

12-2015

# Selling Bodies and Souls: Human Sex Trafficking in China

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## Recommended Citation

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SELLING BODIES AND SOULS: HUMAN SEX TRAFFICKING IN CHINA

by

Jane Ni

A Thesis

Submitted to the faculty of the University at Albany

in Partial Fulfillment of

the Requirements for the Degree of

Bachelor of Arts

College of Arts & Sciences

Department of East Asian Studies

2015

## ***Introductory Considerations***

In the world, according to the International Labour Organization (2012), an estimated 21 million people throughout the world are victims of forced labor and trafficking, and 4.5 million of those people are forced into sexual exploitation. Take Xiang Junfeng, for example, she became one of these victims when she was only 18 years old. She was kidnapped from her hometown and sold to be the wife of an elderly man in Linyi 临沂, Shandong Province 山东省. For 15 years she was captive, and was used like a slave to work in the fields, until she was able to escape. Another victim, because she was destitute, was easily lured into sex trafficking when she followed her boyfriend to a place to make easy money only to find out that she was to be sexually exploited upon arrival (Chin 2012, 58). There are many more victims like these women who were abducted, coerced, or lured into sexual exploitation and treated as little more than a commodity to be bought and sold. Human sex trafficking (*guaimai funü* 拐卖妇女) is a serious crime and violates human rights. With the number of victims increasing, there is a growing need for more study of human sex trafficking and the factors that sustain it.

Human sex trafficking is defined in this thesis as the organized movement of women against their will into sexual exploitation.<sup>1</sup> Cho (2012, 2) points out that “Human trafficking is an emerging problem caused by globalization processes facilitating human movement.” However, there are many factors that sustain human sex trafficking as a business; the advent and increase in globalization just makes the movement easier. Furthermore, it increases the pool of potential victims. Some factors stand out in the human trafficking literature as playing a critical role in fostering this global problem, these are: government corruption, population size, migration, urbanization, and the under-development of women’s rights, as manifested in the continued

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<sup>1</sup> Men are also victims of human sex trafficking but since victims are overwhelmingly women, this paper is devoted exclusively to the plight of women (International Labor Organization, 2012).

problem of gender discrimination in China. In addition, China's long history of gender inequality and human trafficking is a unique factor to China, and therefore will also be taken into consideration alongside the other factors. Given the scale of sex trafficking in China, both domestic (trafficking within a China) and transnational (trafficking across China's international frontiers), a close study of its conditions will illuminate the dynamics that foster the problem.

### ***Sex Trafficking in China – A Case Study***

China is an excellent case study because not only does it have one of the highest volumes of sex trafficking in the world, China also illustrates many of the causal factors and social conditions that ultimately drive and sustain the sex trafficking market worldwide. The 2014 Trafficking in Persons Report indicates that “Instances of trafficking are pronounced among China's internal migrant population, estimated to exceed 236 million people” (United States Department of State 2014, 1). According to the United Nations on Drugs and Crime (UNODC), in 2013 “1949 people were arrested, 2395 prosecuted, and 1978 convicted for the crime of trafficking in women and children... For the crime of forced prostitution, 1042 persons were arrested, 1219 prosecuted, and 1109 convicted” (UNODC 2014, 6).<sup>2</sup> Moreover, according to the United Nations Inter-Agency Project (UNIAP), “China is both a source and destination country for human trafficking, and trafficking occurs mainly in the context of large-scale migration within the country, which is increasing” (Feng 2008, 1). Kneebone (2012, 155) also states that, “The focus of trafficking in China is on women and children trafficked for prostitution, marriage and illegal adoption.” For domestic trafficking, “Analysis of 301 trafficking cases reported by

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<sup>2</sup> The number of convictions outnumber the arrests, but that could possibly be due to arrests from the year before finally being tried and convicted.

media over 2007 to mid-2008 indicated that Yunnan 云南 and 贵州省 provinces are the main source provinces, while Fujian 福建, Guangdong 广东, and Shandong 山东 are the main destination provinces” just to name a few (Feng 2008, 1). The trafficking in women in the southwest region of China is also rampant. According to Liu Zhaoru 刘照如 (n.d., 34), an incomplete statistic showed that “as many as 10,000 or more people were trafficked” within the southwest region and also that many villages there had also been trafficking women.

