



GLOBAL INITIATIVES
FOR HUMAN RIGHTS
A HEARTLAND ALLIANCE PROGRAM

Human Rights Situation for Women Sex Workers in Honduras

**Suggested list of issues submitted to the Working Group on the
Honduras exam**

Human Rights Committee

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Introduction

Civil society organizations Red de Trabajadoras Sexuales de Latinoamérica y el Caribe (RedTraSex), Akahatá - Equipo de Trabajo en Sexualidades y Género, and Heartland Alliance for Human Needs & Human Rights submit this document to bring to your knowledge the realities faced day to day by women of legal age who have willingly decided to engage in sex work as a livelihood. Our goal is that at the time of examining the Honduras State, the Committee asks about the State position with regard to this issue and encourages it to take steps to improve the quality of life of women of legal age who have willingly decided to engage in sex work across Honduras.

RedTraSex was created in 1997 when women sex workers from across the region met in Costa Rica. We began to know each other and realized that in spite of living in different countries we shared similar realities, had the same needs, suffered the same injustices and fought for the same goals. Now, 19 years later, RedTraSex brings together national women sex workers' organizations (NWSWOs) from 14 countries in Latin America and the Caribbean¹. Our goal is to see the human rights of women sex workers recognized and respected in the region. We particularly advocate for our right to work, without putting other fundamental rights aside, such as equality between men and women, and we fight for non-discrimination, freedom, and sexual and reproductive health.

Everywhere in Latin America governments jeopardize our rights and our life; we suffer violence by State action and inaction. We want to be treated on equal conditions with the rest of the population. We want to be recognized as workers and be able to contribute to building more fair and egalitarian societies.

The information included in this report was gathered by REDMUDE - Red de Mujeres Unidas por Nuestros Derechos - the organization representing women sex workers in the country, as a contribution to the the Committee's 118th session in which it will examine the implementation of the International Covenant on Civil and Political Rights (ICCPR) on the part of Honduras.

¹ RedTraSex comprises of the following organizations: Asociación de Mujeres Meretrices de Argentina (AMMAR, Argentina), Tikum Olam (Belize) Organización Nacional de Activistas por la Emancipación de la Mujer (ONAEM, Bolivia), Fundación Margen de Apoyo y Promoción de la Mujer (Chile), Asociación de Mujeres Buscando Libertad (ASMUBULI, Colombia), Asociación de Trabajadoras Sexuales La Sala (Costa Rica), Movimiento de Mujeres Unidas (MODEMU, Dominican Republic), Movimiento Orquídeas del Mar (El Salvador), Organización Mujeres en Superación (OMES, Guatemala), Red Nacional de trabajadoras Sexuales de Nicaragua, Red Nacional de Trabajadoras Sexuales de Honduras, Mujeres con Dignidad y Derechos (Panama), Unidas en la Esperanza (UNES, Paraguay) and Red Nacional de Trabajadoras Sexuales de Perú,.

1- EQUALITY AND NON-DISCRIMINATION (Articles 2 and 26); RIGHT TO PRIVACY (Article 17 of the ICCPR)

In Honduras, autonomous² sex work is a licit activity according to the current Constitution and Penal laws³. However, sex workers are constantly stigmatized and discriminated against and every day we have to face mistreatment by State authorities and bodies by action or omission.

This situation is made possible, to a great extent, by the lack of clear norms regulating this activity and providing a framework to protect the rights of sex workers. The lack of regulation has direct, negative and current consequences for our population: women sex workers do not enjoy the same protection before the law as all other workers do and we are exposed to ongoing discrimination in health-care facilities. It also allows some members of the security forces to take advantage of our situation and demand bribes from us.

Given the (forced) underground nature of sex work, most women sex workers (WSWs) who wish to preserve themselves from further damage, decide not to submit formal complaints about the violations they endure. Instead, they bring their complaints to the national organization representing them, REDMUDE, (Red de Mujeres Unidas por Nuestros Derechos - Network of Women United for Our Rights), so the organization will make them public. Submitting this report is one way of doing it.

