186 - A CUT ON VIOLENCE AND HUMAN RIGHTS IN THE CONTEXT OF STREET COMMERCIAL SEX WORKERS OF A CITY IN THE METROPOLITAN REGION OF PORTO ALEGRE, RS.

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1. INTRODUCTION

This study is part of a survey conducted by the Group Body, Movement and Health of the Feevale University Center, linked to the master program entitled Professional Masters in Social Inclusion and Accessibility. The chosen group was formed by street commercial sex workers of a city in the metropolitan region of Porto Alegre.

The research has been developed since 2007 and for this article we bring a part of the research results. The study was aimed to represent the violence and human rights in the context of street commercial sex workers of a city in the metropolitan region of Porto Alegre, RS; in the prospect of aggression, conflicts with the police and detention.

The methodology applied a quantitative outline and it was characterized as being cross design with consecutive sampling process. The instrument used for data collection was a structured interview, with mostly closed questions. From the informed consent, the interviewers started data collection on the streets of the sampled city (the workplace) as foreseeing in the project approved by the Committee of Ethics in Research of the Feevale University Center of Novo Hamburgo, RS, under the case number 4.09.01.06.285. A total of 22 female commercial sex workers, aged from 18 to 38 years (average 26 years old) were interviewed.

2. PRESENTING THE RESULTS

In this studied group, it was verified that 81.8% (18) had complete elementary school; 31.8% (7) had been working in this profession from one to three years; and 40.9% (9) received from four to six minimum wages.

With regard to aggression, the results indicated that 54.5% (12) of the commercial sex workers reported having been victim of aggression. Of these, 50% (6) were assaulted by customers; 25% (3) by their current or former stable partner; 16.7% (2) by customers and relatives; and 8.3% (1) by current or former stable partner and children.

From the perspective of conflicts with the police, 45.5% (10) had trouble with the police relating to prostitution, being 80% (8) due to complaints from residents about the workplace or police raid, 10% (1) related to the loss of child custody because of her profession and 10% (1) due to prostitution when under age.

As for arrestment, 22.7% (5) have already been arrested; out of those 60% (3) were held up to six hours, 20% (1) was held two and a half years and 20% (1) spent two months in prison and one year in FEBEM (*Fundação Estadual do Bem-Estar do Menor* - Institution which has the responsibility to take care of the underage youngsters in law conflicts).

Considering such results and the need to deepen its analysis, it was decided to develop a theoretical framework that pointed to a reflection on the world's culture related to prostitution, legal considerations from the Brazilian context, as well as progress on the issue addressed in this study in judicial decisions that permeate in courts.

3. REFLECTING ON THE WORLD'S CULTURE CUSTOMS

The practice of prostitution is ancient; many were the attempts to control it over the evolution of humanity. Advances and setbacks are historically disclosed. Guimarães and Merchan-Hamann, cited by Azevedo (2007), illustrate this issue when show control attempts implemented in the past. Such attempts varied from satanization, namely the control exercised by the religious institution; passing through prostitution expressed in civil codes; and currently in Brazil, the demand for its legalization, as already outlined in the Brazilian Occupancy Classification (COB) under the number 5198-05 (BRASIL, 2008).

In Holland, in Amsterdam, the commercial sex workers have a profession with all the guarantees of an employee; pay their taxes; the government gives assurance to health insurance and even police protection. There are the shopping malls of sex, which are the “women showcase homes” that stay open 24 hours where tourists from around the world move a lot of money. There are several reasons that lead women to seek this kind of work in Amsterdam. The fast money to maintain a luxury and comfort life or to pay a university are two examples (SBT REPÓRTER, 2008).

In Spain, there are many movements for the regulation of the profession. There are several associations of commercial sex workers who campaign with the government to have their rights incorporated in the legislation. Here are some advances:

The government of Catalonia announced in 2003 that it is finalizing a new law on the regulation of sexual services, which stakes on the charge of street prostitution and protects both the workers as well as the customers of brothels (ESPANHA..., 2006).

