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Human rights violations against sex workers: burden and effect on HIV

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We reviewed evidence from more than 800 studies and reports on the burden and HIV implications of human rights violations against sex workers. Published research documents widespread abuses of human rights perpetrated by both state and non-state actors. Such violations directly and indirectly increase HIV susceptibility, and undermine effective HIV-prevention and intervention efforts. Violations include homicide; physical and sexual violence, from law enforcement, clients, and intimate partners; unlawful arrest and detention; discrimination in accessing health services; and forced HIV testing. Abuses occur across all policy regimes, although most profoundly where sex work is criminalised through punitive law. Protection of sex workers is essential to respect, protect, and meet their human rights, and to improve their health and wellbeing. Research findings affirm the value of rights-based HIV responses for sex workers, and underscore the obligation of states to uphold the rights of this marginalised population.

Introduction

Sex workers are an established key population for HIV, with a high burden documented in female,¹ male,² and transgender³ sex workers. HIV prevention and treatment interventions for sex workers are cost effective and can reduce this burden,⁴ yet sex workers face substantial barriers in accessing prevention and treatment. Although not always described as human rights violations, social injustices including poor working conditions, violence, police harassment, and discrimination have long been

regarded as barriers to HIV prevention and successful treatment for sex workers.^{4,5} These occurrences constitute violations of human rights, or abuse of the freedoms and dignities derived inherently on account of being human.⁶ The health and human rights framework has guided the global HIV response to an unprecedented degree in public health,⁷ partly because the HIV epidemic shows the cost of restrictions on human freedom and dignity.⁶

Sex workers' human rights are rarely addressed within human rights conventions or declarations. All people are entitled to the fundamental rights and protections articulated by the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (ICESCR; 1966), and the International Covenant on Civil and Political Rights (ICCPR; 1967). These rights are not abrogated by status as a sex worker.

Key messages

- Sex workers are rarely addressed in international human rights law. Yet fundamental rights and protections set forth by international covenants and declarations are not abrogated by status as a sex worker—human rights laws apply to everyone.
- Published research documents widespread human rights violations against sex workers, perpetrated by both state and non-state actors. These violations increase HIV risk, and undermine effective HIV prevention and intervention. Violations include homicide; physical and sexual violence from law enforcement, clients, and intimate partners; unlawful arrest and detention; discrimination in accessing health services; and forced HIV testing.
- Substantial gaps exist in a rights-based response to HIV for sex workers. The effect of human rights violations on HIV demands a shift in global policies and practices. We must acknowledge, address, and prevent violence, abusive police practices, and other human rights violations, to ensure rights and achieve public health goals.
- Without addressing human rights violations among sex workers, merely providing HIV prevention and treatment services will remain an insufficient and misguided response. HIV responses for sex workers should ensure their human rights through active promotion of equality, and non-discrimination in accessing prevention and interventions across the full continuum of care.
- Human rights violations against sex workers are most profound in criminalised policy regimes. The solution requires reform not only to policy, but also its implementation, given evidence of abusive practices.
- Policy reform, sex worker mobilisation, and grass-roots organisation are essential and mutually-reinforcing strategies that have achieved success in health and human rights promotion for sex workers.

Search strategy and selection criteria

We searched PubMed, EBSCO, Global Health, PsycINFO, Sociological Abstracts, CINAHL, Web of Science, and POPLine, for studies in English published between 2009 and 2014. We searched for the following terms related to sex work: "prostitute", "sex work", "sex-work", "female sex worker", "transgender sex worker", "male sex worker", "sex trade", "survival sex", "sexual exploitation", and "prostitution"; and terms related to human rights abuses and violations, including "coercion", "murder", "police", "violence", "rape", "assault", "mandatory testing", "mandatory registration", "extortion", "discrimination", "human rights", "rehabilitation", "detention", "raid", "working conditions", "condom confiscation", "sex trafficking", and "abuse". We searched reference lists from retrieved manuscripts and reviewed websites of key organisations—eg, Human Rights Watch—to identify relevant reports. We prioritised and present primary quantitative data whenever possible. The appendix provides further reading.

