



Human Rights Situation of Women Sex Workers in Paraguay

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Submitted by:

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Asociación de Mujeres Trabajadoras Sexuales del Paraguay; Unidas en la Esperanza (UNES); Akahatá - Equipo de Trabajo en Sexualidades y Géneros; Synergia- Initiatives for Human Rights; and the Sexual Rights Initiative (SRI); are honored to submit the following list of issues to the Human Rights Committee with the aim of making a contribution for the revision of the implementation of the Covenant of Civil and Political Rights by the State of Paraguay.

List of Issues

Institutional violence against woman sex workers through stigmatization, discrimination, inequality and lack of access to justice.

- **Right to non-discrimination (articles 2.1 and 2.3)**
 - **Right to equality (article 3)**
 - **Right to life (article 6)**
 - **Right to freedom from torture and degrading treatment (article 7)**
 - **Right to equality before the law and the same protection before law free from discrimination (article 26)**
1. In Paraguay there is a patriarchal context regarding social, economic, cultural, religious and political aspects, where the "double standard " is institutionalized, because conservative and influential fundamentalist sectors promote and perpetuate actions and policies that violate the human rights of women sex workers.
 2. Women sex workers are discriminated against and made invisible in all instances of the State that, directly and indirectly, commit abuse and mistreat towards this population. In general, they are prevented from making any type of complaints: when they report on domestic violence, robbery or extortion by security agents, at the police stations officers refuse to register them and when it happens, they are identified as "housewives" instead of recognizing them as sex workers. If they report extortion by police forces, they receive threats and reprisals of all kinds.
 3. Some sex workers manifest ignorance of the need of a written order to carry out searches, and additionally, they state that, despite having such information, they usually do not have access to visualize the written orders during those proceedings. Sex workers are criminalized during the searches, in procedures that, in general, become irregular and arbitrary. They are even affected by other crimes, such as theft, when they are stripped of their belongings by agents of the security forces, with total impunity.
 4. Although the population of women sex workers is strongly affected by hate crimes and femicides, given their invisibility, there are no reliable statistics that reflect reality and allow concrete policies to be developed to prevent and combat them. With regard to femicides, in 2016 and 2017, a total of 96 cases were officially registered, 3 of which correspond to women sex workers¹; In 2018, 58 cases have been registered², of which 1 corresponds to a woman sex worker. Information from alternative sources and from UNES accounts for a much larger number of cases in both periods, but since they are recorded in different ways, they mask such crimes, which prevents carrying out investigations according to due process and achieving justice and reparation for women sex workers.

¹ List of femicides 2016- 2017 in Paraguayan newspapers; <http://observaviolencia.org/2017/12/04/listado-de-feminicidios/>

² Femicides in 2018 <http://observaviolencia.org/2018/01/18/feminicidios2018/>

5. Among other examples is the case of F, who was brutally murdered by one of her clients on the premises of one of the hangars located next to the international airport in Luque. F suffered 18 stab wounds and her body was left in the garbage. Her body was found thanks to the intervention of her colleagues who insisted on searching, noting that the victim did not answer his phone once her duty was over.
6. In the area of health, the right to life of sex workers, who do not have a comprehensive health care protocol, is not guaranteed, and they are only called to participate in the AIDS/STI program or participate in epidemiological researches. In public health services, women sex workers are stigmatized, they receive inhuman and cruel treatment, such as moral questions about their work, delays in appointments and delays in performing essential treatments for the care of their lives.

Recommendations

We request the State of Paraguay:

7. Establish adequate measures to prevent, combat and punish institutional violence and implement awareness campaigns targeting both security forces and population in general to combat stigma and discrimination against women sex workers.
8. Implement mechanisms that facilitate the reception of complaints made by sex workers, increase the offices for taking such complaints, and develop and distribute protocols with human rights approach among police forces and judicial agents to ensure access to justice women sex workers.
9. Establish protocols for the investigation of cases of femicide against sex workers that avoid invisibility and ensure due process, clarification of cases and conviction of perpetrators, in order to guarantee the right of access to justice of women sex workers.
10. Establish in all governmental areas the necessary public policies to promote the eradication of torture and guarantee the right to life of sex workers, particularly in the areas of justice and health.

