**China AIDS, Public Health and Human Rights Issue List**

**Beijing AIZHIXING Institute**

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**List of issues submitted:**

1. Medical care of hemophiliacs and safety of blood products in China
2. Rights to marriage, medical care and employment of people with HIV/AIDS in China
3. The Protection of Chinese Prostitution Practitioners’(sex workers) Rights to Health, Personal Reputation and Privacy
4. Prostitution Policy in China and Prostitutes’ Right to Health
5. The health rights of migrants who are ethnic minorities in China
6. Transparency of the public funding for HIV/AIDS in China
7. Sexuality education and HIV/AIDS education in schools of China
8. Compensation for the victims who were infected by HIV in selling blood plasma, using blood products or receiving blood transfusion in China
9. **Medical care of hemophiliacs and safety of blood products in China**

We note that the Ministry of Health of the People's Republic of China began to register hemophiliacs all over China in January 2010. In 2012 World Health Assembly, Health Minister Chen Zhu said that 12 serious illnesses including hemophilia would be included in the Rural Major Diseases Medical Care Pilot Project in one third of the country, and the proportion of expense reimbursement could be as high as 90%. Therefore, we have following questions:

1. Has Chinese government already established the national database of hemophiliacs?
2. If such a database has be established, how many hemophiliacs have be registered?
3. How many hemophiliacs received diagnosis and treatment? How is the treatment?
4. Could Chinese government introduce us how many hemophiliacs became disabled or dead due to lack of medication in China?
5. How is the education and employment situation of hemophiliacs in China?
6. Does Chinese Government have any action plan to guarantee provision of blood products and medical care for hemophiliacs?
7. How will Chinese Government guarantee the safety of blood or blood products for hemophiliacs?
8. **Rights to marriage, medical care and employment of people with HIV/AIDS in China**

China’s Regulations on the Prevention and Treatment of HIV/AIDS Article 3 provides that law protects the legal rights of people living with Human Immune Virus (HIV) and AIDS patients and their relatives. It includes the rights of marriage, employment, medical treatment and education. Any institute or individual shall not discriminate the people living with HIV, AIDS patients and their relatives.

1. **Rights to marriage of people with HIV/AIDS**

We note that a court in Chengdu City of Sichuan Province judged that a marriage between a man with HIV/AIDS and his female partner invalid, according to news of China News Agency on March 9th 2012. According to China’s Regulations on the Prevention and Treatment of HIV/AIDS, people with HIV/AIDS should enjoy their rights to marriage, however, China’s Maternal and Infant Health Law Article 9 provides that people with specified infectious diseases (including AIDS) in the infectious period should postpone their marriage. China’s Marriage Law bans people suffering from medical diseases that should not be married to get married, and marriage by people suffering from pre-marital medical illness which is unfit for marriage and has not been cured after marriage is invalid.

Therefore, we wish to further understand how China’s laws define the marriage rights of people with HIV/AIDS, and whether Chinese government plans to modify law to protect the rights to marriage of people with HIV/AIDS.

We also note that China State Council passed “State Council’s Notice on Further Strengthen HIV/AIDS Prevention and Treatment” on December 31st 2010 which aims to expand HIV testing and include HIV testing in the “voluntary” pre-marital medical examination. To guarantee the marriage rights of people with HIV/AIDS, we want to know whether Chinese government plans to modify China’s Marriage Law and China’s Maternal and Infant Health Law, and before modifying these laws, whether expanding pre-marital medical examination which includes HIV testing will harm the marriage rights of people with HIV/AIDS.

1. **Rights to medical care**

China’s Regulations on the Prevention and Treatment of HIV/AIDS Article 41 provides that Medical care institutions shall provide services of counseling, diagnosis and treatment to HIV positives and AIDS patients, and that Medical care institution shall not reject or make excuse to HIV positives or AIDS patients in treating their other diseases.

On April 13th, 2012, Guangzhou Daily reported that people with HIV/AIDS met discrimination in medical care and were refused to operate a surgery.

On May 17th, 2011, The International Labor Organization (ILO) office for China and Mongolia released a report about discrimination faced by people with HIV when accessing medical services in China. Research for the report, Discrimination against People Living with HIV within Healthcare Settings in China, was jointly carried out by the ILO and the National Center for STD and AIDS Prevention and Control (NCAIDS). It draws upon interviews with 103 people living with HIV (PLHIV), and 23 hospital managers, healthcare workers and health administrators, and provides insight into HIV-related discrimination in hospitals and clinics. The issues faced by individuals include difficulty in accessing medical services and discriminatory treatment by healthcare workers as well as denial of surgery and other forms of care.

Therefore, we have following questions:

1. Does Chinese law punish such discrimination against people with HIV/AIDS within health care settings? If yes, how?
2. How will Chinese government take measures to relieve people with HIV/AIDS who were refused to get medical care in health care settings?
3. What measures has Chinese government taken to eliminate discrimination against people with HIV/AIDS in medical care?
4. **Rights to employment**

More and more young well educated people were infected by HIV in China. China’s Civil Service Recruitment Medical Examination (Trial) bans people with AIDS to be recruited. China’s Regulations on Teacher’s Qualifications bans people with infected to be a teacher. And China’s public security department bans people with HIV/AIDS to become policemen or policewomen. We also note that some state owned enterprises began to screen HIV in recruitment medical examination.