One of the only conventions to specifically address sex workers was the Convention on the Elimination of Discrimination Against Women (CEDAW; 1979), through a committee recommendation which emphasised sex workers' vulnerability to violence because of marginalisation and criminalisation of sex work, and affirmed their need for equal protection against abuse.⁸ Historically, human rights bodies have been reluctant to address human rights violations against sex workers because of perceived morality concerns; however, UN guidelines and reports increasingly address human rights violations against sex workers.^{5,9-12} Sex workers and advocates use the human rights framework to assess their experiences and document rights violations,¹³⁻¹⁷ inspiring others, including the CEDAW committee¹⁸ and UN Special Rapporteurs,^{19,20} to do the same.

To improve understanding of the range, epidemiology, and effect of human rights violations against sex workers, we comprehensively reviewed all relevant published work, and describe human rights profiles across four dominant policy responses to sex work. In doing so, we recognise the right to health as a basic human right, and describe how health is affected by other human rights violations against sex workers.

Human rights violations in sex workers and HIV implications

Many human rights abuses experienced by sex workers go unreported to police or other officials because of their sense of futility and fears of further violence. Violations of sex workers human rights can directly or indirectly increase their risk of HIV (panel 1 and table 1).

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Panel 1: Sex workers speak about health and human rights

"The police force us to pay money to them every day." "If you have no money, they hold you in the police station for two days and force you to clean the station. Some policemen will only let you go if you have sex with them."

– Female sex worker, Russia⁵⁶

"And he pulled out a police badge and said 'C'mon, you want me to take you in or screw you?' I was scared, and allowed him to screw me."

– Female sex worker, Serbia⁵⁷

"I was raped by the police and the prison officers, they cut my hair and beat me up badly."

– TTT (travestis-transgender-transsexual sex worker) hairstylist, Zona Rosa, Mexico City⁵⁸

"The police, how they beat us. They killed everything in me. Killed, killed, killed us with beatings. Just transvestites... Arms, legs, torch into our eyes. A million times I've said 'Take me away. Have you come to arrest me? Arrest me then. But, do not beat me.'"

– Transvestite Roma sex worker, Serbia⁵⁹

"In the lockups police officers forcefully have sexual intercourse with me... we request them to use condoms but they disagree to use condom. Twice I was locked in police station, there 12 police officers beat me. They dragged me to the toilet and forcefully had sexual intercourse with me without using condom. When I requested them to use condom they threw [away] the condom that I had in my pocket."

– Meti [transgender] sex worker, Nepal⁶⁰

"If we insist on payment after the sexual act, clients follow us, beat us and take the money back. We cannot do anything as we will be reported to the police. If we are reported to the police, we will be prosecuted."

– Female sex worker, Arusha Tanzania⁶¹

"[Police] gave me no respect because I am Roma, a sex worker and homeless."

– Roma sex worker, Slovakia⁶²

"[Police] came and asked for my bag. When I refused, they beat me, took my condoms and burned them and said I'm a bitch."

– Zambian sex worker living in Namibia³⁹

"After the arrest, I was always scared... There were times when I didn't have a condom when I needed one, and I used a plastic bag."

– Female sex worker, USA⁴⁰

"What I heard from the women... some sex workers were arrested. It's time for them to get ARV [antiretrovirals]. They asked police, in polite way, to get ARV treatment and they are not allowing them."

– Sex worker from Cambodia describing conditions following police raid and detention on new Koh Kong⁶²

"We work at the city centre itself, where we should not work [according to the police]. We are aware [of that]. But, if we go to another place, there are a lot of problems when it is night time, when it is in the late hours." Interviewer: "What kind of problems?" "Well, the problems are you get beaten. They [clients] take away your money. They [clients] molest you."

– Female sex worker in Serbia⁵⁹

"Most sex workers don't know they have rights as citizens. They know their work is illegal, so they live in fear of the police, of clients, of everybody who passes on the street. It means they cannot defend themselves or struggle for their rights."

– Russian sex worker⁵⁶

"Another officer asked how a prostitute like me could be raped as I was used to all sizes. He told me in fact that man really spared me. He could have tested my ass too. He ended asking me if my ass is already opened. Never will I again go to report a case. I'd rather die."

– Female sex worker, Mombasa, Kenya⁶³

"I cannot go and tell a health worker that I have a genital problem when she doesn't know about my work. I expect to be abused and I have fear."

– Female sex worker, Kampala, Uganda⁶³

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