I remain confident that the media, at least, will never let prostitution be out of mind. It sells newspapers.

I am sorry; that is probably not the answer that Margo wanted.

**Ms MacDonald:** No. I do not know why you are taking it out on the press.

**Ruth Morgan Thomas:** One of the things that we have been clear about since losing our zone is that women in Edinburgh should not disappear out of sight and out of mind. We remain committed to that. We hope to have a zone again but, with or without one, the women who are working on the streets will not be out of our minds, nor, we hope, out of the minds of the public.

15:15

**Ms White:** Because Coburg Street and Salamander Street in Edinburgh have been through regeneration and so on, the women have been moved outwith the area. Regeneration is going on in Glasgow. If the bill is enacted, a tolerance zone could be established there. I am not saying that that will happen, but if it does and regeneration continues, how will women be able to operate if the zone is outside the city centre? Most red-light districts have always been in places that are easily accessible, such as along the docks. Do you envisage people being bussed out to industrial zones? That is a practical problem with tolerance zones that must be addressed.

**Ruth Morgan Thomas:** Although I recognise that zones should not be in residential areas, I also hope that they are not stuck on the outside of a city. It is critical that the women who are working are consulted about areas. Unless we get the area right for them, it will not work.

Consultation with the women is important so that we discover how they get to an area and whether transport is available. Do not assume that they have cars or can afford taxis. Sex workers must be consulted to identify potential areas. Things should not be forced upon them, and their voices need to be listened to by local authorities. If sex workers say that a certain area is too small and that it will not work, or that the area is in a location that they cannot reach, the need that led them to street prostitution will continue to lead them to work as they always have done. It is essential that we include them as stakeholders and listen to them as well as to the community. The women must be a vital part of discussions.

**The Convener:** Would Senga MacDonald like to add anything?

**Senga MacDonald:** No, I fully agree.

**The Convener:** We have exhausted all the questions. I thank the witnesses for answering the questions in the way that they have done so.

The committee has a difficult role to perform. We must consider whether, where and how tolerance zones fit into the whole idea of finding routes out of prostitution. Ruth Morgan Thomas said that she and Glasgow are saying the same thing. I am sure that everyone around the table agrees that, in the final analysis, we are moving in the same direction.

We must be realistic about some of the things that John Young said. I suspect that we will never get rid of prostitution. We must consider ways out for women, so the committee must decide whether the legalisation of a tolerance zone is part of that picture—is it necessary or not? That is a difficult question to answer. I would like to think that Government, through its policies on poverty, homelessness and all the issues that relate to the women who work in the sex industry and elsewhere, tries to prevent prostitution, by making people feel their own worth. We must consider preventive projects, rather than try to manage something with which we are not happy. It is a hard task, but we shall do our best. I thank the witnesses once again.

15:19

*Meeting suspended.*

15:31

*On resuming—*

**The Convener:** Okay comrades, we can continue. I welcome Jan Macleod, the development worker for the Women's Support Project (Glasgow), and Anne-Marie Manning, the project manager for Base 75.

As you have been sitting in the public seating, I guess that you have been listening to what has been going on and know the drill. The committee has read your submissions, but perhaps you will give us a short overview of your projects as they relate to the bill. I will then open up the meeting for questions. I understand that Jan Macleod is to start.

**Jan Macleod (Women's Support Project (Glasgow)):** I thank the committee for inviting us to appear before it today and for giving us the opportunity to speak about our work in Glasgow. Although I work with the Women's Support Project, I am appearing before the committee today to represent the Routes Out of Prostitution social inclusion partnership, which I chair. As the convener said, Anne-Marie Manning is the project manager for Base 75. She is also a member of the Routes Out of Prostitution partnership board.

I will speak about the view of the partnership, which is the view that is taken in Glasgow, that the proposed legislation is wrong in principle. Anne-Marie Manning will speak about the realities of working with women who are involved in street prostitution and about the difficulties of managing that problem.

Routes Out is funded by the Scottish Executive to address the social exclusion of women who are involved in street prostitution. We are trying to reduce the number of vulnerable women who go into prostitution and to support actively women who want to get out. A small intervention team, which is also funded by the Scottish Executive, offers direct, intensive support to women who have expressed a desire to leave prostitution. The views and work of the intervention team are used to inform the strategic development of the partnership.

The partner agencies, which are the Strathclyde police, Greater Glasgow NHS Board, Glasgow City Council and voluntary sector groups, recognise that prostitution is a harmful activity for women in and of itself. That is often overlooked. We recognise that, over and above the many physical and verbal assaults that women suffer, the activity of prostitution itself causes severe and lasting physical and mental health problems.

The Routes Out partnership has stated publicly that it believes that prostitution is neither acceptable nor inevitable, although that is something that is often said. It has also stated that it is no more unrealistic to challenge the harm that is caused through prostitution than it is to challenge the harm that is caused by other forms of social exclusion, such as poverty, drug addiction or domestic violence.

I do not think that the matter can be left completely to local discretion, although there is a

need for flexibility in some details of the management. However, if the practice is wrong, it is wrong, and being pragmatic about the matter will not make it right.

Any approach to prostitution needs both short-term and long-term measures; the problem will not be helped in any way simply by introducing short-term or piecemeal measures. The most crucial thing is to understand the cause of prostitution and to have the faith and the commitment to reduce the demand for prostitutes and therefore the abuse that women suffer.

Several paragraphs of my submission consider different views of prostitution on which I would be happy to answer questions. However, I want to focus on a number of issues in the submission. First, I should make it clear that prostitution is not caused by women; it is never a free choice for women, other than the choice between a rock and a hard place. The women who use support services such as Base 75, the intervention team and SCOT-PEP talk about childhood experiences of physical and sexual abuse and neglect and adult experiences of homelessness, poverty, domestic violence, drug addiction and mental health problems. Those factors cause vulnerable women to be forced into prostitution; they are not the cause of prostitution itself. Prostitution is caused by a demand to buy sex, which comes from men.

One of our background papers reprints an article by Professor Donna Hughes, who says that prostitution

"is abuse and exploitation of women and girls that results from structural inequality between women and men".

Women get involved in prostitution because they are desperate. However, they also know that it is a successful way of earning money because there seems to be an unending demand for prostitution, including street prostitution. We must be clear that we are not talking about a need for sex; instead, we are talking about an attraction towards buying sex in a very unequal situation, which is why there is still a demand for women who are involved in street prostitution. In some cases, those women are barely conscious or are barely able to look after themselves.

The men who use women in prostitution have been noticeably absent from public debates on the subject. Furthermore, they are not usually criminalised in this country, even though women face prosecution for soliciting. That is a very important starting point for understanding that women do not cause prostitution.

I want to move on to discuss the options for response. One option is to accept that prostitution has been a long-standing activity and that there is a demand for it. Would legalising the activity solve

the problem? Ruth Morgan Thomas very eloquently answered that question by pointing out that such an approach would create a two-tier structure and that the demand for prostitution would remain. I very much endorse that view and would add that, if we examine other areas of the world where prostitution has been legalised, we find that legalisation does not remove the harm that women suffer. Moreover, anywhere that prostitution activity is legalised or condoned attracts demand on the periphery for illegal activity such as underage sex or sex with trafficked women. As members will have gathered, I am not in favour of legalising prostitution or taking steps towards doing so.

The second real option for response is harm reduction, which is essential for the foreseeable future. It is very important that harm-reduction projects such as Base 75, SCOT-PEP and others continue to be funded. Indeed, they need increased resources as many current harm-reduction measures are mainly concerned with public health issues and do not have the resources to tackle the harm that is caused through the activity of prostitution itself.

However, I believe just as firmly that every harm-reduction project should be matched by resources to help women actively to reduce or end their involvement in prostitution. If we are not doing both, in effect we are condoning the abuse of women through prostitution. The SCOT-PEP representatives spoke about previous funding that enabled them to support women to exit prostitution. I hope that such funding will be continued or restored.

The third option would be tolerance zones. I believe that that approach is one of out of sight, out of mind, not on the part of concerned support agencies, but on the part of the public and politicians in general. The evidence from other areas, particularly Melbourne in Australia, is that when official tolerance zones are created, violence and crime thrive. In fact, they often get worse.

I honestly find the prospect of developing a code of conduct for those who would use the tolerance zone quite mind-boggling. How can we anticipate what demands will be made of women who are involved in prostitution? If we consider other countries that have moved towards legalisation and have had to bring in minimum standards or guidelines for services, we find that that has led to some convoluted and complex discussions. For example, when the Government in the Netherlands recommended as a minimum standard that women working in brothels should have one pillow, the brothel owners and the women involved rose up in arms and the women refused to work with pillows for fear of getting suffocated by their customers. The area is almost

impossible to legislate for completely. There are real questions about who would enforce any code of conduct within the tolerance zone.

