



Global Network of Sex Work Projects
Promoting Health and Human Rights

COMMUNITY
guide

The Impact of
Criminalisation
on Sex Workers'
Vulnerability to
HIV and Violence





Introduction

In almost every country in the world, sex work is in some way criminalised, compromising sex workers' health and wellbeing. This guide explains how criminalisation increases sex workers' vulnerability to violence and HIV.

TYPES OF VIOLENCE:

- **PHYSICAL VIOLENCE:**
physical force that causes bodily harm
- **SEXUAL VIOLENCE:**
Rape, harassment, and coerced sexual encounters
- **EMOTIONAL/ PSYCHOLOGICAL VIOLENCE:**
Stigma, verbal and emotional abuse, exploitation, coercion and threats

Physical and sexual violence significantly increases vulnerability to HIV and other STIs.

Surveillance, Policing and a Culture of Impunity Increase Vulnerability to Violence

Being criminalised negatively affects sex workers, even when they do not experience penalisation (e.g.: fines), arrest or detention. Criminalisation of sex work fuels stigma from law enforcement, society and service providers (e.g.: doctors). Being criminalised means sex workers must often weigh the risk of arrest against risk of violence and risks to their health.

Criminalisation Creates a Culture of Impunity

Fear of arrest creates a barrier to reporting violence, especially violence committed by law enforcement. Sex workers who report violence may be abused, arrested, ignored and shamed. *When everyone knows that sex workers cannot seek out justice or support, sex workers become a target population for violence.*

Law Enforcement as Perpetrators of Violence

Law enforcement and other government employees or officials are among the main perpetrators of violence against sex workers. Criminalisation gives law enforcement power over sex workers, allowing law enforcement to perpetrate violence against sex workers they arrest or detain. They may extort money, information and sex from sex workers in exchange for not arresting them. Police may also publicly humiliate and shame sex workers, which is both an act of violence and encourages the perpetration of physical or sexual violence.

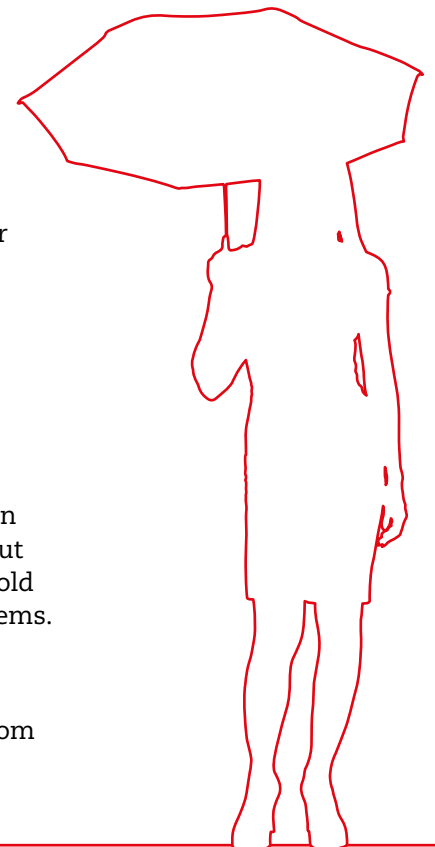
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Impact of Policing on Sex Workers' Risk Analysis and Decision Making

Sex workers adapt their behaviour to avoid arrest and policing.

Sex workers seek out isolated work locations, which increases vulnerability to violence and undermines peer-based harm reduction techniques. Working collectively allows sex workers to assist each other when called upon for help, to share information about problematic clients or simply to hold each other's money or personal items.

Sex workers also shorten negotiation times with clients, which makes screening and condom negotiation harder.





'End Demand' Policies Increase Vulnerability to Violence and HIV

Even when selling sex is not directly criminalised, policing sex work still increases vulnerability. 'End Demand' legislation may decrease the number of clients for street-based sex workers, leading them to work longer hours, accept demands for condomless sex, and see clients they would normally refuse. Increased sentencing for, and enforcement of third party-related laws, weaken sex workers' support networks and makes it harder to share information about perpetrators of violence posing as clients. Policing also pushes sex workers to hidden venues, making it harder for sex workers to access services.

Police still can and do arrest sex workers for crimes such as disorderly conduct or drug possession while policing clients. End Demand policies foster mistrust of law enforcement, which prevents sex workers and clients from reporting violence. End Demand campaigns also fuel stigma against sex workers.

The Impact of Surveillance and Policing on Vulnerability to HIV

Use of Condoms as Evidence

Widespread use of condoms, lubricant and anti-retroviral medications (ARVs) as evidence against sex workers leads sex workers to avoid carrying condoms for fear of arrest, and makes it hard for outreach workers to distribute condoms.

Criminalisation as a Barrier to Care, Treatment and Programme Implementation

Criminalisation promotes stigmatising and non-rights-based services. Sex workers are refused services, shamed, and subjected to mandatory HIV and STI testing. Fear of HIV status disclosure and criminalisation makes it harder to access HIV treatment.