Between 2013 and 2016, the complaints of women sex workers are similar, particularly those from WSWs living and working in San Pedro Sula, Ceiba and Tegucigalpa who suffer violence in the hands of the Municipal and Preventive Police forces that persecute, verbally and sometimes also physically harass them for being WSW and conducting their trade in the Central Parks, particularly in Tegucigalpa and San Pedro Sula.

WSWs from San Pedro Sula, La Ceiba, Choluteca and Tegucigalpa complain about discrimination by health practitioners. They report that care is provided only "from the waist down" - that is, regardless of the symptoms they report to the health practitioners, the only part of their body that is checked is their genitals -; that condoms and medicines are missing, and that stigma and discrimination are ever present.

Even though REDMUDE has done advocacy and held meetings with health authorities such as the Health Minister, the General Directorate of Integrated Networks and the Metropolitan Health Bureau and report these situations to

² 'Autonomous' sex work means that the sex worker is not managed by a pimp /procurer and/or works for a establishment (brothel, bar, etc.)

³ National Constitution. Article 70: "All in Honduras have a right to do what does not damage someone else and nobody will be forced to do what is not legally prescribed or impede from doing what the law does not forbid." Article 127: "Every person has a right to work, to freely choose her/his occupation and abandon it, and to equitable and satisfactory conditions of work as well as protection against unemployment".

them while also requesting their intervention to find a solution that will allow WSW to access comprehensive health care, there have been no improvements.

In meetings held with WSW from Tegucigalpa and Comayagüela, we have heard reports on permanent violations to the right to personal freedom and freedom of movement on the part of the National Preventive Police, Military Police and Municipal Police who, abusing their power, stop them from working, threaten to arrest them and demand sex favours from them in exchange for not arresting them. Also, and contradicting existing laws, they demand that WSWs present the sanitary cards issued by the Health Secretary. In that card, the dates for medical check-ups are recorded; it is used only for HIV and other STIs prevention and must be shown only at the clinics assigned to that end. Under no circumstances the police is allowed to demand it.

Another element that influences on these discriminatory practices are different local laws like the Police and Social Coexistence Law whose Article 89, para. 1, says "The State, the District government and the Municipalities will organize institutions in which any person engaging in prostitution can find free and effective means to rehabilitate herself". This norm sees WSWs as having some kind of illness or condition from which they must have "rehabilitate" themselves. This treatment, clearly discriminatory, allows discrimination and the violations of rights and freedoms against WSW by those agreeing with the norm that was just described.

2- RIGHT TO LIFE, PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT (Articles 3, 6 and 7 of the ICCPR)

The right to life is the most fundamental right for every human being and every country must do its utmost efforts to protect and guarantee its enjoyment to all persons. In the same line and in order to guarantee such enjoyment, all precautions must be taken by the State to avoid torture and/or other cruel or degrading treatment that must not be tolerated under any circumstance.

In the case of Honduras, it is publicly known that the general population is in a serious situation with regard to this right and particularly women. WSWs are not exempted and we suffer violence on an ongoing manner. Often, the fact of being a WSW results in the violence we suffer not being mentioned in registries by human rights organizations. Faced with this situation, REDMUDE keeps a registry of WSWs who have been murdered. It shows that 24 WSWs have been murdered in Honduras between September 2013 and early June 2016⁴. Up to date, none of those cases have been solved and there is not a single perpetrator accused or even being suspected.

These situations are often reported in local media. To them it must be added the other cases that, as stated earlier, are not reported for fear of reprisal on the part of security forces but about which national organization REDMUDE hears from women sex workers. One such example is an incident in March 2013 when four WSWs from San Pedro Sula were brutally beaten up by National Police officers when they were working in the Central Park area. For

⁴ <http://www.elpais.cr/2016/06/02/trabajadoras-sexuales-hondurenas-exigen-justicia-por-24-companeras-asesinadas/>

fear of reprisals, they did not report this violence to the authorities even though one of the woman suffered a miscarriage because of the beating.

In October 2015, three WSWs active in the area of the Tegucigalpa Central Park reported to REDMUDE to have been beaten up by Municipal Police personnel who even fired their weapons into the ground to threaten them.