Although the women's safety is extremely important, I find the claims for improved safety within the tolerance zones dubious. They are not backed up by the evidence that we have in Glasgow. Anne-Marie Manning will speak to you about some of the figures that reinforce that point. The one major advantage of an official tolerance zone for the women is that they would not be arrested for soliciting. That would remove the gender inequality that exists in the law. However, it is also the Women's Support Project's view that any benefits of a tolerance zone, including the removal of the gender bias, can be achieved in other ways and that, in fact, to some extent, we have achieved them already in Glasgow without the need for the legislation.

The further problem that I have with the bill is that, although I agree completely with the intent behind it, in effect, it legitimises prostitution. It creates a difficult situation in which an activity is legal in one area and illegal in another. It does not sit right. If we accept that prostitution is harmful, we must stand by that opinion. Any public response must include addressing the root cause of that problem. We must ask whether the introduction of tolerance zones would challenge the root causes or would just make life easier for those who wish to buy sex.

The final option would be decriminalisation. There is growing support among campaigning groups for the decriminalisation of prostitution, providing that adequate safeguards are put in place. It is important that people understand that putting in place only one of the possible safeguards is not enough. We need a whole package of safeguards to address every possible aspect of how women could be exploited, coerced into prostitution or commercially exploited in prostitution.

If we decriminalised prostitution for women, thereby removing the gender inequality that exists, we would need to accompany that with the criminalisation of third parties profiting from prostitution. We would also need to accompany it with the criminalisation of the buying of sexual services, as has happened in a couple of other countries in Europe. Equally important, we would need to continue to resource the harm-reduction work and match those harm-reduction services with services to help women to get out of prostitution.

15:45

We have seen progress in Glasgow and would be happy to answer questions on it. There are now

much stronger links between the harm-reduction work that takes place in Base 75 and the intervention team that proactively works with women to get them out of prostitution at the point when a woman expresses an interest in making a change.

The fourth safeguard would be education. We need to educate young people. There is strong evidence to show that young people believe that prostitution is glamorous. The issue has been blurred by the promotion of table dancing and lap dancing and by the sex industry promoting how much money young women can make out of such activities.

The Glasgow City Council education department is now offering information about prostitution to young people in secondary schools. Last year, I was involved in some workshops that used drama and in which young people considered a situation where a young girl was drawn into prostitution. The evaluation forms showed that 99 per cent of those young people felt that that information had changed their views on prostitution and that they now realised that not everyone went into it because they were sex mad. That was not expressed quite so politely on most of the evaluation forms, but there was a major shift in their attitude.

I will just finish off my part and then Anne-Marie Manning will give you further information. The Routes Out of Prostitution SIP is currently exploring options for legal reform, including means of challenging the behaviour of men who use women in prostitution. The partnership will also continue to work to use the information that comes from direct services and from the women themselves to work to remove any structural barriers that prevent women from moving out of prostitution once they have been caught up in it.

In the two years since the intervention team was established—I stress that the team is small compared with the problem—it received 149 referrals, many of which were self-referrals, which is encouraging. The team has a live case load of 46 women and 34 have left prostitution. Of that 34, three have gone on to further education. Those figures are encouraging when you consider the complexities of the problems that the women have and the number of women in the Glasgow area who are involved in prostitution. We can make a difference. The starting point is to be clear about the fact that you can make a difference if you make a commitment.

**Anne-Marie Manning (Base 75):** I manage Base 75, a joint social work and health project which, since 1989, has delivered a direct service to women involved in street prostitution within Glasgow city.

I have two basic starting points. First, I reiterate what Jan Macleod said—prostitution is intrinsically harmful to women. It is an additional harm to the rape and sexual and physical assaults that women are subjected to daily.

I know that the committee is aware that the majority of women who attend the project have a problem with intravenous drug use. We know whether women have a heavy drugs problem before they come into the project. By virtue of their involvement in prostitution, their drug use increases and there is a cycle of increased drug use and increased prostitution to fund the drugs habit. The further into that cycle a woman gets, the harder it is to get them out of it and the more hopeless the situation becomes.

The second point is that in my experience of the project over the past 18 months, it has become clearer to me that prostitution and women's involvement in prostitution are a complex problem and there are no easy solutions. I have realised that through trying to provide a direct service to women. It is about respecting the women, working with them, trying to find solutions and supporting them while challenging their behaviour and lifestyle.

When I was considering the proposed legislation, I looked specifically at the benefits that were said to be gained from legislating for a tolerance zone and I linked that to my experience in Glasgow. The first benefit mentioned was that women would be safer. It is not my experience in Glasgow that it would keep women safer.

We keep reports of women who have been attacked. Prior to appearing before the committee, I examined 100 attack reports that we have received over the past two years. Only two attacks happened within the drag area, of which the committee is aware. All other attacks, sexual and physical, occurred either in the lanes on the periphery of the drag area or in other areas of Glasgow, such as industrial estates, parking lots, or hotels. A large number of attacks occurred in the men's flats or in the car travelling to and from where the sexual act took place. As a rule, women do not get attacked in the pick-up area, especially when it is policed and CCTV cameras are present.

On the reduction in underage prostitution, we all have a problem with children who are involved in sexual acts. I see that as child abuse rather than underage prostitution. Part of the problem is that it is very hidden.

In Glasgow, there are CCTV cameras in the drag area, where Base 75 is located nearby. Young people tend not to come into the drop-in centre because they know that we would implement child-protection procedures. Therefore, we do not see the children, who tend to operate on

the periphery. If young people are on the periphery, women who use the drop-in centre will tell us that they have seen a young person, but the difficulty is that they are a hidden problem. I do not think that young people would be seen in a tolerance area. They will not be there because the area is policed and there are cameras.

The introduction of crack cocaine, which is attributed to the removal of the tolerance zone, is, according to the police, a national problem. The criminal community, which introduced crack cocaine into the country, is specifically targeting women in prostitution. Because it is a more addictive drug, users need more crack cocaine than heroin, so women will need to prostitute more in order to get it. That is not my personal knowledge, but I have been told that.

Our experience is that there are hangers-on and drug users around women in prostitution. One of our difficulties in getting women out of prostitution is that the men with whom they live—partners, fathers or brothers—have a vested interest in maintaining the women in prostitution because they need the money from the woman's prostitution to fund their habit. Sometimes, if a partner goes to jail, it will be easier for us to work with the woman to get her out of prostitution because there is nobody with a vested interest in actively encouraging her to get involved in prostitution.

Legislating for a tolerance zone is an attempt to manage what seems to be considered an inevitable situation. I do not think that we should be managing it; we should be trying to work with women and to change attitudes to prostitution. It is very similar to how domestic abuse used to be addressed. It was ignored, and it was felt that it was inevitable, but that has not stopped the Scottish Executive in its campaign that it is not right. We need to adopt the same attitude towards prostitution. We need to challenge it, and challenge how we, as a society, consider and deal with it. We must try to support women, in order for them to get out of prostitution.

**The Convener:** Thank you both very much. Jan Macleod said that part of the whole picture and the work of the partnership is the need to address sex education. Did you visit one school?

**Jan Macleod:** Several schools were piloted. In Glasgow, we use a pack called "Action Against Abuse". It mainly focuses on domestic abuse but covers other areas—respect in relationships, child abuse and so on. That pack now includes a lesson on prostitution.

**The Convener:** Are you experiencing any problems in schools in delivering that particular part of the pack?

**Jan Macleod:** No. Unfortunately, not only did the pupils have sophisticated information about

prostitution—these were mainly third-year pupils but there were some fourth-year and senior pupils—many of them were able to talk about women in their communities who were working in prostitution. One of the male drama workers explained an interesting point to me. I thought that the boys were winding him up at one point because they were insisting that the lassie would have wanted to do it. However, the drama worker explained to me that the young boys were so desperate to have sex that they could not imagine turning it down. Their view of women who went into prostitution was that they were sex mad or tarts—they used a lot of disrespectful language about the women. For them to get some sensitively handled information about a young woman who is tricked or coerced into prostitution by an older boyfriend served as quite an eye opener and changed their minds.

**The Convener:** There is a vast difference in the number of street prostitutes between Edinburgh and Glasgow and, as Richard Simpson mentioned, many more prostitutes in Glasgow get fined and end up in Cornton Vale because they cannot pay the fine. If they were not being fined—because they were operating in a tolerance zone—perhaps they would not have to be out on the street as often because they would not have to raise extra money to pay their fines in order to avoid going to prison. Could tolerance zones help them to avoid the vicious circle that it is possible for them to get into?