Vulnerability During Arrest, Court-Involvement and Detention

When sex workers are arrested and enter the court system, violence and negative impacts on health continue, particularly for marginalised sex workers.

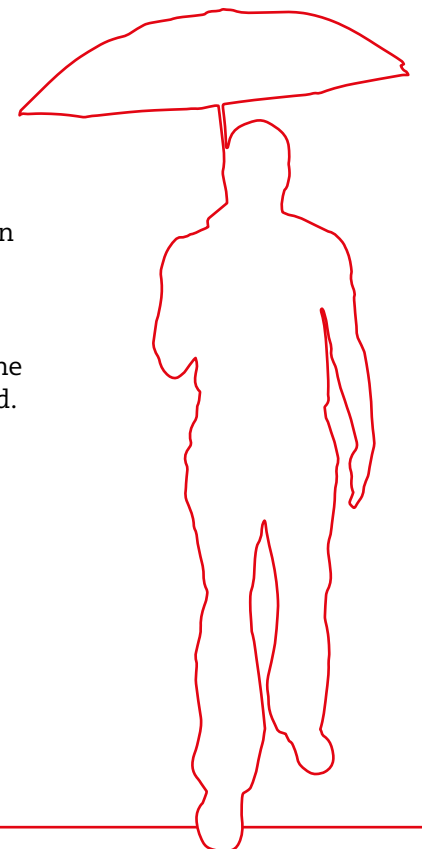
Mandatory HIV and STI Testing

In many jurisdictions across the globe, sex workers are subjected to mandatory HIV and health screenings when arrested, sometimes including public disclosure of their status or outing.

Impact of Detention on Sex Workers' Health

Sex workers are often denied ARVs and other medication while in detention. Condoms, syringes and other HIV prevention commodities may be viewed as contraband and denied or taken away, increasing the risk of HIV infection while detained.

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Violence in Detention

Sex workers commonly experience physical, sexual and emotional violence at the hands of other inmates or law enforcement when incarcerated.

INGARCERATION CAN OCCUR IN:

- **JAILS**
- **PRISONS**
- **REHABILITATION CENTERS**
- **DETENTION FACILITIES**

Vulnerability After Criminal Justice System Involvement

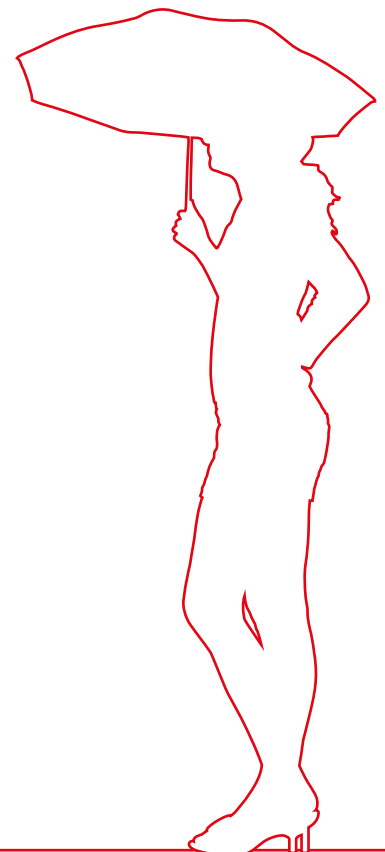
Punitive interactions with the criminal justice system create long-lasting vulnerabilities. Fines and court fees can force sex workers to engage in riskier behaviour to pay these fees. Criminal records, release of mugshots, public shaming and being outed as a sex worker can make it harder to access resources and other work. It may result in family and community rejection and violence. Sex workers may be legally banned from entering certain neighbourhoods through stay-away orders or probation restrictions, or they may be added to sex offender registries when they are released.

Recommendations

Criminalisation increases sex workers' vulnerability to violence and HIV, severely negatively impacting the health and wellbeing of sex workers globally. Decriminalisation is an integral step to improving the lives of sex workers and upholding human rights, and NSWP urges governments around the globe to take the consequences of continued criminalisation seriously.

- To promote the health and wellbeing of sex workers, governments, policy makers and advocates must pursue full decriminalisation of the sex industry.
- Local, national and international bodies must investigate human rights abuses against sex workers, either through existing bodies or tribunals for this specific purpose.
- Sex workers, and other communities disproportionately affected by HIV, must be meaningfully involved in the planning and implementation of health services.
- Service providers and law enforcement should address the pervasive stigma that hinders access to services and care.
- Law enforcement must stop using condoms, and other commodities, as evidence of sex work.

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This Community Guide is the result of desk research and gathering case studies from NSWP members.

Community Guides aim to provide simple summaries of NSWP's resources, further detail and references can be found in the accompanying Policy Brief.



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PROJECT SUPPORTED BY:



NSWP is part of Bridging the Gaps – health and rights for key populations.

Together with almost 100 local and international organisations we have united to reach 1 mission: achieving universal access to HIV/STI prevention, treatment, care and support for key populations, including sex workers, LGBT people and people who use drugs.

Go to: www.hivgaps.org for more information.