Although trafficking mainly occurs within China, there is a significant problem of transnational trafficking. Women are being trafficked out of China and foreign women are being trafficked into China for either commercial sex or bride trafficking. Furthermore, Kneebone (2012, 143) states that China is overtaking Thailand as the main destination country in the region. In addition, The U.S. Embassy in Beijing reports that “Women and children from neighboring Asian countries, including Burma, Vietnam, Laos, Singapore, Mongolia, and the Democratic People’s Republic of Korea (DPRK), as well as from Russia, Europe, Africa, and the Americas, are reportedly trafficked to China for commercial sexual exploitation” (United States Department of State 2012b, 1). However, women from Vietnam are being primarily trafficked into China as brides since Vietnam is one of the main suppliers in bride trafficking (Qian 2014). Overall, the severity of the sex trafficking situation led the U.S. State Department to place China on its Tier 2 Watch List starting in 2004, for nine consecutive years beginning in 2004 and then to downgrade China to Tier 3 in 2013 (United States Department of State 2012b, 1).<sup>3</sup> Ultimately, China’s

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<sup>3</sup> The U.S. State Department’s rankings of China must be taken with as tentative because while China is a source and transit destination for human sex trafficking of women and children, the numbers reported do not accurately distinguish between victims of forced trafficking and willing participants (Liu, M., 2012).

situation shows why, now more than ever, countries need to create effective policies that target the factors that sustain human sex trafficking.

### ***China's Long History of Gender Inequality and Human Trafficking***

The idea of gender equality is a relatively new one in China. Up until the twentieth century, it was broadly assumed that women were subject to the authority of the males in their lives. This led to cultural practices that, in many ways, represent the roots of sex trafficking in China. The main forms “trafficking” took in Chinese history were concubinage (i.e. women held by a male as a legally owned sexual partner) and servitude (i.e. women sold for entertainment purposes or into brothels). Although both forms of trafficking were outlawed in the twentieth century as the acceptance of gender equality became more widespread in China, their long history continues to cast a shadow upon Chinese social attitudes and cultural values. During the Ming and Qing dynasties, for instance, “Various individuals, both sellers and buyers, trafficked in concubines, creating a commercialized market system in Jiangnan.” (Hua 2008, 263). Moreover, a late Qing writer named Xu Ke 徐珂(1869-1928) reported that “In Guangdong 广东 ... some big families with declining fortunes purchased many young maids as investments” (Hua 2008, 271). The long history of the commodification of women in China explains why there remains an entrenched cultural attitude that women are inferior to men, and why women are still vulnerable to being bought and sold.

Marriage was an avenue in which families could increase their station in life by marrying off their daughters through arranged marriages, providing dowries in exchange for securing what they believed to be the best life for the girl and good relations for the broader family. This was commonplace prior to the twentieth century because “A woman’s dedicated body belonged to

her parents and to her husband and his family. Her individual choice was allowed expression only for the defense of her fidelity to her husband and his lineage, or to endorse filial piety to her parents.” (Hua 2008, 281). Although this traditional Chinese marriage custom is not considered sex trafficking, as was earlier defined, the attitudes and intentions behind it fostered actual trafficking like concubinage and brothel prostitution. If being a wife was not possible then becoming a concubine was the second best choice. Concubinage bound a woman (the concubine) to a man as property instead of through a legal marriage. Becoming a wife or a concubine was rarely up to the women, rather it was a choice made by their families. Hua (2012, 263) supports this when he states that “women were commodities... to be exchanged by their families.” These families used their daughters as a family resource by essentially selling them to become concubines of powerful and influential men in order to secure useful social connections between families or as a mechanism for the infusion of wealth through the sale. Although securing the material well-being of their daughters was taken into consideration, oftentimes poor families sold their daughters for money, using survival as an excuse (Hua 2008, 280). Even though concubinage has been outlawed since then and women are now free to marry whomever they wish, there remains strong parental input into marriage decisions and an exaggeration of material wealth as the standard for judging a potential suitor.

Marriage and concubinage at least created a direct and responsible relationship between the individual woman and a specific man. Servitude, however, lacked even that supportive dimension. It took on a variety of forms during the imperial age, from household help, to public entertainer, to prostitute in a brothel. Women rarely chose to be sold into servitude, more often than not they were offered up/sold by their families. It was usually poor families that would sell their daughters into prostitution or to another person for money, to pay off a debt, etc. They

would rationalize it by thinking that they were doing their daughters a favor by selling them into a better life than one of destitution and poverty. However, these women, after being sold, often continued to be sold, exchanged, traded, or sometimes trained to increase their value as a commodity. For instance, according to Hua (2008, 266), during the Ming and Qing dynasty traffickers “transferred women, and also purchased young girls either to dispose of them immediately or to train them in special skills to enhance their market value.” These women were priced according to looks, virginity, skills, etc., and if they did not have skills, sometimes they were trained. The following passage explains this more clearly.

