



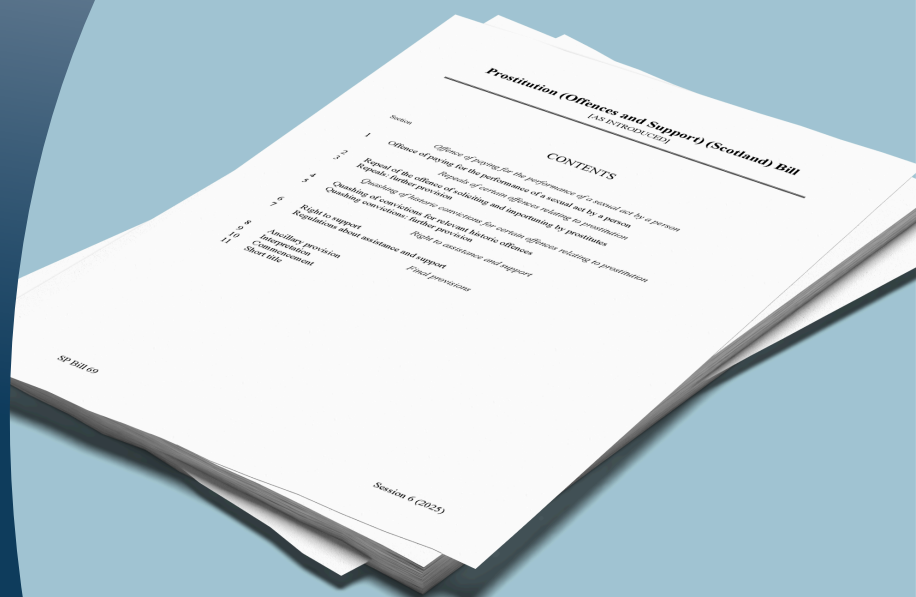
SPICe Briefing

Pàipear-ullachaidh SPICe

Prostitution (Offences and Support) (Scotland) Bill

Frazer McCallum

This Member's Bill provides for: (a) a new criminal offence of paying for sexual acts; (b) the repeal of an existing offence dealing with soliciting by people in prostitution, along with the quashing of existing convictions for that offence; and (c) a right to assistance and support for people in prostitution.



Contents

Summary	3
Introduction	4
Existing criminal law	6
Policy approach in the Bill	7
Provisions of the Bill	9
Offence of paying for the performance of a sexual act	9
Repeal of offence of soliciting	10
Quashing of historic convictions	11
Right to assistance and support	12
Scottish Government policy and research	14
Approaches to prostitution in other countries	16
Scottish Government's international evidence review	16
Review of the approach in Northern Ireland	18
Review of the approach in the Republic of Ireland	19
Key issues from approaches in other countries	20
Annex 1: Challenging demand for prostitution, international evidence review - executive summary (Scottish Government 2022)	22
Annex 2: Review on the operation of section 7A of the Criminal Law (Sexual Offences) Act 1993 - extract from executive summary (Government of Ireland 2025)	26
Bibliography	29

Summary

Current law

Paying for, or receiving payment for, sex is not in itself illegal in Scotland. However, there is partial criminalisation of prostitution with, for example, a range of offences applying to street prostitution, the involvement of young people in prostitution, human trafficking, and the running of brothels.

Provisions of the Bill

The Bill seeks to reduce the demand for prostitution by criminalising the purchase of sexual acts. It also seeks to reduce the ongoing impact of prostitution on those who have performed sexual acts for payment ('people in prostitution').

To achieve these aims, the Bill provides for:

- a new criminal offence of paying for sexual acts (an offence targeted at the buyer)
- the repeal of an existing offence dealing with soliciting by people in prostitution, along with the quashing of historic convictions for that offence
- a right to assistance and support for people in prostitution.

Approaches which seek to deal with prostitution by: (a) focusing the criminal law on those who seek to buy sex rather than those in prostitution; and (b) providing support to help the latter exit prostitution are commonly referred to as adopting the 'Nordic Model' (although elements can vary from country to country).

Introduction

The [Prostitution \(Offences and Support\) \(Scotland\) Bill](#) (the Bill) was introduced by Ash Regan MSP on 20 May 2025. ¹ It is a [Member's Bill](#). ²

Prior to joining the Alba Party in 2023, Ash Regan spent several years (2018 to 2022) as Minister for Community Safety (whilst a member of the SNP). During this period as Minister, her responsibilities included work on the Scottish Government's approach to prostitution.

Documents published with the Bill include [Explanatory Notes](#), ³ a [Policy Memorandum](#) ⁴ and a [Financial Memorandum](#). ⁵

She lodged a draft [proposal for this bill](#) ⁶ in June 2024, and ran a [consultation](#) ⁷ between then and September 2024. There were 100 responses to the consultation, with a [summary of responses](#) being published in January 2025. ⁸

The Bill provides for:

- a new criminal offence of paying for sexual acts
- the repeal of an existing offence dealing with soliciting by prostitutes in a public place, along with the quashing of historic convictions for that offence
- a right to assistance and support for people in prostitution.

The lead committee for scrutiny of the Bill is the Criminal Justice Committee. It took [initial oral evidence](#) from Ash Regan MSP at its meeting on 25 June 2025, ⁹ and issued a [call for views](#) on 30 June 2025 (closes 5 September 2025). ¹⁰

The Scottish Government provided some initial views on the Bill in a [letter to the Criminal Justice Committee](#) dated 23 June 2025. ¹¹ It commented that:

“ The Scottish Government recognises the underlying intent of the Bill to challenge men's demand and to tackle commercial sexual exploitation, which are goals we share. There remain significant questions and concerns regarding the measures within the Bill and how they would work in practice, the extent to which they would deliver on the policy intent, and the associated financial implications.”

Terminology

Various terms are used when discussing prostitution. Some of these may be seen as expressing value judgements or supporting specific policy approaches. This is particularly the case when referring to those who perform sexual acts for payment. Terms such as 'prostitute' or 'sex worker' are sometimes used. However, describing a person as a prostitute can be considered judgemental. And use of the term sex worker is seen by some as normalising prostitution and ignoring the harms involved.

