



Independent observer  
of the Global Fund

## Report Recommends Alternatives to Top-Down 100% Condom Use Programmes for Sex Workers

“Global Fund should reject proposals that demonstrate lack of human rights protection for sex workers and their clients”

Although 100% condom programmes can be effective in increasing condom use in commercial sex transactions, they should be implemented in ways that do not violate the human rights of sex workers or their clients.

This is one of the recommendations in a report on human rights and the Global Fund recently released by the Canadian HIV/AIDS Legal Network and the Open Society Foundations (OSF).

These 100% condom use programmes (also called 100% CUP) are a central part of national HIV responses in a number of countries, including China, Cambodia, Vietnam, Thailand, Mongolia, Laos and Myanmar. These programmes, which are designed to ensure that condoms are used in all commercial sex transactions, usually target sex workers in brothels or entertainment establishments. According to the report, in most cases, the strategy is to make commercial sex without condoms illegal and to enforce that illegality – which means that local authorities and the police are, inevitably, integrally involved in these programmes.

The report acknowledged that evaluations have found these programmes to be effective in reducing unsafe sex in commercial sex establishments. However, the report added, although they are meant to protect sex workers and their clients, in most cases the programmes have been designed without meaningful participation of sex workers or their NGO allies. Also, sex workers’ experiences have not frequently figured in evaluations of these programmes. Finally, according to the report, several studies

have documented abusive practices in these programmes, such as: forced registration of sex workers; mandatory STI testing and health examinations at health facilities where sex workers were mistreated; repressive policing; force-marching of sex workers to health facilities with military or police escorts; and public posting of photographs of sex workers who are accused of having had sex without condoms.

In one of these studies, the report said, sex workers reported that they were forced by brothel and nightclub owners to have sex with police in exchange for the police looking the other way when 100% CUP rules were violated.

The authors argued that there are other ways to achieve the target of 100% condom use, without having to resort to mandatory and abusive measures. The report cited the example of sex worker collectives such as those in the Sonagachi neighbourhood of Kolkata, India. The authors said that these collectives have created an environment that ensures that all workers demand condom use; and that the work of these collectives has resulted in both (a) effective HIV prevention and (b) empowering sex workers to stand up to police brutality and stigma in the community.

However, the report said, it may be that these alternative strategies are not well known to CCMs. The use of 100% CUP continues to be supported by CCMs; for example, in a Round 9 Indonesia proposal, the programme included promulgating and enforcing local regulations so that regular condom use would become the norm where sex is sold.

The Legal Network and the OSF recommended that the Global Fund develop criteria that would allow it to identify and reject proposals that include prevention programmes for sex workers that exhibit a lack of human rights protections for the workers and their clients. The report said that CCMs or other applicants that propose 100 percent condom programmes should be required to provide detailed information about the implementation of these programmes, including, for example:

- the nature and degree of participation of organisations that are legitimate representatives of sex workers in the design, implementation and evaluation of these programmes;
- measures taken to protect sex workers against abuse by clients, police and managers of brothels or entertainment venues; and
- measures taken to consider less top-down alternatives to 100% CUP.

Finally, the authors recommended that the Technical Review Panel (TRP) be fully briefed on 100% CUP and alternatives to it; and that the Global Fund invest in capacity-building for CCMs in this area, including providing them with information on best practices.

“Human Rights and the Global Fund to Fight AIDS, Tuberculosis and Malaria” is available [here](#).

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