



9 September 2025

Prostitution (Offences and Support) (Scotland) Bill – Supplementary Information

Dear Convener,

I am grateful to the Committee for the opportunity to give evidence on my Bill on 25 June. A number of points have been raised since then, including in correspondence from the Minister, and I thought it would be helpful to provide some further clarification.

The extension of Operation Begonia across the whole of Scotland is a welcome development and shows that Police Scotland are already using existing powers to challenge demand and route women into support. However, it currently operates under the 2007 kerb-crawling legislation, which applies only in public places. My Bill extends that proven approach indoors, where the overwhelming majority of prostitution now takes place. It therefore complements, rather than duplicates, Begonia.

The Financial Memorandum models low, medium and high scenarios for enforcement and already assumes that indoor cases will be more resource-intensive than street operations. The figures are presented as a realistic range rather than a single-point estimate, and they take account of the greater complexity of indoor prostitution offences. That is distinct from the investigation of human trafficking cases, which are indeed highly resource-intensive but are not what the FM is modelling. The focus here is on the expected enforcement costs of prostitution offences themselves. Conflating the two risks overstating the costs of the Bill.

Concerns have been raised about the low number of convictions in Ireland and the difficulty of proving its offence. That reflects the specific wording of the Irish legislation. The 2025 review itself recognised this, noting under its recommendations that enforcement might be improved by including a “**reasonable inference clause**” that prostitution is occurring at the premises in question.

When I read that review, I had already been provided with the data on recorded offences, prosecutions and convictions under the *Prostitution (Public Places) (Scotland) Act 2007*, and was therefore able to compare it directly with the Irish enforcement data. Between 2012/13 and 2021/22, there were 735 recorded offences under the 2007 Act. Of these, 405 cases proceeded to court and 301 resulted in conviction – a conviction rate of just over 40% of all recorded offences. By contrast, the equivalent figure in Ireland was around 4%.



The wording of section 1(3) of the 2007 Act provides that:

“A person (‘B’) who loiters in a relevant place so that in all the circumstances it may **reasonably be inferred** that B was doing so for the purpose of obtaining the services of a person engaged in prostitution commits an offence.”

As evident from the data, that clause has proven enforceable and well understood by police and prosecutors over more than 15 years. My Bill deliberately draws on that approach. Its new offence is drafted to include the same principle in section 1 (1):

“A person (‘A’) commits an offence if it can be **reasonably inferred** that A has obtained or intended to obtain for themselves the performance of a sexual act by another person (‘B’).”

In short, the Bill avoids the enforcement barrier identified in Ireland by modelling the new offence on a Scottish provision with a proven track record.

Independent analysis of Ireland and Northern Ireland has shown reductions in street prostitution even where enforcement was limited. Low conviction numbers therefore reflect enforcement practice rather than legislative failure. The purpose of this type of law is deterrence: to reduce demand, and in doing so reduce exploitation. Like any other market, the sex trade is driven by demand, and curbing demand contracts the market.

Research in Scotland, London and other jurisdictions shows that men who purchase sex are generally aware that many women are trafficked or otherwise exploited, but that knowledge does not affect their behaviour. What does deter them is risk to themselves. Standardised buyer surveys across multiple countries consistently find that the most powerful deterrents are loss of anonymity and social exposure (such as having their name or photo published), along with the threat of arrest, criminal penalties, and jail. In these studies, more than three quarters—and often over 80 per cent—of buyers said they would stop if faced with those risks.

This pattern is confirmed by the buyers themselves. Since the laws criminalising buyers came into force, men in Dublin and Belfast report a reduced market and fewer women available, indicating that local demand has been curbed even if it is difficult to measure precisely. All legal approaches present challenges, but where demand-reduction laws have been enforced the market has contracted and trafficking inflows have reduced, as Sweden and Norway have shown and emerging data from France is suggesting.

It has also been argued that demand-reduction laws place people in prostitution at greater risk. That argument was tested directly before the European Court of Human Rights in *M.A. and Others v. France* (2023). The applicants claimed that France’s Nordic Model legislation had worsened their situation and violated their rights under



Article 8. The Court recognised that prostitution itself is inherently harmful but found the applicants had not demonstrated that the law caused any increased risk. It concluded that France's legislation was a proportionate measure and therefore compatible with the Convention. In other words, the harms are caused by prostitution, not by laws that seek to reduce demand for it.

It is correct that the Delivering Equally Safe and Victim Centred Approach funds are fully committed at present. However, my Bill will not be enacted until after the May 2026 election. Once enacted, its provisions will be subject to the normal budgetary processes of the Scottish Government. The Bill's purpose is to secure a statutory entitlement so that support is prioritised and sustainable in future budgets, ensuring that future governments must make provision accordingly.

The costings for quashing convictions came directly from the Scottish Courts and Tribunals Service. I had initially thought that the lower number of extant Police Scotland records might mean lower costs, but SCTS have confirmed that their estimate stands. Their figure of around £200,000 for approximately 10,500 convictions clearly shows that this is understood as an administrative task, not a case-by-case review. It is therefore very different from the Horizon scheme, where costs of around £4,000 per case reflected the need for complex evidential reassessment and access to redress.