The Bill's Policy Memorandum uses the phrase 'people in prostitution' to refer to those who perform sexual acts for payment. Some Scottish Government documents use similar phrases, such as 'those involved in prostitution'.

This briefing generally refers to 'people in prostitution', whilst still reflecting other terms used in legislation and by stakeholders where appropriate.

Of course, prostitution also involves other groups of people who are not covered by the term 'people in prostitution':

- those who seek to purchase sexual acts
- those who control or facilitate prostitution (e.g. providing adult service websites, running brothels, or trafficking people for prostitution).

As discussed later in this briefing, a significant part of the debate on prostitution approaches the issue as a form of violence against women and girls. This analysis highlights that most of the people in prostitution are female and most of the buyers are male. This is reflected in some of the language used in the Bill's Policy Memorandum (e.g. by generally referring to people in prostitution as being female). However, given that the provisions of the Bill apply in the same way to men and women, this briefing uses gender neutral language except where clarity requires otherwise, or where quoting others.

Existing criminal law

Paying for, or receiving payment for, sex is not in itself illegal in Scotland. As things stand, it is possible for a consenting adult aged 18 or over to have sex with another consenting adult in return for payment without any offence being committed by either person.

However, there is partial criminalisation of prostitution with, for example, a range of offences applying to street prostitution, the involvement of young people in prostitution, human trafficking, and the running of brothels. These include:

- [Civic Government \(Scotland\) Act 1982](#) - section 46 makes it an offence for a prostitute to loiter or solicit in a public place for the purposes of prostitution
- [Criminal Law \(Consolidation\) \(Scotland\) Act 1995](#) - section 7 includes offences aimed at people who seek to procure women to work in prostitution; and section 11 includes an offence relating to brothel-keeping
- [Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#) - section 9 makes it an offence to pay for the sexual services of a child under the age of 18; and sections 10 to 12 include offences aimed at those who encourage, control, or arrange the provision of sexual services by children under the age of 18
- [Prostitution \(Public Places\) \(Scotland\) Act 2007](#) - section 1 makes it an offence for a person to loiter or solicit in a public place for the purposes of obtaining the services of a person engaged in prostitution (an offence aimed at those seeking to buy sex)
- [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) - section 1 sets out an offence of human trafficking for the purposes of exploiting a person, with section 3 providing that this includes exploitation for the purposes of prostitution.

Further information on the [law and prostitution](#) is set out on Police Scotland's website.¹²

Policy approach in the Bill

The Policy Memorandum explains that the Bill seeks to "reduce the amount of prostitution in Scotland because of the evidence of exploitation and the harms that it is causing" (para 4).

It goes on to say that (para 6):ⁱ

“ The Member believes that prostitution is commercialised, systematic rape, and many of the people who sell sexual acts endure numerous human rights violations when they do so. As the vast majority of people in prostitution are female and virtually all buyers of sexual acts are male, it is recognised as a form of violence against women and girls. The Member acknowledges that a small number of individuals selling sexual acts are male. However, prostitution is predominantly a system of inequality, exploitation, violence and abuse based on sex with male perpetrators and female victims.”

Given this analysis, the Policy Memorandum generally refers to people in prostitution (i.e. those performing sexual acts for payment) as being female. However, the provisions of the Bill apply in the same way to men and women.

The Bill's Policy Memorandum outlines a range of potential harms associated with prostitution. These include the impact on people in prostitution:

- the risk of violence and abuse perpetrated by buyers of sexual acts and those who seek to control prostitution
- the physical and mental health risks associated with prostitution (e.g. sexually transmitted infections and post-traumatic stress disorder)
- the misuse of drugs and alcohol as coping mechanisms to deal with the experience of prostitution.

They also include the broader impact on society. The Policy Memorandum argues that prostitution is built on the sexual subordination of women and girls, and thus perpetuates inequality within society.

The Policy Memorandum highlights the vulnerability of people entering prostitution, with reference to:

- the prevalence of factors such as homelessness, having lived in care as a child, substance misuse and experience of abuse
- the role of human trafficking for sexual exploitation.

It notes that (para 60):

“ The Member recognises that there are a few people involved in prostitution who would not consider themselves vulnerable and feel they have made a choice that they are comfortable with and feel that they take steps to manage the risks of harm.”

ⁱ References to 'the Member' are to Ash Regan MSP, as the person who introduced the Bill.

But adds that (para 62):

“ When considering the overall picture presented by research and survivors, it is clear to the Member that the vast majority of those involved in prostitution experience great harm and significant risk. The Member believes that the protection of those who are vulnerable must be the priority.”

The Bill seeks to lessen the harms associated with prostitution by:

- reducing the number of people in prostitution through criminalising the purchase of sexual acts to lessen demand
- reducing the impact of prostitution on those who are, or have been, in prostitution by – (a) repealing the offence of soliciting and quashing historic convictions; and (b) ensuring that relevant support is provided.

In relation to the first point, the Policy Memorandum comments (para 98):

“ Criminalising the buying of sexual acts is a primary, preventative measure to redress the harms of prostitution and sex trafficking by reducing the size of the prostitution market in Scotland and making it a less attractive destination for sex traffickers. Unlike harm reduction approaches, which seek to mitigate the negative consequences individuals in prostitution experience after they have occurred, this measure aims to prevent these consequences from arising in the first place.”

Approaches which seek to deal with prostitution by: (a) focusing the criminal law on those who seek to buy sex rather than those in prostitution; and (b) providing support to help the latter exit prostitution, are commonly referred to as adopting the 'Nordic Model' (although elements can vary from country to country).

The Policy Memorandum also argues for the approach taken in the Bill on the basis that it would (para 180):

“ ensure that Scotland meets its obligations under international and European human rights law and follows best international practice in addressing sexual exploitation in prostitution and trafficking.”

The Policy Memorandum includes reference to a number of conventions. For example, the United Nations [Convention on the Elimination of All Forms of Discrimination against Women](#),¹³ which was ratified by the UK in 1986. Article 6 states that the parties to the convention:

“ shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”

Some of the available research and evidence on [approaches to prostitution in other countries](#) is outlined later in this briefing.

