

Criminal Justice Committee
Wednesday 29 October 2025
28th Meeting, 2025 (Session 6)

Prostitution (Offences and Support) (Scotland) Bill

Note by the Clerk

Introduction

1. The [Prostitution \(Offences and Support\) \(Scotland\) Bill](#) was introduced on 20 May 2025.
2. The Bill creates a new offence of paying for sexual acts. The Bill also repeals the existing offence under section 46 of the Civic Government (Scotland) Act 1982 of soliciting and importuning by prostitutes. People who have been convicted of this offence in the past would have their convictions quashed. Additionally, Scottish Ministers will need to ensure that a person who is, or has been, in prostitution is provided with help and support.

Today's evidence on the Bill

3. At today's meeting, the Committee will take evidence from the following witnesses.
 - **Dr Niina Vuolajärvi**, Assistant Professor in International Migration, London School of Economics;
 - **Dr Larissa Sandy**, Associate Professor of Criminology, University of Nottingham
 - **Ruth Breslin**, Director of the Sexual Exploitation Research and Policy Institute, Republic of Ireland, and
 - **Professor Jo Phoenix**, Professor of Criminology, University of Reading (attending remotely).
4. The following submissions have been provided to the Committee, which are reproduced at the Annex—
 - Dr Niina Vuolajärvi (pages 3 – 8);
 - Dr Larissa Sandy (pages 9 – 12); and
 - Ruth Breslin (pages 13 – 19, additional information 20 - 21).
5. The Committee has taken evidence on this Bill previously at its meetings on [8 October](#) and [25 June 2025](#).

Financial Memorandum

6. The Finance and Public Administration Committee issued a call for views on the Bill's Financial Memorandum.
7. The [responses to the call for views](#) can be found online.

Further reading

8. A [SPICe briefing on the Bill](#) can be found online.
9. The [responses to the Committee's call for views on the Bill](#) can be found online.

Clerks to the Committee
October 2025

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SUBMISSION FROM DR NIINA VUOLAJÄRVI, ASSISTANT PROFESSOR IN INTERNATIONAL MIGRATION, LONDON SCHOOL OF ECONOMICS ¹

Call for Views Q1. 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?

I am responding to this call for views in my role as an Assistant Professor of International Migration at the London School of Economics and a researcher specializing in commercial sex in the Nordic region and the so-called "Nordic Model" that criminalizes sex buyers while ostensibly leaving sex sellers out of criminalization. My response is based on extensive research undertaken over a three-year period in Sweden, Norway, and Finland, which included 210 formal interviews, most of which were conducted with people in the sex trade. The findings are published in a policy report "Criminalizing the Sex Buyer: Experiences from the Nordic Region" by LSE Centre for Women, Peace and Security:

<https://www.lse.ac.uk/women-peace-security/assets/documents/2022/W922-0152-WPS-Policy-Paper-6-singles.pdf>

Key findings demonstrate that criminalizing sex buyers increases rather than reduces harm to sex workers. 96% of interviewees oppose sex buyer laws, citing increased violence exposure, reduced safety practices, and decreased access to justice. The evidence reveals no positive outcomes from Nordic model policies, which have displaced rather than reduced commercial sex while increasing stigma and marginalization. I have detailed the findings below:

1. Increased exposure to violence:

Evidence from my study demonstrates that I strongly oppose the proposal. My research concludes that instead of protecting women in the sex trade, the Nordic model negatively impacts women. These impacts are multiplied when those who sell sex are migrants or otherwise marginalized/in vulnerable positions. Sex buyer criminalization hampers sex workers' safety practices and makes client screening difficult because they need to demonstrate to the sex buyer that they are safe (rather than vice versa) and go to locations where sex buyers feel safe, such as private apartments they do not know. Also, on the streets, clients hurry negotiations, want to move transactions further away from the street, or generally avoid public locations such as hotels, which are safer for sex workers than going to premises selected by the client. Hence, the law increases individuals' exposure to violence.

2. Increased policing and vulnerability:

¹ Dr Vuolajärvi submission is available online at: [Response 517529184 to Prostitution \(Offences and Support\) \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

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Sex buyer criminalization and the increased policing that follows have led to numerous specific types of harm including harassment, evictions, deportations, and increased surveillance. Despite the explicit aim of the Nordic model to shift attention away from people who sell sex, they remain the main target of policing. Freija, a woman who had navigated two decades in the sex trade after starting at age 18 for survival and whose experiences had been traumatic, expressed her disappointment with Norway's law:

"Politicians promised the moon and the stars when they introduced the Sex Purchase Act. [...] The law was supposed to protect women and target clients and pimps. But the reality is not like that. Many experience that the police hunt them on the street.

Again, it is the women who become the vulnerable party."

The police use other laws around commercial sex to "empty the market" (systematically remove individuals engaged in commercial sex from public and private spaces through various legal mechanisms), and those selling sex in Sweden and Norway face evictions from their homes due to sex sales and police harassment outside their homes and on the street. The police also deport migrant individuals if they are found selling sex. Harassment, evictions, and deportations increase the vulnerability of those in the sex trade.

