Upholding the rights of young women who sell sex in Myanmar
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We are an innovative alliance of nationally based, independent, civil society organisations united by our vision of a world without AIDS.

We are committed to joint action, working with communities through local, national and global action on HIV, health and human rights.

Our actions are guided by our values: the lives of all human beings are of equal value, and everyone has the right to access the HIV information and services they need for a healthy life.

About Link Up

Link Up, an ambitious five-country project that ran from 2013-2016, improved the sexual and reproductive health and rights (SRHR) of nearly 940,000 young people most affected by HIV in Bangladesh, Burundi, Ethiopia, Myanmar and Uganda. Launched in 2013 by a consortium of partners led by the International HIV/AIDS Alliance, Link Up strengthened the integration of HIV and SRHR programmes and service delivery. It focused specifically on young men who have sex with men, sex workers, people who use drugs, transgender people, and young women and men living with HIV.

For more information visit www.link-up.org

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Designed by: Jane Shepherd/Garry Robson

Unless otherwise stated, the appearance of individuals in this publication gives no indication of either sexuality or HIV status.
Executive summary

Sex work is criminalised in Myanmar, and young women who sell sex are highly vulnerable to exploitation, violence and corruption. The International HIV/AIDS Alliance in Myanmar, through the Link Up project, is working to defend sex workers’ rights. The Alliance Myanmar uses REAct (Rights-Evidence-Action): a monitoring and response system designed to protect the rights of young people living with and affected by HIV. REAct is run by Alliance Myanmar, in collaboration with community-based sex worker organisations, including Myitta Shin. The REAct system provides support for young sex workers who have been arrested as well as collecting data and evidence to inform advocacy.

This initiative is sustainable as it is owned and run by the community: by sex workers themselves. Given the large number of sex workers who are imprisoned every year in Myanmar, advocacy is key to sensitise the police to the rights of vulnerable populations.

1. Context

In Myanmar, pervasive corruption, combined with widespread poverty, compounds the effects of criminalised sex work, resulting in the disempowerment of sex workers, higher risk behaviours, child sex work and even slavery. These are violations of basic human rights to work, health and life.

Although sex work is criminalised in over 100 countries, the legal frameworks range from lenient to extremely punitive. A recent report by the medical journal, The Lancet, cites a large body of evidence showing that criminalising sex work exacerbates the barriers facing sex workers in accessing HIV prevention, treatment and care services, largely because of stigma and discrimination. The report states, “Social, legal and economic injustices contribute to [sex workers’] high risk of acquiring HIV.” Criminalising sex work shifts the power from women who are targeted by these laws and gives it to those who could exploit them. In effect, it sanctions violence, police harassment, exploitation by employers, fuels stigma at multiple levels and hinders sex workers from accessing health care and other social services. The human rights organisation, Amnesty International, has called for the decriminalisation of sex work, claiming, “It is the best way to defend sex workers’ human rights and lessen the risk of abuse and violations they face.”


HIV, sexual and reproductive health and sex work in Myanmar

- Between 40,000 and 80,000 women in Myanmar are engaged in sex work, according to 2013 estimates by the Myanmar government and the UN.
- Over 3,000 sex workers were reportedly prosecuted in 2012.
- The HIV epidemic in Myanmar is driven by key populations: sex workers, men who have sex with men and people who use drugs.
- HIV prevalence among sex workers ranges from 8.1% nationally to 18% in major cities.
- A high proportion of sex workers – between 30% and 56% - reported symptoms of sexually transmitted infections in the past year in Yangon.
2. Strategies

The International HIV/AIDS Alliance in Myanmar, through the Link Up project, is working to defend and uphold the rights of young women who sell sex. The Alliance established REAct (Rights-Evidence-Action) in Myanmar in 2014. REAct is a community-based and owned human rights monitoring, documentation and response system designed to protect the rights of young people living with and affected by HIV. It is run by Alliance Myanmar in collaboration with community-based sex worker organisations.

The REAct system - supported by Link Up - addresses the needs of young women who sell sex on two fronts: it provides support for sex workers who have been arrested and collects data and evidence. REAct connects individuals who have encountered human rights violations with free legal aid, providing emergency financial support to those in need. It also collects data on human rights abuses to inform advocacy aimed at changing discriminatory laws and influencing policymaking.
In Mawlamyine, the community group, Myitta Shin, uses REAct to assist young female sex workers who have been arrested. Myitta Shin connects imprisoned sex workers who are living with HIV with international NGOs and other civil society organisations so that they can access antiretroviral therapy. Myitta Shin has also assisted one sex worker who was physically assaulted at her home.