Provisions of the Bill

This part of the briefing outlines the main provisions of the Bill, which provide for:

- a new criminal offence of paying for sexual acts
- the repeal of an existing offence dealing with soliciting for the purposes of prostitution
- the quashing of historic convictions for the offence of soliciting
- a right to assistance and support for people in prostitution.

Offence of paying for the performance of a sexual act

Criminalising the purchase of sex

Section 1 of the Bill seeks to create a new offence of obtaining or seeking to obtain the performance of a sexual act in return for payment. Thus, the offence would apply to the buyer.

In relation to the consultation which Ash Regan MSP ran on her draft proposal for the bill, the [summary of responses](#)⁸ commented that the "most contested element of the proposal" (p 7) was a new offence criminalising the buyer.

In support of the proposed offence, the Bill's Policy Memorandum states (para 9):

“ Drawing on evidence from other jurisdictions, the Member contends that the most effective policy to curb prostitution and reduce the associated human trafficking involves targeting market demand rather than penalizing those who sell sexual acts.”

And that (para 11):

“ Men's demand fuels prostitution and sex trafficking, and research into the attitudes of men buying sexual acts has shown that legality normalises the practice, while anonymity is a major factor driving demand, consistently finding that the majority would be deterred from buying sexual acts if it were illegal.”

The offence would apply to private as well as public settings, and so would criminalise the buying of sex in situations not covered by current offences (e.g. not being limited in the same way as the offence set out in section 1 of the Prostitution (Public Places) (Scotland) Act 2007).

Definitions

Section 9 of the Bill defines the 'performance of a sexual act' as:

“ (a) engaging in or procuring the in-person performance of any act intended to cause sexual arousal, gratification, or stimulation of any person, in exchange for payment as defined in this Act,”

“ (b) but does not include activities such as striptease, pole dancing, lap dancing, or other erotic performances.”

With regard to the requirement for 'in-person performance', it may be noted that the phrase was referred to in the [consultation](#) on the draft proposal (p 9): ⁷

“ Sexual services are defined as in-person exchanges of physical sexual acts. (This stands in contrast to the provision of remote services of a sexual nature via photographs, telephone or video camera which will not be covered by this proposed Members Bill.)”

Section 9 of the Bill also defines what is meant by 'payment', making clear that it need not be money:

“ 'payment' means any financial or material benefit, whether given directly or indirectly, including but not limited to money, goods, services, the discharge of a debt provided or promised in exchange for a sexual act.”

Penalties

Section 1 of the Bill provides for different maximum sentences depending on whether a case is prosecuted in the courts under either summary or solemn procedure:

- summary procedure - a custodial sentence not exceeding 6 months and/or a fine not exceeding the statutory maximum (currently £10,000)
- solemn procedure - a custodial sentence not exceeding 12 months and/or an unlimited fine.

Other sentencing options would include [community payback orders](#), ¹⁴ which courts can impose where an offence is punishable by imprisonment.

Solemn procedure is used for more serious cases and, unlike summary procedure, involves a jury if there is a trial. The provisions in the Bill on maximum custodial sentences are somewhat unusual, in that sheriff courts dealing with other offences under summary procedure can commonly impose custodial sentences of up to 12 months.

Whilst providing initial oral evidence to the Criminal Justice Committee, at its [meeting on 25 June 2025](#), ⁹ Ash Regan MSP commented on what she thought might be the approach of the courts to sentencing for the proposed offence. She suggested that the chances of someone receiving a custodial sentence was "fairly unlikely", adding that "we do not imagine that community payback orders would be used extensively" (col 32). Instead, she predicted that most people would receive a fine. She went on to say that (col 34):

“ We do not really want to put these people in prison; we are seeking to create a deterrent effect, so that men who buy sex realise that that is exploitation and stop doing it, and then the market will drop.”

Repeal of offence of soliciting

Sections 2 and 3 of the Bill provide for the repeal of section 46 of the [Civic Government](#)

[\(Scotland\) Act 1982](#), which makes it an offence for a prostitute to loiter or solicit in a public place for the purposes of prostitution. This offence applies to people in prostitution (rather than those seeking to buy sexual acts).

The Bill's Policy Memorandum states that (para 14):

“ Nationally, prostitution is now widely recognised as a form of abuse and as violence against women and girls, including by the Crown Office and Procurator Fiscal Service, Police Scotland, and the Scottish Government itself. Sections 2 and 3 of the Bill therefore aim to change how its victims are treated by decriminalising them. This will align Scots Law with policing and prosecuting practices across the country, which have not routinely targeted prostituted women as perpetrators for a considerable time.”

Quashing of historic convictions

Sections 4 and 5 of the Bill provide for the quashing of existing convictions under section 46 of the Civic Government (Scotland) Act 1982 and the updating of criminal history records to reflect this.

The Bill's Policy Memorandum notes (para 15):

“ These convictions have been described by survivors of prostitution as a substantial and often insurmountable barrier to rebuilding their lives as previous criminal convictions have an impact on many areas of daily life, but especially on employment. As those involved in prostitution are exploited, these convictions serve to punish the victims and not the perpetrators of this exploitation. They also frequently present a barrier to exiting prostitution.”

The Policy Memorandum notes that an alternative to quashing convictions would be to pardon those with a relevant conviction – taking an approach along the lines adopted in the [Miners' Strike \(Pardons\) \(Scotland\) Act 2022](#) or the [Historical Sexual Offences \(Pardons and Disregards\) \(Scotland\) Act 2018](#).

However, the Bill's Policy Memorandum argues for the quashing of convictions under section 46 of the Civic Government (Scotland) Act 1982 on the basis that (para 138):

“ this better reflects the changed view of women in prostitution as victims of violence and exploitation rather than as criminal offenders.”

A pardon does not reverse a conviction. The [Policy Memorandum](#)¹⁵ published along with the Historical Sexual Offences (Pardons and Disregards) (Scotland) Bill commented that (para 16):

“ The effect of the pardon is symbolic. It is intended to be a formal acknowledgement that the laws which people with such convictions were convicted under were in themselves discriminatory in nature – or, concerning the laws which were of more general application, that these were interpreted or enforced in a discriminatory way – and it is intended to lift the burden of conviction. It does not reverse the conviction, and a person with a conviction for same-sex sexual activity that is now legal would have to apply for a disregard if they wish to ensure that information about the conviction is disregarded from criminal records information held by the police.”