3. Reduced trust in officials, increasing vulnerability and lack of access to justice:

The punitive policing has also reduced trust in police and officials, which has made it more difficult for individuals engaged in commercial sex to seek help in cases of violence or crime. As one woman told me, she would only contact the police if it were a matter of life and death. Lina, a Latin American trans woman with experience working across borders in both Norway and Sweden, detailed how policing under the Nordic Model affects people like her:

"This is a contradictory law. They kind of let you work but they control you – in the end, they force you not to work. [...] They say you can work, but you cannot work in an apartment because then the owner is a criminal; you cannot work in a hotel because then the hotel is criminal. [...] Here, you cannot call the police if you are in trouble, if somebody is violent, robbing you or something. [...] Maybe if you are foreign, the police will put you out of the country."

Some criminal elements know that those selling sex won't turn to the police if they are victims of crime and blackmail unpaid services from them or choose them as targets for robberies.

4. Increased stigma and marginalization:

Furthermore, studies show that the law in Sweden has increased stigma toward people who sell sex. Public support not only for buying sex but also for selling sex has become more negative.

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Stigma is one of the main catalysts of violence and exclusion for individuals engaged in commercial sex. My study demonstrates how the widespread adoption of the understanding of commercial sex as a form of violence in Swedish society contributes to heightened experiences of stigma, marginalization, and discrimination.

Interviewees in Sweden and Norway stated that the polarization of the debate around commercial sex has resulted in social and political isolation. Interviews demonstrate how stigmatizing views of commercial sex as violence prevalent in Sweden translate into experiences of victimization and overall discrimination in interactions with officials, service providers, and the media.

5. The law does not address the root causes of people engaging in sex work:

My research demonstrates a discrepancy between the ideological discourse equating commercial sex with sex trafficking and exploitation and the realities experienced by individuals in the sex trade. Only a small minority of those interviewed – 6 percent – considered themselves to have been trafficked or forced by someone else to sell sex. The intention to earn money was cited as the single biggest motivator for those engaging in the sex trade and/or migrating for commercial sex, irrespective of their interpretation of or feelings about the sex trade. Many engaged in sex work because of lack of access to other forms of income due to language and labor market barriers (migrants), long-term illness (mental health), caring responsibilities (single mothers), drug use, wanting to focus on studies, or general dissatisfaction with the regular labor market (low pay, bad working conditions, lack of autonomy). To enable individuals to stop sex work, the government would therefore need to ensure that people have adequate income and support measures when falling ill, having caring responsibilities, being new to a country, or engaging in studies, rather than increasing criminalization of an already marginalized group.

Call for Views Q2. 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?

Findings from my study support this proposal. People working on the street are often some of the most vulnerable individuals who do not have the means to move to a more protected indoor environment and often engage in survival sex work. Policing of street workers drives women to more secluded areas and forces women to screen clients quickly, making their work more dangerous. Also, police often use condoms as evidence of sex work, which can be an incentive to provide services without protection, increasing exposure to sexually transmitted infections (STIs). Repealing this section would therefore reduce harm and improve safety for the most vulnerable individuals in commercial sex.

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Call for Views Q3. 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?

This proposal is favorable to those engaged in commercial sex and their well-being. Having a criminal record for prostitution increases the stigma related to sex work and makes individuals targets of discrimination. This can mean, for example, that people have a harder time accessing other employment due to their criminal record and stigma related to sex work, have trouble with social workers regarding the custody and care of their children, or as migrants, have their visa renewal denied due to their criminal record. Quashing these historic convictions would remove barriers to social and economic participation for those who have been criminalized for survival activities.

Call for Views Q4. 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?

My research demonstrates the significant need for various types of support services such as housing and income support, language and vocational training services, mental health assistance, and help with drug use. These services should be based on a non-judgmental approach that starts from the needs of individuals engaged in commercial sex. Also, stopping sex work should not be a condition for accessing these services because many of the women I met (especially migrants) were supporting themselves and their families, and access to income was crucial for their families' well-being.

A danger in the current Bill is that no money has been earmarked for support. The danger is that funding will instead go to enforcing the law rather than to services. For example, in Sweden, the criminal law was supposed to be just a supplement to support services, but when the law was introduced in 1999, the Swedish state did not direct any extra funding to social services directed at people in the sex trade. Instead, Sweden invested in law enforcement, knowledge production, and normative change around commercial sex. In other words, the "model" has had an extensive focus on policing rather than developing specialized social services for people in the sex trade.

Furthermore, the lack of consultation and engagement with individuals in the sex trade in the formation of services, together with the widespread adoption of the understanding of commercial sex as a form of violence against women in Sweden, has contributed to focusing on therapeutic services instead of meeting the everyday needs of people in sex work. There are very limited or non-existent low-threshold STI testing, health, or legal services available, and none of the state providers market their services in languages other than Swedish, despite a majority of those engaged in commercial sex in the region being migrants. Prioritizing therapeutic support at the

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cost of harm reduction services also means that people in the sex trade have a hard time accessing specialized health and legal services and find themselves without support when they are victims of crime. Also, there are instances where access to help has been conditional on stopping sex work. Without adequate funding and genuine consultation with affected communities, these support provisions risk becoming ineffective tokenism rather than meaningful assistance.

Call for Views Q5. Do you have any other comments on the Bill which you have not already covered elsewhere?

Evidence from my study shows that this Bill stems from a distorted understanding of commercial sex and fails to address the actual needs of people in the industry. Effective policies and laws regarding prostitution must center the voices and experiences of those in the trade. Through interviews and discussions with hundreds of individuals engaged in commercial sex, I found that safety is the primary concern for everyone, regardless of their personal feelings about selling sex.