Since 2006, Myitta Shin has been working with sex workers, informing them of their sexual and reproductive health and rights (SRHR) and empowering them to prevent HIV. It runs a network of peer educators who make regular visits to brothels, bars, massage parlours, and other places where sex is sold, to carry out health education awareness training and harm reduction activities. Because of the reach of its peer networks, Myitta Shin has access to almost every sex worker in Mawlamyine.

The case study below illustrates the difficulties experienced by young women who sell sex in Myanmar, and the comprehensive help provided by Myitta Shin, supported by Link Up.

**Supporting young women who sell sex**

Twenty-three-year-old, Ma Hnin Si, worked in a brothel in the coastal city of Mawlamyine in the south-east of Myanmar. Like many women and men in this low-income country, Ma Hnin Si turned to sex work to support her family. In a country where the average income is just 258,000 kyat (about US$200) per month and unemployment estimates range from 25 to 40%, sex work can be lucrative: in some areas, sex workers can make up to 400,000 kyat a day.

In late 2014, after an increase in undercover police operations, the owner of the brothel where Ma Hnin Si worked moved her to a rented room in a suburb of the city, hoping to escape police detection. Neighbours, however,
informed the police. Ma Hnin Si and the owner were arrested after a police officer posing as a client paid 13,000 kyats to have sex with her. Following her arrest, Ma Hnin Si was sent to prison to await charges and entered Myanmar’s corrupt justice system.

This wait can take several months, and even longer if money is not paid to hasten the process. Several trips to and from the police station, jail and court are required for meetings and hearings before charges are even filed. In Mawlamyaing, as elsewhere in Myanmar, sex workers must pay police officers, prison and court officials to arrange these meetings as well as transport and food. Money is also allegedly required to bribe judges to give reduced sentences and supplement basic prison rations.

Some brothel owners reportedly pay the court fees, bribes, food and support for the family and then force the sex worker into indentured servitude until the costs are paid off. This can take years. The owner of Ma Hnin Si’s brothel decided to pay 50,000 kyats to the police, 200,000 kyat to court officials to give her case to a “friendly” judge, and 1.5 million kyat to a lawyer who later shared this with the judge. The judge charged her with a minor violation that carried no prison time. Ma Hnin Si was in prison for five months before she was sentenced.

“At that time I had no money to support my daughter who was in prison: to pay for transport to the police station twice a week for the hearing, or to give her food when she was at the police station. I had no money so I planned to sell our furniture and kitchen utensils.”

(Ma Hnin Si’s elderly mother, Daw Moe)

Myitta Shin staff learned about Ma Hnin Si’s arrest when their peer health educators noticed that she was absent from a regular meeting. The peer educators alerted Myitta Shin staff working on REAct, who then visited Ma Hnin Si in prison. As a result, Ma Hnin Si received free legal aid and money to support her family and to buy food while she was in prison. Myitta Shin staff visited the prison regularly, as well as the courthouse when Ma Hnin Si had to appear.

“Myitta Shin helped us and I did not have to sell my furniture and kitchen items. With Myitta Shin’s support I could help my daughter. It was only 50,000 kyat over three months but it was a big help.”

(Daw Moe)

Ma Hnin Si was in prison for five months before being charged. The owner of the brothel where she worked eventually paid bribes to get her out of prison. She has since moved to another city for work, fearing that if she is arrested again in Myawlamyaing, it will be more difficult to avoid a conviction and longer prison sentence.
“My daughter coped in prison,” says Daw Moe. “By meeting with legal aid groups and Myitta Shin, she didn’t feel alone, she felt supported. This helped her to get her through this traumatic period.”

(Daw Moe)

Myitta Shin supports sex workers who have been arrested but sees no end to these problems in the foreseeable future.

The innovative use of working through peer sex workers to implement the REAct system builds trust quickly between clients and staff. It also ensures excellent coverage in the catchment area. Because peer sex workers used the system, they knew all the locations where sex work occurred in the city. They were also able to identify clients by using referrals from other sex workers in prison as all the incarcerated sex workers knew each other. Link Up staff have used the evidence generated by REAct to undertake advocacy with parliamentarians and township-level police and administration.

