

Stop Police Abuse

AFRO opposes the new police guidelines on conducting strip-searches

(16 July 2008)

Sex worker strip-searched five times in one night

According to AFRO's frontline experience, many sex workers are required to be strip-searched during the custody period no matter whether they were reported to be attacked or were arrested. We have deep doubts about the rationales for such acts. A street sex worker was once strip-searched five times in one night after she was arrested by an undercover police officer! Apparently, strip-searches are still easily abused by the police as a punitive, retaliatory measure targeted at specific individuals or social groups. This is absolutely unnecessary and unreasonable. We believe that unreasonable strip-searches are inhuman and degrading, and brings severe damage to a detainees' dignity.

AFRO opposes the police's new guidelines on conducting searches on detainees. We suggest the following changes:

1) On Rights of detainees

According to the new guidelines, detainees may be prosecuted if he/she refuses to be searched. We suggest that the police make use of technical instruments to solve related problems. Detainees should have the right to request searches to be conducted in video-taping rooms or with in presence of a third party (same gender).

2) On the procedure of conducting a strip-search

- According to the new guidelines, a police officer can conduct a strip-search once with the approval of the Duty Officer. We consider it to be more reasonable and appropriate if a police officer can conduct strip-search only when he/she is authorized by the highest-ranking officer of the police station.
- The police should clearly list out the circumstances under which a police officer can conduct strip-searches on detainees, and explain the relevant procedure.
- The police should clearly list out the circumstances under which a police officer needs to conduct searches on detainees.

Action for REACH OUT is an non-governmental organisation established in 1993 providing services and support to female sex workers. We believe that sex work is work, and that the Hong Kong Government and the general public need to start the relevant discussion and revision about decriminalising sex work. At this stage, our main goals are advocating decriminalisation of two-sex-worker-apartments and striving for sex workers' basic rights and personal safety.

- The police should clearly list out the specific suspected offences that would require detainees to be strip-searched.
- The police officer who conducts the search should not have direct contact with the detainee's body.
- The Custody Search Form should clearly list out the procedure and scope of the 3 levels of searches.
- The police should carefully consider the effect that a strip-search can have to underage persons and/or transgender persons. For example, underage detainees should only be strip-searched in the presence of an adult family member or friend. Transgender persons should have the right to choose to be strip-searched by a male or female police officer.

3) On public awareness

The strip-search procedures should be announced to the general public, and the police should release details about them through the internet to the public.

We reiterate that strip-searches can easily be abused by authorities and violate a detainee's privacy. In Western countries, the issue of police strip-search procedures is already an important part of the discussions about the violation of human rights by the police. The Police and the Security Bureau should consider the relevant arrangement very carefully, and clearly set out the reasons and specific procedures for strip-searches, in order to prevent abuse of authority.

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