Ensuring safety requires enabling people to sell sex without facing criminalization or secondary criminalization (such as sex buyer criminalization), while focusing policing efforts on preventing exploitation and violence rather than consensual transactions. My study's findings demonstrate that the vast majority of interviewees—96 percent—oppose sex buyer laws and support removing criminal penalties related to the sex trade, allowing sex work to be organized without impunity.

Beyond these direct findings from my interviews, it is also important to examine the broader evidence base for sex buyer criminalization. Furthermore, there is no robust evidence that criminalizing buying sex would reduce the levels of commercial sex or sex trafficking. The problem is that there is no systematic research before and after the introduction of sex buyer laws in the Nordic region. The limited available evidence from Nordic countries reveals mixed and inconclusive results. What we know based on Holmström and Skilbrei (2017):

1. Impact on Levels of Commercial Sex Activity

- Street prostitution: Decreased by 50 percent
- Online escort advertisements: Increased by over 2000 percent (from 304 ads in 2006 to 6,965 ads in 2014)
- Assessment: Difficult to determine overall impact since internet-based sex work was not prevalent when the law was introduced

2. Impact on Sex Trafficking Levels

- Baseline data: No systematic data collection on trafficking levels before the law's implementation

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- Cross-country comparisons: Data from different countries are not comparable, making valid assessments impossible
- Claims of effectiveness: Some studies suggest reduced trafficking in countries with harsher prostitution policies, but these rely on non-comparable data (Cho et al., 2013)
- Police assessments: Swedish police claim the law helps prevent trafficking, but it is difficult to assess whether one law could produce such effects

3. Impact on Sex Purchasing Behavior

- Sweden (before vs. after law): Decrease from 13 percent to 8 percent of men reporting having bought sex
- Current regional comparison (Sverige Folkhälsomyndigheten, 2019):
 - Sweden: 10-15 percent of men have bought sex
 - Finland: 11-13 percent of men have bought sex
 - Norway: 13 percent of men have bought sex
 - Denmark: 13 percent of men have bought sex
- Assessment: No significant difference between countries with full sex buyer criminalization (Sweden, Norway) and other Nordic countries

Overall conclusion: The available evidence shows no clear positive outcomes and suggests that criminalization may simply displace rather than reduce commercial sex activity.

Given both my research findings with individuals engaged in commercial sex and this broader evidence base showing the ineffectiveness of the Nordic model, I recommend removing criminal penalties for consensual adult commercial sex to protect the safety, integrity, and rights of people in the sex trade. This includes decriminalizing selling, buying, and non-exploitative third-party assistance.

In conclusion, Nordic-style regulation that criminalizes sex buying has proven harmful, producing negative consequences for individuals engaged in commercial sex. Rather than protecting vulnerable individuals, the primary goal of Nordic model regulation has become the abolition of commercial sex through punitive policing targeting those in the trade. This approach fundamentally contradicts the evidence-based policy-making that should guide legislative decisions. By failing to center the voices of people who sell sex in policymaking and service provision, these approaches increase vulnerability and exploitation instead of reducing them.

I would welcome the opportunity to present oral evidence to the committee and answer any questions about my research findings. As an Assistant Professor at the London School of Economics with extensive field research experience across the

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Nordic region, I am available to provide additional testimony on the impacts of sex buyer criminalization and the experiences of people in the sex trade.

Dr Vuolajärvi also provided a link to the following publication: [Criminalising the Sex Buyer - Experiences from the Nordic Region.pdf](#)

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SUBMISSION FROM DR LARISSA SANDY, ASSOCIATE PROFESSOR OF CRIMINOLOGY, UNIVERSITY OF NOTTINGHAM ²

Call for Views Q1. 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?

Fully oppose: The global evidence base recommends the decriminalisation of sex work to achieve better public health and human rights outcomes and address exploitation. In 2006 UNAIDS and the UN High Commissioner of Human Rights recommended decriminalisation to protect sex workers' human rights and health (OHCHR & UNAIDS, 2006). In addition, UNDP Asia-Pacific (Godwin, 2012), the Global Commission on HIV and the Law (2012) and UN Special Rapporteur on Health and Human Rights (UN, 2010) have all recommended the decriminalisation of sex work. In 2016, Amnesty International recommended decriminalisation of all aspects of consensual adult sex work as they said this was 'grounded in the principles of harm reduction, gender equality, recognition of the personal agency of sex workers, and general international human rights principles' (2016a, p.2). It is also supported by key organisations like the Network of Sex Work Projects (NSWP), UK NSWP, National Ugly Mugs (NUM), Scarlet Alliance (Australia), Asia Pacific Network of Sex Workers (APNSW), New Zealand Prostitutes Collective (NZPC), English Collective of Prostitutes (EPC), Global Alliance Against Trafficking in Women (GAATW) and so on. Further, Das and Horton document where sex work is decriminalised, 'the focus of policing is on reducing violence, protecting sex workers, and supporting effective [public health] programming' (2015, p.3).

The proposal in the Bill maintains stigma and discrimination and does not give sex workers the same rights and access to justice and social benefits as other working people (Levy & Jakobsson, 2014). It does not respect, protect, and fulfil sex workers rights as in countries where client criminalisation has been enacted (e.g., Sweden, Norway, France, Northern Ireland), sex workers have experienced violations of their rights to housing, security of person, equal protection under the law, health, non-discrimination and privacy (Amnesty International, 2016b).

Call for Views Q2. 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?