**Jan Macleod:** It would benefit the women if the gender bias were removed and they were not fined. However, as I said earlier, if the gender balance is removed without safeguards, there will be an increase in prostitution and in women being coerced into prostitution, including trafficked women. In Glasgow, we have an area in which the women and support services advise the women to work because it is felt that it will be marginally safer for them there. However, I am sure that the police will have stressed that by no stretch of the imagination is it safe for the women to work there. To be quite honest about it, it is only safer in the sense that, if a man picks you up and takes you away and attacks you, the police have a better chance of catching him because he has picked you up under CCTV. It is debatable whether he is less likely to attack you in the first place.

We have an area of discretionary policing. It is still policed but, if women operate in the area in which they are advised to operate and are non-violent, there is minimum enforcement. The situation is strange because, if someone stands on one corner, they will be arrested for soliciting but, if they stand on the opposite corner, they will not be. The women who operate in that area are much less likely to receive fines and are therefore less

likely to get caught up in the revolving door of Cornton Vale.

**The Convener:** Most of the women are drug users. If they are arrested for soliciting, would it be better for them to go to the drugs court than to be fined, because the drugs court provides a system wherein there is a chance that support workers will help them?

**Anne-Marie Manning:** It may benefit the women more to be referred to the drugs courts. Drug workers say that, because of the cycle that I tried to explain, women who prostitute themselves have more chaotic lifestyles and are more difficult to deal with than other groups of drug users. The difficulty is that women are directed to the drugs courts. Given the other pressures that exist, percentage-wise, I am not sure about the effectiveness of that system if the women do not try to make some move towards leaving prostitution and drug use.

16:00

**Jan Macleod:** Women in Glasgow with major drug addictions have become involved in prostitution. One of the main reasons why they end up in prison is that they forget to come to court. Those women have great stresses in their lives and have little to lose. For example, many of them have already lost the care and control of their children. A package of measures to help them is needed. Glasgow has the Drugs Crisis Centre and the Turnaround project, through which women can be diverted from the court system. The new time-out centre will be a further option.

**Dr Simpson:** I pay tribute to Base 75. When I was the medical officer at Cornton Vale, I worked with some of Anne-Marie Manning's predecessors and was always very impressed by the work that was done by Base 75.

We are in danger of falling into semantic arguments. The Women's Support Project, Base 75 and Routes Out of Prostitution are looking for increased contact, a reduction in violence, sexually transmitted diseases and the harmful use of drugs, help to stabilise the women's lives and increase their self-worth, and funding for the support necessary to provide women with a route out of prostitution. Each group that has appeared before the committee, including Aberdeen City Council and SCOT-PEP, is seeking the same things, but in slightly different ways.

Glasgow has a tolerance zone where the police enforce the law less and the women are regarded as being slightly safer. Edinburgh could not argue that its tolerance zone is safe, but the police in Glasgow, through their liaison officer, do not enforce the law in quite the same way. Elephants have trunks and tails and are large and grey, but

there may be a difference in size between Indian and African elephants.

The police in Edinburgh and Glasgow operate identical policies, but the question is whether a legal tolerance zone would add anything to existing provisions. There is a question that must be answered in Glasgow. In the 23 years that I worked in Cornton Vale, I rarely treated women from Edinburgh who were in the prison because of offences linked to prostitution, yet we heard earlier that approximately 60 women are admitted for such offences—usually fine default—every year. I do not believe that imprisoning women for prostitution does society any good. Establishing a tolerance zone in which women would not be prosecuted in that way might improve the situation.

Is there benefit to be gained from ensuring that a tolerance zone in Glasgow will continue to exist? The zone has been moved once and further moves could cause difficulties. As the new zone becomes more domesticated, Glasgow will encounter the same problems as are faced in Edinburgh. Like people in Edinburgh, the citizens of Glasgow will say that they will not accept the zone any more. Unless the council in Glasgow has the capacity to create a new zone somewhere else, how will it deal with the problem without falling foul of the problems that were experienced in Edinburgh?

**Jan Macleod:** No one has a complete answer to that question. I agree that the area in Glasgow, which is known as the drag or red-light area, is being squeezed as the city centre is developed, and another location is not immediately apparent. The situation is difficult and is likely to become more so.

The Routes Out of Prostitution social inclusion partnership and its partner agencies are clear that they will not change their minds about the fact that prostitution is harmful. Legislating in the way proposed by the bill would condone the activity of prostitution and I do not see how such legislation would make women any safer than they already are, given what we have done in Glasgow. The bill would not help us.

To my mind, the only logical reason for introducing the legislation is to use it to force a prostitution tolerance zone into an area where people—including the women who are involved in prostitution—do not want it. For example, if someone tried to create a new zone in Glasgow, it would be far away from the city centre, which does not bear thinking about.

In Glasgow, we will have to consider taking a flexible approach. We must be clear that the people who are causing the harm are the people who use women in prostitution. It is not the council

or the police who put the women at risk—the risk comes from the men who are involved in buying sex.

The Routes Out of Prostitution partnership will have to continue to offer advice to the women on the safest way of working, which might be less safe than at present. We are going to have to work as hard as we can to provide opportunities to offer the women alternatives wherever they come into contact with services. As part of that work, we are already looking at breaking down structural barriers. Some of that has been done through the rough sleepers initiative. There is now designated housing for women in prostitution, through which they have access to safe accommodation and support, irrespective of their debts or housing history. I believe that that approach is working quite well. It immediately puts women on a better footing to begin to get their lives back in order.

**Dr Simpson:** I think that you are saying what I was trying to say earlier, which is that we need to address the issue on a people basis, as much as anything else. However, I am worried by the evidence that we have heard from Edinburgh. The ending of its tolerance zone—its traditional red-light district—has had the effect of dispersing the prostitutes and making contact with them much more difficult and has substantially increased the level of violence. Given the squeeze that there is already on Glasgow, which I know about, I am worried that you will experience exactly the same thing. You will have dispersal, increased arrests and an increased number of women going to Cornton Vale prison, which is inappropriate. Your ability to contact the women and help them to move on has been built up since the mid-1980s—I think that Base 75 has been around since 1986 or 1987. However, that work will be seriously impaired without an effective non-harassment area or tolerance zone, whether or not it has a legal basis. We are faced with a serious situation in Glasgow that can only get considerably worse.

**Jan Macleod:** I have already acknowledged that the situation is likely to change, which is likely to make conditions slightly worse for the women. However, I have covered the fact that that is more or less inevitable. I am sorry, but the point that I was going to make has gone right out of my head.

**Dr Simpson:** My final point is that it may be important for the groups in Glasgow to consider the new time-out centre, which will be opened in June next year. It will be capable of taking 540 women who would otherwise be given short-term sentences of the type given for fine default and will provide detoxification and support at home. I hope that the groups will work closely on the development of the time-out centre, which is a joint initiative between the Scottish Executive and Glasgow City Council.

**Jan Macleod:** I would like to go back to your earlier point, now that what I was going to say has returned to the front of my mind. I reinforce what Anne-Marie Manning said about the complexities of the situation. You referred to concerns about the increased violence against women in Edinburgh, which obviously worries everybody. It is difficult to give straight answers about what is happening in street prostitution. In Glasgow, all the authorities that have worked together in partnership have genuinely worked hard to improve the safety of women. Fortunately, women have not been murdered on the streets in the past few years, but a senior police officer recently told me how frustrated she was by the press constantly quoting that fact. She said that the only difference between women who walk about in the red-light area and the women who were murdered is that, by some miracle, the former have kept breathing. There is no great public interest in the day-to-day violence that goes on. The women are violent among themselves and the customers are violent to the women. As soon as you have an area that is designated for prostitution, it attracts all sorts of people—mainly men, I have to say—for all sorts of reasons that you really would not want me to tell you about. It would put you off your food, believe me.

The women do not think of reporting the constant verbal abuse of men who drive round and round in cars, men on stag nights and young boys. In fact, the only person who was convicted of murdering one of the women in Glasgow was a young boy who bought sex from the woman with money that his mother gave him for his 19<sup>th</sup> birthday. All that abuse goes unnoticed, so it is hard to say what the level of violence actually is. However you look at it, it is too high.

**Iain Smith:** I am a little confused by some of the evidence, which, to be honest, seems slightly contradictory. Right at the start, the witnesses said that they were against tolerance zones in principle, but some of the things that are done in Glasgow are similar to what happens in tolerance zones. I do not see the difference, in principle rather than in practice, between a tolerance zone and what Base 75 does as a method of managing prostitution.

**Anne-Marie Manning:** I was talking about legislating for a tolerance zone. The authorities in Glasgow will not say that the city has a tolerance zone. What we have is an area where the women are allowed, are sensitively policed and are protected as far as possible—as Jan Macleod said, that is not very far—from the major harms that they will come into contact with. I am not saying that that is wrong; I am saying that, as a principle, legislating for tolerance zones would take Scotland one step further towards the legalisation of prostitution. To my mind, that says

we will accept that prostitution is okay within a particular area. Legislating for such areas simply integrates prostitution into society and takes us a step nearer to saying that prostitution is okay and inevitable and that we must manage it. I do not believe that; I believe that prostitution is similar to domestic violence, which used to be seen as a family problem that we should not interfere with. It is damaging and harmful to women and to us as a society that 50 per cent of the population can be bought and sold for the gratification of the other 50 per cent. That does not seem morally right to me. I do not know whether that answers your question.

