



Submission to the Scottish Parliament's
Criminal Justice Committee
Prostitution (Offences and Support) (Scotland) Bill

The Affiliation of Australian Women's Advocacy Alliances (AAWAA) is a national peak body representing women's advocacy groups across all Australian states and territories. Our affiliation advocates for the protection of women and girls, particularly in domains where we face discrimination or vulnerability because of our sex. As part of a national coalition of independent feminist organisations, we recently submitted comprehensive recommendations to the Australian Government [calling](#) for similar abolition reforms and a National Apology for all those exploited in prostitution. Please see our blog for our [recent](#) work in this area.

We commend the Scottish Parliament for advancing this groundbreaking legislation and offer our strong support for the Bill's core provisions. Scotland has the opportunity to set a global standard for principled prostitution law reform that prioritises the dignity, safety, and rights of women and girls.

1. What are your views on the proposal to create a new offence of paying for the performance of a sexual act by a person?

AAWAA strongly supports this proposal. The criminalisation of sex buyers, whilst fully decriminalising those who sell sex, represents evidence-based policy that targets demand rather than punishing the exploited. International evidence from Sweden demonstrates that targeting buyers reduces prostitution markets and trafficking whilst providing greater safety for vulnerable women and girls.

This approach correctly identifies that purchasing sex perpetuates harm and exploitation. The demand created by male buyers drives the market for sexual exploitation, often targeting women experiencing poverty, trauma, or coercion. By criminalising purchase whilst decriminalising sale, the Bill appropriately shifts accountability from the exploited to the male exploiters.

The provision sends a clear message that men's purchasing sexual access to women's bodies is inherently harmful and incompatible with gender equality and human dignity. This legislative approach has proven effective internationally and represents the kind of principled leadership required to address sexual exploitation comprehensively.

2. What are your views on repealing section 46 of the Civic Government (Scotland) Act 1982?

We fully support this proposal. Women in prostitution should never be criminalised for their circumstances. The current law criminalises those who are most often victims of systemic disadvantage, poverty, childhood trauma, or coercion, whilst failing to address the demand that creates the market for men's sexual exploitation of women.

Section 46 has effectively punished women for being exploited rather than addressing the structural factors that drive women into prostitution or the men who create demand through purchasing sex. This punitive approach has created additional barriers to accessing support services, healthcare, and legitimate employment opportunities.

The repeal represents a fundamental shift from a framework that criminalises victims to one that recognises the reality of women's experiences in prostitution. It acknowledges that those who sell sex are predominantly acting under circumstances of constraint rather than genuine choice, and that criminal sanctions against them constitute a form of state violence against already marginalised women.

3. What are your views on quashing historic convictions under section 46?

This proposal is essential for restorative justice and represents one of the most significant aspects of the Bill. Women previously criminalised under section 46 have been penalised for circumstances often beyond their control, creating lasting stigma that affects employment, housing, and other life opportunities.

Quashing these convictions removes formal barriers to reintegration and sends a powerful message that the state recognises these women as having been wronged rather than as wrongdoers. This provision acknowledges that historical criminalisation was unjust and constitutes a form of institutional acknowledgement of harm caused by previous policy approaches.

The practical benefits are substantial: removing criminal records opens pathways to employment, removes barriers to accessing services, and begins to address the institutional stigma that has compounded the challenges faced by women who have exited prostitution. This represents the kind of historic justice that genuine reform requires and sets an important precedent for restorative approaches to policy reform.

4. What are your views on placing a duty on Scottish Ministers to provide assistance and support?

This statutory duty is crucial and represents a significant advance beyond previous approaches that have relied on discretionary or underfunded services. However, the success of this provision will depend entirely on implementation details and adequate resourcing.

We urge the Committee to ensure this support is trauma-informed, long-term, and survivor-led. Support must include secure housing, comprehensive healthcare (including mental health and addiction services), legal assistance, educational opportunities, and genuine pathways to alternative livelihoods. The duty should explicitly require consultation with women who have lived experience of prostitution in designing and delivering services.

International evidence demonstrates that exit support must be sustained over years rather than months, given the complex trauma and practical challenges associated with leaving prostitution. The statutory duty should include specific timelines for support provision and regular review mechanisms to ensure services are meeting actual needs rather than bureaucratic requirements.

Funding must be ring-fenced and substantial. Previous approaches that have failed to adequately resource exit services have effectively undermined the policy objectives of protecting women and reducing demand. Without proper implementation, this duty risks becoming symbolic rather than transformative.

5. Other comments

Global leadership and international context

Scotland's Bill represents an opportunity for global leadership in addressing men's sexual exploitation of women. The legislation moves beyond the Nordic Model's focus on demand reduction to incorporate restorative justice principles that acknowledge historical harm and provide practical pathways to recovery.

An Australian feminist coalition has advanced similar reforms through our Australian Abolition Approach ('Triple A'), which incorporates criminalisation of buyers and all forms of profiteering, full decriminalisation of those who sell sex, statutory rights to comprehensive support, and crucially, a National Apology to all those harmed by prostitution. We encourage Scotland to consider this additional step towards full restoration and accountability.

Implementation considerations

The Bill's success will depend on robust implementation mechanisms. We recommend:

- Adequate training for police, judiciary, and service providers on trauma-informed approaches
- Clear protocols for identifying and supporting women in prostitution rather than criminalising them
- Regular monitoring and evaluation of outcomes, particularly for women's safety and wellbeing
- Sustained funding commitments beyond initial implementation phases

Addressing root causes

While strongly supporting the Bill's provisions, we note that comprehensive approaches must also address the structural factors that create women's vulnerability to men's exploitation of us, including poverty, housing insecurity, childhood trauma, and gender inequality. The Bill's support provisions should be complemented by broader policy commitments to addressing these underlying issues.

Conclusion

The Prostitution (Offences and Support) (Scotland) Bill represents principled, evidence-based legislation that correctly prioritises the safety, dignity, and rights of women and girls. Its combination of demand-reduction measures, decriminalisation of the exploited, and restorative justice provisions offers a model for jurisdictions worldwide.

We urge the Committee to support the Bill's passage whilst ensuring adequate resourcing and implementation mechanisms. Scotland has the opportunity to demonstrate that governments can acknowledge past policy failures, provide genuine redress to those harmed, and create frameworks that protect rather than punish the most vulnerable.

The Bill correctly recognises that addressing sexual exploitation requires courage to challenge entrenched interests whilst prioritising the dignity, safety, and rights of women and girls above all else. This represents the kind of moral leadership that historic moments demand.