Fully support: I support the full repeal of Section 46 of the Civic Government (Scotland) Act (1982). Sex work decriminalisation is a globally recognised best

² Dr Sandy's submission is available online at: [Response 574884998 to Prostitution \(Offences and Support\) \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

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practice approach to sex industry regulation. This is essential legislative reform that will improve sex workers access to health, safety and justice.

These laws often target street-based sex workers, some of whom are among the most vulnerable members of the sex work community. The laws on solicitation force many workers in unsafe situations and subject them to client and police violence and abuse and impact on their ability to access health care and other services and justice. Solicitation laws perpetuate stigma and discrimination and result in the violation of sex workers human rights and can result in workers having criminal records, which places restrictions on opportunities (e.g., housing, education, employment) and has an impact on accessing justice. Evidence shows that decriminalisation of street-based sex work in New Zealand did not lead to an increase in the number of on-street workers (Abel, Fitzgerald & Brunton, 2009). Further, a 2007 study with street-based sex workers showed positive changes in relationships between sex workers and police after decriminalisation (Abel, Fitzgerald & Brunton, 2007).

Call for Views Q3. 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?

All convictions should be quashed. This can happen through spent convictions legislation or clearing records under the Rehabilitation of Offenders Act (1974), which offers a possible pathway through which criminal records can be cleared in England & Wales and Scotland. It is essential to remove all convictions retained by sex workers under criminalisation. The stigma of criminalisation and having a criminal record can impact on opportunities like accessing employment, housing and education and the right to vote (Heydon & Naylor, 2018). Clearing of criminal records is necessary in allowing successful transitions for workers who want to leave sex work or engage in dual careers to gain employment or undertake studies and also ending stigma and discrimination.

Call for Views Q4. 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?

Sex worker support groups and peer organisations provide essential services. These organisations should be funded consistently and through public funds, and not be reliant on donations, grants and other organisations. The approach in providing support must be rights-based and aimed at increasing labour rights and health and safety through wide-ranging supportive services. Any support for this provision would need to be under equality legislation, recognising sex work as a protected

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characteristic, thereby ensuring protection and safety for workers under the principles and framework of non-discrimination.

The Scottish government has created a new national support pathway, and it is important this pathway utilises and funds sex worker-led projects that provide services to support and protect workers health and safety. This includes, for example, National Ugly Mugs (NUM), a UK-wide sex worker support organisation and NUMbrella Lane in Glasgow that provides vocational support services and casework in a safe and non-judgmental environment (NUM, 2025).

Stigma remains a barrier for sex workers accessing healthcare and other services, which suggests the need for improvement in service delivery before this measure be adopted. Based on a large-scale study of sex workers' experiences accessing healthcare services in Birmingham, a more compassionate approach is necessary as workers were discriminated against and marginalised when accessing mainstream services based on their profession (Bradbury-Jones et al., 2024). Best practice approaches in service provision give voice to sex workers about their needs, and it is important that a needs assessment be carried out with workers to ensure sex workers needs and priorities are reflected in any services and work is undertaken to challenge stigmatising and discriminatory attitudes held by some service providers (Sandy et al., 2019).

Any assistance and support provided by the Scottish government needs to support sex workers' choices, including the choice to remain in sex work. In this area of service provision, a 2019 review of evidence-based best practices found that it is important for these programs to adopt a career transitions/career development framework (Sandy et al., 2019). As the UK Network of Sex Work Projects (UK NSWP) suggests, these services need to be an 'option within a range of non-judgemental, holistic, harm reduction services offered to sex workers' (2008, p.3).

Research shows that a strict requirement stipulating sex workers need to be seeking to leave or reducing their hours worked in the sex industry to access services can create an access barrier (Ouspenski, 2014; Sandy et al., 2019; UK NSWP, 2008). For example, some sex workers may not be able to consider leaving sex work until more pressing needs (e.g., housing) are met, while for others once these needs are met, they may find that they wish to stay in sex work or work in different ways (e.g., dual careers). For some workers, the evidence suggests they 'must first be in touch with flexible, crisis-led harm reduction services if they are ever to be engaged with a process of more substantial change' (UK NSWP, 2008, p.3). It is recommended that these services be provided as part of generalist support services. Career development and transition services should be offered as one of the services available, but it is recommended that 'exiting' the industry or leaving sex work should not be the main goal of the program as this should be supporting sex workers choices.

It is essential that any program or services are developed with the direct involvement of sex workers at all stages and employs peer workers who have a lived experience of sex work. Best practice reports see this as gold standard in service provision

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(WHO, 2013; UNAIDS, 2012). The program or services must recognise the diversity of experiences in sex work and needs to be flexible in service provision with the overall goal of supporting sex workers to make informed decisions. It is recommended that any program or services are developed based on long-and short-term programmatic focuses and considers using community health-based and peer-learning approaches and workshops alongside a case management approach (Sandy et al., 2019). In following the WHO Ottawa Charter (1986) it is vital that the program is developed by sex workers themselves and that it provides holistic services and so includes a diverse range of services and activities that respond to sex workers' needs.

Call for Views Q5. Do you have any other comments on the Bill which you have not already covered elsewhere?

