



GLOBAL INITIATIVES
FOR HUMAN RIGHTS
A **HEARTLAND ALLIANCE** PROGRAM

Human Rights Situation of Women Sex Workers in Honduras
Additional information submitted to the Working Group
Human Rights Committee
120th Session
July 3-28, 2017

Information contained in this report focuses on Qs. 5 and 7 of the List of Issues related to the Second Periodical Report on Honduras (CCPR/C/HND/Q/2) distributed by the Committee on November 24, 2016

This report is submitted by:

- Red de Trabajadoras Sexuales de América Latina y el Caribe (REDTRASEX)
- Akahatá - Equipo de trabajo en sexualidades y géneros
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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 the attention of the Committee the daily human rights violations affecting sex workers, that is, women of legal age who of their own will have decided to engage in sex work, across Honduras so that in preparation for its upcoming review it can ask questions of the State of Honduras and later recommend that it takes measures to improve the quality of life of women sex workers across the country.

RedTraSex was created in 1997 when women sex workers from across the region met in Costa Rica. We began to get 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.

This report aims to inform the Committee about the current human rights situation for women sex workers on the basis of information collected by REDMUDE, *Red de Mujeres Unidas por Nuestros Derechos*, the organization representing women sex workers in the country.

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); Prohibition of interferences in the private life of persons (Article 17); Prohibition of cruel, inhuman or degrading treatment (Article 7)

In Honduras, autonomous sex work (without procurers) is a licit activity, according to the Constitution and current laws². In spite of this, women sex workers (WSWs) are constantly being stigmatized and discriminated against by State authorities and bodies, by action and omission.

This is made possible, partly, by the lack of clear norms regulating this activity and providing the required rights protection framework. This lack of regulation has direct, negative and topical implications for WSWs: we don't enjoy the same protection by the law as other workers do and we are exposed to ongoing discrimination in healthcare facilities. This also enables some members of the security forces to take advantage of our situation to threaten and demand bribes from us.

Given the clandestine status of sex work, WSWs seeking to protect their physical integrity in most cases choose not to formally report the abuses they experience but rather resort to the national organization representing them REDMUDE (*Red de Mujeres Unidas por Nuestros Derechos*) to make their complaints public, as we attempt to do through this report.

Between 2013 and 2016, WSWs, particularly those living and working in San Pedro Sula, La Ceiba and Tegucigalpa, brought up repeated claims of having suffered violence by Municipal and Preventive Police officers who harass them, verbally and in some cases also physically abuse them for being WSWs and for being in the main squares of Tegucigalpa and San Pedro Sula.

Similarly, WSWs in San Pedro Sula, La Ceiba, Choluteca and Tegucigalpa complain about how they are treated in healthcare facilities. They are checked only "from the waist down" (that is, regardless of the health condition for which they consult, the only thing the health professionals check are their genitals), and stigmatized and discriminated against. They also report a lack of condoms and medicines.

REDMUDE engages in advocacy and has met with health authorities, including the Health Minister herself as well as officials from the *Dirección General de Redes Integradas y Región Metropolitana de Salud* (General Directorate of Integrated and Metropolitan Region Health Networks) to whom they reported these situations and requested their intervention to provide comprehensive health care to WSWs. But the situation has not improved.

In meetings conducted with WSWs from Tegucigalpa and Comayagua, they reported ongoing violations of their right to freedom and to freedom of movement by National Preventive Police, Military and Municipal Police authorities who, abusing their power, stop WSWs from working and threaten to arrest them if they fail to provide the officers with free sexual services. Abusing their authority and contravening current laws, these police officers demand that WSWs produce the Sanitary Cards issued by the Health Secretariat. The card shows the dates on which WSWs have been checked by a doctor, is used only for HIV and STIs (sexually transmitted infections) prevention and only the corresponding clinics are authorised to demand it. No law prescribes that the police has the power to demand that WSWs produced these cards.