Currently there is no law in Spanish that bans prostitution. The Central Government approved on February 14th the creation of a Commission of Studies about the convenience or not of regulating the exercise of voluntary prostitution. The Congress should give its consideration in next June and forward it to the Government in the form of recommendations so it can decide on how to proceed (BÉCARES, 2006).

It is estimated that 300,000 women work as prostitutes in Spain, who according to the National Association of Nightclubs Businessmen, are also suffering with the economic crisis. However, on the other hand, many women who are in economic distress are deciding to return to nightclubs or to the streets to engage in prostitution (LOS LOCALES..., 2008).

Nevertheless, the sex practice for money, even as habits and customs of world culture, it is still perceived by society as something related to sexual assault or public scandal. In most countries these are the most evident reasons and more used as alibis for the non-legal framework of the exercise of prostitution.

The decisions of women will require a change in internal and external spaces, that is, between opening or closing the window, there are several other choices and their consequences that leave marks which dispense any word. Going out with several men, not choose the partner, charge for services, explain the loss of virginity, among other factors, make the call-girl "profession" a choice of life that suffers many prejudices and discrimination, even in the 21st century. In this sense, when considering the historical era in which we are living, it appears that prostitution is multidimensional in many facets, including the social, historical and cultural contemporary context, but that is still greatly influenced by the past (AZEVEDO, 2007).

There is a displacement of the scale of prostitution as a choice, being diluted under a vision basically hygienist or social,

where prostitution is attributed to the problems related to family disease, poverty, widowhood, violence, lack of employment, need to support the family, among other issues that were not previously considered, but which today is part of the discourse of the professional choice of those women, such as the desire to have more comfort, or a desire to attend a college, which is corroborated by their speeches.

In the era of globalization, discussion of social rights, lack of employment opportunities in various sectors, Durigan and Mina (2007), pointed out by Azevedo (2007), show that the issues related to prostitution are emphasized and approached by numerous angles, such as the denunciation of its use as employment and consequently its purposes, the questioning of such attitude, the society's search for answers that begin on the treatment that this person had at home to religious issues. What is not put under discussion is the possibility of free will. The same authors explain that to think about prostitution as an object of study requires considering some peculiarities of the profession, being important not to conceive it just as a factor of social exclusion. Conceptualize prostitution as a profession means recognizing the existence of different social practices, whether in employment, religious or other practices. Such understanding is essential for us to identify the prejudice and intolerance that, nowadays, still characterize human relations: these individuals would be deviant in relation to the "normal" behavior of human beings.

In this sense, according to the cited authors, prostitution acquires broad connotation and it can, in a simple way, be defined as the conscious exchange of sexual favors by no sentimental or emotional interests. Despite prostitution commonly be a relationship of exchange between money and sex, this is not a rule. There is the possibility of exchanging sex for professional favoritism, for material goods, for information, and so on. Prostitution is also characterized by the sale of the body, either in pictures or movies in which the private parts of the body are shown.

4. LEGAL CONSIDERATIONS

The object of Constitutional Law is to establish the structure, organization of the institutions and organs of the State, the acquisition and limitation of power, foreseeing, to this end, various fundamental rights and guarantees. Miranda, quoted by Moraes (2003, p. 83), defined it as:

[…] portion of the legal system governing the State itself as a community and as a power. It is the set of regulations (rules and principles) that recall the legal context for the political community as a whole, and situate there the individuals and groups facing each other and the power-State […].

Legally, according to Moraes (2003), the Constitution must be understood as the supreme and fundamental Law of a State, especially with regard to the rights, guarantees and obligations of citizens.

Among the fundamental principles listed in Article 1 of Federal Constitution, it is found in item III, the dignity of the human being. It also gives, in its Article 3, item IV, as the fundamental objective of the Federative Republic of Brazil the promotion of everyone's well-being, without prejudice of origin, race, sex, color, age or any other forms of discrimination (BRASIL, 1988).