My Bill builds on existing Scottish law, avoids known pitfalls in other jurisdictions, and is framed to be enforceable and proportionate. It aligns with Scotland's international obligations, targets demand, and secures sustainable support for those who have been exploited.

I hope this additional information is of assistance as the Committee continues its Stage 1 scrutiny.

With best wishes,
Yours sincerely,

Ash Regan MSP
Member in charge of the Bill

Annex: Key Figures and Evidence

1. Quashing Convictions (Section 46, Civic Government (Scotland) Act 1982)

- Convictions since 1982: approx. 10,500
- SCTS estimated cost: £200,000 total (administrative record changes)
- Equivalent to about £19 per conviction
- Horizon comparison: £4,000 per case, due to case-by-case review and evidential reassessment

2. Estimated Number of People in Prostitution in Scotland

- UK estimate 2021: 105,000 individuals, ~96% female
- Scotland (population share): 6,000–8,000
- Around 90% indoors, 10% on street

3. Northern Ireland and Ireland

- Ireland: The 2025 Department of Justice review reported only 15 convictions under section 7A (2017–2024). It described the offence as “resource intensive” and difficult to prove, recommending the inclusion of a reasonable inference clause. Scotland’s 2007 Act already contains such a clause and has consistently delivered higher conviction rates. The new offence in this Bill is drafted on that model to avoid the enforcement barrier identified in Ireland.
- Northern Ireland: The official 2019 review acknowledged weak enforcement and the absence of baseline data but did not recommend repeal. Independent reanalysis (2024) of the same data found street prostitution had fallen by 50% despite limited prosecutions. Buyer commentary also confirms reduced availability in Belfast and Dublin due to fear of arrest.

4. International Evidence – Prostitution Prevalence (per 100,000 population, 2006–2014)¹

- Sweden (Nordic Model 1999): 6.6–15.4
- Ireland (Nordic Model 2017): 16.3–20.4
- Northern Ireland (Nordic Model (2015): 15.8
- Germany (Legalisation 2002): 185–493.3
- The Netherlands (Legalisation 2000): 147.1
- New Zealand (Full decriminalisation 2003): 183.7

¹ as referenced on page 8 of the 2024 Reanalysis report



5. International Evidence – Major Studies on Trafficking

The Scottish Government's recent *Preventing sexual exploitation: evidence summary* acknowledged that it was produced under time constraints, did not provide an exhaustive review, and did not critically appraise the quality of the evidence. It further noted that its findings should be treated as “indicative,” and that it was outwith its scope to compare the effectiveness of different legal frameworks. Despite those caveats, it suggested demand-reduction laws may have limited impact.

By contrast, a number of large-scale, peer-reviewed and official EU studies have systematically examined the issue and consistently show that legalisation increases trafficking inflows, while criminalising buyers reduces them. Here are some of the most significant findings:

Cho, Dreher & Neumayer (2013): Global study of 150 countries shows trafficking inflows significantly higher in legalised regimes.

European Commission/Armstrong et al. (2016): EU-wide study which includes a detailed discussion of the impact of the Nordic Model on trafficking, confirms demand for prostitution drives trafficking and that women and girls are the overwhelming majority of victims.

European Parliament/Di Nicola (2021): EU-wide study of the differing Member States' regulations on prostitution and their impact on trafficking inflows. Reviews existing research and confirms that increasingly available evidence shows criminalising buyers reduces trafficking inflows.

Hedlin (2016): Developed a Prostitution Law Index combining regimes across countries. Shows that trafficking inflows fall as countries move toward criminalising buyers, while legalisation expands markets and exploitation.

Jakobsson & Kotsadam (2013): Global study confirms trafficking inflows substantially lower in Nordic Model countries compared to legalisation regimes.

MacKinnon & Waltman (2025): Legal and human rights analysis arguing that legalised prostitution can amount to crimes against humanity. Assembles evidence that legalisation worsens trafficking and exploitation, while demand-reduction laws align with international obligations.



6. Buyer behaviour studies

A substantial body of research now exists on men who buy sex across different countries and contexts. The studies consistently show that buyers are generally aware of women's exploitation but are not deterred by it. What does deter them is risk to themselves: loss of anonymity, arrest, publicity, and criminal penalty. The following studies are illustrative of this wider evidence base:

Macleod et al. (2008, Scotland): Interviews with 110 men found most were aware women were coerced or exploited, but this did not deter them. Found 89% would stop if they risked being added to the sex offender registry, 79% if they risked prison time and between 78% to 86% if they risked losing their anonymity.

Farley et al. (2009, London): Survey confirmed the same pattern. Buyers knew of exploitation but were unmoved by it; the strongest deterrent was fear of detection and public exposure.

Farley et al. (2022, Germany and five other countries): Across diverse contexts, consistently reinforced that the decisive deterrents are criminal penalties and loss of anonymity, not awareness of harm to women.

Shively (2012, USA): National review of demand-reduction programmes across the USA found that interventions targeting buyers — especially arrest, publicity, and loss of anonymity — were the most consistently effective deterrent strategies.



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