

Grech Stephen at Parliament-MT

From: Abigail Mamo <abigail.mamo@smechamber.mt>
Sent: Wednesday, 11 March 2020 11:38
To: Grech Stephen at Parliament-MT
Cc: Claire Sinagra; philipfenech@gmail.com
Subject: [EXTERNAL] - Re: Social Affairs Committee Meeting
Attachments: Joint submission by operators of gentlemen's clubs.pdf.pdf

Dear Mr Galea,

I am attaching the submission made during the consultation process. We are unable to attend the meeting this afternoon and do not believe there is need for us to make a presentation, the document attached is self-explanatory and should suffice.

Best,

Abigail

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From: Grech Stephen at Parliament-MT [mailto:stephen.grech@parlament.mt]
Sent: 05 March 2020 15:51
To: Claire Sinagra
Subject: Social Affairs Committee Meeting

**Parliamentary Secretariat for Reforms, Citizenship and
Simplification of Administrative Processes
Office of the Prime Minister
Auberge de Castille
Valletta VLT 1061**

31st October 2019

Ref: Human Trafficking and Prostitution Reform

Dear Sir,

I write on behalf of the operators of the gentlemen's clubs situated in Paceville, St Julian's and refer to the public consultation process initiated in respect of the above-captioned consultation document.

Primarily my clients would like to premise that they did not feel that the document related to them, nor that it in any way impinges upon the commercial activities they carry out. In fact, having read the document they cannot but endorse its ethos.

However, some of the submissions forwarded by various NGO's entitled "Trafficking and Prostitution are forms of coercive violence. Violence cannot be legalised or regulated, only outlawed", hereinafter referred to as "the document" led them to take a different stance. The reason for this stems not from the contents of this document per se but rather since it seems to equate gentlemen's clubs to strip clubs and consequently recommends their closure. It is this draconian recommendation which has spurred my clients to react.

In so far as my clients' sphere of activity is concerned it is pertinent to point out the following:

- i.) Operators of gentlemen's clubs have for years been advocating the need for a comprehensive legislative framework which specifically caters for the regulation of the operation of gentlemen's clubs. Indeed, they have long been pushing for this on account of the fact that uncertainty prevailed in so far as

what was permissible or not. Uncertainty similarly prevailed in so far as the notions of morality and immorality were concerned and whether these notions were to be evaluated on a subjective basis (that is depending on the moral values of patrons to these establishments) or objectively.

Although a certain amount of clarification was given by the Courts further to proceedings instituted by the Commissioner of Police against both the operators of these clubs as well as employees of same, the need for a holistic and comprehensive legislative framework is still felt and long overdue. The legislation, once proposed, ought to be itself subjected to a consultation process involving all stakeholders.

- ii.) Currently gentlemen's club operate under a licence issued by the MTA which is reminiscent of licences previously issued by The Commissioner of Police. The said licence is essentially similar to all licences issued in respect of places of entertainment irrespective of the type of entertainment that establishment offers. My clients feel that an ad hoc licence should be created which caters specifically for gentlemen's clubs.

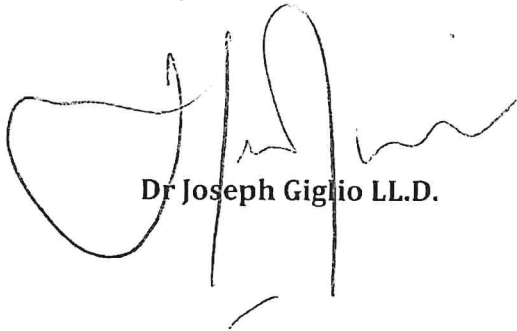
In view of the lack of a comprehensive legal framework and an ad hoc licence, operators inform me that have opted for self-regulation over and above the minimum requirements currently in force. Amongst the regulations the operators have sought fit to improve one finds the following:

- a.) Admission is restricted to persons over 21 years old upon presentation of identity documents.
- b.) Within the premises various signs exist which indicate what is permissible and what is not.
- c.) Personnel within the establishments are required to ensure adherence to these rules and that no abuses of whatever nature are committed.

The suggestion for closure being put forward by the document is, therefore, clearly not only being rebutted by the operators but also intrinsically flawed. It is flawed if only because it equates gentlemen's clubs with human trafficking. My clients contend that this argument is also flawed because it is being brought forward by persons who, with all due respect, do not have first hand knowledge and insight of the way gentlemen's clubs are operated and managed locally.

My clients remain at your disposal for any further input and contribution you might wish to receive from their end.

Regards



Dr Joseph Giglio LL.D.