“Girls learned the skills of reading, cooking, embroidering, bookkeeping, and household management. A young girl with limited reading ability, but good bookkeeping skills, could be priced around five hundred to one thousand silver taels, those who could cook and sew sold for between two hundred and five hundred taels, and the less qualified could still be around one hundred and two hundred taels... Talented girls received artistic training as candidates to become a concubine or courtesan; others became sex objects to entertain prominent men. Girls were ready for sale when they reached puberty. (Hua 2008, 271)

The selling and buying of women was also rationalized in Confucian terms, which viewed women as inferior to men, thus making it more acceptable and moral (Hua 2008).

The long history of these attitudes made it difficult for reformers to eradicate them as China moved through the twentieth century. Laws have been passed guaranteeing gender equality and the government has made great strides in eliminating prostitution in the early years of the People’s Republic of China, and yet political representation of women still lags and gender discrimination is still widespread. No doubt part of the explanation for this is the continuing



underdevelopment of broader democratic values in China. Studies have shown that democratic countries have low rates of human trafficking because of the active enforcement and protection of the human rights of their citizens. While China pays lip service to such rights, it does not actively enforce them, thus leading to repeated violations of these rights. Wooditch (2010) and Chuang (2006) both agree that in societies characterized by the violation of individual rights, individuals are made more vulnerable to sexual exploitation. Lagon (2008, 1) supports this by stating that, “China’s persistent challenges with human trafficking are intimately related to overall questions of rule of law and good governance.”

However, connecting the problem of the weak commitment to the rule of law in China to the presence of sex trafficking depends on the long history of gender inequality in China. When the two tendencies combine, the result is the massive scale of trafficking of women into sexual exploitation. Gender discrimination is the primary reason that Chinese women cannot presume that they have a right to their own physical integrity. Although the government now promotes equality between men and women, persistent gender discrimination shows that it cannot enforce that equality. Burnett (2010, 298) argues that, “Gender discrimination in China from the 1990s through today is visible in hiring, dismissal, earlier retirement, fines for violation of family planning regulations, wage differences, denial of certain social welfare benefits, and sexual harassment.” This is in addition to the fact that women in urban areas have had to shoulder new burdens in the wake of the post-Mao economic reforms (Liu 2011, 871). These “economic reforms have generally caused women in China to lose their jobs at a rate disproportionate to men and have effectively moved women farther away from the equality promised by the constitution, especially in the area of labor” (Burnett 2010, 290).

Although the harshest forms of gender exploitation are now outlawed, residual ideas about gender roles make women particularly vulnerable in economic terms. This economic vulnerability is an important precondition for the entrapment of women into trafficking. Most women in China have experienced gender discrimination in one form or another, but the majority experience it harshly when it comes to employment and the job market. As Burnett (2010, 291) states, “According to China’s National Bureau of Statistics, women make up approximately forty-five percent of the country’s workforce, but on average the salary of a working Chinese woman is seventy-four percent less than that of a man’s wage.” It is difficult for a woman to find a job even when their skills equal their male counterparts because of the cultural preference for hiring males. The laws and regulations that were created to protect women from this discrimination actually have had the opposite effect, hurting their job prospects. Private employers, who have emerged under the reform policies, are especially reluctant to hire women because laws require that women receive benefits that make them more expensive to hire, including maternity leave and childcare benefits (Burnett 2010, 298). Even when women are hired, they face other forms of discrimination that target their control of their own bodies. As reported by Burnett (2010, 298), “Work units have been known to deny women’s requests to have children, force women to sign contracts stating that they will not become pregnant, or fire female workers, especially migrant workers, for becoming pregnant.”

These kinds of discrimination are a consequence of the poor fit between the new market economy and long-held cultural attitudes that stress the inappropriateness of women working outside the home. Traditional Confucian values viewed women as subordinate to men and gave them authority over their families (Xie 2014, 35). These attitudes manifested themselves in various ways, from names being passed down through the male lineage, to ideas that daughters

left the family to join their husband's family to the ritual privileges that males held in ancestral rituals. (Xie 2014, 35). This made it more difficult for women to find jobs however, as will become evident below, the economic conditions in many rural areas are dire enough to induce many women to migrate in search of jobs. As Edlund (2013, 1533) states, "Richer provinces not only attract more migrants, but there is a distinct gender pattern. Young women are more likely to migrate." Yet, why would women be more likely to migrate? Traditional attitudes in which women leave the family upon maturity foster a sense that having daughters at home is a financial burden. Hence, families will often accept the migration of their daughters. As Burnett (2010, 299) notes: "Not only does a family often support its daughter's move because it means one less mouth to feed, but the relocation also provides the daughter... with the financial means to pursue career or marriage goals."