**Iain Smith:** I note your comments and accept that your point of view is that prostitution is unacceptable. I do not dispute that. However, in reality, the routes into prostitution—poverty, drugs and abuse—will not go away overnight and you will not be able to educate overnight the percentage of men who buy sex—who do not make up 50 per cent of the population—not to do so. The problem of prostitution will not go away simply because we say that we do not think that it is a good thing.

The bill is enabling legislation. Why not allow local authorities to establish tolerance zones if they feel that such zones could be a way of managing prostitution better in their areas, as part of a programme to eliminate it in the longer term? The City of Edinburgh Council's view is that, because its non-harassment area no longer exists, it is more difficult for people to work with prostitutes on health education or to provide them with a more secure environment. Why do people from Glasgow think that authorities that believe tolerance zones are a good idea should not be allowed to set them up?

16:15

**Anne-Marie Manning:** I heard SCOT-PEP's evidence and I understood its view and the argument that it was making on Edinburgh's behalf. It is clear to everybody that the situation in Glasgow is different from the one in Edinburgh. The problems for women who are involved in prostitution are not going to go away, and prostitution itself is not going to go away. However, those are not reasons for not managing the problem. We did not pursue that argument in the case of domestic abuse and, although we have not extinguished domestic abuse, we have said, as a society, that domestic abuse is unacceptable. That is what we should do with prostitution. The women are not unacceptable, but prostitution is. If the women who come to the drop-in centre are asked whether they enjoy being involved in prostitution, they say that they do not like it and that they want to leave. Women in domestic abuse situations say the same thing.

They say that they love their partner but do not love the abuse. It is acknowledged that those women find it very difficult to leave, and the same applies to women who are involved in prostitution. Women hate what they are doing but cannot see a way out. The situation is complex and although I do not have all the answers, we are trying to find some.

**Iain Smith:** The Women's Support Project's submission includes statements that seem to have been made without a factual basis. Can you give a factual basis to some of them? In the section entitled "Options for responding", you suggest that "Violence and crime thrives in tolerance zones".

The evidence that we received from Edinburgh, however, suggested that the opposite was the case. In the section entitled "Decriminalisation", you indicate that you support the "criminalisation of men buying prostitution."

You go on to cite the Swedish example, but there is no evidence from that example that prostitution has been reduced; it has simply been hidden elsewhere. You also cite the example of John schools, but evidence suggests that they have had no effect on the behaviour of the men who attend them. Do you have the factual evidence to support the statements that you make in your submission, to persuade the committee that the Edinburgh evidence is not as valid as the Women's Support Project evidence?

**Anne-Marie Manning:** I will pass that to Jan Macleod, as she has the relevant paper.

**Jan Macleod:** We have evidence from across the world about the increased level of violent crimes in tolerance zones. Our submission was taken from a longer paper and the reference that was made to violence related to Melbourne in Australia, where the city has gone beyond having tolerance zones to having state brothels that are floated on the stock market. There is strong evidence from the authorities in Melbourne that not only does crime not decrease following the introduction of tolerance zones, but it increases. That was particularly the case with organised crime—Melbourne noted an increase in the fire-bombing of establishments, for example.

The Melbourne authorities also found that, although it had legalised brothel prostitution, there was still a demand for street prostitution. That is why it is so important to have an understanding of what is going on in prostitution. Prostitution is not about someone who is desperate for sex; it is about someone who is interested in sex in a very unequal situation. The fact that men can go into a brothel and pay to have sex in comfortable surroundings will not wipe out street prostitution.

I can give the committee strong evidence to show that, when prostitution is condoned or



legalised in one area, people will continue to supply the illegal activity. Those people are there because they know that there is a market for that activity. Was the second point about criminalisation?

**Iain Smith:** It was about the criminalisation of men and the evidence from Sweden that the problem was not eliminated but went underground.

**Jan Macleod:** That is another example of a complex situation about which it is difficult to give a hard-and-fast answer. I spoke recently to a woman in Sweden who chairs one of the main equality organisations and who is very involved in legal work including the fight against trafficking in women. I asked her to comment on the legislation criminalising the buying of sexual services. She said that it is hard to know what the effect is, because street prostitution has increased significantly in Sweden since the legislation was introduced. Indeed, street prostitution has increased right across Scandinavia. The issue is to do with women being trafficked into Scandinavia—and indeed across Europe—from the former Soviet bloc. The danger of attracting trafficked women is another reason for not condoning prostitution by having tolerance zones.

The woman in Sweden to whom I spoke said that, although the numbers had increased, she felt that the new legislation had had a significant impact on Swedish society because it had changed people's opinions about the nature of prostitution. It had created much more sympathy for the women who are involved in prostitution and had removed some of the structural barriers, with the result that the women are no longer criminalised.

The other point was about the John schools, of which I am not a huge fan. I would sincerely not want to be involved in teaching at such a school. I visited the so-called John school in England when the Routes Out of Prostitution project was being set up. I was impressed by the police officer who was involved, who was clear that the schools had a limited impact. He felt that it was not possible to touch the attitudes of someone with serious problems, such as a history of violence or of committing sexual offences, in a short space of time.

However, the police officer also felt that the school was effective in educating the men who had convinced themselves that they performed some sort of social service by using women in prostitution. Their reasoning was that the women concerned were poor lasses who needed the money, that they themselves were not violent men and that not hitting the prostitutes whom they used and giving them a tip was quite nice of them.

The input from the police challenged significantly the attitudes of those men. The officer concerned

made it clear to them that women who are involved in street prostitution do not profit from the money that they get, as it goes to drug dealers or money lenders. He made it clear to them that they were taking money out of their family's pockets and practically handing it over to organised crime. He pointed out that, as they would not want the people involved in organised crime in their communities, they should not condone the activities of such people by allowing them to profit out of the abuse of women.

The fact that an experienced police officer believed that the school had an effect on the chances of the men that it targeted going back to using women in prostitution indicates that we need to consider the use of such schools. However, such schools should not be used at the expense of resources for women, which should come first.

**John Young:** I agree with Richard Simpson—I do not think that prostitutes should be sent to prison at all. If I were a female and had to go on the streets as a prostitute, I would be terrified. Being a prostitute is more dangerous than being an astronaut or a coal miner.

I am beginning to suspect that Jan Macleod and Anne-Marie Manning attended a meeting similar to one that I attended some years ago in Glasgow City Council. An Australian lady spoke to us about the situation in Melbourne and the flotation on the stock exchange. Although I do not know whether she said that local prostitution was drying up in the state of Victoria, she mentioned that the Russian mafia, which is now the most powerful mafia in the world, was flying in women and even children and that south-east Asia had joined in. That was resulting in quite an influx.

I have already said that prostitution is described—rightly or wrongly—as the oldest profession in the world. How do we overcome the problems, given that Victoria is being swamped with prostitutes and that, as Jan Macleod mentioned, there is considerable movement in Europe and other parts of the world? Is there a solution? Prostitution has been going on for thousands of years, so there is no quick-fix solution. If the witnesses were dictators in this country, what laws would they introduce and what action would they take to try to halt prostitution? Is it possible to do that?

**Jan Macleod:** I can give only a personal answer to that question, because the Routes Out of Prostitution social inclusion partnership is still exploring legal options. I would decriminalise prostitution for women, including street prostitution. I think that I am right in saying that, although brothel prostitution was legalised in Melbourne, street prostitution is still criminal there. It is important that women in street prostitution are included in any decriminalisation. I would also introduce safeguards.

Anne-Marie Manning cited domestic violence, which is an important issue. I am sorry that Mr Smith said that he did not feel that we would change attitudes to prostitution or reduce the demand for it. I am not that old, and I remember when the first women's aid group was set up. I remember the reaction to it, which included statements that it was not needed. The group caused an outcry. In the 30 years since then, the Government has been running a major campaign, there are adverts on television and there is a national helpline.

We have done the same thing as we did with drink-driving. When I was a child, living in the Highlands, it was quite common for a driver to be scraped off the floor and shoved behind their steering wheel. Nobody thought to say anything. Later, we were told that drink-driving was not a matter of personal choice, but anti-social behaviour. Now, people will not allow it to happen. Attitudes have been changed.

We have not eliminated domestic violence. We have made slavery illegal and, although we have not eliminated it, we have changed attitudes to it. We have to continue to support the women and challenge the men, fighting the problem on every front.

