







## HIV AND SEX WORK

**HUMAN RIGHTS** FACT SHEET SERIES

2024

#### **OVERVIEW**



IN 2023, THE GLOBAL MEDIAN HIV PREVALENCE AMONG SEX WORKERS WAS 3% (RANGE 0-62%, 72 REPORTING COUNTRIES) (1).

APPROXIMATELY 8%
OF ALL HIV INFECTIONS
IN 2022 WERE AMONG
SEX WORKERS (2).

Intersecting forms of structural and societal barriers, including stigma and discrimination and punitive laws, policies and practices, create significant inequalities and prevent sex workers from protecting their health, safety and well-being.



Sex workers include female, male, transgender and gender diverse people over the age of 18 years who receive money or goods in exchange for sexual services, either regularly or occasionally. Sex work may vary in the degree to which it is formalized or organized. It is important to note that sex work is consensual sex between adults, takes many forms, and varies between and within countries and communities.



Countries should implement evidence-informed responses to HIV and sex work that reduce inequalities and protect and promote human rights and public health. Such responses include ensuring access to HIV services, supportive and enabling environments, and removing structural barriers in full partnership with sex worker-led organizations (3–5).

Critical actions include ending the criminalization of all aspects of sex work, including the purchase, sale and management of sex work; extending labour protections; protecting sex workers against state and private actor violence; community empowerment; and ending stigma and discrimination.



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#### THE DATA

In 2023, the global median HIV prevalence among sex workers was

3.0%

## (range 0-62%, 72 reporting countries).

This is higher than the estimated global prevalence of 0.7% in the total population aged 15–49 years.

In the four countries with data, HIV prevalence is significantly higher among transgender and gender diverse sex workers (reported median 18%) (1).



As of July 2024, at least

169

### countries

criminalized some or all aspects of sex work (6).

In 2023, a median of

# 80% of sex workers

among 69 reporting countries either have taken an HIV test and received the results in the past 12 months or had previously tested positive for HIV (1).

Antiretroviral therapy coverage is low among sex workers living with HIV, with a 2023 global median of 66% (32 reporting countries).



Coverage is lower among younger compared with older sex workers: a median of 55% of sex workers aged under 25 years living with HIV are on treatment, compared with 72% of sex workers aged 25 years and over (seven reporting countries) (1).



Condom use at last sex with a client remains concerningly low in some places. In five recently reporting countries

(Democratic Republic of the Congo, Honduras, Sierra Leone, South Sudan, Zambia), less than 50% of sex workers reported condom use at last sex with a client (1). The recently reported coverage and use of combination HIV prevention among sex workers is low globally, with a reported median of only 50% receiving at least two prevention services in the past three months (32 reporting countries) (1).

A median of 21% of sex workers have reported experiencing violence in the past 12 months (31 reporting countries) (1). Intersecting sociostructural contexts of racism, transphobia, economic insecurity, migration status and humanitarian crises increase vulnerability to violence for different groups of sex workers (7, 8).

## GLOBAL AIDS SOCIETAL ENABLER TARGETS 2025

Less than 10% of countries have laws criminalizing any aspect of sex work.

Less than 10% of sex workers report experiencing stigma or discrimination.

Less than 10% of health workers and law enforcement officers report negative attitudes towards sex workers.

Less than 10% of countries lack mechanisms for sex workers to report abuse and discrimination and seek redress.

Less than 10% of sex workers lack access to legal services.

Less than 10% of sex workers experience physical or sexual violence.

## LINKING RIGHTS AND HEALTH OUTCOMES



Criminalization of sex work increases sex workers' risk of acquiring HIV and vulnerability to violence perpetrated by clients, police and others.

Criminalization of the clients of sex workers has repeatedly been shown to negatively affect sex workers' safety and health, including reducing condom access and use and increasing the rate of violence (9-13). Criminalization of any aspect of sex work has similar negative public health, violence and well-being outcomes (9-12).





Criminalization has been proven to impede access to health-care services, including effective HIV prevention, treatment, care and support services (5, 10, 11, 14). An analysis of data from studies conducted between 2011 and 2018 in 10 countries in sub-Saharan Africa found that the odds of living with HIV were

## 7.17 times higher

for a sex worker in a country that criminalizes sex work compared with in a country that has partially legalized sex work (12).