The [Post Office \(Horizon System\) Offences \(Scotland\) Act 2024](#) provided for the quashing of convictions. In that case, the [Policy Memorandum](#) ¹⁶ published along with the relevant Bill sought to distinguish the position of sub-postmasters from instances where people had been pardoned, on the basis that convictions against sub-postmasters "were wrongly obtained due to the use of tainted evidence" (para 37). It also argued that (para 36):

“ a largely symbolic pardon would not address any of the core issues faced by the convicted sub-postmasters (either having their convictions removed from their criminal history or obtaining compensation for losses resulting from their wrongful conviction).”

In its [letter to the Criminal Justice Committee](#) providing some initial views on the Bill, ¹¹ the Scottish Government noted its:

“ significant and deep concerns about the quashing of previous convictions as set out in the Bill. The quashing of convictions is exceptional and has only been done in this Parliament for sub-postmasters through the Post Office (Horizon System) Offences (Scotland) Act 2024 to ensure they were eligible to access redress schemes.”

The Bill's Policy Memorandum does not argue for financial redress following the quashing of convictions under section 46 of the Civic Government (Scotland) Act 1982. Commenting on fines imposed on those convicted of the offence, it states that (para 136):

“ Since these fines were not unlawful when imposed, reversing them now could create inconsistencies in legal decision-making. Ensuring fairness in legal reform requires a distinction between removing convictions and reimbursing financial penalties. By quashing convictions while leaving fines unchanged, the Member believes that the law provides clarity in its intent and ensures that the focus remains on acknowledging social change rather than revisiting financial consequences.”

Right to assistance and support

Section 6 of the Bill would place a duty on the Scottish Government to ensure that people who are, or have been, in prostitution are provided with assistance and support. Section 7 would allow the Scottish Government to use secondary legislation in taking forward its duty under section 6.

In seeking to explain the need for these provisions, the Bill's Policy Memorandum states (para 20):

“ The vulnerabilities driving a woman's involvement in prostitution mean that she has multiple and complex support needs, especially since these vulnerabilities are often exacerbated while she is selling or exchanging sexual acts. Shame and a fear of disclosure of involvement in prostitution are significant barriers to accessing support, as is the belief that women selling sexual acts are not entitled to support because they may be thought to be breaking the law.”

And that (para 21):

“ Women seeking help from mainstream services therefore frequently avoid disclosing their involvement in prostitution for fear of being denied help. A statutory right to support will send a strong signal to both those seeking support and the services providing this support that women who sell sexual acts are entitled to access the support they require.”

In its [letter to the Criminal Justice Committee](#) providing initial views on the Bill, ¹¹ the Scottish Government said that there needed to be more detail on how the proposals to support those involved in or exiting prostitution would work in practice, and what the associated costs would be.

Scottish Government policy and research

The Scottish Government's 2023 [Equally Safe strategy](#)¹⁷ for preventing and eradicating violence against women and girls (VAWG) states that (p 10):

“ The phrase violence against women and girls is used to describe violent and abusive behaviour directed at women and girls because they are women and girls. It is behaviour which is carried out predominantly by men. It is an abuse of power and stems from systemic, deep-rooted women's inequality. VAWG limits women's and girls' freedom and potential and is a fundamental violation of human rights.”

It includes prostitution within its definition of VAWG.

In 2024, the Scottish Government published a [strategic approach to tackling prostitution](#).

¹⁸ In the foreword, the Minister for Victims and Community Safety, Siobhian Brown MSP, states that:

“ Our commitment to challenge men's demand for prostitution is an important part of the delivery of our Vision for Justice in Scotland and our Equally Safe Strategy, which both aim to ensure we live in a society where all individuals are safe and respected, and where women and girls live free from all forms of violence and abuse, as well as the attitudes that perpetuate it.”

“ This Strategy builds on that commitment by reinforcing the clear message that there is no place for the exploitation of any individual and that prostitution is recognised as a form of violence against women and girls - with the Strategy rooted in the aims of our Equally Safe Refresh. We recognise the links to wider forms of Commercial Sexual Exploitation and our work to tackle violence against women and girls more broadly.”

The strategy document includes reference to:

- disrupting and deterring demand for prostitution, and more generally tackling the drivers of prostitution
- improving access to support for people in prostitution, tackling the stigma they face, and recognising them as victims of exploitation.

It identifies six policy principles for challenging men's demand for prostitution and supporting those with experience of being in prostitution, which are summarised here:

1. National approach – having a strong, consistent, and unambiguous national message that prostitution, and wider commercial sexual exploitation, are a form of violence against women and girls and will not be tolerated.
2. Victims of exploitation – having a legal and societal framework that understands the circumstances associated with people in prostitution and acknowledges them as victims of exploitation rather than perpetrators of crime.
3. Promote social inclusion and address stigma – having wider societal awareness of the harms associated with prostitution, with services and communities supporting people in prostitution.

4. Preventative approach – tackling the systemic societal and economic disadvantages and circumstances that can foster sexual exploitation; along with educational and public awareness initiatives aimed at deterring demand.
5. Supporting recovery and sustainable exit – ensuring that people in prostitution can access trauma informed support, including support to exit prostitution.
6. Learning from lived experience – having an approach that is informed by those with experience of prostitution and other forms of commercial sexual exploitation.

In relation to the possibility of more broadly criminalising the purchase of sex, the foreword to the strategy document says:

“Lessons learnt from the piloting of the Strategy will help inform any future legislative considerations, including whether to criminalise the purchase of sex.”

In March 2024, a [multi-agency group on commercial sexual exploitation](#) ¹⁹ was established by the Scottish Government, to bring together key partners to inform policy approaches on tackling commercial sexual exploitation.