**John Young:** I agree that we must fight the problem on every front, but how do we fight it? We would need to get control of the media, for a start. If we got control of the media, the cinemas and so on, we could have an all-out campaign, but we cannot do that under our structure—we could do it if we lived under a dictatorship, but we cannot do it here.

**The Convener:** First, John, I think that you are asking a question that it is not possible to answer. Secondly, you are moving pretty far away from the question whether it is right or wrong to set up a tolerance zone, which is what we are here to discuss.

**John Young:** I have a final question.

**The Convener:** As long as it is not just that last one again.

**John Young:** No—it is specific. Do we have any idea of the estimated number of prostitutes in Glasgow?

**Jan Macleod:** It is well over 1,000.

**Anne-Marie Manning:** It is estimated to be 1,400.

**John Young:** How does that compare with Edinburgh?

**Anne-Marie Manning:** I think that the figure for street prostitution in Edinburgh is about 200 or 300, although I am not entirely sure about that. I understand that Edinburgh has a low incidence of

street prostitution but a higher level of indoor prostitution. We also have a major drug problem in Glasgow.

**The Convener:** The answer to that question is contained in members' papers.

**Iain Smith:** Just for clarification, I did not indicate earlier that attitudes could not be changed; I simply indicated that they could not be changed overnight.

**Ms White:** I thank Jan Macleod and Anne-Marie Manning for their papers. I admire the work that they do in the Glasgow area with Routes Out of Prostitution and the other relevant organisations. I also admire their work in trying to get people away from prostitution, off drugs and into college, for example.

I have been down to the unofficial tolerance area in Glasgow with the police on a Friday night. I do not normally do that, but I thought that I would be as well to try to find out exactly what goes on. The policing in the area is sensitive. The police officers know the girls and their names, and they keep an eye out for them. The police have always said that they would just like to get hold of the pimps—although I think that they are not referred to as pimps now—and take them off the street, to give the girls a better chance of going somewhere else.

I will put to you a hypothetical situation about a tolerance zone. My idea of the tolerance zone is that it would basically be a pick-up area. As has already been mentioned, most of the violence takes place outwith the unofficial area where the girls are picked up. You may wish to reiterate in your response your thoughts on whether having a tolerance zone within or outwith the city would stop violence against women.

I have a couple of questions about the code of conduct. Would it be beneficial to consult either the clients or the prostitutes on their ideas about tolerance zones? Between 90 and 95 per cent of prostitutes working in Glasgow are drug addicts. That is no reflection on the women, but would you get an honest and coherent answer from either clients or prostitutes on how the tolerance zone would work?

What should be the criteria for a tolerance zone? Should it be within the city centre, which is being redeveloped? Should it be outwith the city centre, in an industrial unit, for example? How would prostitutes be transported there? What would the time scales be for people working in the tolerance zone? How many people would be working? Should CCTV cameras be in the tolerance zone? Should there be a police presence? Should there even be a drop-in centre? I want your ideas on those questions. If a tolerance zone were to be situated in Glasgow, what would it entail? Would it be beneficial to women working on the streets?

16:30

**Jan Macleod:** I find that hard to answer. I believe that a tolerance zone is wrong in principle, so it is difficult for me to consider how it would work in practice. People are slightly confused between what the Women's Support Project does and the ideas for a tolerance zone, but there are significant differences.

The issue has sparked a public debate and I know that people have been talking about it. People seem to have some notion that the tolerance zone will have wardens attached to it. Quite honestly, I do not understand who will enforce a tolerance zone.

A major difference between the discretionary policing situation in Glasgow and an official tolerance zone, where soliciting would be legal, is that the area in Glasgow is still policed. Police in Glasgow must consider what, if soliciting is legal in an area, the rationale would be for going in and out of that area. Are the police there to ensure safe order and the smooth running of a prostitution service?

The current situation is contradictory. We are not saying that it is ideal; it is difficult and must be discussed practically month in, month out. However, in principle, there is a difference between a tolerance zone and the Glasgow situation. I cannot see Glasgow City Council using the bill because it is opposed to it in principle. Even if the council were to change completely, I do not see how the bill would help us in practice.

**Anne-Marie Manning:** I have one more point to make. On the tolerance zone or the legislation making women feel safer or preventing pimps and hangers-on from being involved with the women, it is our experience that many women who use the drop-in centre live with violent men. People have difficulty getting their heads round the idea that women are not always able to prevent those men from coming to an area because of the threats of domestic abuse and violence that they face. We have already heard that many of the women have very low self-esteem and do not feel that they have any choices, so they have very little influence over the behaviour of the men around them. It is the men who have influence over the behaviour of the women and who keep them in prostitution.

**Ms White:** Do you think that a tolerance zone would eradicate violence against street prostitutes?

**Anne-Marie Manning:** No—I cannot see how that would be the case. As I said, violence would be prevented within the tolerance zone, but violence does not generally happen in pick-up areas if they are well lit and policed.

Women, especially prostitutes, are just about the most excluded group of people in society. Part of

the problem is that it has for a long time been accepted that prostitutes are on the fringes of our society; they are different from us because there is something not nice about them. Even the harm-reduction measures that came about during 1989-90 were designed to keep the women somewhere and to prevent the spread of HIV and sexually transmitted diseases into the normal community. It was a case of keeping prostitutes clean in order to prevent diseases from being spread. That has changed.

We deal with young women prostitutes who have said that, when they were younger, they went around in groups and would shout, spit and call names at women who were on the streets. They now sit in the drop-in centre and say that they do not know how they got there. We know that somebody else is usually involved in those women's transition to prostitution from being drug users or whatever. Somebody makes the link and says that prostitution is an option, but the woman must live with the consequences of taking that option.

**Dr Jackson:** I have brief questions, so brief answers would be appreciated. Worries about condoning prostitution were expressed to Iain Smith and Richard Simpson and, if I heard correctly, decriminalisation of prostitution was also mentioned. Would not decriminalisation of prostitution condone it?

**Jan Macleod:** No. I see the behaviour of the person who buys sex as being the abusive and harmful behaviour. My paper mentions the fact that women suffer severe psychological damage as a result of unwanted sex. They might consent to sex, but they do not want it. When women are charged with and convicted of soliciting, they are punished again, but they have not caused harm; rather, they have suffered harm. That said, decriminalisation alone of women's prostitution would indeed condone prostitution, which is why I would support only decriminalisation that was supported by safeguards.

The issue is similar to domestic violence and incest. In law, incest is a crime for both parties. However, society has changed and children do not get prosecuted. There are many examples in society of subjects in which we have started with one view, but that view has changed. It would be very problematic if prostitution were decriminalised without other support being offered. However, decriminalisation could help to get women out of the vicious circle of fines, non-payment of fines, imprisonment, release and all the accompanying problems if there were safeguards. Those safeguards might be, for example, continuing harm reduction work and extra resources for those who deal with harm reduction to link them closely with resources for exiting prostitution.

There should be more education about prostitution and John Young mentioned that we do not seem to have enough power and that perhaps the media need to be controlled. I suggest that councils should promote education, because we need to change attitudes from the young upwards. In the meantime, until a significant decrease in demand is achieved, we will have to keep trying to achieve what the bill proposes. If the legislation is introduced, I think that it will be misused in that it will be interpreted as saying that prostitution is acceptable. The bill tries to achieve exactly the same as everybody who is involved in support services is trying to achieve, but it has a different approach.

**Dr Jackson:** Time is running out, so I will ask only one more question. You mentioned that you contacted somebody in Sweden to discuss various issues. How many meetings have you had with Routes Out of Prostitution, Base 75, SCOT-PEP or any other agencies in Scotland?

**Jan Macleod:** Our remit is to work in Glasgow. We do not have enough resources to work at the national level. Like all the organisations that you mentioned, we have attended various conferences and events, but I have not been involved in much work on prostitution at the national level. I do not know whether Anne-Marie Manning is involved with networks.

**Anne-Marie Manning:** I am not involved in national networks. I am involved in networks in Glasgow that aim to present or provide an integrated approach to working with women and I have managed Base 75 for a year and a half. Some of my workers have visited Edinburgh to meet SCOT-PEP, examine what it does and find out whether it does things differently from us, so we have made informal links. However, as we have said, problems are different in different places—the situation in Edinburgh is different from that in Glasgow. To be honest, my time is taken up with trying to manage the project in Glasgow and with meeting people whom I need to meet in Glasgow. I do not have as much time as I would like and I tend to meet people on a need-to-know basis.

**Dr Jackson:** I have one quick follow-up question. The other side of what is happening in Edinburgh is the proactive attempt to move women out of prostitution into other areas. Would not it be useful for you to make contact with what is happening in Edinburgh with the new futures initiative?

