

**China: Police practices undermining HIV response**

Government needs an integrated strategy to address epidemic

Beijing, July 26, 2016

In China, law enforcement practices are hindering sex workers' ability to access and carry condoms and negatively impacting HIV prevention efforts, Asia Catalyst said in a new report published today. The National Health and Family Planning Commission's efforts to distribute condoms are being further weakened by lack of coordination with public security officials and contradictory legal and policy frameworks.

The Asia Catalyst report, *The Condom Quandary: A Survey of the Impact of Law Enforcement Practices on Effective HIV Prevention among Male, Female, and Transgender Sex Workers in China*, documents how relevant laws and law enforcement practices in China are affecting the ability of sex workers to access and carry condoms, as well as access to HIV and Sexual and Reproductive Health services. The research, conducted among 517 male, female, and transgender sex workers in three major Chinese cities, provides unprecedented statistical data and testimonies for this long-discussed issue in China.

The research found that coming into contact with the police is a common occurrence for male, female and transgender sex workers in China. Condoms, a tool that can protect sex workers from sexually transmitted infections (STIs) and HIV, are categorized and targeted as a "tool of offense" in police operations against sex workers. Law enforcement officers search and confiscate condoms, and use the possession of condoms to pressure individuals to make a confession. The police are treating the possession of condoms as a determinant factor in whether or not to arrest sex workers or hand down penalties.

"Condoms have become the primary target in police actions against sex workers," said Asia Catalyst Executive Director Karyn Kaplan. "Not only is this increasing HIV vulnerability, but it is making a mockery of parallel government condom distribution efforts among this highly marginalized group."

The study found that sex workers were significantly less likely to carry or use condoms if they had been interrogated by the police. Only 47.7% of interviewees who experienced police interrogation reported consistently using condoms, and 67.8% for those who had not experienced police interrogation. Similarly, only 47.7% of the interviewees who were interrogated reported always carrying condoms, compared with 75.9% who were not interrogated.

In China, the health department and community based organizations pass out free condoms as a part of public health programs—HIV and STIs are still a major public health concern in China. The HIV epidemic is highly concentrated among key populations including sex workers. The primary mode of transmission is through sexual intercourse: of 104,000 new cases diagnosed in 2014, 92.2% were through sexual contact. In addition, China's STI epidemic is increasing alarmingly—in 2015, syphilis and gonorrhea were among the top five reported cases of transmitted infections in China.

"Law enforcement actions are having a profound effect on sex worker health and safety, including on condom use and behavior," said Kaplan. "Sex workers are more likely to agree to client demands to not use condoms, reduce the numbers of condoms they carry, not carry condoms at all, or try various methods to hide condoms in concealed places."

The police practices also deter entertainment venues from publicly displaying condoms in their establishments, despite Ministry of Health policies advising them to do so.

Asia Catalyst called for China to review and reform its condoms policy and police practice. “The effectiveness of condoms as evidence in prostitution cases is very limited,” said Shen Tingting, Director of Advocacy, Research, and Policy at Asia Catalyst. “Outside of China, some countries have decided that the value of condoms for HIV and disease prevention far outweighed any utility in enforcement of anti-prostitution laws.”

Asia Catalyst also called for authorities and communities to work together to support measures that protect public order and safety, but also help marginalized populations access health services within an environment conducive to their safety and health.

“In many ways, the Chinese government has adopted a pragmatic and often progressive approach to the HIV response,” said Kaplan. “But the punitive approach to sex work is often bringing a total halt to HIV intervention work and driving this already marginalized community further underground, away from outreach and intervention efforts.”

**Selected testimonies from *The Condom Quandary: A Survey of the Impact of Law Enforcement Practices on Effective HIV Prevention among Male, Female, and Transgender Sex Workers in China***

“On that evening I put on my makeup and then went to stand on the street. I hadn’t done any business that day when the police picked me up. The police didn’t say much of anything, just “Don’t talk nonsense, come with us,” and I was taken in a police vehicle to the police station. After getting there they began asking me, ‘Are you engaging in prostitution?’ I kept denying it, and the truth is that I hadn’t done anything that day. Finally the police ran out of patience and began to hit me and berate me to make me admit it. The police rummaged through my bag and found a lot of condoms and some lubricant, and they ruled that I was providing prostitution services and sent me to a detention center for 15 days. I was very angry at the time. They had no evidence, and hadn’t caught me in the act or chatting anyone up, so on what basis could they say I was engaging in prostitution?” **Shasha, transgender sex worker**

“I had just gone into the room with a client when several police officers swarmed in and restrained both of us. They then began turning over things on the bed and looking under the bed and in the bathroom, and they picked up the quilt and shook it. I knew they were looking for condoms. A policeman in his 30s suddenly grabbed my handbag, reached in and pulled out several condoms, and said, “She’s carrying quite a few!” After that they took both of us into the police station. I had a lot of condoms and moist towelettes in my handbag.” **Xiaomei, female sex worker**

“As soon as I stand in an alleyway, I’ll be caught. If you’re not carrying condoms, he [the policeman] will make you stand there and interrogate you, but as long as you refuse to admit it and say you’re just passing through, he can’t take you away. But if there are condoms, he’ll be sure you’re one of those.” **Junfang, female sex worker**

“After I came out, I lost my nerve for a long time, and when I started working again I asked clients if it could be quick, and they usually demanded not to use a condom. I also hoped to finish quickly, and this

way even if the police came, if they didn't see a condom they would have no evidence." **Xiaoxue, female sex worker**

"The boss doesn't dare to put condoms out in the open and hides them all away. It's a real hassle for us to find them. Every three to five days he distributes them to us a few at a time." **A-Hong, male sex worker**

"We put condoms in several different places. For example, most are hidden outside, in a plastic bag in a planter outside of the window, along with garbage where no one will notice. If there's only a few, we'll keep them at home, for example in an empty medicine bottle, or in a plastic bag from the market that we put in the refrigerator or in the rice sack – in short, in places where they normally won't look." **Meimei, female sex work, April 24, 2015.**

"I work in a CDC, and I tell venue operators that, according to the provincial AIDS regulation, they have to make condoms available, and they put them out. But the police come and say, 'Why do you have this kind of thing?' One time I saw the police make the proprietor quickly gather up all the condoms, saying, 'Do you have illegal activity going on here?' Under these conditions, managers don't dare put condoms out. They're afraid of the police but not of the CDC." **Zhao Ke, a health department worker**

"The district under our jurisdiction currently has more than 30 entertainment venues with more than 400 sex workers, including secret prostitutes and MBs ["money boys," referring to MSM sex workers]. Every time there's a vice raid, we're unable to contact even half of our original number. Before the vice raids, these sex workers cooperated with our work through communication, but since the vice raids, they've been generally unwilling to communicate, thinking that we're the ones who called in the police." **Xiaohui, local Center for Disease Control**

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