We noticed while analyzing the past history and, in many times, the present time, that attacks against the man-citizen are recurrent: slavery, inquisition, wars, genocide, famine, economic and cultural poverty, social discrimination and animalization of the individual (BOLDRINI, 2003).

With the end of the Second World War and, facing the atrocities committed by Nazis, there was a movement of universal consciousness, based on the Universal Declaration of Human Rights, which established an ethical reason, "[...] founded in ensuring the inviolability of human dignity, in the acquisition of equality between people, in search of effective freedom, in pursuit of justice, and the construction of a conscience that fully preserve these principles [...]" (MELO, 2007, p. 1).

Human dignity is a moral, ethical and spiritual intangible merit; is a maximum, supreme merit with sacred nature; is an inalienable and essential right, serving as the basis of the legal system itself. The man and his dignity, therefore, are the reasons of being of the Society, State and Law (MELO, 2007).

Sarlet (2001, p. 32) presents the dignity of the human person as an

[…] intrinsic and distinctive quality of every human being that makes he/she worthy the same respect and consideration by the state and community, implying, in this sense, a complex of fundamental rights and duties to ensure the individual against every and any act of degrading and inhuman nature, as well as ensuring minimum conditions for a healthy life, in addition to providing and promoting their active participation and co-responsibility in their own existence destinies and in communion life with other human beings […].

In the same line of thought, Larenz, quoted by Nobre Junior (2000), recognizes in personal dignity the right of every human being to be respected as a person, not to be prejudiced in his/her existence and to enjoy a private existential sphere. The author sees, in compliance with the principle of dignity, four major consequences: a) equal rights for all men, once integrating the society as people; b) guarantee of independence and autonomy of human beings, in order to prevent any external coercion to the development of his/her personality, as well as to all acts that implies in its degradation c) compliance and protection of the inalienable rights of man d) inadmissibility of negative fundamental means for someone's development as a person or the imposition of subhuman conditions of life.

5. ADVANCES IN JUDGMENTS

We present, as examples, two sentences that address how judges are judging the claims of commercial sex workers.

The sentence approved by a judge of the city of Granollers, Barcelona/Spain, recognizes that women who work in nightclubs have employment rights as any other worker, as it was shown by the local newspaper:

In fact, a judge of Granollers (BCN-ES) recently approved a ruling that brings much hope on this basis. On April 27th a verdict was revealed, which carries the mark of the number one social judge of Granollers, where the judge recognizes that women who work in nightclubs have employment rights as any other worker. The judge gave the verdict in favor of a nightclub employee of the Masnou Street of Granollers who condemned the place for firing her when she refused to have sex with a client. The victim would have a verbal contract with the place, which should indemnify her with 1,763 Euros (UN JUEZ..., 2003).

In Brazil, the Office of Institutional Communication of the Court of Minas Gerais reported on the trial of a prostitute's request seeking recovery of material (profit) and moral damages:

Prostitute gets right to claim compensation for moral damage. The 9th Civil Chamber of the Court of Minas Gerais determined the regular procedure of a compensation charge for moral damage, evaluated by a prostitute against a client that assaulted her. The lawsuit had been extinguished by the 1st degree judge who argued legal impossibility of the request. The lawsuit was filed by the "professional sex worker" in March 2006. She argues that she was physically assaulted by a client in August 2005 in a hotel located in Belo Horizonte's downtown, a fact that led her to register a Bulletin of Occurrence. With bruises on the face and excoriations on the entire chest, she needed medical care. In the lawsuit, she requested from the aggressor compensation for material damages, corresponding to her profit, that is, the values that she did not receive during the period in which she was unable to do her activity. She also requested compensation for moral damage. The judge of the 11th Civil Court of Belo Horizonte, in spite of acknowledging the fact that the attack was clear, understood that the contract between the prostitute and the customer does not constitute a legal relationship, since prostitution is an illegal activity. Considering that the author based the compensation appeals for