Violation of civil rights of women sex workers

- **right to non-discrimination (article 2)**
 - **right to equality (article 3)**
 - **right not to receive cruel treatment or torture (article 7)**
 - **right to privacy (article 17),**
 - **right to equality before the law and equal protection before the law without discrimination (article 26).**
11. The lack of specific legislation on sex work in the country results in the non-differentiation of sex work from trafficking, such situation allows arbitrary institutional interventions by security forces and agents of justice through requests for bribes, blackmailing, threats with weapons, verbal threats and use of inappropriate language, among others.
 12. Places where sex work is performed are not authorized as such, therefore, there is a situation of clandestineness that leads to precarious working conditions, unhealthiness and insecurity that puts the integrity and life of women sex workers at risk.
 13. Since sex work is not considered work, women who practice it are stigmatized and subjected to unequal treatment and inhuman treatments, by both clients and state institutions. The State institutions that should ensure the safety of the entire population are those that conduct the aforementioned arbitrary interventions that often culminate in arbitrary detentions, with which

they violate the basic rights of women sex workers, who are affected to a greater extent than the population of male sex workers during these interventions.

14. As a consequence of the lack of legislation against all forms of discrimination and regulations of a national scope that allow the legalization and regulation of sex work - added to the double standards of the agents of justice and the police forces - women sex workers carry out their work in a situation of total insecurity and their exercise is hindered through ordinances based on "moral and good customs" that prevent them from free circulation; such as in the departments of Alto Paraná and Itapúa³.
15. The lack of regulation of sex work and the overlapping of often contradictory regulations in relation to its legal status, involves - as we have already mentioned - its clandestinely. This allows security forces and businessmen to place in a position of power and arbitrariness in relation to the women sex workers and blackmail them in order to develop the activity. The two main forms are economic extortion and sexual abuse. An example of this is the testimony of a woman sex worker on the actions of the police: "They want to take money from you or give them services for free. They ask you. "
16. Additionally, having a criminal record - most of the time generated only by the fact of having been detained in the premises where they perform their work - places them in a place of greater vulnerability in relation to security forces. The testimony of several sex workers reflect this situation: "Because I had criminal records a police officer asked me service for free, and as I was afraid of him and I agreed"; "Once, the police asked me for money to erase my records"; "When police arrests you for criminal records, does not even take your data."
17. There is a clear attitude of abuse of power by the police forces based on their unlimited access to criminal information of sex workers, or the mere fact of becoming a "de facto authority" for the presumption of guilt of sex workers, only for exercising their work. Each police procedure is marred by the social stigma towards women sex workers, latent in the country, which, in turn, normalizes the aforementioned arbitrary actions.
18. Despite the enforcement of Law 3940/09 "Which establishes rights, obligations and preventive measures in relation to the effects produced by the human immunodeficiency virus (HIV) and the acquired immunodeficiency syndrome (AIDS)", due confidentiality and respect for privacy established in such regulations, is not respected. Right to privacy of women sex workers in Alto Paraná have been violated by being forced them to submit HIV/VDRL test results in order to access work in the premises.
19. The growth of Catholic anti-rights and reactionary groups obstruct the enforcement of human rights in Paraguay. They have rejected the draft National Law Against all Forms of Discrimination

³ Among others, Municipal Ordinance No. 10/93 (Ciudad del Este, Department of Alto Paraná) states that: "houses of tolerance shall operate within a totally walled perimeter corresponding to the lot they occupy (Article 4); "All the people who work in the houses of tolerance must have a file with the personal data and certificate of analysis of vaginal discharge, updating biweekly and VDRL" (Article 6), "It is prohibited to practice prostitution anywhere else other than that established in this ordinance". Municipal Ordinance No. 240/2014 (from the City of Encarnación, Department of Itapúa) states that "the promotion, facilitation or provision of services of sexual nature in public spaces shall be punishable, provided that it alters the tranquility and/or security of the citizens, either by the disturbance that prevents or hinders the transit of pedestrians and/or vehicles or by the production of inconveniences incompatible with the rest of citizens ".

based on traditional concepts of family, which enables greater circumstances of violation of the rights of women sex workers,

Recommendations

We request the State of Paraguay:

20. Elaborate and promulgate a Law for the Exercise of Sex Work, in order to guarantee the right to practice it without discrimination and in adequate conditions of equality, hygiene and safety and regulated according to international standards in this matter.
21. Repeal legal norms that stigmatize and violate the rights of women sex workers, such as ordinances No. 10/93 of Ciudad del Este, department of Alto Paraná, and No. 240/2014 of the City of Encarnación, department of Itapúa.
22. Prepare and promulgate a Law Against All Forms of Discrimination, based on a broad debate with all sectors of the population, in order to promote equality of opportunities and the elimination of violence, stigmatization and inequality that affect large portion of Paraguayans and, in one way or another, is discriminated against and excluded, in particular women sex workers.