I do not recommend the introduction of any new sex work offences. Research from Norway (Amnesty International, 2016; Bjørndahl, 2012), Sweden (Fuckförbundet, 2019; Levy & Jackobsen, 2014), France (Bail et al., 2019; Giametta & Le Bail, 2023), Canada (McDermid et al., 2022;) and the Nordic region (Vuolajärvi, 2022) shows that the introduction of new offences like those proposed in the Bill led to increased violence from the police, immigration authorities and clients as well as stigma and discrimination. This was particularly so for more economically marginalised workers or those who were multiply marginalised – those who face social exclusion and marginalisation are most vulnerable to harm under the proposed new offences.

Scottish society cannot achieve gender equality if sex workers are less safe and silenced because of fear of the ramifications for their lives experienced with any form of criminalisation. Equality is only possible when sex workers are at the table – this includes the diverse sexualities and genders of sex workers and their clients. Scot-PEP, a Scottish sex worker-led charity has stated that 'no society can achieve gender equality by enacting laws which make women who sell sex less safe. The immediate safety of women who sell sex cannot be collateral damage in some wider project of 'gender equality' – any gender equality built on such a foundation would be a sham' (Scot-PEP, 2019, p.2).

It is recommended that the Scottish Parliament repeals the laws criminalising aspects of sex work and does not create any new laws criminalising the purchase of sex, instead working to create a regulatory framework to improve sex worker safety. The proposals in the Bill are not grounded in empirical evidence nor are they based on best practice. The global evidence base recommends the decriminalisation of sex work because it reduces risk to sex worker health and safety. Sex work policy needs to be evidence-based, and this means decriminalisation with regulations that improve safety and reduce harm.

The Scottish Parliament can consider the legislative pathway recently adopted by the Victorian government in Australia and its development of the Sex Work Decriminalisation Bill (2022). Working with sex workers and support organisations to

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co-design a sex work decriminalisation bill would lead to more inclusive and informed sex industry policy and engagement with diverse stakeholders, including sex workers who are directly affected by the policy and following this pathway can improve understanding, increase legitimacy and ensure successful implementation.

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SUBMISSION FROM RUTH BRESLIN OF THE SEXUAL EXPLOITATION RESEARCH AND POLICY INSTITUTE - IRELAND ³

About the SEPR

The Sexual Exploitation Research and Policy Institute is Ireland's only independent research body dedicated to the study of commercial sexual exploitation. Our research influences academic discourse and creates useful knowledge for law and policy makers, practitioners, survivors and activists.

The SERP Institute is an internationally-recognised centre of excellence in generating new evidence and informing policy to combat the harms of all forms of commercial sexual exploitation in Ireland and beyond. Our evidence has been utilised by lawmakers in Ireland, the UK, Europe and the US.

The team has over fifty years of expertise combined in research, policy and advocacy work on these issues. Working on an all-island-of-Ireland basis, we monitor and investigate the nature and impact of the sex trade on victims, survivors and wider society, bridging the gap between research and frontline practice to disrupt the myths and expose the truth about the commercial sex trade.

The Institute's work enhances the broader understanding of commercial sexual exploitation and the different manifestations of the sex trade in all its guises including:

- Prostitution
- Trafficking for the purpose of sexual exploitation
- The sexual exploitation of children and young people
- Pornography and other forms of sexual exploitation that take place online
- New and emerging forms of commercial sexual exploitation, occurring both on and offline.

Since 2020, we have published eight studies on different aspects of commercial sexual exploitation, all of which include key recommendations for policy, legislation and practice - the full breadth of our work can be explored here:

<https://serp.ie/research/research-findings/>

Call for Views Q1. 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?

³ Ms Breslin's submission is available online at: [Response 677822719 to Prostitution \(Offences and Support\) \(Scotland\) Bill - Scottish Parliament - Citizen Space](#)

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We support this proposal, based on the Irish experience of introducing the 'Nordic'/Equality' model of prostitution legislation in 2017 (The Criminal Law, Sexual Offences Act, 2017)(1).

This law has since been subject to a Review (2), and the Irish Government continues to give it their full support.(3).

Based on the evidence The SERP Institute has gathered, dating back to 2015, we have established that approximately 10-15% of women in prostitution in Ireland fit the 'classic' definition of trafficked for the purpose of sexual exploitation recognised in Irish law, while approximately 5-10% describe having entered prostitution by choice, in circumstances where they had other choices available to them. A proportion of these describe themselves as 'sex workers' and view prostitution as a form of work. However, the vast majority of approximately 80% fall into a much larger 'vulnerable' category – these are primarily migrant women, new to Ireland and often with limited English, who have been drawn into prostitution by the urgent need to support family/loved ones in their country of origin. A smaller group of similarly vulnerable Irish women are being exploited in locations including the street, homeless accommodation and crack houses.(4)

Up to one fifth of women in the trade were drawn into prostitution as children.(5)

Our understanding is that Scotland shares a similar profile in terms of those involved in its sex trade. In developing our own version of the 'Nordic'/Equality' model, Irish legislators fully recognised the vulnerability and levels of severe exploitation experienced by the vast majority in the trade, and chose to prioritise this vulnerable majority by outlawing the purchase of sexual access to their bodies.

This determination is in line with mounting international evidence, which demonstrates that decriminalising or legalising the actions of sex buyers and all those who organise and profit from the prostitution of vulnerable persons, only leads to a significant growth in the sex trade, and in turn an increase in the violence and extreme exploitation that is experienced within it. The evidence from the Netherlands, Germany and New Zealand, for example, describes sex trades that have expanded far beyond control in these jurisdictions, which are rife with violence, trafficking and other egregious human rights abuses (6).