material and moral damage in the same fact - illegal activity - the judge maintained that the cause is legally impossible and extinguished the action. Dissatisfied, the prostitute appealed to the Court of Justice. The judges José Antônio Braga (reporter), Osmando Almeida and Pedro Bernardes partly accept the appeal. They understood that the compensation for material damage is really a legally impossible request, but determined to continue the process with regard to moral damage. The reporter highlighted that "the sale of the body is one of the oldest practices known and lasts until the present day. Therefore, the exercise of prostitution cannot be ignored, but "those who perform marginal activities, without proper regulation by the State, cannot claim right founded in irregular occupation," cautioned. Thus, the request for compensation for loss of profit is legally impossible. However, with regard to moral damage, the reporter stressed that "the activity held by the claimant does not disqualify the values inherent to every human being, among them the dignity and physical integrity." According to the judge, the alleged moral damages result from suffered abuses and psychological effects left in the prostitute, and are not related to the illegal activity. "It is contrary to the principles of our legal system to fail to protect the physical integrity of anyone because he/she exercised a not regulated activity", he concluded (GARCIA, 2007).

On the Positive Law point of view, the practice of exploitation the body aiming profit does not characterize a criminal activity (it punishes the exploitation by a third party or, depending on how it is developed, the outrage of modesty), although the activity is not regulated. However, even if it is seen as an illegal contract (FRANCHINNI, 2007), it is recognized and safeguarded the right to physical integrity and dignity, regardless of occupation.

6. FINAL CONSIDERATIONS

Few are the investigations on this subject, mainly in Law. This, controversial, study has opened new horizons for further research and study on the social realities of the "excluded" from society, who are still citizens. It is only a beginning, an approach, a path. There may be other studies, with new challenges and new perspectives.

Therefore, we find that in actuality, there remains, even in theory, the recognition of human beings as the center and purpose of law, and therefore the ideals pursued by commercial sex workers - The Brazilian Prostitutes' Network (*Rede Brasileira de Prostitutas*, 2008) lists philosophy and central values as the path to find those ideals, namely freedom, social equality, dignity, solidarity and respect of differences, which are, in fact, constitutionally recognized and protected, at least positively, by our legal system.

REFERENCES

1. AZEVEDO, R. L. W. **Aspectos psicossociais da sexualidade na adolescência associada a vulnerabilidade ao HIV/AIDS**. Dissertation (Master of Social Psychology) The Postgraduate Program in Social Psychology, Universidade Federal da Paraíba, João Pessoa, 2007.

2. BÉCARES, Roberto. Nace la primera asociación de clubes de alterne de Madrid. **El Mundo**, 30 Mar. 2006. Available from: <http://www.elmundo.es/elmundo/2006/03/29/madrid/ 1143642465.html>. Accessed in: 2008 (Oct. 04).

3. BOLDRINI, Rodrigo Pires da Cunha. A proteção da dignidade da pessoa humana como fundamentação constitucional do sistema penal. **Jus Navigandi**, Teresina, v. 7, n. 66, Jun. 2003. Available from: <http://jus2.uol.com.br/doutrina/texto.asp?id=4171>. Accessed in: 2008 (Oct. 04).

4. BRASIL. **Constituição da República Federativa do Brasil**. 1988. Available from: <http://www.planalto.gov.br/ccivil_03/constituicao/constitui%C3%A7ao.htm>. Accessed in: 2008 (Aug. 27).

5. BRASIL. Ministério do Trabalho e Emprego. **Classificação Brasileira de Ocupações**: profissionais do sexo. Available from: <http://www.mtecbo.gov.br/busca/descricao.asp? codigo= 5198-05>. Accessed in: 2008 (Aug. 25).

6. ESPANHA: prostitutas de rua e clientes multados. E se fosse em Portugal? **IOL Diário Portugal**, 25 Jan. 2006. Available from: <http://diario.iol.pt/noticia.html?id=638881&div_id =4071>. Accessed in: 2008 (Oct. 04).

