



**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

## **The 100% Condom Use Policy: a sex workers' rights perspective**

100% Condom Use Policy (CUP) programmes that aim to reduce HIV among sex workers are being implemented or planned in several countries in Asia, Latin America and Africa. As a result of claims made about the role of 100% CUP in reducing national HIV epidemics, UNAIDS and other key agencies promote the programmes as a "best practice". The NSWP has a different view of the theory and practice of 100% CUP. Our view is based on ethical analysis and on **real evidence** from the field.

### **What is 100% CUP?**

#### **The government:**

**1. Writes a letter to each brothel that tells them that:**

- Sex workers must make each client use a condom. If a client refuses to use a condom the sex worker has to refund his money.
- Sex workers must be identified, registered and regularly sent to government STI clinics where their 'permission to work' registration card is stamped.
- If the brothel does not make the sex workers comply it can be closed down.
- If the brothel does comply it will be allowed to operate without interference from police.

**2. Supplies select IEC materials and condoms to the brothels.**

**3. Appoints a committee of local police, military and other local authorities to inspect the brothels.** They check that women have their registration cards stamped, refuse to provide unprotected sex and that IEC is available.

### **These programmes violate sex workers' human rights without achieving their public health goals**

- Advocates of 100% Condom Use Policy programmes claim that registration, mandatory testing and the inspection of brothels by police and military *empowers* sex workers. One basis for this absurd claim is that the mandatory testing component of the policy "enables" access to health care for sex workers whose freedom to leave the brothel is restricted by brothel owners. It is offensive to

claim that forced medical examinations aimed at reduced STI transmission are empowering while all the other fundamental violations of sex workers rights that are taking place in their workplaces are so blatantly ignored.

- In some places sex workers are taken to STI clinics under police "escort." Governments that authorise soldiers or police to take sex workers from brothels to clinics and then return them may be violating national and/or international laws and policies about trafficking in persons and controlling the movements of sex workers by delivering women back to brothels in which they are indentured or otherwise abused.
- STI treatment is not free. Cost remains the main barrier to STI care for most sex workers and may even increase under 100% CUP where the cost of repeated testing is passed on to the sex worker, possibly at inflated prices.
- As with most mandatory testing, the policy is rendered ineffective by corruption. In most places where 100% CUP is in place there is irrefutable evidence that sex workers can pay a small fee to have their card stamped without being examined in places where inspections are frequent. In many places however inspections are haphazard due to a lack of resources and bribes are paid directly to the local committee charged with brothel inspection.

## **Mandatory STI testing violates sex workers' rights to affordable and accessible healthcare**

- These programmes do not prevent clients who want high risk services from purchasing them. The demand and supply of unprotected services simply shifts and hides.
- In direct contradiction to the policy of the Greater Involvement of People with HIV/AIDS (GIPA) and to contemporary notions about the value of community participation in HIV programming, independent sex workers' organisations have had no role in developing 100% CUP programmes at local or international levels.
- 100 % CUP has not undergone any peer or ethical review in any country.
- Clients and sex workers private partners are invisible. They are not identified and they do not receive HIV prevention and STI information or care.
- Suspending enforcement of criminal law against brothels is contrary to the principles of the rule of law. The 100% CUP is being implemented in countries where governance is poor and there are few safeguards against corruption or protections for the rights of sex workers. Lack of cohesion between authorities has been found when brothels were raided and sex workers subject to violence and humiliation despite the brothels having complied with the government's 100% CUP.
- Photos of women are sometimes displayed in brothels so that men can identify any woman who it is alleged infected a client or agreed to sex without a condom. Photos, STI and HIV results and other identifying documents are shared with police.
- Sex workers with HIV or an STI are meant to have their card removed and be dismissed from their brothels in a process that deprives them of income and health care. They move to less formal sectors of the sex industry which in

countries such as Thailand and Cambodia has expanded rapidly as the brothel sector has reduced.

- Sex workers who are unable to read are vulnerable to the letter from the government being used as another instrument of control by brothel management. There are several reports of sex workers having been told that the letter authorises various extra charges, worsened conditions and even specific abuses.
- The discourse of 100% condom use ignores the fact that non-penetrative safe sex acts don't require a condom. No attention is paid to building comprehensive safe sex skills, or any other kind of capacity or advocacy strategy for sex workers.
- The supply and quality of condoms and IEC is not guaranteed and has in fact often been totally inadequate in many places. Sex workers usually still have to buy condoms, either at reasonable prices from condom social marketing companies or at inflated prices from brothel keepers and local traders in direct contrast to workers with rights whose employers are required to supply health and safety equipment from their profits.
- NGOs that are able to provide effective, user friendly services are ordered to stay out of brothels participating in 100% CUP.
- The "evidence" for 100% CUP is based on seriously flawed monitoring and evaluation methods. By removing 'permission to work' cards and excluding sex workers with HIV or an STI from brothels, the "results" are weighted towards suggesting that STI rates among sex workers have declined. Claims made about national impact are clearly not credible in the absence of any data about sex workers in the informal sector or consideration of other prevention programmes.

## **Inspection and supervision of sex workers by police and military is NOT empowering.**

- **Only full recognition of sex workers' rights can make sex work safer.**
- **Sex workers do not need to be coerced into using condoms.**
- **Sex workers need and want empowerment for full labour and human rights.**