² National Constitution, Article 70: " In Honduras, all have the right to do everything that does not damage another person and nobody will be forced to do what is not legally prescribed or stopped from doing what the law does not prohibit " and Article 127: " Every person has the right to work, to freely choose his occupation and to give it up, to equitable and satisfactory working conditions and to protection against unemployment ".

With regard to health care, *“it is provided to WSWs in a partial way, under the health programme called Surveillance of Sexually Transmitted Infections (VICITS), of a compulsory nature, whose interest is to conduct periodic checks to detect STIs, HIV and AIDS. But, curiously, STI-treating medicines and condoms are often missing from the facilities that the Health Secretariat has set up for WSWs’ check-ups. These check-ups are conducted in a single Health Centre located in the Tegucigalpa Metropolitan Region, in La Crucita neighbourhood, where WSWs must go for free monthly check-ups (the payment is actually symbolic, 5.00 Lempiras). Honduras’ WSWs network is advocating for those check-ups to be also provided in other Health Centres or Units across town and for the facilities to have extended working hours so WSWs can receive comprehensive quality and friendly health care instead of the ‘from-the-waist-down-only’ services that are being provided to them now”*.³ In an interview with the REDMUDE President and Vice-President they confirm that one of the gaps in this restricted approach to healthcare is precisely that the Health Secretariat is not providing comprehensive care beyond STIs, HIV and AIDS. They say, *“Some existing Health Code mandates that we carry Sanitary Cards, be tested for HIV every 6 months and if we have been raped then we are tested every 3 months because of the window period”*. Lack of regulations for sex work violates the most fundamental rights of those engaged in this occupation.

RedTraSex conducted a survey in 14 countries of Latin America and the Caribbean on “Sex work and institutional violence: Rights violations and abuses of power against women sex workers,⁴ in which different WSWs reported incidents of violence by the police force. A WSW from Honduras said: *“These men are very aggressive. The other day one of them slapped me because I did not want to pull my skirt down and he wanted to rape me without a condom; I defended myself the best I could. They beat us up; we come out all bruised”* (WSW, open space⁵). And another one adds, *“They pull you by the hair and throw you down like corn into a bag”* (WSW, open space).

Physical abuse and mistreatment result from the very discrimination and stigmatization that WSWs endure, added to the lack of public laws and policies designed for them, and to their scant knowledge of fundamental human rights. In this sense, the REDMUDE leaders consider that WSWs are misinformed about their rights but the same could be said of police officers. They think there is a need to sensitize both WSWs and police officers on human rights through specific training programmes.

The very lack of regulation enables law enforcement agents to perpetrate atrocities against WSWs. Asked about why police officers behave in such violent ways towards them, WSWs in Honduras say that *“wearing a uniform and having a rank gives them power”* (WSW, open space). And because police officers not only stigmatize them but also contravene the law, WSWs add, *“They feel powerful because of their uniforms but they are wrong because they don’t do things in the legal way”* (WSW, open space).

³ Red TraSex *“Trabajo sexual y violencia Institucional: Vulneración de derechos y abuso de poder hacia mujeres trabajadoras sexuales”*, Informe Nacional Honduras. All quotes provided in this report are from WSWs in Honduras. See: http://www.redtralsex.org/IMG/pdf/informe_regional_eng-2.pdf.

⁴ Red TraSex *“Trabajo sexual y violencia Institucional: Vulneración de derechos y abuso de poder hacia mujeres trabajadoras sexuales”*, Informe Nacional Honduras, See: http://www.redtralsex.org/IMG/pdf/informe_regional_eng-2.pdf

⁵ In our research, we classified WSWs testimonies according to the type of location in which they work. “Open spaces” are parks, streets, highways, etc. while “closed spaces” are brothels, bars, massage parlors, etc.