### ***Social and Economic Conditions behind Trafficking in China***

The impact of the cultural values just described is apparent in some specific socio-economic features of China today. To fully understand the trafficking problem we need to systematically examine these conditions. Demographic patterns are often behind human sex trafficking. In China, its large population partly explains why there is a high rate of human sex trafficking. Most countries that have a high rate of human sex trafficking also have large populations. As McGarrell (2011, 105) argues, "a large population, especially when accompanied by poverty and urbanization in developing countries, would contribute to establishment of human trafficking markets because of lack of control and increased number of suitable targets potential customers." Also, Chinese experience with rapid economic development has brought with it greater disparity in income, which will be expanded upon later.

For this reason, there is within China a large vulnerable population (Wheaton 2010). However, there are also other, distinctive reasons why the population is such an important factor in China's high sex trafficking rate. The most import of these is China's strict population control regulations.

As a result of the rapid population growth in China during the three decades following Liberation in 1949, a policy was created to directly regulate the population. This policy, enacted in 1979, is known as the One-Child Policy. It was designed to control the population number in China by limiting families to having only one child. Although in recent years this policy has become gradually relaxed, with the most recent change being the creation of a Two-Child Policy. Nevertheless, by reducing the birth rate, the policy has created unintended consequences with regards to sex trafficking. According to Xie (2014, 33), "The sex ratio at birth (SRB) has risen over the past few decades from a natural 103 males for every 100 female infants to a peak of 121 boys per 100 girls in 2005 (recent numbers put the current ratio at 118 boys to 100 girls). Some estimates predict that there will be 55 million more males than females by 2020." The Chinese government also estimates that the "country currently has 40 million "extra" males" and that "according to most predictions, this gap between the number of males and females will only increase" (Xie 2014, 13). Furthermore the gender gap is exacerbated by the Chinese cultural attitude that favors males over females, especially in rural areas. Many rural families, when faced with a law that only allowed them to have one child sought to ensure that their one child would be a male.<sup>4</sup> Consequently, high rates of selective abortions, female infanticide, and abandonment of female infants became readily apparent. This preference for boys stems from the fact that in rural areas "many families rely on male labor to farm, harvest, and work the fields" (Xie 2014, 34).

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<sup>4</sup> If the families did decide to keep female infants and then try for another male child, they risked punishment.

The consequences of the gender imbalance caused by the One-Child Policy has directly fostered trafficking. Chu (2011) identifies one manifestation as bride trafficking. With more males being born and favored than females, there is a shortage in women for marriage or for relationships. Martin (2013, 48) is in agreement: “Some statistics show that the male population in rural China outnumbered females by 20-40% because of the one-child policy.” The problem of gender imbalance has had serious implications for bride trafficking. According to *China Daily*, “the presence of too many young unmarried men has led to ‘gambling, alcohol and drug abuse, kidnapping and trafficking of women’, all of which, it says, are ‘rising steeply in China’” (Martin 2013, 26). This is supported by the 2012 Trafficking in Persons Report which states that “China is also a destination for women and girls, largely from neighboring countries, who are sometimes subjected to forced marriage and forced prostitution upon arrival” (United States Department of State 2012b, 1) Xie (2014, 36) also reports that the demand is so high that foreign women are being used to satisfy it: “This demand for foreign females has given rise to one of the worst cases of human trafficking in the world. Criminal gangs from Southeast Asia traffic poor women into China to sell them into marriage.”

The government of China did come to realize the effects that the One-Child Policy was having on girls and have since attempted to implement policies to remedy it. The government made a public announcement in which “In August 2011, the Director of the Ministry of Public Security's Anti-Trafficking Office publicly acknowledged that the great demand from marriage buyers, which results from the traditional preference for boys in Chinese families, was the main factor fueling trafficking in China” (United States Department of State 2012a, 1). Since then, attempts have been made to mitigate the One-Child Policy have had varying affects. For instance, “since 2005, parents of girls in the countryside have been given a government stipend

of 600 yuan (\$100) a month” (Martin 2013, 26). The government has also slowly begun to repeal the policy. Another attempt was the “introduction of old age pensions in 2007 that has lessened economic dependence on, and hence need for, sons” (Baird 2013, 16).

