

**It Takes More than Condoms:**

The Rights-based Approach to Prevention of HIV/AIDS in  
Female Sex Workers in Thailand and Colombia

By,

Ximena Navia Henao

Under the Supervision of Professor Bas de Gaay Fortman  
Master's Thesis for the European Master's in  
Human Rights and Democratisation

Utrecht University/EIUC

July 2012

## Abstract

AIDS has become a human rights and a social problem that thrives on inequalities and deepens the vulnerability of certain population groups. In countries like Thailand and Colombia, female sex workers are at the heart of the epidemic. Cumulative factors of vulnerability such as risky sexual healthy behaviours, stigmatisation, criminalisation and poverty makes them at risk of HIV/AIDS. Taking into account the role of the State as the primary duty bearer under international law, this paper explores the inherent right of sex workers to have access to HIV prevention services and evaluates the initiatives taken by Thailand and Colombia to respond to their legal obligations. Considering both the positive steps and the gaps in HIV prevention programmes in the two countries, this paper will demonstrate the added value of human rights-based strategies to HIV prevention in female sex workers.

## Table of Contents

List of Acronyms .....	v
Preface .....	vi
Research Questions.....	1
The Human Rights-based Approach.....	2
Outline .....	8
Methodology.....	10
II. The Situation of Female Sex Workers .....	10
Distinctions among Female Sex Workers.....	11
Factors that make Female Sex Workers Vulnerable to HIV/AIDS.....	13
Female Sex Workers' Vulnerability to HIV/AIDS: the Thai perspective.....	20
Female Sex Workers' Vulnerability to HIV/AIDS: the Colombian perspective.....	22
III. Legal and Political Responses .....	24
International Charter-based Obligations.....	25
International Treaty-based Obligations.....	29
Regional Obligations.....	31
National Obligations .....	32
The Thai Response to the Obligations .....	33
Political Commitment.....	33
HIV Budget Allocation .....	34
Policies and Legislations .....	35
Condom Use and Behaviour Change.....	37
Multisectoral Approach.....	39
Awareness Raising Campaigns .....	40
Results of the Thai Response .....	41
The Colombian Response to the Obligations .....	43
Political Commitment.....	43
HIV Budget Allocation .....	44
Policies and Legislations .....	45
Condom Use and Behaviour Change.....	46
Awareness Raising Campaigns .....	47
Multisectoral Approach.....	48
Results of the Colombian Response .....	49
IV. The Human Rights-based Approach to HIV Prevention in Female Sex Workers: some notes on relevance and realisation .....	51
Empowering Strategies .....	51

Participation of Key Affected Populations .....	54
Reducing Disparity .....	55
Identifying and Addressing Underlying Risk Factors.....	57
Developing and Sustaining Strategic Partnerships .....	58
Final Observations .....	61
Decriminalisation of Sex Work .....	61
The Realisation of Human Rights.....	63
Sex Tourism.....	65
The Importance of Prevention .....	67
<b>V. Bibliography .....</b>	<b>70</b>