

Scottish Women's Convention response  
to the Criminal Justice Committee's  
Consultation on:

# Prostitution (Offences and Support) (Scotland) Bill



September 2025

## Premise

Ash Regan MSP has proposed a new Bill to the Scottish Parliament which seeks to criminalise the purchase of sexual services, while simultaneously providing improved support mechanisms for those engaging in prostitution. Central to the proposed legislation is a dual approach: targeting demand by penalising buyers, and offering more robust, trauma-informed support for those who sell sex.

In addition, the Bill also proposes the repeal of Section 46 of the Civic Government (Scotland) Act 1982, of loitering, soliciting, or importuning in a public place for the purposes of prostitution. This move reflects a shift away from penalising those involved in selling sex and towards addressing the structural and exploitative nature of prostitution.

As an organisation, the Scottish Women's Convention (SWC) supports the Scottish Government's position that acts of commercial sexual exploitation constitutes a form of violence against women. Accordingly, this response reflects this stance, with the SWC being largely supportive of the Bill's aims.



## **The Scottish Women's Convention (SWC)**

The SWC is funded to engage with women across Scotland to ensure that their views are represented in policy and decision-making processes. The SWC uses the views of women to respond to a variety of parliamentary, governmental, and organisational consultation papers at Scottish, UK and international levels.

The SWC gathers information using different methods, including roadshows, thematic conferences, surveys, and both in-person and online roundtable events. This submission presents the views of a range of women, reflecting their opinions, ideas and lived experience. Working together with many other equalities organisations and community groups, we use our broad network to ensure that women from a range of backgrounds are heard and acknowledged. We are continually reviewing innovative ways of engaging with women and developing our trauma-informed and culturally sensitive practice to support vital contributions from as many women as possible.

## **Our Response**

### **The Bill proposes to create a new offence of paying for the performance of a sexual act by a person. What are your views on this proposal?**

The Scottish Women's Convention (SWC) strongly support the creation of this offence. Criminalising the purchase of sexual services is a vital step in shifting the legal and moral burden away from those who are exploited and onto those who perpetuate demand. This approach aligns with the Scottish Government's recognition of prostitution as a form of violence against women and girls, reflecting the lived reality of women who have been harmed by the commodification of their bodies.

After consultation processes in 2016, the SWC found that many women did not agree with the view that prostitution was a 'free choice'. They believed instead that prostitution was the result of women's continued societal disadvantage, with current legislation protecting profiteers and punters, rather than addressing the root cause of exploitation – demand. Legislation goes on to provide purchasers of sex with anonymity and protection, furthering societal tolerance of damaging misogynistic and abusive attitudes.

- “This issue is so important. The only way to ensure women have access to justice, support, and most important, safety, is by putting laws in place which punish the men who abuse.”

While we support the overall aim of the Bill and the suggested new offence, we believe that further considerations are required to tighten proposals. We recommend adopting the broader term 'remuneration', as used in the Irish Criminal Law (Sexual Offences) Act 2017<sup>1</sup>. Remuneration captures a wider range of exploitative exchanges – including money, goods, services, shelter, and drugs – and better reflects the reality of survival-based prostitution, where women may not receive direct cash, but are still subject to coercion. Using this broader term would close potential loopholes and ensure that the law is robust and futureproofed.

We also note that the Bill excludes activities such as striptease, pole dancing, and lap dancing from the definition of a 'sexual act'. While we understand the legal rationale, we urge the Scottish Government to monitor these sectors closely. These activities often exist within the same exploitative ecosystem and may involve coercion, trafficking, or economic vulnerability. Women have consistently advised the SWC that a cultural shift is required in men's attitudes towards women. Whilst these services are not included in the Bill, women tell us that continued activities which view women as means of 'entertainment', pushes a damaging rhetoric. Therefore, a holistic approach is needed to ensure that all forms of sexual exploitation are addressed.

Additionally, we note that there is a lack of legislative commitment to provide public education within schools and community settings. Women have consistently

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<sup>1</sup> Irish Statute Book. (2017). Criminal Law (Sexual Offences) Act 2017). Available at: <https://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/print>

highlighted the importance of education in changing societal mindsets, believing that this is the likely key contributor to reducing misogyny and abuse. We would therefore query the lack of commitment made within the Bill with regards to this issue, proposing that clearly defined resources must be made for public education.

Finally, while the Policy Memorandum acknowledges the shift away from street-based prostitution toward indoor and online settings, the Bill does not include any provisions to address this. We assess this to be a significant gap; in-house prostitution, whether in private flats, brothels, or through digital platforms, often involves high risks of violence and invisibility. Without enforcement mechanisms or support strategies tailored to these contexts, the Bill risks failing to reach the women most at risk.

### **The Bill proposes to repeal Section 46 of the Civic Government (Scotland) Act 1982. What are your views on this proposal?**

The SWC strongly supports the decision to repeal section 46 of the Civic Government (Scotland) Act 1982. This legislation has disproportionately criminalised women in prostitution – particularly those who are street-based or experiencing poverty, addiction, and/or trauma. Criminalising these women has only deepened their marginalisation, creating barriers when accessing housing, employment, healthcare, and justice.

Repealing this section is a necessary act of justice and a recognition of the structural inequalities that lead women into prostitution. It also aligns with Scotland's commitment to trauma-informed rights-based approaches to justice realisation and public health. Removing this offence will help dismantle the stigma that prevents women from seeking support and will allow for a more compassionate and effective response to those in prostitution.