According to a study published in 2015, decriminalizing sex work could avert

33-46%

of HIV infections among sex workers and their clients over 10 years (11).







Not recognizing sex work as legitimate work denies sex workers the basic health and social safety nets provided to other workers—an exclusion that is especially harmful during economic downturns (15). Sex work criminalization thus contributes to other rights violations, including denial of the rights to life, housing, security, privacy and access to health services (16, 17).

### INTERNATIONAL RIGHTS, OBLIGATIONS, STANDARDS AND RECOMMENDATIONS



Every person has the right to liberty and security of the person; the right to the highest attainable standard of health, including treatment and prevention in the context of epidemics; the right to safe working conditions; and the right to autonomy over one's own body and sexuality, without discrimination (18–20).

International human rights bodies and experts and United Nations agencies have made clear that states must end direct and indirect criminalization of sex workers, including administrative penalties and other measures used against sex workers and clients, and licensing schemes that impose penalties on sex workers who fail to register (3, 9, 14, 21–30).

States should immediately cease the practice of detaining sex workers in "rehabilitation centres" (9, 31).

The Committee on the Elimination of Discrimination against Women (CEDAW Committee) held that use of mandatory health tests for sex workers is a breach of human rights and must end, including for HIV tests (32). Rather, states must ensure the provision of accessible, acceptable, available and good-quality voluntary integrated HIV services, made available through sex worker-led outreach (3, 33).



States have an obligation to ensure access to HIV and sexual and reproductive health services in line with the principles of equality and non-discrimination, which includes improved access to HIV services, including through targeted prevention services for sex workers (3, 14, 34–38). The CEDAW Committee has further called for special attention to be given to sex workers' health and human rights (39).

States must take action, including in law, to remove stigma and discrimination against sex workers (23, 31, 40, 41).



Sex workers have the right to safe working conditions and labour protections, including for all migrant sex workers

(8, 41–44,). Sex workers should be included in social protection and financial support schemes (45).

States must adopt legislative, administrative, social, economic and other measures necessary to prevent, investigate, prosecute and punish all acts of violence against sex workers, whether perpetrated by the state or by private individuals, and to ensure reparations for survivors (23, 44). Law enforcement officers must be trained on their obligations towards sex workers and protecting sex workers from violence (36). States must take care not to conflate sex work and trafficking in legislation because this may lead to the implementation of inappropriate responses that fail to assist sex workers or survivors of trafficking in realizing their rights or to violence and oppression (44).

States should ensure the meaningful engagement and participation of sex workers and sex worker-led organizations, in all their diversity, in all legal, policy and programmatic implementation activities, including providing financial and technical resources to support sex workers in capacity-building (23, 33).

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### KEY RESOURCES FOR FURTHER INFORMATION

- UNAIDS Guidance note on HIV and sex work, 2012.
- WHO, UNFPA, UNAIDS, NSWP, World Bank and UNDP <u>Implementing comprehensive HIV/STI programmes with sex</u> workers: practical approaches from collaborative interventions, 2013.
- WHO, UNFPA, UNAIDS and NSWP. <u>Prevention and treatment of HIV and other sexually transmitted infections for sex</u> workers in low- and middle-income countries: recommendations for a public health approach, 2012.
- WHO Consolidated guidelines on HIV, viral hepatitis and STI prevention, diagnosis, treatment and care for key populations, 2022.
- Global Commission on HIV and the Law HIV and the law: risks, rights and health, 2012.
- Global Commission on HIV and the Law HIV and the law: risks, rights and health—2018 supplement 2018 supplement, 2018.
- ILO, Recommendation concerning HIV and AIDS in the world of work, no. 200, 2010.
- Special Rapporteur on the right of everyone to the highest standard of physical and mental health, Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, and United Nations Working Group on Discrimination Against Women and Girls Aguide on the human rights of sex workers, 2024.
- United Nations Working Group on Discrimination against Women and Girls <u>Eliminating discrimination against sex workers and</u> securing their human rights: guidance document of the Working Group on Discrimination Against Women and Girls, 2023

This fact sheet is produced by UNAIDS as a reference on sex work, human rights and HIV. It does not include all recommendations and policies relevant to the issues covered. Please refer to the key resources listed above for further information.

