

## Decrim Now briefing: Sex work decriminalisation and ending HIV

### Briefing overview

The government has adopted the UNAIDS target to reduce new HIV transmissions in England to zero by 2030. Evidence shows that **government targets on HIV cannot be met while the criminalisation of sex work continues**. Decrim Now is calling on the government to fully decriminalise sex work in order to best protect the health, safety, and human rights of sex workers.

### About Decrim Now

Decrim Now is a grassroots campaign for the full decriminalisation of sex work in the UK. Our members include sex workers, feminists, academics, allies, and representatives from sex workers' rights organisations including SWARM (Sex Worker Advocacy and Resistance Movement), the English Collective of Prostitutes, the Sex Workers' Union, Sex Workers' Alliance Ireland, Safety First Wales, Scotland for Decrim, and National Ugly Mugs.

### Sex workers are key to ending new HIV transmissions

Sex workers are recognised globally as a 'key population', a term used to describe marginalised and criminalised communities who are at greater risk of HIV and whose **inclusion in HIV responses is critical to ending new HIV transmissions in the UK**. Transgender people, who are overrepresented in sex work due to structural discrimination, are also recognised as a key population. **Sex workers must be included and consulted on laws that affect their work and their health.**<sup>1</sup>

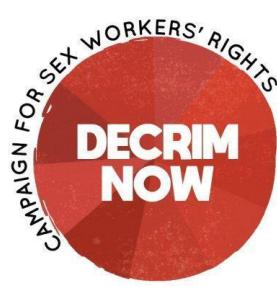
### What is the current legal situation on sex work in the UK?

In England, Scotland and Wales, there is a system of **partial criminalisation**. The acts of buying and selling sex are technically legal, but many associated acts are criminalised. This includes:

- 'Soliciting', i.e. sex workers working on the street and looking for clients
- 'Brothel-keeping', where the law defines a 'brothel' as any premises where two or more sex workers work, even at different times
- Third parties 'controlling' or 'facilitating' prostitution, which can include people who sex workers hire to be drivers or to provide security for themselves.

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<sup>1</sup> European AIDS Treatment Group, ['The Impact of Punitive Sex Work Laws and Regulations on Human Rights and Public Health'](#), 2018.



## Criminalisation of sex work means higher rates of HIV transmission

The evidence is clear: a systematic review of qualitative and quantitative research between 1990 and 2018 found that **any criminalisation of sex work doubles sex workers' likelihood of acquiring HIV.<sup>2</sup>** Research published in 2020 compared ten countries in Africa and found that **sex workers in criminalised contexts were more than seven times more likely to be living with HIV.<sup>3</sup>**

Any call for **criminalisation of sex work, whether of sex workers or clients, directly contravenes UNAIDS' Global AIDS Strategy**, which calls for the removal of all punitive and discriminatory laws on sex work.<sup>4</sup>

## Criminalisation of sex work leads to reduced condom use

Decreased condom use in criminalised contexts is a key factor behind sex workers having increased vulnerability to HIV. Medecins du Monde found that in the two years following the introduction of client criminalisation laws in France, there was a notable reduction in condom use - with obvious implications for HIV transmission.<sup>5</sup> This is partly because the introduction of such laws are also correlated with a rise in poverty, as sex workers report increases in receiving fines,<sup>6</sup> being arrested<sup>7</sup> and being evicted from their homes.<sup>8</sup> Sex workers who are more vulnerable and experiencing higher levels of poverty are less able to insist on safer sex practices such as using condoms.

Criminalisation also reduces condom use because the **police have used carrying condoms as evidence that someone is a sex worker, leading to fines and arrests.<sup>9</sup>** Sex workers are forced to decide between carrying condoms and reducing their risk of HIV, or not carrying them and reducing their risk of arrest and a criminal record.

## Criminalisation of sex work leads to greater barriers to accessing testing, treatment, care and support

If sex workers fear being reported to the police, they are far less likely to engage with healthcare and other support services.<sup>10</sup> This means **lower rates of HIV testing, reduced access to safer sex supplies like condoms, and less likelihood of accessing safer sex advice in criminalised contexts.**

<sup>2</sup> Lucy Platt et al, '[Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies](#)', December 2018

<sup>3</sup> Carrie E Lyons et al, '[The role of sex work laws and stigmas in increasing HIV risks among sex workers](#)', 2020.

<sup>4</sup> UNAIDS, '[Global AIDS Strategy 2021-2026: End Inequalities, End AIDS](#)', 2021.

<sup>5</sup> Medicins du Monde, '[What do sex workers think about the French Prostitution Act?](#)', April 2018.