The Scottish Government has undertaken or commissioned a range of relevant research and consultation on prostitution. This has included:

- [The experiences of people who sell or exchange sex and their interaction with support services: lived experience engagement \(2022\)](#) ²⁰
- [Challenging demand for prostitution: international evidence review \(2022\)](#) ²¹
- [Equally safe - challenging men's demand for prostitution: Scottish Government response \(2021\)](#) ²²
- [Challenging Men's Demand for Prostitution: Analysis of public consultation responses \(2021\)](#) ²³
- [Equally Safe: A consultation on challenging men's demand for prostitution, working to reduce the harms associated with prostitution and helping women to exit \(2020\)](#) ²⁴
- [Exploring available knowledge and evidence on prostitution in Scotland via practitioner-based interviews \(2017\)](#) ²⁵
- [Evidence assessment of the impacts of the criminalisation of the purchase of sex: a review \(2017\).](#) ²⁶

Approaches to prostitution in other countries

This part of the briefing looks at some examples of approaches to prostitution in other countries, with the aim of:

- identifying evidence on how those approaches have worked in practice
- highlighting key issues relevant to the scrutiny of the Bill.

The Bill's Policy Memorandum comments that (para 70):

“ Over the last few years, several jurisdictions around the world have introduced similar legislation to that which the Member is proposing: criminalising demand, repealing the soliciting offence and providing support and routes to exit prostitution.”

This approach to dealing with prostitution is commonly referred to as the 'Nordic Model' (although elements can vary from country to country).

The Policy Memorandum (paras 68-78) highlights eight countries which have adopted approaches seeking to challenge the demand for prostitution by criminalising the buyer. From the first to introduce relevant reforms in 1999 to the most recent, they are - Sweden, Iceland, Norway, Canada, Northern Ireland, France, the Republic of Ireland, and Israel.

The Policy Memorandum (paras 81-92) goes on to outline some evidence relating to the impact of approaches in those countries.

A lot has been written on how best to deal with prostitution, with significant differences of view on some key points. The following only seeks to provide an introduction to some of the available research and evidence.

Scottish Government's international evidence review

Research published by the Scottish Government in 2022, [Challenging demand for prostitution: international evidence review](#),²¹ covered some of the countries highlighted in the Bill's Policy Memorandum as having adopted approaches which seek to challenge the demand for prostitution by criminalising the buyer. It also looked at evidence from some countries which have adopted different approaches.

The research built on earlier research published by the Scottish Government in 2017 - [Evidence assessment of the impacts of the criminalisation of the purchase of sex: a review](#).²⁶

In relation to those countries which have sought to challenge the demand for prostitution by criminalising the buyer, the 2022 research report stated (p 19):

“ The first challenging demand model was introduced in Sweden in 1999 and has since been implemented in a number of jurisdictions on the basis of its effectiveness in tackling crimes such as human trafficking for sexual exploitation (Iceland (2009), Norway (2009), Canada (2014), Northern Ireland (2015), France (2016), Republic of Ireland (2017) and Israel (2018)).”

With regard to other approaches it added:

“ The challenging demand model can be contrasted with other approaches to prostitution such as 'prohibitionism' which bans all activities related to the selling and purchasing of sex as seen in most US states; 'regulationism' which legalises and regulates purchasing, selling and brothel keeping, as seen in the Netherlands and Germany; and 'decriminalisation' which aims to remove laws on voluntary prostitution and related offences as seen in New Zealand.”

The decriminalisation approach treats prostitution as a form of legitimate work and subjects it to the same employment and legal rights as other work.

In relation to the methodology of the review, the 2022 research report stated (p 4):

“ The review was conducted by Justice Analytical Services at the Scottish Government. It does not constitute a systematic assessment of all available research, however, a wide range of sources were consulted in the drafting of this review including legislation, academic peer-reviewed and grey literature such as government and civil society reports and evaluations. A total of 53 papers were included on the basis of their quality and relevance to the review aims.”

The report did, however, highlight some limitations of the source material (p 4):

“ Most of the studies reviewed on this topic were qualitative and non-experimental and drew from small, unrepresentative samples, reflecting the difficulties in reliably studying the nature and scope of prostitution.”

And went on to outline what were seen as gaps in the available evidence (e.g. in relation to implementation of enforcement and support). It also recommended further research.

Despite difficulties presented by the evidence reviewed, the 2022 research report did present a range of findings (although some of these were quite tentative). For example, regarding countries which have sought to challenge the demand for prostitution by criminalising the buyer:

- evidence that there have been a sustained rise in charges for purchase related offences in some countries
- evidence from purchaser surveys conducted in some countries suggesting that deterrence may be ineffective (although the research report commented that it is likely that such surveys largely capture the views of those who continue to purchase)
- evidence that there has been a decline in on-street prostitution, but that the numbers of those involved in indoor prostitution remains unclear
- evidence from some countries that people involved in prostitution continue to be criminalised by other laws, such as those relating to immigration and brothel keeping

- evidence that people in prostitution continue to experience stigma and violence.

In relation to New Zealand and the Netherlands, the 2022 research report included the following comments:

- New Zealand (decriminalisation) - evidence that specialist organisations and collectives can act as key facilitators
- Netherlands (regulation) - evidence highlighting the importance of targeted outreach to improve access to health checks
- both countries - evidence of shortcomings, including a lack of resources for individuals wanting to leave prostitution, and continued stigma and violence experienced by those in prostitution.

The report's executive summary is reproduced in Annex 1 of this briefing.

Review of the approach in Northern Ireland

Article 64A of the Sexual Offences (Northern Ireland) Order 2008 sets out an offence of paying for sexual services. The provision was inserted by section 15 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 - with the relevant bill being sponsored by Lord Morrow whilst he was a member of the Northern Ireland Assembly.

In 2019, the Department for Justice in Northern Ireland published an [assessment of the impact of this change in the law](#).²⁷ It comprised research commissioned from Queen's University Belfast and, based on the research report, the Department of Justice's assessment of the impact of the change.

The impact assessment from the Department of Justice included the following conclusions and comments based on the research report (paras 11-18):

“ On the basis of the findings in the research report, the Department has concluded that there is no evidence that the offence of purchasing sexual services has produced a downward pressure on the demand for, or supply of, sexual services.”

“ the report suggests that the legislation has contributed to a climate whereby sex workers feel further marginalised and stigmatised. ”

“ There is no clear evidence presented in the report to suggest that the legislation has had an impact on the levels of trafficking for sexual exploitation. The research found that the legislation had minimal effect on the demand for sexual services therefore it is difficult to see in what way it could impact on human trafficking for sexual exploitation.”