#### **REFERENCES**

- Global AIDS monitoring, 2020–2024.
   Geneva: Joint United Nations Programme on HIV/AIDS.
- Korenromp EL, Sabin K, Stover
  J, Brown T, Johnson LF, MartinHughes R, et al. New HIV Infections
  among key populations and their
  partners in 2010 and 2022, by world
  region: a multi-sources estimation.
  J Acquir Immune Defic Syndr.
  2024;95(1S):e34–e45.
- Guidance note on HIV and sex work. Geneva: Joint United Nations Programme on HIV/AIDS; 2012.
- Community-led AIDS
   responses: final report based
   on the recommendations of the
   multistakeholder task team. Geneva:
   Joint United Nations Programme on
   HIV/AIDS; 2022.
- Consolidated guidelines on HIV, viral hepatitis and STI prevention, diagnosis, treatment and care for key populations. Geneva: World Health Organization; 2022.
- National Commitments and Policy Instrument, 2017–2024. Geneva: Joint United Nations Programme on HIV/AIDS; 2024.
- Lyons T, Krüsi A, Pierre L, Kerr T, Small W, Shannon K. <u>Negotiating</u> <u>violence in the context of</u> <u>transphobia and criminalization: the</u> <u>experiences of trans sex workers</u> <u>in Vancouver, Canada</u>. Qual Health Res. 2017;27(2):182–190.

- Policy brief: sex workers in conflict zones and humanitarian crises.
   Edinburgh: Global Network of Sex Work Projects; 2024.
- HIV and the law: risks, rights and health—2018 supplement. New York: Global Commission on HIV and the Law; 2018.
- Platt L, Grenfell P, Meiksin R, Elmes J, Sherman SG, Sanders T, et al. <u>Associations between</u> sex work laws and sex workers' health: a systematic review and meta-analysis of quantitative and qualitative studies. PLOS Med. 2018;15(12):e1002680.
- Shannon K, Strathdee SA, Goldenberg SM, Duff P, Mwangi P, Rusakova M, et al. <u>Global</u> <u>epidemiology of HIV among</u> <u>female sex workers: influence of</u> <u>structural determinants</u>. Lancet. 2015;385(9962):55–71.
- Lyons CE, Schwartz SR, Murray SM, Shannon K, Diouf D, Mothopeng T, et al. <u>The role of sex work laws</u> and stigmas in increasing HIV risks among sex workers. Nat Commun. 2020;11(1):773.
- 13. Argento E, Goldenberg S, Braschel M, Machat S, Strathdee SA, Shannon K. The impact of enddemand legislation on sex workers' access to health and sex workerled services: a community-based prospective cohort study in Canada. PLoS One. 2020;15(4):e0225783.

- 14. World Health Organization, United Nations Population Fund, Joint United Nations Programme on HIV/AIDS, Global Network of Sex Work Projects. Prevention and treatment of HIV and other sexually transmitted infections for sex workers in low- and middle-income countries: recommendations for a public health approach. Geneva: World Health Organization; 2012.
- Shih E, Thibos C. <u>The fight</u> to decriminalise sex work. openDemocracy, 5 May 2020.
- The human cost of "crushing" the market: criminalization of sex work in Norway. London: Amnesty International; 2016.
- 17. CCPR/C/GC/36. General comment no. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life. New York: United Nations Human Rights Committee; 2018.
- International Covenant on Economic, Social and Cultural Rights. New York: United Nations; 1966.
- CCPR/C/50/D/488/1992. Toonen v. Australia. Communication no. 488/1992. United Nations Human Rights Committee; 1994.
- International Covenant on Civil and Political Rights. New York: United Nations; 1966.

