

Scottish Women's Aid- September 2025 Submission on call for views on Prostitution (Offences and Support) (Scotland) Bill

Questions in the call for views

1. The Bill proposes to create a new offence of paying for the performance of a sexual act by a person. The Bill (at section 1) includes details of the circumstances in which an offence would be committed. The Bill (at section 9) includes a definition of “a sexual act”. The Bill states that activities such as striptease, pole dancing, lap dancing, or other erotic performances are not included in the definition of a “sexual act”. What are your views on this proposal?

Scottish Women's Aid supports this proposal with a strong caveat: Enactment of new offence **must** be preceded by established, adequately resourced services to support those wishing to exit prostitution. Otherwise the unintended negative consequences will include destitution for survivors as well as an even stronger disincentive to engage with justice and other systems.

Given the evidence from the Women's Support Project regarding the extremely high levels of domestic abuse experienced by survivors in their study, another likely consequence will be increased levels of domestic abuse from abusers and significantly less resilience in the face of that abuse.

We welcome the move to make legislation reflect our framing of prostitution as violence against women and of purchasers of sex as the offenders.

2. The Bill proposes to repeal [section 46 of the Civic Government \(Scotland\) Act 1982](#). Under this section of the 1982 Act, a person who is found guilty of loitering, soliciting or importuning in a public place for the purposes of prostitution commits an offence. What are your views on this proposal?

Scottish Women's Aid very strongly support this proposal. It is in our view long overdue and moves to dismantle State-generated abuse. Section 46 represents one of the most egregious miscarriages of justice in Scotland's system. This critical step will move Scotland closer to delivering on policy in Equally Safe that clearly identifies prostitution as violence against women and girls.

3. The Bill proposes to quash historic convictions under [section 46 of the Civic Government \(Scotland\) Act 1982](#), which relates to the offence of loitering, soliciting or importuning in a public place for the purposes of prostitution. What are your views on this proposal?

Quashing convictions is required as a small step of redress for the criminalising of victims that has taken place for so many years. We also wish to reference the Women's Support Project's point about the so-called warning system and its impact on victims, a disproportionate number of whom are women, many with children.

4. The Bill proposes (at section 6) to place a duty on the Scottish Ministers to ensure that a person who is or has been in prostitution is provided with assistance and support. The Bill sets out a non-exhaustive list of the types of assistance and support that may be provided. What are your views on this proposal?

SWA support a duty on ministers. We recognise that a support infrastructure needs to be designed and implemented, with adequate and *stable* investment. It is appropriate that those with the authority and resources should be responsible for delivery of that infrastructure. Both design and implementation will need to be done with the advice and expertise of specialist services and survivors.

5. Do you have any other comments on the Bill which you have not already covered elsewhere?

Only to point out that the Parliament has other tools it could and should use to reduce prostitution—a prime example would be economic policy that effectively shifts women's and children's disproportionate poverty and delivers a minimum safety net that would go far to eliminating the pressures on women to sell sex. Prioritising the needs of Scotland's most marginalised women and children would begin to deliver on our promise to make Scotland the best place in the world to grow up.