In 2024, the organisation [Nordic Model Now!](#) published a [reanalysis of the approach adopted in Northern Ireland](#).²⁸ It challenged the findings of the research commissioned from Queen's University Belfast (e.g. stating that there was significant selection bias in the surveys used and criticising the way in which data had been analysed). It concluded that there had been a reduction in the scale of the sex industry following the criminalisation of paying for sex.

In addition, concerns have been raised that there has been inadequate enforcement of the offence of paying for sexual services. For example, by Lord Morrow in 2024: ²⁹

“ I have written to the Chief Constable asking for an urgent meeting so that he can explain why the PSNI [Police Service of Northern Ireland] are failing to fully use the law at their disposal. His predecessors decided not to pursue anyone found to be purchasing sex in Northern Ireland, the new Chief Constable must take a different approach.”

“ While the PSNI need to act, the Department of Justice and the Public Prosecution Service also have a responsibility. They must ensure that resource is made available to the PSNI and that prosecutions are prioritised. It is only by ensuring the law is enforced that the evil trade of human trafficking will be stopped. I look forward to meeting with the Chief Constable and receiving assurances that the PSNI will play their part in fully implementing the law.”

Review of the approach in the Republic of Ireland

Section 7A of the Criminal Law (Sexual Offences) Act 1993 criminalises the purchasing of sexual services. The provision was inserted by section 25 of the Criminal Law (Sexual Offences) Act 2017.

In 2025, the Government of Ireland published a [Review on the Operation of Section 7A of the Criminal Law \(Sexual Offences\) Act 1993](#). ³⁰ The review report highlighted the following aims of this legal reform:

- to deter the demand for commercial sex and thereby protect vulnerable people
- to promote public health and safety by regulating and curtailing activities deemed harmful to individuals and communities
- to declare in law that it is socially unacceptable to pay for sex.

In a summary of review findings (p 9-12), the report stated that the legislation had made "meaningful progress towards its objectives". However, it also highlighted some difficulties, areas where improvement was needed, and differing views:

- challenges to the effective enforcement of the legislation in its current form
- a need for public awareness campaigns (e.g. relating to the potential harm of prostitution)
- a need for better support services (e.g. healthcare, social welfare, gender specific housing and clear exit routes)
- differing views about the impact on the safety and well-being of people in prostitution
- differing views about the impact on human trafficking.

The review's findings, as set out in the report's executive summary, are reproduced in Annex 2 of this briefing.

Key issues from approaches in other countries

The above research evidence relating to approaches in other countries suggests that key issues in scrutinising the Bill could include the following.ⁱⁱ

Levels of prostitution

1. Are approaches which seek to challenge the demand for prostitution by criminalising the buyer (rather than the seller) effective in reducing prostitution? Does this apply equally to both on-street and indoor prostitution?
2. Does effectiveness differ in relation to particular groups of people in prostitution (e.g. people trafficked for sexual exploitation)?
3. To what extent is any reduction in prostitution dependent upon effective policing, and what does this involve?
4. What impact do other approaches (decriminalisation, regulation or full criminalisation)ⁱⁱⁱ have on levels of prostitution, and does this vary for particular groups of people in prostitution.

Impact on people in prostitution

1. What impact do approaches which seek to challenge the demand for prostitution by criminalising the buyer (rather than the seller) have on the safety and well-being of people who remain in prostitution?
2. In line with the Nordic Model, the Bill seeks to protect people in prostitution from being criminalised by repealing the current offence of soliciting set out in section 46 of the Civic Government (Scotland) Act 1982. Is this sufficient, or might they still be prosecuted for other offences (e.g. those relating to the running of brothels)?
3. What impact do other approaches (decriminalisation, regulation or full criminalisation) have on the safety and well-being of people in prostitution?

Attitudes towards prostitution

1. To what extent is the effectiveness of approaches which seek to challenge the demand for prostitution by criminalising the buyer (rather than the seller) dependent upon changing attitudes within society towards both: (a) the buying of sex; and (b) people in prostitution?
2. How are changes in attitudes best achieved?

Support for people in and exiting prostitution

1. To what extent is the effectiveness of any approach to prostitution dependent upon providing support for people in and exiting prostitution?
2. What should such support involve?

ii Scrutiny of the Bill may also include consideration of issues which are specific to its particular provisions (e.g. the drafting of the new offence and the proposed quashing of convictions for soliciting). In addition, responses to the Criminal Justice Committee's call for views will be important in identifying key issues.

iii Full criminalisation is also referred to as 'prohibition'.

3. What barriers must be overcome to ensure that those needing support are able to access it, and are these affected by the approach taken to prostitution (Nordic Model, decriminalisation, regulation or full criminalisation)?

Annex 1: Challenging demand for prostitution, international evidence review - executive summary (Scottish Government 2022)

This 'rapid evidence review' examines empirical research and 'grey literature' on international approaches to prostitution that seek to challenge demand through the criminalisation of the purchase of sex and decriminalisation of selling. It was prepared to inform work related to the Scottish Government's Programme for Government commitment (2021/22) to develop a model for Scotland which effectively tackles and challenges men's demand for prostitution.

The report identifies common principles that have shaped the design and implementation of challenging demand legislation across five jurisdictions (Sweden, Norway, Northern Ireland, the Republic of Ireland and France) and places particular emphasis on the identification of enablers, barriers and lessons learned.

The review also examines evidence with regards to safety and support provision for those involved in prostitution from two jurisdictions that have not adopted a challenging demand model, namely, New Zealand and the Netherlands.^{iv} Evidence on welfare and safety provisions was assessed with the aim of maximising opportunities for learning and identifying examples of best practice.

Methods

The review was conducted by Justice Analytical Services at the Scottish Government. It does not constitute a systematic assessment of all available research, however, a wide range of sources were consulted in the drafting of this review including legislation, academic peer-reviewed and grey literature such as government and civil society reports and evaluations. A total of 53 papers were included on the basis of their quality and relevance to the review aims.