- CEDAW/2003/II/WP.2. <u>Background</u>
   paper concerning Article 6 of the
   Convention on the Elimination of
   All Forms of Discrimination Against
   Women. United Nations Committee
   on the Elimination of Discrimination
   against Women; 2003.
- The 8 March Principles for a Human Rights-based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty. Geneva: International Commission of Jurists; 2023.
- 23. A/HRC/WG.11/39/1. Eliminating discrimination against sex workers and securing their human rights: guidance document of the Working Group on Discrimination Against Women and Girls. Geneva: United Nations Human Rights Council; 2023.
- 24. Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, the Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, United Nations Working Group on Discrimination Against Women and Girls. A guide on the human rights of sex workers. Geneva: United Nations Human Rights Council; 2024.
- A/HRC/51/26/Add.1. Visit to
   Sri Lanka: report of the Special
   Rapporteur on contemporary forms
   of slavery, including its causes and
   consequences, Tomoya Obokata.
   Geneva: United Nations Human
   Rights Council; 2022.
- A/HRC/56/51/Add.2. <u>Visit to Malta:</u> report of the Working Group on <u>Discrimination Against Women</u> <u>and Girls</u>. Geneva: United Nations Human Rights Council; 2024.
- A/HRC/53/29. <u>Deaths in prisons:</u> report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz. Geneva: United Nations Human Rights Council; 2023.
- 28. A/HRC/56/51. Escalating backlash against gender equality and urgency of reaffirming substantive equality and the human rights of women and girls: report of the Working Group on discrimination against women and girls. Geneva: United Nations Human Rights Council; 2024.

- 29. Joint United Nations Programme on HIV/AIDS, Office of the United Nations High Commissioner for Refugees, United Nations Children's Fund, World Food Programme, United Nations Development Programme, United Nations Population Fund, et al. Joint United Nations statement on the elimination of discrimination in health care settings. Geneva: Joint United Nations Programme on HIV/AIDS; 2017.
- A/79/177. Report of the Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health: harm reduction for sustainable peace and development. Geneva: Office of the United Nations High Commissioner for Human Rights; 2024.
- 31. A/HRC/53/28/Add.1. Visit to

  Bangladesh: report of the Special
  Rapporteur on trafficking in persons,
  especially women and children.
  Geneva: United Nations Human
  Rights Council; 2023.
- 32. CEDAW/C/GRC/CO/8-9.

  Concluding observations on the combined eighth and ninth periodic reports of Greece. United Nations Committee on the Elimination of Discrimination against Women; 2024.
- 33. A/HRC/50/53. Human rights and HIV/AIDS: report of the United Nations High Commissioner for Human Rights. Geneva: United Nations Human Rights Council; 2022.
- A/HRC/56/20. Human rights in the context of HIV and AIDS. Geneva: United Nations Human Rights Council; 2024.
- CEDAW/C/GEO/CO/6. Concluding observations on the sixth periodic report of Georgia. United Nations Committee on the Elimination of Discrimination against Women; 2023.
- E/CN.6/2022/7. Women, the girl child and HIV and AIDS: report of the Secretary-General. United Nations Commission on the Status of Women; 2021.
- Recommendation concerning HIV and AIDS and the World of Work, 2010 (No. 200). Geneva: International Labour Organization; 2010.

- 38. A/54/38/Rev.1. General recommendation 24: Article 12 of the Convention (Women and Health). United Nations Committee on the Elimination of Discrimination against Women; 1999.
- 39. CEDAW/C/DJI/CO/1-3. Concluding observations on the first, second and third periodic reports of Djibouti. United Nations Committee on the Elimination of Discrimination against Women; 2011.
- A/HRC/56/60/Add.1. Visit to Colombia: report of the Special Rapporteur on trafficking in persons, especially women and children. Geneva: United Nations Human Rights Council; 2024.
- 41. CCPR/C/PRY/CO/4. Concluding observations on the fourth periodic report of Paraguay. United Nations Human Rights Committee; 2019.
- 42. CEDAW/C/HUN/CO/7-8.

  Concluding observations on the combined seventh and eighth periodic reports of Hungary.

  Committee on the Elimination of Discrimination against Women; 2013.
- 43. CMW/C/TUR/CO/1. Concluding observations on the initial report of Turkey. United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; 2016.
- 44. A/HRC/14/20. Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover. New York: United Nations General Assembly; 2010.
- 45. Social protection: a Fast-Track commitment to end AIDS—guidance for policy-makers, and people living with, at risk of or affected by HIV. Geneva: Joint United Nations Programme on HIV/AIDS; 2018.

