



HIV perspective on the ‘Nordic’ or ‘end-demand’ model

Briefing paper from National AIDS Trust (NAT), Terrence Higgins Trust (THT) and The Love Tank, April 2021

National AIDS Trust (NAT), Terrence Higgins Trust (THT) and The Love Tank oppose the criminalisation of sex work and support the removal of punitive laws and practices that target sex workers and their clients. The structural impacts of criminal laws for sex work and associated activities increase inequalities and, rather than protect, increase sex workers’ risk of violence, poor sexual health and HIV.

We advocate approaches that uphold the rights for sex workers and that empower and enable sex workers to work safely with maximum agency.

Globally, sex workers are disproportionately affected by HIV. In countries where data is available, the prevalence of HIV infection is nearly 21 times higher among sex workers than for the population as a whole.

Sex work is an informal economy job. It does not benefit from legal protections by the state, and it mainly employs women, often migrants. Cis and trans women engaged in sex work face an increased risk of violence and abuse because of entrenched gender discrimination and structural inequality. Many of the issues discussed here also affect cis and trans men engaged in sex work who can also be very marginalised.

1.1 Parliamentary Private Members’ Bill proposing the ‘Nordic-model’

The *Sexual Exploitation Bill* was brought to Parliament by Dame Diana Johnson MP on 2 December 2020. A date for the second reading is not yet announced.

The ambitions of the Bill are to protect women from violence and sexual exploitation and end the business of sex-trafficking – aspirations we share.

The Bill proposes a version of the ‘Nordic’, or ‘end-demand’, model. This model decriminalises sex workers (which we agree with) but criminalises their clients and many of the means through which sex workers market their work. It does not specifically target traffickers and perpetrators of violence but assumes this will be indirectly addressed by reducing client-side demand. **The proposed approach of the Bill, will not achieve the Bill’s aims.** We, therefore, cannot support the Bill to become law as it’s currently tabled.

1.2 Government interest in the Nordic model

The Government also said in the draft Violence Against Women and Girls (VAWG) Strategy that it would “Review the implementation and impact of legislative changes in Northern Ireland which introduced the ‘Nordic’ approach to prostitution (which criminalises all purchasing of sex and decriminalises all selling).”

Sex worker-led organisations in the UK such as National Ugly Mugs (NUM), The English Collective of Prostitutes (ECP) and Umbrella Lane, strongly oppose the proposals. Criminalising clients still criminalises them by proxy. Rather than supporting sex workers the Nordic model increases the threat of violence and other harms as clients are forced underground and it becomes more difficult for sex workers to manage risk. If protecting the rights and wellbeing of sex workers is at the heart of proposals, then it is vital that MPs and the Government listen to sex worker voices.^{1&2}

2.1 A shift in demand, not an end to it

Johnson addressed potential opponents of the Bill, saying that “*sexual exploitation is not a solution to poverty*”.

But this misunderstands the central arguments against the Nordic-model. We do not tolerate exploitation as a necessity to manage poverty. But, the evidence shows that the Nordic-model, rather than simply ending demand, shifts demand to increasingly unsafe spaces, increasing exploitative practices. The approach does not empower and increase agency and choice. It removes the possibility of choice and control.

In countries where the model has been implemented, there has been no end to demand or well-evidenced decrease. However, increased violence against sex workers; increased murders of sex workers; reduction in ability to refuse clients or certain activities; lower condom usage; and poorer relations with the police, including to report violence, have all been reported.^{3&4}

France introduced this model in 2016, two years later 42% of sex workers said they were more exposed to violence.⁵

In Northern Ireland the NUM reported no decrease in the number of sex workers but a 92% increase in violent crime against sex workers reported to them in the two years after the purchase ban.⁶

2.2 Increased risk of poor sexual health and HIV among other harms

The Government has committed to the goal to end HIV transmissions by 2030. In order to achieve this cross-government action is needed to tackle social and health inequalities that drive HIV risk.

Models that criminalise sex work undermine the Government’s goal by:

¹ [No Nordic Model – Criminalising Clients Undermines Sex Workers’ Safety](#) ECP,

² [Sex workers Too: Summary of evidence for VAWG 2020-24 consultation](#), NUM, ECP and Umbrella Lane, Feb 2021

³ Platt L, Grenfell P, Meiksin R, Elmes J, Sherman SG, Sanders T, Mwangi P, Crago AL. (2018). [Associations between sex work laws and sex workers’ health: a systematic review and meta-analysis of quantitative and qualitative studies.](#)

⁴ [K.McGarry et al. sex worker lives under the law: A community engaged study of access to health and justice in Ireland](#), commissioned by HIV Ireland & funded through Open society foundation, 2017, p.9.

⁵ Medecins du Monde. (2018). What do sex workers think about the French Prostitution Act? http://www.sexworkeurope.org/sites/default/files/userfiles/files/EN_synthesis_SW_final_2.pdf

⁶ <https://uglymugs.ie/wp-content/uploads/um-statement-26-mar-2019.pdf>

- Reducing the ability for sex workers to initiate harm reduction strategies, including assessing their clients and negotiating condom use, as they are forced to engage with clients via less transparent routes and in unsafe physical spaces to evade the police;
- Reducing both perceived and real safe access to services, including sexual health services, that meet their needs;
- Increasing wider inequalities as sex workers who experience other forms of marginalisation, such as migrants and trans people, have their options further limited.

The view of the HIV sector, both domestic and globally, is summed up in this quote: *“empowering sex workers to have greater control over their working conditions, rather than ‘end-demand’ approaches, should be the focus of HIV prevention efforts.”* (UNAIDS Advisory Group on Sex Work, 2012)⁷

The criminalisation of sex work obstructs evidence-informed HIV responses for sex work and increases vulnerability to HIV and other sexually transmitted infections (STIs). We, therefore, support further exploration of decriminalisation, in particular the New Zealand example.

Since the law changed, 38% of sex workers in France said they were now less likely to use condoms.⁸

2.3 Lessons from COVID-19

Legal and societal pressures affected sex workers immensely over the past year, with an impact on demand and the way that people sought services due to indirect criminalisation via COVID-19 restrictions.

Sex workers were not able to access financial support available to those within the formal economy. This demonstrates the limited options that are available to many people when their ability to earn an income is eliminated.

Many sex workers reported that they were either forced to go without an income or to engage in higher risk activities than they would usually choose to. This included increased likelihood of agreeing to condomless sex and use of drugs during sex – with potentially serious consequences. At the same time access to sexual health and other harm reduction services was severely limited. Also, accessing these services was further stigmatised as demand for them, for some, was seen as either implicit or explicit confirmation that Covid-rules were broken.

3. Actions

NAT and THT can support MPs with any of the above and more. Please contact:

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⁷ UNAIDS Guidance Note on HIV and Sex Work (2012), accessed at:

https://www.unaids.org/sites/default/files/media_asset/JC2306_UNAIDS-guidance-note-HIV-sex-work_en_0.pdf

⁸ Medecins du Monde. (2018). What do sex workers think about the French Prostitution

Act? http://www.sexworkeurope.org/sites/default/files/userfiles/files/EN_synthesis_SW_final_2.pdf