Irish legislators understood that in order to prevent the expansion of the sex trade in Ireland, and therefore prevent more and more vulnerable women and girls from being drawn/coerced/trafficked into it, it was necessary to tackle the demand for prostitution created by sex buyers. The legislation was designed to have a deterrent effect on sex buyers, but also to have a declarative and normative impact: 'signalling to wider society that Ireland does not tolerate the exploitation of vulnerable populations' (p. 91 of the Review - see source 2 below). Our analysis of the Review of our legislation highlights both its successes and its challenges (7), and we respectfully suggest that Scottish legislators carefully review this analysis to gain a

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deeper understanding of why Ireland chose this particular legislative path, and why it is committed to retaining and strengthening this legislative approach into the future.

Sources:

(1) The Criminal Law, Sexual Offences Act, 2017

<https://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>

(2) Department of Justice, 2025. Review of the Operation of Section 7A of the Criminal Law (Sexual Offences) Act 1993 As Amended by Part 4 of the Criminal Law (Sexual Offences) Act 2017. Dublin: Department of Justice. <https://assets.gov.ie/static/documents/review-on-the-operation-of-section-7a-of-the-criminal-law-sexual-offences-act-1993.pdf>

(3) Department of Justice, March 2025. Press Release: Review of Legislation that Criminalised the Purchase of Sex Completed. Dublin: Department of Justice. <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/review-of-legislation-that-criminalised-the-purchase-of-sex-completed/>

(4) See for example: O'Connor, M., and Breslin, R., 2020. Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform. Dublin: SERP; Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Health Service Executive Women's Health Service. Dublin: SERP; and Breslin, R., and Canning, M., 2023. Pathways to Exit: A Study of Women's Journeys Out of Prostitution and the Response to Their Complex Support Needs. Dublin: SERP. All studies can be sourced here: <https://serp.ie/research/research-findings/>

(5) Breslin, R., and Canning, M., 2023. Pathways to Exit: A Study of Women's Journeys Out of Prostitution and the Response to Their Complex Support Needs. Dublin: SERP. https://serp.ie/wp-content/uploads/2023/12/SERP_PathwaystoExit_FULL_Final.pdf

(6) See for example: Walby, S., Apitzsch, B., Armstrong, J., Balderston, S., Follis, K., Francis, B., Kelly, L., May-Chahal, C., Rashid, A., Shire, K., Towers, J. and Tunte, M., 2016. Study on the Gender Dimension of Trafficking in Human Beings – Final Report. Luxembourg: European Commission; O'Connor, M., 2019. The Sex Economy. UK: Agenda Publishing; European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, 2021. The Differing EU Member States' Regulations on Prostitution and their CrossBorder Implications on Women's Rights. Brussels: European Parliament; CATW, 2021. Germany, New Zealand: A Comparison in Prostitution Laws 2002-2017. Coalition Against Trafficking in Women; CATW, 2025. Failed Promises: The History of Legal Prostitution and Sex Trafficking in the Kingdom of the Netherlands. Coalition Against Trafficking in Women

(7) The SERP Institute, 2025. Statement on the Review on the Operation of Section 7A of the Criminal Law (Sexual Offences) Act. Dublin: The SERP Institute. <https://serp.ie/wp-content/uploads/2025/04/The-SERP-Institute-Statement-on-Review-of-S7A-FINAL.pdf>

Call for Views Q2. 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?

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We support this proposal.

Ireland's Criminal Law (Sexual Offences) Act, 2017 decriminalised those who sell sex in recognition of their extreme vulnerability and the serious levels of violence and exploitation they experience in the sex trade. At the same time, the Act outlawed the purchase of sex in a bid to tackle demand – to deter the customers that fuel this harmful trade and fund the activities of the organised crime networks that run it. The Act also increased the penalties for those organising and profiting from the prostitution of another person, in an attempt to address the hold that pimps and traffickers have on the trade in Ireland.

In Ireland, there is widespread consensus that those involved in prostitution should not be considered 'criminals'. This is based on the understanding that the vast majority of those involved in prostitution are highly vulnerable, and are experiencing quite extreme levels of violence and exploitation at the hands of sex buyers, pimps, traffickers and organised criminals alike. Effectively, it has been determined that such a marginalised population, very few of whom have genuinely made a free and fully informed 'choice' to sell sex, should never be criminalised for the abuse and exploitation that they are experiencing.

We have argued that one of the most significant successes of Ireland's Equality Model legislation is the decriminalisation of those who sell sex, which has significantly enhanced their safety and the protections they are afforded by the authorities (1).

The Irish Government's Review of the legislation also notes evidence from the official statistics which clearly shows the move by law enforcement away from targeting those who sell sex (who are now decriminalised) to those who purchase it – describing this as a shift in the 'legal burden', which aims to protect those most at risk in the sex trade (p. 40 - see source 2). It finds that An Garda Síochána (AGS – the Irish police) have in turn shifted their operational priorities towards providing protection and support to persons involved in prostitution. This includes the conduct of regular safety and welfare checks by the Organised Prostitution Investigation Unit of AGS, 'which suggests a positive impact on the safety and well-being of those selling sex' (p. 80). Furthermore, AGS note that those seeking to escape or exit from the sex trade 'often reach out for assistance' (p. 10). These findings are echoed by The SERP Institute's own research and by the experience of specialist support services at the frontline, who report that their service users feel safer in their interactions with the police since they can no longer be prosecuted for selling sex (3).