Most of the studies reviewed on this topic were qualitative and non-experimental and drew from small, unrepresentative samples, reflecting the difficulties in reliably studying the nature and scope of prostitution. Moreover, a number of notable evidence gaps limited the identification of lessons learned including a lack of evidence on:

- day-to-day implementation (i.e. operational practice) both in terms of enforcement practices and support provision;
- 'what works' with regards to implementation of challenging demand approaches;
- data monitoring mechanisms used by government and non-government agencies to identify the numbers of those selling and purchasing sex indoors and outdoors;
- social attitudes around prostitution and the normative effects of the approaches adopted on deterrence;

^{iv} New Zealand has adopted a decriminalised approach, while the Netherlands has introduced a regulationist model.

- and the experiences of those involved in selling prostitution, particularly of men.

Challenging demand models

Challenging demand models are characterised by a number of common features that seek to:

1. reduce demand for prostitution.
2. improve the lives of those involved in prostitution through support that reduces harm and/or supports exit.
3. change social attitudes towards the commodification of (primarily female) bodies.

Across the jurisdictions examined, these common features map onto three central strands:

- a 'criminal justice' strand that criminalises the purchaser and decriminalises the seller.
- a 'support for victims' strand aimed at helping those involved and preventing continued involvement.
- a 'changing social attitudes' strand focused on informing the public of legislative provisions, to prevent further demand and reduce violence against those involved in prostitution.

Despite these common features there are striking differences in legislation and implementation across jurisdictions, particularly with regards to the organisation of support services and the penalties issued to purchasers.

Impacts and enablers of challenging demand approaches

- The evidence indicates that there have been sustained rises in recorded crimes and charges for purchase related offences in some of the jurisdictions (France, Republic of Ireland and Sweden). However, there is less evidence available about the prevalence of purchase. Purchaser surveys conducted in Northern Ireland and the Republic of Ireland suggest that deterrence may be ineffective, however, it is likely they largely capture the views of those who continue to purchase.
- Targeted intelligence-led police operations have been identified as a key means through which enforcement agencies have identified possible offenders and harder to reach victims as well as raise awareness of legislative provisions (Republic of Ireland). Some evidence indicates the need for increased focus on embedding widespread culture change across enforcement agencies in order to build trust with women and men involved in prostitution (Republic of Ireland).
- Cross-agency coordination which includes strong representation of advocacy and support organisations at a national level has been identified as a possible enabler of coherent policy delivery, information sharing, and collaboration between public actors, civil society and women and men involved in prostitution (Republic of Ireland, Sweden, France).
- The evidence suggests there has been a decline in on-street prostitution, however, the numbers of those involved in indoor prostitution remain unclear across jurisdictions. National estimates of the numbers accessing and benefiting from support provisions were not identified in the literature. Qualitative research does indicate that

support provisions have helped women and men involved in prostitution to access vital support services such as housing and legal and health advice. It also shows that women and men involved in prostitution benefit from accessible, wide-ranging, sustained, trauma-informed and person-centred approaches to support provision.

- Evidence on the normative effects of the legislation suggests there may be high levels of acceptance among the wider public in favour of challenging demand legislation (France, Sweden and Norway). Contributing factors such as the effectiveness of national campaigns aimed at changing social attitudes or awareness programmes, however, remain unaccounted for in the literature.

Barriers to challenging demand

- Some of the evidence indicates that a lack of regional consistency in enforcement and service delivery can hamper implementation of challenging demand provisions (France, Norway). Regional differences in implementation have been attributed to contrasting local policing approaches, unclear government guidelines and uneven regional budgets.
- Difficulties have been flagged with regards to the enforcement of the legislation, particularly in relation to proving offences and available surveillance powers to target offences (Northern Ireland). Challenges in gathering the necessary evidence may be contributing to low deterrence and conviction rates.
- Attempts to support women and men involved in prostitution have been hindered by insufficient resourcing of support pathways and a lack of accessibility for some women and men involved. Gaps in infrastructure aimed at responding to women and men involved in prostitution's complex socio-economic and health needs were identified (e.g. housing, financial aid, training). Migrant women and men involved appear to be most vulnerable to experiencing limited access to support.
- The evidence suggests women and men involved in prostitution continue to be targeted and criminalised by other legislative provisions such as immigration, brothel keeping and pimping laws, contributing to low levels of trust in the police and a reluctance to report incidents (Sweden, Norway, Republic of Ireland).
- Women and men involved in prostitution continue to experience stigma and violence across jurisdictions. Some evidence suggests there has been an increase in harassment, a reduction in negotiation time to screen purchasers, and exposure to riskier behaviour (France, Republic of Ireland and Northern Ireland). The research did not, however, find evidence of an increase in serious violence.
- Finally, the evidence points to difficulties in the monitoring of online and indoor prostitution, which in the case of France has been associated with a rise in the prostitution of minors.

Support provision in other models

- In the case of New Zealand the evidence suggests that specialist organisations and collectives can act as key facilitators of policy, providing valuable operational insights, information and leadership needed to secure support among those involved in prostitution.
- In the Netherlands, the evidence highlights the importance of targeted outreach to

improve access to health check-ups particularly among those harder to reach as well as coordinated responses to enforcement and information sharing.

- The evidence also indicates some notable shortcomings in both jurisdictions such as a lack of adequate resources for individuals wanting to leave prostitution and migrant women and men, regional inconsistencies, a lack of monitoring of seldom heard individuals, and continued stigma and violence experienced by women and men involved in prostitution.

Lessons learned from the evidence

- Overall, the evidence suggests that the implementation of challenging demand models benefits from clear and enforceable objectives that prioritise the safety and well-being of women and men involved in prostitution as well as sustained and targeted enforcement strategies aimed at detecting purchasers.
- Effective implementation requires adequate resourcing of wide-ranging, trauma-focused, sustained and de-stigmatising support provision for all women and men involved in prostitution (universal and specialist), as well as training and trauma-informed enforcement approaches aimed at building trust in order to improve intelligence gathering and relationships with those involved.
- The evidence also highlights the importance of national and regional bodies tasked with coordinating collaborative working and information sharing between relevant stakeholders (specialist/mainstream support providers, enforcement agencies, for example police, NGOs, women and men involved in prostitution) and with developing clear and evidence-informed guidance to strengthen operational consistency and improve information-sharing.
- Strategies aimed at fostering widespread 'culture change' in order to challenge the ongoing stigmatisation of women and men involved and combat continued violence, harassment and social exclusion are also needed to improve conditions for individuals involved in prostitution and change societal attitudes.
- The literature indicates the importance of ensuring the approach adopted is regarded by those involved as being for them. The incorporation of lived experience insights of those involved in prostitution (particularly migrants) in the development, design, and delivery of challenging demand is key to successful implementation and operationalisation.
- Finally, the absence of robust research on prostitution highlights the need for increased regular and transparent monitoring and evaluation practices in order to develop a more complete picture of prostitution's prevalence and nature and the impact of policy and legal interventions.