7. FRANCHINI, Luis Fernando Pereira. **Prostituição** - Contrato de Prestação de Serviços e "non olet". 13 Jul. 2007. Available from: <http://www.grupos.com.br/blog/direitodoscontratos/ permalink/15904.html>. Accessed in: 2008 (Oct. 04).

8. GARCIA, Leonardo de Medeiros. Prostituta obtém direito de requerer indenização. **Jornal O Debate**, 05 Jul. 2007. Available from: <http://www.odebate.com.br/index.php?option= com_content&task=view&id=5812&Itemid=18>. Accessed in: 2008 (Oct. 04).

9. LOS LOCALES de alterne también notan la crisis: Ex prostitutas españolas vuelven a ejercer debido a las dificultades econômicas. **ADN**, 13 Oct. 2008. Available from: <http://www.adn.es/ciudadanos/20081013/VID-0037-prostitucion-negocio-baja.html>. Accessed in: 2008 (Oct. 14).

10. MELO, Nehemias Domingos de. O princípio da dignidade humana e a interpretação dos Direitos Humanos. **Boletim Jurídico**, Uberaba/MG, v. 5, n. 221, 2007. Available from: <http://www.boletimjuridico.com.br/doutrina/texto.asp?id=1779>. Accessed in: 2008 (Sep. 26).

11. MORAES, Alexandre de. **Constituição do Brasil interpretada e Legislação Constitucional**. 2. ed. São Paulo: Atlas, 2003.

12. NOBRE JÚNIOR, Edilson Pereira. O Direito brasileiro e o princípio da dignidade da pessoa humana. **Jus Navigandi**, Teresina, v. 4, n. 41, May 2000. Available from: <http://jus2.uol.com.br/doutrina/texto.asp?id=161>. Accessed in: 2008 (Oct. 04).

13. REDE BRASILEIRA DE PROSTITUTAS. **Filosofia e valores centrais**. Available from: <http://www.redeprostitutas.org.br/index.swf>. Accessed in: 2008 (Oct. 04).

14. SARLET, Ingo Wolfgang. **Dignidade da Pessoa Humana e Direitos Fundamentais na Constituição Federal de 1988**. Porto Alegre: Livraria do advogado, 2001.

15. SBT REPÓRTER. **Caminhos da Prostituição no Brasil e no Mundo**. São Paulo, SBT, 8 Oct. 2008. TV Show.

16. UN JUEZ reconoce como relación laboral los servicios de alterne. **El Mundo**, 27 Apr. 2003. Available from: <http://www.elmundo.es/elmundo/2003/04/27/sociedad/1051439262.html>. Accessed in: 2008 (Oct. 04).

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A CUT ON VIOLENCE AND HUMAN RIGHTS IN THE CONTEXT OF STREET COMMERCIAL SEX WORKERS OF A CITY IN THE METROPOLITAN REGION OF PORTO ALEGRE, RS.

ABSTRACT

According to the Brazilian Constitution, all people are equal before the law, assuring inviolability of the right to life, freedom, equality, safety and property. This study was aimed to represent the violence and the human rights in the context of street commercial sex workers (CSW) of a city in the metropolitan region of Porto Alegre; in the prospect of aggression, conflicts with the

police and detention. The methodology was characterized as quantitative, cross design, with consecutive sampling. For the data collection it was used a structured interview, with mostly closed questions. After informed consent, the interviewers started to collect data on the streets of the sampled city, as foreseen in the project approved by the Ethics Committee. A total of 22 female CSW, aged from 18 to 38 years were interviewed. With regard to aggression, the results indicated that 54.5% (12) of the CSW reported having been victim of aggression. Of these, 50% (6) were assaulted by customers, 25% (3) by their current or former stable partner, 16.7% (2) by customers and relatives and 8.3% (1) by current or former stable partner and children. In conflicts with the police, 45.5% (10) had trouble with the police relating to prostitution, being 80% (8) due to complaints from residents about the workplace or police raid, 10% (1) related to loss of child custody because of her profession and 10% (1) due to prostitution when under age. 22.7% (5) were arrested; out of those, 60% (3) were held up to six hours, 20% (1) was held for 2,5 years and 20% (1) spent two months in prison and one year in the FEBEM. It was concluded that the rights insured by the Constitution are not being preserved in its entirety in the sampled group of CSW.