Although only touched upon in the Review, it is also important to note the increased willingness among women in prostitution to come forward to police and cooperate in investigations when they have been attacked (by both sex buyers and organised crime gang members). This has resulted in the many successful convictions that The SERP Institute has documented of men who have used extreme violence to both

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physically and sexually assault women in the trade – with success rates in court that were impossible to achieve before the 2017 law was enacted (4).

Crucially, the Review recommends that enhancing the protective function of the law requires also ensuring that properly resourced supports are in place for all those seeking to exit the sex trade (see recommendations p. 99, source 2 below).

Sources:

(1) The SERP Institute, 2025. Statement on the Review on the Operation of Section 7A of the Criminal Law (Sexual Offences) Act. Dublin: The SERP Institute. <https://serp.ie/wp-content/uploads/2025/04/The-SERP-Institute-Statement-on-Review-of-S7A-FINAL.pdf>

(2) Department of Justice, 2025. Review of the Operation of Section 7A of the Criminal Law (Sexual Offences) Act 1993 As Amended by Part 4 of the Criminal Law (Sexual Offences) Act 2017. Dublin: Department of Justice. <https://assets.gov.ie/static/documents/review-on-the-operation-of-section-7a-of-the-criminal-law-sexual-offences-act-1993.pdf>

(3) See for example: O'Connor, M., and Breslin, R., 2020. Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform. Dublin: SERP https://serp.ie/wp-content/uploads/2023/02/Shifting_the_Burden_Report.pdf

(4) O'Connor, M., and Breslin, R., 2020; *ibid*; updated in Irish Human Rights and Equality Commission, 2023; Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti Trafficking Directive. Dublin: IHREC. https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf

Call for Views Q3. 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?

We support this proposal.

In 2021, The SERP Institute warmly welcomed then Minister for Justice Helen McEntee's announcement of plans to expunge previous convictions for the 'sale of sex'.⁽¹⁾

This move embodies the true spirit of all 'Nordic'/'Equality' model legislation in its recognition of the vulnerabilities and adversities faced by the vast majority of those in prostitution, who should no longer be punished for the sexual exploitation they have experienced. Having a criminal record for prostitution has also proven to be a significant barrier for women trying to move on from the sex trade and rebuild their lives.⁽²⁾

However, we are disappointed that clear progress has not been observed in this area in Ireland. We are aware of a number of women who are desperately waiting for the opportunity to have their historic prostitution cautions and convictions expunged and feel that they cannot move on or pursue new career goals due to the burden of

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the criminal record they must continue to carry. We have urged current Irish Minister for Justice Jim O’Callaghan to ensure that all relevant expungements are expedited as soon as possible, and we would also urge Scottish legislators to ensure that quashing/expungement mechanisms are built into the proposed legislation from the outset. It should also be noted that these expungements should obviously only be applied to those who have sold sex, not those who have purchased it, as under the new proposals, they would be considered to have committed a criminal offence, fuelling the sex trade and enhancing the profits of those who control it.

Sources:

(1) Department of Justice, April 2021. Press Release: Minister McEntee Announces Initiative to Expunge Previous Convictions for ‘Sale of Sex’. Dublin: Department of Justice. <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-mcentee-announces-initiative-to-expunge-previous-convictions-for-sale-of-sex/>

(2) Breslin, R., and Canning, M., 2023. Pathways to Exit: A Study of Women’s Journeys Out of Prostitution and the Response to Their Complex Support Needs. Dublin: SERP. https://serp.ie/wp-content/uploads/2023/12/SERP_PathwaystoExit_FULL_Final.pdf

Call for Views Q4. 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?

We support this proposal.

We note here that we undertook an extensive study of the supports women require to successfully exit prostitution (1). This study was undertaken in partnership with specialist agency Ruhama (the main frontline service providing support to women affected by prostitution in Ireland), but was also extensively survivor-informed, with women exiting/exited from prostitution very much shaping the study and its recommendations. The vast majority of those in prostitution express an explicit desire to exit. But our study found that for myriad reasons women can become trapped and entrenched in the sex trade, with their suffering and exposure to sexual violence and the trauma that goes with it prolonged over many years. Our research determined that women involved in and seeking to exit prostitution tend to have multiple and complex support needs. They require a dedicated and carefully structured set of services to support them at all stages in their involvement in prostitution, whether they intend to stay, whether they are planning to exit or whether they have already done so. The service response must be trauma-informed, person-centred and non-judgmental. Our research describes what a model that best supports exiting looks like (see 1 below), the principles that underpin such a model and the importance of providing flexible supports that are very much tailored to individual need.

Sources:

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(1) Breslin, R., and Canning, M., 2023. Pathways to Exit: A Study of Women's Journeys Out of Prostitution and the Response to Their Complex Support Needs. Dublin: SERP.

https://serp.ie/wp-content/uploads/2023/12/SERP_PathwaystoExit_FULL_Final.pdf

Call for Views Q5. Do you have any other comments on the Bill which you have not already covered elsewhere?