BASIS FOR OUR SUGGESTED QUESTIONS

In 1998, the International Labour Organization (ILO) started a series of actions and recommendations based on research done by an expert recommending that the sex industry be included in governments' official account not only because it makes huge contributions to regional economies but, particularly, as the only way to improve the situation of those employed in the industry.

In 2009, UNAIDS stated that: *"In many countries laws, policies, discriminatory practices, and stigmatising social attitudes drive sex work underground, impeding efforts to reach sex workers and their clients with HIV prevention, treatment, care and support programmes. ... Inadequate service access is often compounded by abuse from law enforcement officers"*⁵. In the same document, it also addresses the dangers of linking sex work to illicit activities: *"The persistent confusion and conflation between trafficking in persons and sex work leads to laws and interventions that negatively impact sex workers, and at the same time undermine efforts to stop trafficking"*⁶.

In 2012, the United Nations Development Programme's (UNDP) Global Commission on HIV and the Law issued a report stating that: "Decriminalisation is the first step towards better working conditions - and with them, less HIV risk"⁷. The report also says, "Criminalisation, in collusion with social stigma makes sex workers' lives more unstable, less safe and far riskier in terms of HIV. There is no legal protection from discrimination and abuse where sex work is criminalised"⁸.

In August 2015, Amnesty International issued a resolution supporting decriminalisation of sex work with a clear purpose: to protect the rights of those voluntarily engaging in this work. Amnesty states that the policy takes into account *"The starting point of preventing and redressing human rights violations against sex workers and in particular the need for states to not only review and repeal laws that make sex workers vulnerable to human rights violations, but also refrain from enacting such laws"*.⁹

⁵ Joint United Nations Programme on HIV/AIDS (UNAIDS): UNAIDS Guidance Note on HIV and Sex Work, 2009-2012. p.7. http://www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf.

⁶ UNAIDS op.cit, Annex 3: Differentiating sex work and trafficking, p. 41

⁷ Global Commission on HIV and the Law: Risk, Rights and Health. United Nations Development Programme (UNDP), 2012, p. 40. <http://www.undp.org/content/undp/en/home/librarypage/hiv-aids/hiv-and-the-law--risks--rights--health.html>.

⁸ Global Commission on HIV and the Law, op. cit. p. 36-37.

⁹ Amnesty International: Decision on State obligations to respect, protect and fulfil the human rights of sex workers. <https://www.amnesty.org/en/policy-on-state-obligations-to-respect-protect-and-fulfil-the-human-rights-of-sex-workers/>

It is imperative for Honduras to pay special attention to the serious situation WSW are facing and by which their lives are at risk, along with providing due care to the conditions in which they live and engage in their work.

We believe it is key to pass a law regulating sex work in order to reduce stigma and discrimination that women and men sex workers daily face. Also, such a law will guarantee a minimum floor of rights in accordance with those recognized for the entire population at the national and international level. We believe that such a law must be drafted with wide and direct participation by organizations representing women and men sex workers in order to guarantee that involved State officers will get an adequate knowledge of the realities our population faces and of the specificities of sex work in Honduras.

SUGGESTED QUESTIONS

On the basis of what has been discussed in the contribution and the situations described, we request the Human Rights Committee to submit the following questions to Honduras during its review:

a) Given the situation of discrimination and violence faced by those engaged in autonomous sex work that is not illegal in Honduras, what steps is the State considering to put an end to this situation? One such step could be to pass a law that regulates sex work without criminalizing it and that guarantees optimal conditions for it to be conducted in a framework of respect towards the human rights of those engaged in it while also guaranteeing them a minimum floor of rights.

b) Which effective public policies to prevent, fight and punish discrimination and all forms of violence against women sex workers exist or can be formulated by the Honduran state?

c) What follow-up and monitoring mechanisms for incidents of discrimination and/or violence against WSW currently exist in Honduras? How could they be strengthened?

d) What effective protection mechanisms for WSW before the security forces and public institutions that discriminate and perpetrate violence against them currently exist or could be created by the Honduran state?

e) How could the Honduran state sensitize the different State bodies, particularly those in the areas of health, security forces and the justice system, so they can recognize, respect and guarantee the human rights of WSW and allow them to conduct their trade under regulated, dignified and safe conditions?