Therefore, we want to know whether Chinese government has taken any measures to protect the equal rights to employment of people with HIV/AIDS.

We note that people with HIV/AIDS are facing serious discriminations. On December 1st 2011, the World AIDS Day, Chinese Premier Wen Jiabao called on review and revising of current laws or regulations where there are any terms of discrimination against people with HIV/AIDS. We want to know whether Chinese government has a timeline for such review and revising of current discriminatory laws or regulations.

1. **The Protection of Chinese Prostitution Practitioners’ Rights to Health, Personal Reputation and Privacy**

According to a report of China Network Television (CNTV) on December 12, 2010, collaborating with Ministry of Human Resources and Social Security, Ministry of Public Health, the Women’s Federation of China, China Ministry of Public Security passed The Regulation on Promoting the Education to Prostitution Practitioners under Prohibiting and Arresting Prostitution-related Criminals. The regulation is emphasized on applying rational, nonviolent and civilized law-enforcing behaviors as well as protecting prostitution practitioners’ rights to health, reputation and privacy. Additionally, during work, law enforcement departments must not apply discriminatory means, such as verbally and physically abuse, shaming parade and privacy disclosure.

Based on the above statement, we have the following questions:

1. Under what social background did Chinese government pass the regulation?
2. In China, have prostitution practitioners’ rights, including health, personal safety, reputation and privacy, been appropriately protected?
3. After passing the regulation, what precautions has Chinese government taken for the purpose of protecting their rights to health, personal safety, reputation and privacy?
4. After two years since the regulation passed, what policies has Chinese government been following in addressing malpractice of police department/officers? And how many police officers have been found for malpractice?
5. How many cases, related to the violation of their rights to personal safety, health, reputation and privacy, has Chinese government found?
6. **Prostitution Policy in China and Prostitutes’ Right to Health**

According to the evaluation report collaborated by China Department of Public Health, UNAIDS and WHO, by the end of 2011, there were 780,000 people living with HIV/AIDS. Instead of blood transmission, sex has become the main cause of HIV infection in China. Chinese government has highly emphasized the significance of HIV/AIDS prevention especially for sex-related transmission. Although prostitution is illegal in China and most of the practitioners work in underground sex-trade stores, there are a great number of women doing prostitution, easily been exposed to HIV. According to the news report by China media from 2010 through 2012, we have noticed that four lawsuits have been submitted by district courts (Chongqing Liangping County, Liuzhou Liunan district, Zhejiang Pingyang County, Zigong Fushun), which are related to criminal HIV transmission through prostitution. Additionally, we also found in the 12th 5-Year Plan on HIV/AIDS Prevention of China, the statement – Police Department should continue arresting and searching prostitution-related practitioners – has been made. According to the 12th 5-Year Plan, HIV and STIs screenings will be added onto the regular health checkup list for public service workers. Treatment will be provided if anyone be tested HIV/STIs positive. Chinese government has actively promoted HIV screening and prevention among prostitution practitioners, and kept a promise for treatment and care for the HIV positive. We highly appreciate the emphases Chinese government has put on HIV prevention among prostitution practitioners. China Criminal Law article 360, however, should be paid attention to as well. According to the 12th 5-Year Plan, ‘populations at high risk of HIV infection will be 90% educationally intervened. Over 70% will be given HIV screening and test result. One-child-policy service providers will distribute and promote condom use. 95% of public places such as hotel should place condom vender machine. 90% of populations at high risk will use condom’. Chinese government emphasizes condom use. We also notice, however, a HIV/AIDS NGO in Beijing has reported more than 10 media, which violated the policy of HIV/AIDS prevention and education, considered condom as the evidence of practicing prostitution in 2010.

Based on the above statement, we have the following questions:

1. Has Chinese government coordinated an expert penal, including judicial practitioners, medical specialists, lawyers and HIV/AIDS prevention practitioners, to evaluate the implementation of the article 360 of China Criminal Law?
2. Is Chinese government aware of the negative effects of the article 360 on the accessibility of prostitution practitioners to medical services? What are the strategies that Chinese government has taken in order to promote condom use under the policy against prostitution?
3. What are the successful practices of HIV prevention/screening under the current crackdown policy against prostitution?
4. Currently, what are the roles NGOs should play in HIV prevention among populations at high risk of HIV such as prostitution practitioners?
5. **The Health Rights of Minority Floating population in China**

According to a report released by Beijing AIZHIXING Institute (a local HIV/AIDS NGO based in Beijing )in April 2010 titled <A Report about Uyghur Floating Population's Right to Health , Residence and other Rights in Urban Cities> , we were informed that there are hundreds and thousands of Uyghur floating population from Xinjiang Uyghur Autonomous Region living in China's Urban cities, however, due to their bad living condition, such as tensely populated, unstable residency, drug use, etc, those community has also very deeply influenced by HIV/AIDS, Tuberculosis, Hepatitis and other infectious diseases. Therefore, we would like to know:

1. Which actions has Chinese government implemented to ensure the health rights of minority floating populations (Including Uyghur) in urban cities in China?
2. How does China's government implement prevention and care programs on HIV/AIDS and Tuberculosis among minority floating populations in urban cities?
3. When people from minority groups who are living in urban cities (including Uyghur) were infected with HIV or need treatment for HIV/AIDS, could they get access to HIV treatment and other medical services? How could they get access to the treatment?
4. We also would like to invite China's government provide the data about the minority floating population in urban cities who are able to access the treatment and medical service for their HIV or Tuberculosis.
5. **Government disclosure of funding earmarked for AIDS prevention and treatment**

Based on the report submitted by the Chinese government to the UN CESCR, “Central Budget Increasing Every Year for AIDS Prevention and Treatment, Local Budgets Also See Substantial Increases,” we ask:

1. In the past five years, what have been the specific amounts of money budgeted by central and local governments on AIDS prevention and treatment?
2. Were these budget estimates and ultimate costs made public, and how can regular citizens inquire about these estimates and costs?
3. Are financial audits of the Chinese government’s work on AIDS prevention and treatment made publicly available?
4. We are aware that Beijing Aizhixing Institute, the AIDS group based in Beijing, in line with the “Open Government Information Regulations of the People’s Republic of China,” which took effect in 2008, applied to the Ministry of Health and provincial health departments in 2011 and 2012 for them to release government information about AIDS prevention and treatment funding. However, Aizhixing has not received a sufficient response. We ask: How does the Chinese government guarantee transparency of official information about funding for AIDS prevention and treatment? How do government departments make use of effective measures to safeguard the right to knowledge of Chinese citizens?
5. **Issues of the Chinese Government’s Development of AIDS and Sex Education in Schools**

As spelled out in “China’s 12th 5-Year Action Plan for the Containment, Treatment and Prevention of AIDS,” by the end of 2015, the level of awareness among youth about comprehensive AIDS prevention and treatment (including AIDS, sexually transmitted diseases, hepatitis C prevention and treatment, and blood donation) should be above 90%. Every academic year, all regular middle schools, mid-level vocational schools, and regular institutions of higher learning should develop knowledge-specific education or announce educational activities related to comprehensive AIDS prevention and treatment in accordance with regulatory demands. We note that the “Population and Family Planning Law of the People’s Republic of China” stipulates that “Schools should, through the appropriate methods of qualified educators, instruct students about planned development of physical health, young adult education, or sexual health education.”

We would like to know:

1. How has the Chinese government developed school curricula on knowledge of AIDS prevention and treatment and sex education?
2. What conditions for guaranteeing this education has the Chinese government put into place?
3. If various management levels within the Chinese government neither provide instruction nor urge schools to introduce knowledge of AIDS prevention and treatment and sex education into the curriculum, or if a school does not provide students with the relevant education, what methods and recourse can students and citizens use to rectify this lack of professional fulfillment by government educational management departments and schools?
4. We have noted that, in 2009, an official from the Ministry of Health indicated that sexual transmission of HIV infection among young students has become a focus of AIDS prevention and control as increasing numbers of young people, particularly young gay male students, face the issue of AIDS. Will the Chinese government adopt measures to guarantee that students with HIV/AIDS can continue to receive an education (including compulsory education as well as mid-level and higher education)?
5. We ask whether, when the Chinese government provides AIDS prevention and treatment knowledge and sex education in schools, this education includes information on those of different sexual orientations (including same sex love) and present a positive attitude of equality towards those of different sexual orientation and gender identities?
6. **Compensation for the victims who were infected by HIV in selling blood plasma, using blood products or receiving blood transfusion in China**

We note that more than 300 people with HIV/AIDS, who were infected in selling blood plasma or receiving blood transfusion in 1990s, and their family members petitioned in China’s Henan Provincial Government on April 15-18, 2012, requesting for compensation, financial support for medical treatment of both HIV/AIDS and co-infections by hepatitis C or hepatitis B, and fully implementation of a national policy “Views on Further Strengthening the Work of the Welfare and Social Security Children Affected by HIV/AIDS” which was passed by the Ministry of Civil Affairs in 2009.

Therefore, we have following questions:

1. How many people infected by HIV in selling blood or using blood in China?
2. How is the co-infection by hepatitis C or hepatitis B among people with HIV/AIDS who were infected in selling or using blood or blood products?
3. Has Chinese government taken any measures to provide free treatment on hepatitis C or hepatitis B for those people infected by HIV in selling or using blood?
4. How is the livelihood of those blood victims? How are their children?
5. What measures has Chinese government taken to protect their privacy in receiving medical care and social support?
6. When will Chinese government financially compensate for these victims who were infected in selling blood plasma or using blood or blood products in 1990s?
7. Can these blood victims take legal actions to get compensation? Will Courts in China’s Henan Province accept cases for compensation?
8. How many people with HIV/AIDS, who were infected in selling blood plasma, using blood or blood products, have received compensation in China? Please indicate the number of people who received compensation, amount of money for the compensation, and locations where people received compensation.