**Jan Macleod:** There are similar schemes in Glasgow.

**Anne-Marie Manning:** We have a new futures project in Glasgow and we have other drugs projects that deal specifically with women. About

two years ago, Base 75 received money from the Scottish Executive, through the rough sleepers initiative, to address the complex issues in relation to women in prostitution. In conjunction with housing, health and other partners in the city, we run a package that includes a methadone clinic, counselling, emergency accommodation and scatter flats to address specifically homelessness issues for women in prostitution. There are workers to support women so that they can best make use of those resources. We are still at an early stage, but it has been shown that when women stabilise their drug use, they reduce their number of evenings in prostitution; the amount of their time that is spent in prostitution becomes minimal.

**Ms MacDonald:** I have one or two questions to ask about numbers. You estimate that 1,500 prostitutes are working in Glasgow just now and that you have a case load of 46. Does that mean that 46 prostitutes are in contact with you?

**Anne-Marie Manning:** No, that number applies to Routes Out of Prostitution. More than 1,400 women are registered with Base 75 and approximately 50 to 60 women attend the drop-in centre every evening.

**Ms MacDonald:** But there is an emphasis on drugs.

**Anne-Marie Manning:** Yes. Ninety-five per cent of the women are drug users, but the drop-in centre does not concentrate on drugs; it is a support service for women.

**Ms MacDonald:** For prostitutes or for women?

**Anne-Marie Manning:** Well, I see prostitutes as women; they are women who just happen to be prostitutes.

**Ms MacDonald:** That is how I see them too, but does a woman have to be a prostitute to go to the drop-in centre?

**Anne-Marie Manning:** Yes.

**Ms MacDonald:** How many attend the drop-in centre every night?

**Anne-Marie Manning:** Between 50 and 60 attend each night. We are open six nights a week, but we also support women during the day with the methadone programme and we have a duty worker.

**Ms MacDonald:** I am just trying to get some facts. I assume that you try to benchmark your work, so has the number of working prostitutes in Glasgow increased or decreased since you established the programme?

**Anne-Marie Manning:** I am afraid that I cannot tell you the answer. There is no clear and accurate measure of the number of women involved. There

seems to be a mix between the numbers who are registered with Base 75 and the police figures. I have started a process of re-registering women to find out exactly how many women attend the project and to gauge better how many women are involved in prostitution. The current estimate is that there are approximately 1,400, but I tend to stick to saying that there are more than 1,000 because I do not think that we have a clear picture.

**Ms MacDonald:** Is it reasonable to say that you are not absolutely certain that the programme that you have in place has reduced prostitution in the city?

**Jan Macleod:** Are you talking about Routes Out of Prostitution or Base 75?

**Ms MacDonald:** I am interested in whether a tolerance zone, such as that which I propose, would be beneficial in Glasgow. You have said categorically that it would not be beneficial, so I will come to that because I would like to hear proof of why such a zone would not be beneficial. I am concerned about prostitution, which is why I am trying to work out the effectiveness of the programme that you have in place, which other members of the committee have said bears a passing resemblance to a tolerance policy.

**Anne-Marie Manning:** Perhaps Jan Macleod could respond. There are different bits to what we do. Base 75 is not an integral part of the Routes Out of Prostitution social inclusion partnership. We have Routes Out of Prostitution as a strategy and Routes Out of Prostitution as an intervention team that is designed to work with women to get them out of prostitution. We also have Base 75, which has been around for a long time and works to prevent harm to women while they are involved in prostitution, but tries to get them out of prostitution and to challenge it.

**Ms MacDonald:** According to your figures, 34 women have left prostitution. Over what time has that happened?

16:45

**Jan Macleod:** The figures that I gave are for the Routes Out of Prostitution intervention team, which is small, as I said. That team has operated for just over two years and has had 149 referrals, although a number of the early referrals were inappropriate; the women were brought along by concerned police officers or others, but had not made a considered decision to try to get out of prostitution.

The current case load is 49, and 34 women have moved out of prostitution. We are talking about intensive support work, so when the figures are compared with numbers such as 1,400 or

1,500, the percentage is small, but when they are assessed as a percentage of appropriate referrals, the percentage is better. In addition, more than 40 women form the live case load, most of whom will have significantly reduced their involvement in prostitution. They might go out two or three nights a week rather than six or seven nights a week.

I will answer Margo MacDonald's other question. The number of women is hard to pin down, because once a woman is registered as a common prostitute, she is called that—that is one form of discrimination against women. People are not called common car thieves, but they can be labelled common prostitutes.

**Ms MacDonald:** I am not in favour of legalisation, which would not be workable for that reason.

**Jan Macleod:** That is right. Women can be labelled and stigmatised. We would not know whether such women were still involved in prostitution. They might be out on the streets, but might not have been arrested or might not be going to Base 75 for some reason. New women come in all the time. It is inevitable that the numbers will rise and my view is that the number of women in street prostitution in Glasgow has increased in recent years.

**Ms MacDonald:** I will ask another one or two factual questions to make matters clear. Why did you assert that a tolerance zone would lead to the legalisation of prostitution?

**Anne-Marie Manning:** That is a personal view. I have read your bill and I understand that that is not your intention, but I feel that by legislating for something, we say that it is okay, acceptable and inevitable. The task becomes management of an inevitable problem. It has been said that women would be safer if they were managed and policed and if they had health checks, but that would lead to the state, the council and the Parliament managing prostitution. We are dealing with a continuum and once we take the step of legislating to say that prostitution is okay, it easier for us to go along the continuum.

**Ms MacDonald:** What is the difference between the management of street prostitution that I have suggested, for the reason that I have suggested—a duty of care towards prostitutes and the general community—and the management to which Jan Macleod referred, which will have to be deployed in Glasgow to cope with the new flats that are being built around Anderston and the fact that much money is being invested in upgrading what was previously considered a slightly run-down area of the city?

**Jan Macleod:** The difference is that we feel that we can operate within the current legislation and that the bill will not help, unless, as I say—

**Ms MacDonald:** I will quickly ask another question, because we are running out of time. You think that a change in the legislation would not affect the situation in Glasgow, because you can cope within the current legislation. However, do you concede that if Aberdeen and Edinburgh say that they require legislation to implement what they consider to be suitable policies for those cities, they could have that legislation and it would have no effect on Glasgow?

**Jan Macleod:** I reiterate what I said earlier, which was that I do not think that you should do something that you think is wrong in principle. It is wrong to legislate to facilitate prostitution of women and the bill would take us a step beyond managing prostitution. I argue that prostitution can be managed within the current legislation.

**Ms MacDonald:** Edinburgh says that it cannot.

**Jan Macleod:** Legislation appears to be an attractive and easy solution—it is attractive to people who know very little about prostitution. Many people have said, “Why not legislate? Prostitution is there anyway.” However, I do not think that the legislation would work in practice. I do not believe that it would make the women safer.

**Ms MacDonald:** I am sorry, but you are giving me an opinion. Edinburgh has had 20 years of successful practice and Aberdeen has had two years of relatively successful practice—not opinion—which have led the councils there to say that they require legislation, for example to allow them to undertake the consultation process.

**Jan Macleod:** I reiterate what we have said. The points that have been highlighted as major issues since the changes were made in Edinburgh reflect similar things that are happening in Glasgow. I do not think that all the evidence that has been brought forward can be attributed purely and simply to the change in the tolerance zone. I agree that some of it can be, and I have great sympathy for the women who are involved in further support services because of the situation. However, I do not agree that introducing legislation that says that it is acceptable to prostitute women in any area for whatever reason is a step in the right direction.

**The Convener:** Thank you. I would like to pick up on a couple of points. First, you said that you think that councils should run education courses. I challenge that and say that, although certain councils could run such courses, many could not. Perhaps Glasgow City Council could, although I am not sure. Secondly, sooner or later you are going to have to address the comments that Richard Simpson and Margo MacDonald made about the change of administration in the council that could happen in May and the possible

appointment of a new chief constable who is not happy about the unofficial tolerance zone.

I, too, have had some experience of Base 75. Anne-Marie seems to be a popular name, because the first social worker there was Anne-Marie McDonagh, but that was a long time ago. At that time, there were not 1,400 women prostitutes on the streets. Part of the problem is the rise in drug abuse, and in 1989 there were not so many drug users. There have been changes.

You mentioned women's aid, and you were absolutely right—I remember certain male councillors who, on a couple of occasions, told me to my face that they thought that women sometimes need a wallop.

**John Young:** It was not me.

**The Convener:** No, it was not. The argument about asking women to leave their own homes and providing accommodation for them was every bit as strong as the argument that we are having now about the pros and cons of tolerance zones. You are right to say that public attitudes can change—that is positive and good. You also said that you think that, in some instances, the partner of a prostitute should be put in jail, and I would not object to that. You also mentioned the fact that we need to challenge men's behaviour, but we need to do that in a positive and constructive way.