The study conducted by RedTraSex shows through WSWs' testimonies that they also suffer **emotional abuse, threats and intimidation from the police forces**. This kind of violence becomes very evident in the context of an institutional system that instead of protecting WSWs hurts them and allows its officers to mistreat them. WSWs' testimonies are marked by fear and some openly say, *"One does what they say, out of fear"* (WSW, open space). Threats and intimidation are also present in the stories WSWs tell: *"They say 'Do you know who am I?' 'No, I don't know and I don't care'. 'I'm a policeman and whenever we want we can take you to jail. And then you will let us touch you as we please, right?'"* (WSW, open space). Psychological abuse is also mentioned a lot: *"They said things like 'I have AIDS, I will pass it on to you, fucking bitch, so you can't work any more'"* (WSW, open space). When the police conduct raids in closed sex work spaces, it is done violently. WSWs report being subject to constant emotional abuse in those situations: *"Sometimes the police come with dogs and send them to sniff us. Imagine such a big German shepherd ... Last time I could not breath, when the dog was sniffing me I kind of suffocated, that dog looked like a bear"* (WSW, closed space).

Sexual abuse and harassment that WSWs are subjected to by police officers often come up in our study as well. A typical case described is the following: *"The police took one of the girls away and because now some policemen are afraid to catch an illness, they only want oral sex. So this girl had to do it for them all; there were five policemen and all five came in this girl's mouth. One you can deal with but five ... They forced her to swallow all the semen. And then she had to undergo a stomach pumping because she was really in a poor shape"* (WSW, open space). Often WSWs report that plainclothes policemen take advantage of their status as police to take them to a motel and refuse to pay for the services they receive.

Sexual abuse is one of the most serious and unfair types of violence that WSWs suffer for being stigmatized due to their occupation. In another testimony collected as part of our research, a WSW said: *"Policemen raped me in the Anillo Periferico, the police van picked me up. At teatime they took me all the way to Carrizal and dumped me there. I had to take a taxi to come back home. And I did not report them because they threaten you, they said they were going to ruin me, that they know where I am"* (WSW open space).

Another element we found is **extortion**, when policemen demand that WSWs give them the money they have earned in the day/night: *"You did well, today; you have to invite me"* (WSW, open space). Another WSW states: *"They say, 'If you don't give us money, then it will have to be sex'. They won't go away empty-handed"*. In open spaces, apart from criminalizing WSWs, the police *"rob clients"* (WSW, open space).

Our research also exposed situations of **vulnerability or unsafety in workplaces** met with impunity. For instance, in one case, police broke into a workplace, allegedly for a raid, and found two WSWs. One of them describes what happened later: *"The shop was already closed, but there was a knock at the door and it was the police. When I saw they were coming in violently, I locked myself in the bathroom but the other girl stayed. They did abuse her, yes. Later on I told her we should go to the Attorney's Office. We went and they looked down on us, they said to just leave things as they were. This girl suffered a lot because she was really abused"* (WSW, closed space). Police, DGIC (*Dirección General de Investigación Criminal* – General Directorate for Criminal Research now renamed as DPI *Dirección de Investigación Policial* – General Directorate for Police Investigation), conduct raids: *"They come in wearing hoods, they respect nothing, they point their guns at clients. Sometimes they come with someone from the Prosecutor's Officer. They come with dogs and say 'Ah, this is a brothel'. Sometimes they place hidden cameras and film us without authorization"* (WSWs, closed space). *"Their raids last up to three hours, they don't let us work"* (WSW, closed space).

Another element enabling these kinds of discriminatory practices are dispositions in local codes like the Law on Police and Social Cohabitation, whose Article 89.1 affirms: *"The State, Departmental governments and Municipalities*

*will set up institutions in which any person engaged in prostitution will find free and effective means for rehabilitation*⁶. This norm sees WSWs as suffering some kind of illness or condition for which they need “rehabilitation”, something that clearly stands out as discriminatory. We haven’t documented any situation in which this article has been enforced but it is still in the books.