Keywords: Rights. Commercial sex workers. Violence.

UN REGARD SUR LA VIOLENCE ET LES DROITS DE L'HOMME DANS LE CONTEXTE DES PROFESSIONELLES DU SEXE TRAVAILLANT DANS LA RUE DANS UNE VILLE DE LA RÉGION MÉTROPOLITAINE DE PORTO ALEGRE, RS.

RÉSUMÉ

D'après la Constitution Brésilienne, tous les hommes sont égaux en droit, ce qui leur assure l'inviolabilité du droit à la vie, à la liberté, à l'égalité, à la sécurité et à la propriété. En partant de ces prémices, le but de ce travail est de représenter la violence et les droits de l'homme dans le contexte des professionnelles du sexe (PS) travaillant dans la rue, dans une ville de la région métropolitaine de Porto Alegre; dans la prespective de l'agression, des conflits policier-citoyen et de la détention. Le dessin méthodologique quantitatif est de type transversal, et compte avec un processus d'amostrage consécutif. Pour cette collecte de données est une interview structurée avec des questions fermées, en grande partie. En partant du consentement informé, les chercheurs ont debuté la collecte de données dans les rues de la ville en question, comme prévu dans le projet aprouvé par le Comité d'Éthique en Recherche. On a interviewvé 22 PS ente 18 et 38 ans. On a vérifié que 81% (18) d'entre elles avait completé les études de l'école obligatoire, 31,8% (7) était dans ce métiers depuis un à trois ans et 40,9% (9) recevait entre quatre et six salaires minimum. Pour ce qui est de l'agression, les résultats indiquent que 54,5% (12) des professionnelles ont affirmé avoir déjà été victime d'agression. Parmis ce groupe, 50% (6) a été agressée par des clients, 25% (3) par son partenaire ou ex-partenaire, 16,7% (2) par des clients et des membres de la famille et 8,3% (1) par son partenaire et par ses enfants. Dans la perspective des conflits policier-citoyen, 45,5% (10) a dit avoir des ennuis avec la police en ce qui concerne la prostitution, et dans 80% (8) des cas, il s'agit soit de pleintes portées par le voisinage à cause du lieu de travail des interviewvées, soit des contrôles policiers dans le quartier. Dans 10% (1) des cas ces ennuis sont liés à la perte de la garde de l'enfant dûe à la profession, pour les mineurs. Pour ce qui est de la détention, 22,7% (5) a déjà été arretée, dans 60% (3) des cas cela a duré 6 heures, dans 20% (1), 2,5 ans et dans 20% (1), deux mois en prision et une année dans une maison de récupération de mineurs. On peut donc conclure, sous les perspectives de la violence analysées, que les droits assurés par la Constitution ne sont pas preservés dans leur totalité pour ce qui est du groupe des PS étudié. Cela peut être le reflet du préjugé de la par de la société qui atteint cette profession.

Mots-clés: Droit. Professionelle du sexe. Violence.

UN RECORTE SOBRE LA VIOLENCIA Y LOS DERECHOS HUMANOS EN EL CONTEXTO DE LAS PROFESIONALES DEL SEXO DE LA CALLE DE UNA CIUDAD CERCA DE PORTO ALEGRE, RS.