I thank the witnesses—I am sorry that we have kept you so late, but the committee needs to consider the issue very carefully.

16:54

*Meeting suspended.*

17:03

*On resuming—*

**The Deputy Convener (Dr Sylvia Jackson):** Right colleagues. We will begin the final evidence session.

**Ms MacDonald:** Gosh, how you have changed, convener.

**The Deputy Convener:** We have swapped things around.

I welcome the witnesses from Aberdeen City Council. Councillor Yvonne Allan is the convener of the resources management committee; Brenda Flaherty—I am sorry that I cannot pronounce that name as well as I should—is the principal solicitor in legal and democratic services; and Sandra Bruce is the principal development officer in the office of the chief executive. I gather that a taxi is booked for 10 to 6, so we must try to keep our questions and answers short. I ask the witnesses to say a few words, after which we will ask questions.

**Councillor Yvonne Allan (Aberdeen City Council):** As we have made a submission, I will be brief, but in doing so, I do not treat the subject lightly—we are well aware of its importance.

Aberdeen City Council would welcome the introduction of legislation to create prostitution tolerance zones. We are committed to partnership working with the police, health agencies and the voluntary sector to protect the vulnerable in society and to promote social inclusion. As members have heard, Aberdeen has a high percentage of prostitutes who are drug users and who work the streets to pay for their drug habit. The prostitution tolerance zone, which is based in an industrial area, has grown up unofficially through a police initiative. Evidence that is based on consultation with the women involved suggests that the defined area is too small.

The zone enables us to target scarce resources effectively, especially for the police. We would like to develop the initiative further by including health workers and a drop-in centre. An important advantage for the wider community is increased safety for the prostitutes and for other women who work in the area, who are no longer harassed by kerb-crawling. The chaotic nature of the women's lifestyles and their multi-problems are more easily addressed when the zone is in existence. Through community planning, partnership working enables us to adopt an holistic approach to the problems. It also allows us to take a long-term approach to helping women to develop routes out of prostitution and to addressing potential problems before they arise, such as the problem of underage girls working in the area.

If the bill is passed—we hope that it will be—it will encourage opportunities for local councils to consult widely on defining the zones, recognising that each area is different and that the needs of the women in each community are different. We welcome that part of the bill.

**The Deputy Convener:** I will begin with a question that arises out of the evidence that we have just heard about Glasgow, where the agencies seem to work together harmoniously without a legal structure for tolerance zones. Why do we need tolerance zones? Page 7 of your submission states that the bill is important because local councils

“would be able to involve key agencies in effective management of any designated area”.

The suggestion is that that would not happen without the bill.

**Councillor Allan:** You are a politician and I am a councillor and we both have to work within budgets. We are extremely supportive of the tolerance zone. We work with Drugs Action and the police and we have set aside a sum of money

to assist with the drop-in centre. However, we operate in and out of the law and the situation might or might not be permanent. At present, there is no oomph for local government to take action because there is nothing that can be seen and nothing tangible. Senga MacDonald mentioned street lighting. There is a will in local government to do something—that is certainly true for Aberdeen, because I brought the will with me—but if, as now, the situation is not permanent, it is difficult to commit resources and finance.

Because the arrangement is temporary, health workers and people who work in the voluntary sector in Aberdeen have to work on the street. It would be more beneficial for both sides—the workers and the women involved—if zones were set up through legislation and we could get a base or centre. If it was recognised that the zone was permanent and a safe place to be, there could be permanent help and support for the women.

**The Deputy Convener:** You mention a permanent area, but one of the points that we have heard today is that things must be flexible and that changes occur. Is your idea of a tolerance zone that of a planned area in which there would be no house building and so on? If so, what is your view of section 6, which introduces a power to suspend or modify the operation of a zone?

**Councillor Allan:** When I say permanent, I am talking about a situation. At present, the situation is tenable, but nobody is sure what will and will not happen because it is not permanent. Aberdeen is different from other areas, which is why I underlined that there must be flexibility. Situations are different everywhere. The zone in Aberdeen is a traditional area, but the women consider it to be a bit small. We must talk to them to find out which streets should be included in the zone and move from there to set up a more permanent zone. As we will all find out in May, nothing is permanent. We all work in a floating situation.

**Iain Smith:** As I understand from the evidence that we have heard from various agencies in Aberdeen, the current tolerance zone is a traditional area for prostitutes and the police acted informally for a couple of years before introducing the more formal informal tolerance zone, as it were—they operated a non-harassment policy. The situation has evolved in a non-public way in a sense. Had it not evolved organically in Aberdeen, could you envisage the council, as an elected public body, saying, “We need a prostitution tolerance zone and we are going to consult on the matter”?

**Councillor Allan:** I do not know.

**Ms MacDonald:** That is the right answer.

**Councillor Allan:** Issues arise when we talk to constituents and to people on the street. The

situation might have occurred in the way you describe, but it might not. It evolved in the way it did and we are grateful for that. I cannot say yes or no to your question.

**Iain Smith:** I appreciate that you do not want to answer hypothetical questions. The legislation would move responsibility for the situation from the police to the local authority. As a local authority representative in an area with a tolerance zone, would you be happy with that change of focus?

**Councillor Allan:** I will widen the question out a wee bit. Given what we are doing in Aberdeen with the city alliance and Aberdeen futures and our new approach to governance in the city, we are working in close partnership. I suspect that the police would raise the issue of responsibility in such a forum, which would widen it out into local government, health, policing and prisons and all the agencies in the city alliance and Aberdeen futures.

**Iain Smith:** I put the question in a slightly convoluted way, but would you say that that would come through the community partnership bodies rather than the local authority?

**Councillor Allan:** Yes.

**Iain Smith:** What should be included in a code of conduct and how should such a code be enforced?

**Councillor Allan:** I am not sure what you are asking.

**Iain Smith:** Sorry. The bill proposes that there should be a code of conduct for people operating in the tolerance zone. What should that code cover and how would you enforce it?

**Councillor Allan:** I do not know how we would enforce something that does not yet exist. The code would have to be developed with the agencies working in the zone. If a code of conduct is to be workable, it must be acceptable. Therefore, the women working in the zone would have to be involved. As someone without experience of working with prostitutes—I have experience of talking with the police and the voluntary sector—I would want to involve the Drugs Action people and the police, as well as the women, in drawing up any such code of conduct. If one proposes a code that is not acceptable to the people who will work with it, do not bother. It will cause more hassle at the end of the day than it will deliver any intended benefits. I accept that a code has benefits, because women will respect a code that exists to help them, to keep them safe and to assist them with health and drug problems, but the code has to be one that they can work with.

17:15

**Ms White:** In your submission, you mention that the council has not taken any policy decision on

the tolerance zone or the bill. First, I would like you to clarify that point because, in your introductory remarks, you said that you were in favour of zones.

Secondly, tolerance zones are basically pick-up points where the girls can be picked up by men in passing cars. You referred to an area where there is a drop-in centre and a medical centre, but those are not in the bill. Where will the moneys come from for that type of thing? At the moment, the bill states that there will be a tolerance zone, which will enable men to come and pick up prostitutes. It does not say whether the women will be safe in a particular tolerance zone or anything else. The evidence that we have been given—I am sure that you will have seen evidence yourself—is that violence against prostitutes is committed outwith pick-up points.

In summary, has the council taken a policy decision, what is your interpretation of a tolerance zone, do you envisage capital going into the tolerance zone for medical help and a drop-in centre, and do you see a tolerance zone keeping the girls safer?

**Councillor Allan:** As far as I am aware, we have not taken a policy decision, because the tolerance zone was a trial. However, there is a commitment, and that is evident in our work with Drugs Action, our council's drug action team and the police. The police have the officers, but they are in a catch-22 situation because there are issues of legality. There has been contact and there have been informal discussions, and I am aware of colleagues' support. When a policy decision is needed it will be taken.

I will say what I need to say about the other things you mentioned, then I will ask whether any of the others wish to comment.

You referred to the tolerance zone being a pick-up point. It would be a shame to have legislation that could not be used in a beneficial fashion. If the legislation is for a pick-up zone, that is fine. It will allow there to be proper, legal access to members of a group in society who are not getting services that are aimed directly at their needs. With a tolerance zone—or whatever you want to label it—there will be access. There will be a rolling programme of development. I am not saying that it will all happen the instant the legislation is passed, but the legislation will give willing councils the opportunity to create a rolling programme to tackle issues that are relevant to the prostitutes working in the zone.

**Ms White:** My last question was about the safety of the prostitutes. Most of the crime against the women is committed outwith pick-up points. Will a tolerance zone lessen that violence?



**Councillor Allan:** It may or may not—who can tell? However, a zone will allow there to be an easier flow of information between the women, the police and the agencies that work in the area, so that information on what is happening outside the area can be picked up more easily and more quickly. That may be of assistance.