3. Results

Under REAct, 32 cases of sex worker rights violations have been reported by Myittasin and 20 additional cases from MSM and other vulnerable youth documented by other partners (Myanmar Youth Star, Lotus and The Help). Supports were given according to the need of each case. REAct provided medical supports by referring clients to the hospitals, clinics and Link Up consortium partner MSI. For legal support, some REAct implementing areas have Legal Aids Associations and the clients have assisted by linking with those associations, in the areas where there is no such organization, the clients have assisted by hiring a lawyer. REAct also provided psychosocial support by visiting to the prisons and meet the client and give counselling. The clients also received fees for food while they were in the prison and financial support to their families were also provided.

4. Challenges

While REAct staff are not allowed to bribe the police or the courts to get charges against sex workers dropped or sentences reduced, many sex workers do find the money for bribes. They take loans, obtain money from family members or borrow from brothel owners. This in itself encourages more arrests as police and court officials are set to benefit personally from each arrest. This underpins the continued need for systems like REAct, whose staff are not in a position to advise sex workers against bribing their
way out of prison. The vicious cycle of arrests and bribes and the need to support imprisoned workers can only be broken with nationwide advocacy that addresses the rule of law, corruption and the decriminalisation of sex work.

With an estimated 3,000 sex workers prosecuted every year, the REAct system is currently only able to support a fraction of those in need. This major challenge could be addressed by:

- Increasing coverage: scaling up and adding more community groups.
- Influencing policy at national level: decriminalising sex work and challenging corruption in the legal and law enforcement systems.
- Tackling the underlying issues of poverty and inequality: this could create other income generating options, in addition to, or as alternatives to sex work.

At Sex Worker Rights Day, participants wrote their comments and signed on the poster with the slogan “Let’s all work together to eliminate discrimination.”

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5. Sustainability beyond Link Up

This peer-supported work is sustainable because peers see the benefits of helping each other. It is owned and run by community members. If support for REAct stopped, sex workers would need to continue working together to provide mutual support, transferring the expertise they have acquired and developed by using the system.

The costs of running REAct are low: in the above case, just 50,000 kyats was needed to help a client’s mother for three months, in addition to the cost of food for Ma Hnin Si while she was in prison. Legal aid groups are free, and once links are made between sex worker communities and these groups, they are likely to remain in place. The same applies to the software used in REAct - which the communities will be able to keep using for free - and the referral network for human rights responses provided by other organisations already established under REAct. Costs might also be covered by donations from sex workers, brothel owners or local social welfare groups.

Sustainability would be enhanced if the programme supporting REAct could organise sex workers into peer-supported networks and sensitise brothel owners to the need for this vital kind of support.

A panel discussion on sex workers’ rights, umbrellas symbolise protection, © 2016 International HIV/AIDS Alliance in Myanmar

REAct’s software is adapted from Martus, an information management system developed by Benetech, http://www.benetech.org/?s=Martus
6. Lessons learnt

Because sex work is illegal in so many other countries, making progress towards national decriminalisation in Myanmar is a challenge. In the meantime, sensitising local police so that they do not exploit sex workers’ vulnerabilities is key. Local partnerships between the police and civil society groups representing sex workers and other vulnerable populations are needed. Myitta Shin staff also see the value of conducting training in legal awareness with the police and linking their work to broader rule of law initiatives that are emerging around the country.

7. Lessons learnt

The evidence gathered through REAct can be used nationally to advocate for policy to protect sex workers’ rights. The system is sustainable because sex workers run it, although sustainability could be improved if stronger networks of sex workers were used to collect donations, or if brothel owners could provide some support.

While the long-term process of reforming the justice system, fighting corruption and advocating for decriminalised sex work continues, a major scale-up is required to address the needs of incarcerated sex workers at a national level. As the resources needed to reach the large number of sex workers across a wide geographical area are unlikely to be available, short-term interventions, such as sensitising the police to the needs of vulnerable populations and the rule of law, are essential.

8. Contact details

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Staff and peer educators running informal SRHR educational sessions for sex workers in a brothel.

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Link Up improved the sexual and reproductive health and rights of nearly 940,000 young people affected by HIV across five countries in Africa and Asia. The project was implemented by a consortium of partners led by the International HIV/AIDS Alliance.

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