RESUMEN

En la Constitución Brasileña, todos son iguales ante la ley, garantizándose el derecho a la vida, a la libertad, a la igualdad, a la seguridad y a la propiedad. El objetivo en este estudio fué representar la violencia y los derechos humanos en el contexto de las profesionales del sexo (PS) callejero de una ciudad de la región metropolitana de Porto Alegre; en la perspectiva de la agresión, conflictos policiales y detención. El delineamento metodológico cuantitativo se caracterizó como transversal, con proceso de amostragem consecutivo. Para a recogida de los datos se utilizó una entrevista estructurada, con cuestiones predominantemente cerradas. A partir del consentimiento informado, los entrevistadores iniciaron a recogida de los datos en las calles de la ciudad investigada, conforme previsto en el proyecto aprobado por el Comité de Ética. Fueron entrevistadas 22 mujeres PS, de 18 a 38 años. En el que se refiere a la agresión, los resultados indicaron que 54,5% (12) de las PS relató haber sido víctima de agresión. De estas, 50% (6) fueron agredidas por clientes, 25% (3) por su actual o ex-compañero fijo, 16,7% (2) por clientes y familiares y 8,3% (1) por actual o ex-compañero fijo y hijos. En los conflictos policiales, 45,5% (10) presentó problemas con la policía relacionados a la prostitución, siendo que 80% (8) fueron debido a reclamación de los vecinos cuanto al local de trabajo o por policia, 10% (1) relacionado a la pérdida de la guardia del hijo debido a su profesión y 10% (1) debido a prostitución cuando menor de edad. Fueron detenidas 22,7% (5), siendo que 60% (3) fueron detenidas hasta seis horas, 20% (1) 2,5 años y 20% (1) dos meses en la penitenciaria y un año en la FEBEM. Se concluye, que los directos cogidos por la Constitución no están siendo preservados en su totalidad en el grupo de PS estudiado.

Palabras llaves: Derecho. Profesionales del Sexo. Violencia.

UM RECORTE SOBRE A VIOLÊNCIA E OS DIREITOS HUMANOS NO CONTEXTO DAS PROFISSIONAIS DO SEXO DE RUA DE UMA CIDADE DA REGIÃO METROPOLITANA DE PORTO ALEGRE, RS.

RESUMO

De acordo com a Constituição Brasileira, todos são iguais perante a lei, garantindo-se a inviolabilidade do direito à vida, à liberdade, à igualdade, à segurança e à propriedade. Objetivou-se neste estudo representar a violência e os direitos humanos no contexto das profissionais do sexo (PS) de rua de uma cidade da região metropolitana de Porto Alegre; na perspectiva da agressão, conflitos policiais e detenção. O delineamento metodológico quantitativo caracterizou-se como transversal, com processo de amostragem consecutivo. Para a coleta de dados utilizou-se uma entrevista estruturada, com questões predominantemente fechadas. A partir do consentimento informado, os entrevistadores iniciaram a coleta dos dados nas ruas da cidade pesquisada, conforme previsto no projeto aprovado pelo Comitê de Ética. Foram entrevistadas 22 mulheres PS, de 18 a 38 anos. No que se refere à agressão, os resultados indicaram que 54,5% (12) das PS relatou ter sido vítima de agressão. Destas, 50% (6) foram agredidas por clientes, 25% (3) por seu atual ou ex-companheiro fixo, 16,7% (2) por clientes e familiares e 8,3% (1) por atual ou ex-companheiro fixo e filhos. Nos conflitos policiais, 45,5% (10) apresentou problemas com a polícia relacionados à prostituição, sendo que 80% (8) foram devido a reclamação de moradores quanto ao local de trabalho ou por batida policial, 10% (1) relacionado à perda da guarda do filho devido a sua profissão e 10% (1) devido a prostituição quando menor de idade. Foram detidas 22,7% (5), sendo que 60% (3) foram detidas até seis horas, 20% (1) 2,5 anos e 20% (1) dois meses na penitenciária e um ano na FEBEM. Conclui-se, que os diretos segurados pela Constituição não estão sendo preservados em sua totalidade no grupo de PS estudado.

Palavras-Chave: Direito. Profissionais do Sexo. Violência.