**John Young:** Page 4 of Aberdeen City Council's submission refers to roughly a dozen different groupings that should be consulted on tolerance zones. The third paragraph on page 5 states:

"The decision to operate a Tolerance Zone should be subject to a renewal order ... 50% of consultees recommended annual renewals and the remainder recommended renewals every 2 – 5 years."

It has also been suggested that there should be evaluation after six months. Which groups constituted the 50 per cent who asked for annual renewals? Those who proposed that they should happen every two to five years were probably a mixed bag.

**Councillor Allan:** Sandra Bruce will comment on that, as she was the officer involved.

**Ms Sandra Bruce (Aberdeen City Council):** The member is right—no policy decision has been made. Our submission contains the results of the consultation. The agencies supported holding a review every two to five years, whereas individual respondents favoured an annual review. When conducting a consultation, one must consider how much value to attach to individual responses. We received 20 responses, several of which were from statutory agencies. Four were from individuals and eight were from street sex workers.

**Dr Simpson:** If the bill is passed and gives you the authority that you seek in your submission, will Aberdeen City Council address the concerns that the sex workers expressed in their consultative document about the need to improve lighting in the area, to expand the zone and to ensure that there is proper closed-circuit television? Has a legal challenge been mounted to the provision of an informal zone that would prevent the council from taking those measures without the bill?

**Councillor Allan:** I will deal with the first part of the question and ask Brenda Flaherty to address the legal issue that the member raises. That is why we brought a legal expert with us.

We have already been in discussion with Drugs Action and the police. No one knows what will happen in May, but I am positive that we would discuss what the zone would consist of and what its requirements would be before creating a programme of development. I am confident that those are the steps that we would take.

**Ms Brenda Flaherty (Aberdeen City Council):**

There has been no legal challenge to the zone. The zone came into being because the fiscal advised the police that they would no longer prosecute prostitutes for soliciting. The police took a practical view of that and decided that there was no point in their reporting prostitutes for prosecution if nothing was going to be done about it.

Although there has been no legal challenge to the zone, one application was made for a licence to open a sex shop in the area, on the basis that it was close to the tolerance zone. The application was refused, but the decision has not been challenged. As the decision was made in August, it is unlikely that it will be challenged now. That is not quite Dr Simpson's point, but it is a related issue.

**Dr Simpson:** Aberdeen is different from the other cities in another way. It has a crack problem that Glasgow and Edinburgh do not yet have to the same extent. I understand that the prostitutes are engaged in crack abuse and are suffering from it. Do you want to comment on the levels of violence that tend to be associated with crack? Over the two years in which the tolerance zone has been in operation, have levels of violence changed in any way?

**Councillor Allan:** As a member of the drug action team in the north, I accept that crack is a big issue there. There is a perception that there is money in the north-east, so dealers are active in the area. However, I do not think that the violence associated with crack is relevant to the subject that we are discussing today.

**Dr Simpson:** Lead committees, rather than the Finance Committee, now deal with the financial memorandum to bills. The position has changed from when I was previously a committee member. I am concerned not about the direct costs of implementing the bill, but about the costs of the necessary back-up. Provision of a drop-in centre, CCTV, lighting and so on is very important. If a tolerance zone is to be effective, that will impose costs on the local authority concerned. Have you thought about those costs? Aberdeen seems to be the one area that is considering seriously and practically the option of creating a tolerance zone.

**Councillor Allan:** Some time ago we went through the costs of creating a tolerance zone with the police and Drugs Action. As I said, when the tolerance zone does not exist formally and is not concrete, it is quite difficult to cost. I do not know whether Senga MacDonald will be happy with me saying this, but within her budget, we have a small amount of money available to kick-start a centre. We would talk to the agencies to find out whether the council might have appropriate buildings that could be subsidised in the area. Through our

partnership working in the city alliance, we would consider whether health care and medical staff should be in the centre.

We have had initial discussions already with the relevant officers, the police and Drugs Action. A basis already exists. That would be picked up if we had legislation to back us up.

**Dr Simpson:** It would be helpful to the committee to have more information. Its lack is not a barrier to the bill, because the financial memorandum deals with the zone itself, but it would be interesting to know the consequences. The financial memorandum deals only with grants to other bodies, individuals and businesses and is basically about Edinburgh. If you have any information that you could share with the committee on the likely costs of implementing the bill properly to provide the back-up that every witness has told us is necessary regardless of whether what we implement is called a tolerance zone, we would be interested in it.

**Councillor Allan:** I am looking to the public gallery for confirmation, but with Senga MacDonald, for instance, we worked out roughly what a drop-in centre would cost. Things such as street lighting could be costed easily.

**Ms MacDonald:** From your experience, do you think that it would be possible to force a tolerance zone, non-harassment area or the arrangement that you have in Aberdeen on an area against the wishes of those who lived or worked there?

**Councillor Allan:** I honestly would not see the point of trying to do such a thing. I am into damage limitation on a personal basis, apart from for anything else. What would be the point unless we had local co-operation and were talking to folk? Communication is extremely important. If objections had not been sorted out and evened out and the tolerance zone had not been accepted before we got to forcing it on an area, to do so would cause more problems for the prostitutes.

**Ms MacDonald:** We also heard from other witnesses today that a tolerance zone inevitably attracts extra criminality or criminal activity. I do not know whether you feel yourself au fait with such matters. Have you been aware or heard on the grapevine from people or businesses in the area that is now the tolerance zone in Aberdeen of more annoyance, more crime or more of anything that upsets people?

**Councillor Allan:** There are sceptical businesses that say, "Hey. Whoa. Wait a minute," but I have not had any complaints from businesses in the tolerance zone. I do not know of any complaints from the community or complaints about any of the other tolerance zones. If there has been any increase in crime, it will be extremely minimal.

**Ms Flaherty:** With my liquor-licensing hat on, I work closely with the police officers who patrol the tolerance zone. The same police team is responsible for both. From what the officers say, I believe that there is a lot less of a problem with violence against the women. Local businesses had concerns about their female office staff being harassed because the tolerance zone is in an industrial zone. The police mounted a charm initiative—if I can call it that—spoke to the businesses and have, I think, managed to allay most of those fears.

**Ms MacDonald:** Your officers are wonderful in Aberdeen; I will testify to that. If the bill is not passed, will there be any detrimental effects on the policy that you are trying to build in Aberdeen, the duty of care towards prostitutes, the management of prostitution and, if possible, the containment of criminality or drug taking?

**Councillor Allan:** That depends on the fiscal. As you heard from Brenda Flaherty, at present we have a fiscal who has taken a positive line. If the bill were not to be passed and the legal side changed its mind, that would definitely cause many more problems. It would cause problems with contact with the women. We do not have the hundreds of prostitutes that are being talked about in other cities. It is possible to be in contact. If the bill were not passed, the chance is that women would start hiding again. It would be more difficult for them and more difficult for our voluntary sector to make the contacts that they are now building up. They would lose that facility because the women would have to return to unsafe streets and would not be contactable. They would not want to be contactable for fear of prosecution.

**Ms Flaherty:** From a purely practical point of view, if the bill were not passed, that would not make too much difference in Aberdeen because the arrangements that we have do not rely on the bill. The fiscal has a duty to prosecute in the public interest. If somebody tried to challenge that, which would be the main way in which we would be affected by the lack of the bill's provisions, I am sure that the fiscal would easily be able to show that it was not necessarily in the public interest to prosecute prostitutes for soliciting.

**The Convener:** That is provided that you have the same procurator fiscal for ever. If the procurator fiscal changes, and decides that he must, by law, pursue prosecution, the situation would change.

**Ms Flaherty:** Possibly, but not necessarily, because fiscals are bound by Crown Office guidelines on what they prosecute and what they do not. Very few prostitutes are prosecuted now anyway because of the fiscal fines system, under which they can pay a fixed penalty, usually of £25, and do not have a criminal conviction recorded against them.

**Ms MacDonald:** That is different from what happens in Glasgow.

**Ms Flaherty:** In Aberdeen last year, there were only three prosecutions.

**The Convener:** I am not sure whether that is absolutely the same all over Scotland.

**Ms MacDonald:** No, it is not. Aberdeen is such a nice place. Lovely flowers, too.

**The Convener:** They will be asking for more money from the Executive now.

**Councillor Allan:** Yes, indeed.

**The Convener:** There are no more questions. I apologise that I was not here when you started and for keeping you for so long. The debate is of a kind that the committee does not always manage to get its teeth into, if I can put it that way. It is important that we hear evidence from as many people as possible and give them the appropriate amount of time. However, I apologise that we kept you waiting. I thank you very much for coming and wish you a safe journey home.

17:32

*Meeting continued in private until 17:38.*



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