

Response ID ANON-C2KD-9CHU-W

Submitted to Prostitution (Offences and Support) (Scotland) Bill
Submitted on 2025-07-28 11:41:49

About you

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2 How your response will be published

I would like my response to be published in its entirety

3 What is your name?

Name:
Anna Kerr

4 What is your email address?

Email:
anna@feministlegal.org

5 Are you responding as an individual or on behalf of an organisation?

Organisation

Organisation details

1 Name of organisation

Name of organisation:
Feminist Legal Clinic Incorporated

2 Information about your organisation

Please add information about your organisation in the box below:

Feminist Legal Clinic Inc. is a community legal service based in Sydney, Australia that is focused on advancing the sex-based human rights of women and girls.

Question 1

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?

Please add your response in the box provided.:

Our service supports the Nordic Model of Prostitution and in keeping with this we support the creation of the new offence proposed by the Bill. We do not believe anyone should profit from the sexual exploitation of another human. We would also support a broader definition of sexual act to include those further activities listed.

Question 2

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?

Please add your response in the box provided.:

In accordance with the Nordic Model of Prostitution, our service does not believe women in prostitution should be punished further for their misfortune. We would therefore support the repeal of section 46. We believe that instead of being prosecuted, women should instead be offered support and assistance to leave prostitution.

Question 3

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?

Please add your response in the box provided.:

We also support quashing the historic convictions for certain offences that relate to prostitution. To reiterate, we do not believe women who have been sexually exploited through prostitution should receive any further punishment. Instead they must be supported to escape this life, including the baggage of past convictions.

Question 4

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?

Please add your response in the box provided.:

Yes we support the imposition of the proposed duty to provide people who have been in prostitution with assistance and support. This is again consistent with the Nordic Model of Prostitution and we hope that in time it will also eventually win favour and be adopted here in Australia.

Question 5

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

Please add your response in the box provided.:

Just thank you to Scotland for adopting this approach and we hope that other countries such as our own will follow in your footsteps.