### **The Bill proposes to quash historic convictions under Section 46 of the Civic Government (Scotland) Act 1982. What are your views on this proposal?**

The SWC strongly supports the decision to quash historic convictions under section 46 of the Civic Government (Scotland) Act 1982. Many of these women were criminalised for actions that were a direct result of poverty, coercion or trauma. These convictions have had long-lasting and often devastating impacts on women's lives, including exclusion from employment, education, housing, and public services.

Quashing these convictions is a vital act of restorative justice, acknowledging the harm caused by outdated and discriminatory laws, while allowing women a chance to rebuild their lives. We recommend that the Scottish Government ensure that affected individuals are proactively informed of their rights and supported in accessing any remedies or services that may now be available to them.

### **The Bill proposes to place a duty on Scottish Ministers to ensure that a person who is or has been in prostitution is provided with assistance and support. What are your views on this proposal?**

We fully support the inclusion of a statutory right to support. Women in prostitution often face complex and overlapping challenges, including substance use, mental health issues, domestic abuse, and systemic poverty. A legal duty to provide support is essential to enabling women to exit prostitution and rebuild their lives with dignity and safety.

However, we are concerned that the Bill does not include guaranteed or ring-fenced funding for local authorities and service providers. Without adequate resources, the right to support risks becoming symbolic rather than substantive. We urge the inclusion of proper resourcing for local authorities, as well as improved provision of trauma-informed, culturally sensitive, and accessible services. This is particularly valuable for women who have experienced forced migration or human trafficking. We would therefore call for multiyear grants or legislated funding, to ensure that services are sufficiently able to provide support for women in prostitution.

In relation to migrant or trafficked women, we also note that the Bill does not include specific provisions covering these groups, despite the Memorandum's recognition that many women in prostitution have been trafficked or coerced. These women face unique barriers to accessing support and justice, including insecure immigration status and fear of deportation. This issue is further complicated by the division of power between the UK and Scottish Governments. Whilst human trafficking is a devolved matter, immigration and asylum are reserved to Westminster. This creates a complex legal and policy landscape in which trafficked women with insecure immigration status may fall through the cracks, unable to access support services due to their legal status. Their exclusion from the Bill's protections is a serious oversight, undermining the stated aims.

We urge the Scottish Government to work proactively within its devolved powers to ensure that no woman is excluded from support due to her immigration status. This could include developing guidance for local authorities and third sector organisations, ensuring that services are accessible regardless of legal status, and advocating for changes to UK-wide policy where necessary.

### **Do you have any other comments on the Bill, which you have not already covered elsewhere?**

We strongly believe that the proposed Bill will work to protect women and girls across Scotland, however, have identified multiple gaps.

The Financial Memorandum associated with the Bill allocates £500,000 for a public awareness campaign, yet the Bill itself contains no legislative provision requiring or even referencing this work. Both the Policy and Financial Memoranda acknowledge that reducing demand and stigma requires cultural change, however the Bill provides no legal guarantee that this campaign will be delivered or sustained. We recommend that the Bill be amended to include a statutory duty to deliver public education and awareness-raising, including in schools and communities. Through preventative education around consent, gender equality, and the realities of prostitution, long-term change is more likely.

In addition, we recommend that the Bill includes a commitment to ongoing evaluation and lived experience engagement. The effectiveness of similar models internationally has been mixed, often due to poor implementation or lack of support services. A robust monitoring framework, co-designed with women who have lived experience of prostitution will be essential to ensure the Bill achieves its intended outcomes.

Furthermore, we call into question considerations made towards online forms of commercial sexual exploitation and how this interacts with the proposed Bill. The use of online platforms to access sex has increased exponentially since the turn of the century. Online services provide increased levels of anonymity for perpetrators, as well as prostitutes, becoming the preferred method of seeking sexual services. Commonly, those who solicit sex will access women via online platforms, prior to meeting in a predetermined location.

We question whether the proposed Bill effectively considers online formats, with a significant proportion of the Policy Memorandum focusing on on-street prostitution. As stated within the Memorandum, on-street prostitution carries with it a high risk of violence for prostitutes and therefore requires significant focus. Yet, on-street prostitution is likely to continue to decrease as online tools become more sophisticated. We would therefore suggest that increased consideration of digital advertising and online sites is required. The recently developed Online Safety Act may provide some increased protections; however, we would urge the Member to consider how this could be effectively utilised alongside the proposed Bill.

Lastly, the Bill is framed as part of Scotland's commitment to gender equality and justice. To fulfil this promise, it must ensure that all women, including those who are migrant, trafficked, or digitally exploited, are protected and supported. This requires a more inclusive and intersectional approach than currently outlined and should be reflected in both the design and delivery of support services. We would propose that disaggregated data be collected to understand the variable experiences of women in Scotland, with a specific focus on improving data collection amongst victims of human trafficking.

## Conclusion

Having listened to women, our three key recommendations on this topic are:

- The Bill must be amended to include a statutory duty to deliver public education and awareness-raising, including in schools and communities.
- Carry out increased assessment of the role of online platforms as facilitators of prostitution.
- Develop specialised guidance for local authorities and third sector organisations which consider the needs of trafficked women.

The SWC is grateful for the opportunity to respond to the Criminal Justice Committee's Consultation on **Prostitution (Offences and Support) (Scotland) Bill**. As an organisation, we will continue to work with women from across Scotland to gather voices and experiences relating to this topic and its effects on women's equality.

For further information or to share your views, please contact:

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