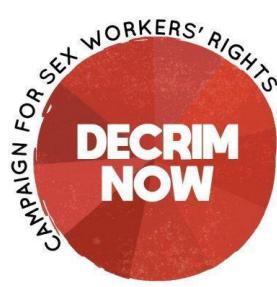
<sup>6</sup> Ibid.

<sup>7</sup> Amnesty International, '["We live within a violent system": Structural Violence against Sex Workers in Ireland](#)', 2022.

<sup>8</sup> Amnesty International, '[The human cost of 'crushing' the market: Criminalisation of sex in Norway](#)', May 2016.

<sup>9</sup> Open Society Foundations, '[Criminalizing Condoms](#)', 2012.

<sup>10</sup> Niina Vuolajärvi, '[Criminalising the Sex Buyer: Experiences from the Nordic Region](#)', 2022.



When sex workers do engage with these services, being unable to disclose their profession means they cannot receive appropriate healthcare and advice. Most sex workers are cisgender women, who already face significant barriers to accessing Pre-Exposure Prophylaxis (PrEP) due to its eligibility criteria. Sex workers who don't disclose their job status at clinics are less likely to initiate PrEP even though they meet the criteria of being at high risk of HIV acquisition.<sup>11</sup> PrEP reduces HIV transmission by up to 99%.<sup>12</sup> If sex workers cannot disclose their work for fear of being outed or reported, they are at far greater risk of acquiring HIV if they engage in condomless sex, or if a condom slips or breaks.

For sex workers living with HIV, **criminalisation and fear of being reported impedes access to crucial anti-retroviral therapy (ART)**. ART stops HIV from multiplying and means the person living with HIV can reach an undetectable viral load and cannot transmit HIV (referred to as Undetectable=Untransmissible, or U=U). Barriers to accessing these medications mean sex workers living with HIV cannot take action to prevent transmitting HIV to the general population.

To reach the government's 2030 goal of ending new HIV transmissions, the UK Health Security Agency has said the Government must reduce the number of people diagnosed and the number of people who are not virally suppressed. This will not be achievable if many sex workers continue to distrust healthcare services due to the fear that their profession will be used to penalise them.

## **Criminalisation of sex work is opposed by leading health organisations**

Every sex worker-led organisation in the UK is calling for an end to the criminalisation of sex work. Globally, **any criminalisation of sex work is opposed by public health organisations**, including the World Health Organisation, UNAIDS, Medecins du Monde, AIDS Action Europe, Global Commission on HIV and the Law, and European AIDS Treatment Group.

In the UK and Ireland, the criminalisation of sex work is opposed by organisations including National AIDS Trust, Terrence Higgins Trust, HIV Ireland, STOPAIDS, Spectra, Royal College of Nursing, and The Love Tank.

## **Full decriminalisation of sex work means safer sex and reduced HIV transmission**

Research published in *The Lancet* estimated that **full decriminalisation would reduce new HIV infections by up to 46% over a ten year period.**<sup>13</sup>

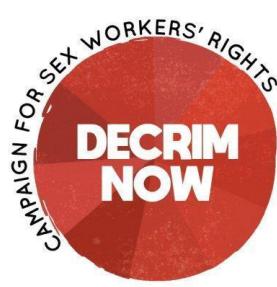
UNAIDS has named full decriminalisation of sex work as the single intervention that would have the greatest impact on limiting new HIV infections, and helping those who already live with HIV to access treatment and support. Ending the criminalisation of all aspects of sex work, including the purchase, sale and management of sex work, extending labour protections, and ending stigma and discrimination are listed as critical actions.<sup>14</sup>

<sup>11</sup> National AIDS Trust, '[NotPrEPared: Barriers to Accessing HIV Prevention Drugs in England](#)', 2024.

<sup>12</sup> The Lancet, '[Building on the PrEP Victory](#)', 2020.

<sup>13</sup> The Lancet, '[Keeping sex workers safe](#)', 2015.

<sup>14</sup> UNAIDS, '[HIV and Sex Work](#)', 2021.



Decriminalisation has been implemented in a number of Australian states over the past three decades, in New Zealand in 2003, and in Belgium in 2022. Sex workers in these countries report an overall increase in safety, health and wellbeing, including improved access to healthcare services such as HIV testing and treatment, safer sex supplies, support and resources.<sup>15</sup> **Moving towards decriminalisation is a crucial step to meeting the Government's own targets on HIV, and to improving sex workers' safety and health.**

Decrim Now is grateful that this briefing has been co-signed by the following organisations.



British Association for Sexual Health and HIV



<sup>15</sup> Macioti, P.G. et al, ['The health and well-being of sex workers in decriminalised contexts: a scoping review'](#), (2022).