2- RIGHT TO LIFE (Articles 3, 6 and 7); RIGHT TO EQUAL PROTECTION FROM THE LAW (Article 26)

Right to life is the most basic right for any human being and every State must make its strongest efforts to protect and guarantee it for all persons. In order to guarantee it, the State must do everything within its reach to avoid torture and/or other cruel or degrading punishment or treatment being inflicted on any person.

In the case of Honduras, it is public knowledge how this right is compromised for the general population and particularly for women. WSWs are not unaffected by this reality and we suffer violence in an ongoing manner. Often the very fact of our being WSWs renders this violence invisible for the records that are kept by human rights organizations. Given this situation, REDMUDE is tracking murders of WSWs. According to these records, between September 2013 and June 2016, 24 WSWs have been murdered.⁷ To date, all those crimes have been met with impunity: nobody has been accused or even investigated for them.

It is worth mentioning that in the cases of Lesly Janina Lopez Perez, Miriam Gabriela Rojas and Melba Johana Barahona, WSWs who were brutally murdered on January 27, 2014, an investigation was opened on September 12, 2016 but no progress has been made. This shows a delay in providing justice on the part of the Honduras state that guarantees impunity for the perpetrators.

BASIS FOR OUR RECOMMENDATIONS

In 1998, the International Labour Organization (ILO) began 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 it is 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"*⁸. In the same document, it also addressed 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"*⁹.

⁶ Original text: *El Estado, la Gobernación Departamental y los Municipios organizarán instituciones en donde cualquier persona que ejerza la prostitución encuentre medios gratuitos y eficaces para rehabilitarse*

⁷ <http://www.elpais.cr/2016/06/02/trabajadoras-sexuales-hondurenas-exigen-justicia-por-24-companeras-asesinadas/>

⁸ 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.

⁹ UNAIDS op.cit, Annex 3: Differentiating sex work and trafficking, p. 41

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"¹⁰. 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".¹¹

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*".¹²

It is imperative for Honduras to pay special attention to the serious situation WSWs 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 face daily. Also, such a law will guarantee a minimum baseline 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 the State officials concerned will get an adequate knowledge of the realities our population faces and of the specificities of sex work in Honduras.

SUGGESTED QUESTIONS

Based on the situations described above, we request the Human Rights Committee to formulate the following recommendations to the State of Honduras in the course of its review:

a) Given the situation of discrimination and violence faced by those engaged in autonomous sex work that is not illegal in Honduras, the State needs to take a series of measures to protect their rights such as, for instance, to promote laws regulating sex work without criminalizing it that also guarantee the best conditions for engaging in it in a framework of respect for human rights, and basic guarantees for the rights of those engaged in it.

b)

¹⁰ 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>.

¹¹ Global Commission on HIV and the Law, op. cit. p. 36-37.

¹² 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/>

c) The State of Honduras must properly respond to points 5 and 7 in the *List of Questions Related to the Second Periodical Report on Honduras*, from November 24, 2016, as they apply to sex workers: “Please report on measures taken to effectively address discrimination and ensure the security and integrity of indigenous and Afro-Honduran people, people with HIV/AIDS, persons with disabilities, sex workers and refugees” (Issue 5). “Please provide disaggregated data on the number of deaths resulting from each type of crime, complaints, investigations and prosecutions and the sentences imposed and the compensation received by victims or relatives. Please also disaggregate that information by women of African descent, indigenous women, lesbian, gay, bisexual, transgender and intersex persons and sex workers.” (Issue 7)

d) The State must develop efficient public policies to prevent, combat and punish discrimination and all forms of violence against sex workers.

e) The State must follow-up and monitor incidents of discrimination and/or violence against sex workers that are currently taking place in Honduras.

f) The State must promote sensitization of different State bodies, mainly health and law-enforcement agents along with justice system officers towards recognition, respect and guarantee for the human rights of sex workers, enabling them to work in regulated, dignified and safe conditions.

g) The State must take action in the short and medium term to accelerate and deepen investigation with regard to the murders of Lesly Janina Lopez Perez, Miriam Gabriela Rojas and Melba Johana Barahona