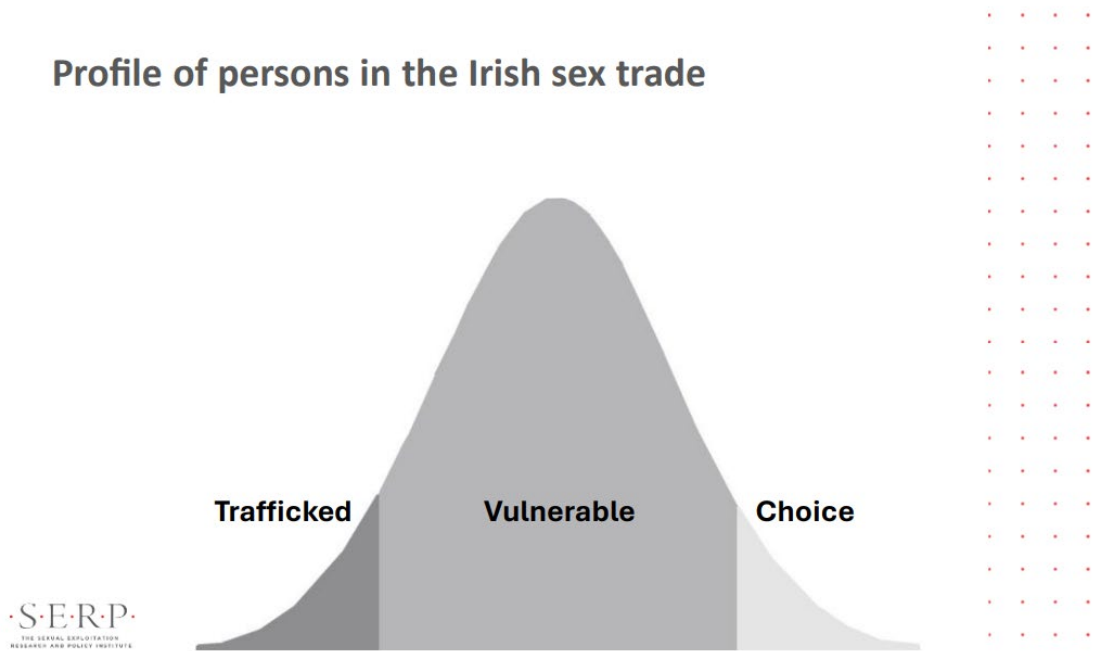
No other specific comments except to say that legislators in Ireland involved in the development of our 'Nordic'/'Equality' model legislation would be pleased to share their experiences and lessons learned with Scottish legislators as you consider this important legislation to protect the rights and integrity of some of the most vulnerable women and girls in our society. If you would like to avail of this opportunity please contact us in The SERP Institute and we can make the necessary connections for you.

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ADDITIONAL DATA FROM RUTH BRESLIN OF THE SEXUAL EXPLOITATION RESEARCH AND POLICY INSTITUTE – IRELAND

DATA ON THE IRISH SEX TRADE AND THE IMPACT OF LEGISLATIVE MODELS

Provided by The Sexual Exploitation Research and Policy Institute, Ireland, 2025



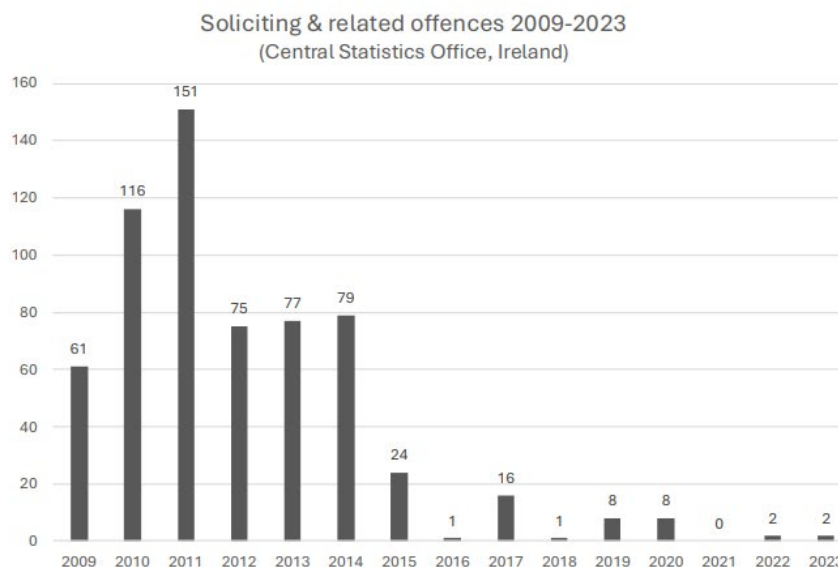
Rates of People in Prostitution by Legislative Framework

Country	Policy	Number of People in Prostitution	Measurement Year	Country Population ⁵	People in Prostitution per 100,000
Sweden	Equality Model (1998)	~650 – 1,500	2006-2014	9,760,142	6.65 – 15.4
Republic of Ireland	Equality Model (2017)	~800 - 1,000 ⁶	2019	4,900,000	16.3-20.4
Northern Ireland	Equality Model (2015)	~308 ⁷	2019	1,900,000	15.8
Germany	Legalization (2002)	~150,000 – 400,000	2006-2014	81,083,600	185.0 – 493.3
The Netherlands	Legalization (2000)	~ 25,000 ⁸	2016	17,000,000	147.1
New Zealand	Full decrim. (2003)	~ 9,000 ⁹	2019	4,900,000	183.7

Note: Source for Germany and Sweden: Walby et al., 2016; for other countries, population data from UN Population Division

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The decriminalisation of those who sell sex



The criminalisation of sex buyers & profiteers