Annex 2: Review on the operation of section 7A of the Criminal Law (Sexual Offences) Act 1993 - extract from executive summary (Government of Ireland 2025)

Review Findings

Overall, the Act has made meaningful progress towards its objectives. However, the review does identify key areas for improvement to enable it to increase its impact are summarised below.

Enforcement and Demand Reduction

The review finds challenges to the effective enforcement of the legislation in its current form. Those who oppose the legislation in its current form highlight significant concerns regarding the enforcement of s.7A. According to this group, the enforcement of s.7A has not achieved its aim of reducing demand for commercial sex. From their perspective, it has pushed the industry further underground, increased fear and distrust among those involved in the sale of sex, and failed to address the broader socio-economic issues that drive demand.

Among those who support the legislation, there is a belief that it has the potential to reduce demand for commercial sex but they acknowledge that its current impact is limited by insufficient enforcement and a lack of supportive measures. Successful enforcement is linked to awareness, with an understanding of both the criminalisation of the purchaser and the decriminalisation of the seller being key. Several submissions and consultations pointed to a lack of public awareness and a lack of awareness amongst those selling sex regarding the current legislation.

From the perspective of law enforcement, the non-criminalisation of those who sell sexual services has allowed the OPIU^v to conduct safety and welfare checks, including the provision of two dedicated phone lines for direct contact with An Garda Síochána^{vi} on a 24-hour basis as well as a text message service. An Garda Síochána acknowledged that there is a low-level of reporting by victims of crime in this sector, but those who are trying to get out of the provision of sexual services do often reach out for assistance.

An Garda Síochána and the ODPP^{vii} noted several challenges and barriers that hinder effective enforcement, including the resource-intensive nature of identifying incidents, the limited power of arrest for detention and questioning, the requirement of an admission of guilt, challenges in prosecution due to the necessary 'proofs', and in approaches to sentencing.

v Organised Prostitution Investigations Unit.

vi The Republic of Ireland's police force.

vii Office of the Director of Public Prosecutions.

Additionally concerns around the enforcement of other legislative provisions within the Criminal Justice (Sexual Offences) 2013 Act, specifically s.11 (brothel keeping), are evident. A number of advocates for the full decriminalisation of prostitution - where neither the buying nor selling of sex is criminalised - strongly oppose the retention of section 11. They cite instances where those engaged in selling sex have felt targeted by this law, ultimately being driven into more unsafe situations as a consequence. While the official statistics and dialogue with statutory agencies do not support the view that those engaged in the sale of sex are being targeted with brothel keeping legislation, there is an apparent fear around its use and the implications of this for vulnerable groups.

Declarative Function

While stakeholders engaged in the review were aware of s.7A and the wider legislative framework, there was a perception that awareness levels amongst the broader also be limited.

There is a need for public awareness campaigns focused on communicating the illegality of purchasing sex, the actions already being taken by law enforcement to address this, and, more broadly, on the potential harm of prostitution and its impact on wider gender equality.

Protective Function and Support Services

The perspectives on the impact of the legislation on safety and well-being are, as with the debate and literature in this area, contentious and highly polarised.

Those opposed to the legislation claim that the introduction of s.7A is negatively impacting on the safety and well-being of those engaged in the sale of sex. They refer to testimonials and data provided by the not-for-profit organisation Ugly Mugs to support this view. They specifically state that s.7A is driving those engaged in the sale of sex 'underground' exacerbating risks in relation to health and safety. They point to multiple factors driving this increased risk including:

- increased exposure to more dangerous clients as they (the client) are more reticent to share personal information for fear of prosecution.
- a lack of trust between law enforcement and those involved in the sale of sex which impacts on their ability to report crimes, including violence, and to accessing support services.
- increased stigma making them unlikely to disclose their occupation and to avail of necessary healthcare.

Conversely, those advocating for s.7A counter that these issues of safety and well-being were ever present. They identify research which highlights the inherent risks involved in the sale of sex but dispute the links to the legislative changes in driving an increased level of risk. Those who advocate s.7A also highlight the work of the OPIU in protecting and securing the trust of vulnerable populations. However, there is a general agreement that the ability to successfully support and protect is hindered by a lack of culturally appropriate support services including healthcare, social welfare, gender specific housing for women and clear exit routes.

The current use of support services suggests that while the law aims to reduce demand, it does not sufficiently address broader issues faced by individuals in the sex trade, such as

coercion, drug use, and violence.

Human Trafficking

In relation to persons engaged in sexual activity and their risk of being victims of human trafficking, there is consensus among contributors that a link can exist, posing a risk in certain circumstances. However, the prevalence of human trafficking among those involved in the sale of sex in Ireland is disputed, and the lack of reliable data is cited by both advocates for and opponents of s.7A.

While all agree that tackling human trafficking is of the utmost importance, there is evident disagreement about the strategies for doing so and a challenge in effectively assessing their impact.

Opponents argue that the law has not decreased trafficking, misallocates resources, and conflates the sale of sex more generally with trafficking, ultimately making conditions more dangerous for those involved in the sale of sex. Supporters, on the other hand, believe that criminalising the purchase of sex can reduce demand and disrupt trafficking networks.

Despite differing views on s.7A's potential secondary effects, both opponents and supporters agree on several key areas of focus to assist in tackling human trafficking. They emphasise the need for accurate data, improved identification processes, comprehensive support systems, enhanced training for law enforcement and service providers, and enhanced multi-agency collaboration. Both sides also stress the importance of the new NRM,^{viii} which will include third-party organisations.

viii National Referral Mechanism.

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