More recently, “Late in 2013, as part of a package of reforms, the Communist Party announced a revision of the one-child policy. The goal of the reform is to “promote long-term balanced development of the population in China. This change allowed couples to have a second child if one of the parents was a single child” (Xie 2014, 34). However, according to Baird (2013, 15), “the data shows that sex selection is highest in areas where people have been allowed to have a second child if the first is a girl.” Those living in urban provinces still feel the effects of the policy more so than others, since those living in rural provinces or who are minorities are often granted exceptions, and sex selective abortions are still more common in rural provinces. Even so, the policy of having only one child is less strict compared to previously as a result of the reforms made, and these modifications have improved the gender gap somewhat. The most recent policy change has been, in some ways, the most dramatic. The government will now allow all families to have a second child. Nevertheless, it is not inconceivable that the preference for males will simply be extended to the second child. Overall, then, although the reforms suggest that the government recognizes the connection between the policy and the gender gap, its reforms are too little and too late. They do not change the fact that the damage has been done, and that China will feel the effect of the population policy for many years.

Concurrent with these demographic trends, urbanization as a consequence of rapid industrialization also contributes to sustaining sex trafficking in China. China’s economic development has created a great deal of wealth, but that wealth has been unevenly distributed. Cities like Beijing 北京, Shanghai 上海, and Tianjin 天津, for instance, have been and are still

flourishing while the more rural and agricultural areas in central, western, and parts of southern China have experienced very little development and high income inequality, with many living below the poverty line. In addition, with economic policies favoring investment (foreign and domestic) in big businesses, foreign trade and the like, the agricultural economy of the rural provinces has suffered. Keeping the prices of agricultural products down and not extending the development to the most rural parts of China left many peasants in poverty.

Several factors trap people in a cycle of poverty: income inequality, unemployment, and poor living standards. These factors have increased as a result of the uneven spread of economic development in China. Although many benefited from the development, those from rural provinces, for instance, have not enjoyed the same level of improvement in living standards as those who live in urban provinces have. Du, Park, and Wang (2005) agree and state that many of the rural poor were unable to take advantage of the development, which has mostly occurred in the North China Plain, Yangtze River valley, and the coastal southeast due to the distance and cost of migration to the urban areas. Since the 1990s, there has been a steady trend of inequality in China with the richest 20% owning 47.1% of the country's wealth and the poorest owning 4.7% (Poverty & Equity, 2015).<sup>5</sup> Chhibber (2009, 2) is in support, stating that "in most countries, because wages stayed low and agriculture was often neglected, rapid economic growth was associated with high and growing inequality." In addition, due to the lack of development there are also few job opportunities available which contributed to the perpetual poverty of many people residing in rural provinces.

The twin phenomena of differential development and rural poverty has unleashed internal migration of historic proportions in China as the rural poor move to supply the demand for labor in China's urban areas, especially along the eastern coast. According to a 2009 statistic on the

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<sup>5</sup> The source is using quintiles.

Chinese migrant population, “An estimated 150 million Chinese people have migrated internally in search of a better life and more opportunities” and 20 million of them are children who migrate with their parents (China Human Trafficking 2009, 1). More recently, the 2014 Trafficking in Persons Report states that the number is “estimated to exceed 236 million people” (United States Department of State 2014, 1). The relevance of this for analyzing sex trafficking in China is clear when we consider the demographic breakdown of the migrants. According to Burnett (2010), the majority of those who are migrating are women. He states that “In addition to increasing employment discrimination against women, economic reforms also led to a surge of migrant laborers (called *mingong* 民工 or *mangliu* 盲流), with women in the majority” (Burnett 2010, 299). This is due to the fact that rural areas, which have not benefitted from economic reforms, have kept traditional familial obligations alive. This is also supported by Chin (2012, 54), whose study on sex trafficking showed that most of the victims were from rural areas and came from poor families who migrated to urban areas in search of better opportunities. As a result, this coupled with the employment discrimination against women, in favor of men, has led to the majority of migrants being women (Burnett 2010).

These migrating women are vulnerable to trafficking at two points in the migratory process. First, before they depart, they are susceptible to lures from traffickers because the family has accepted the legitimacy of their move. This explains the pattern observed by the Department of State where the Chinese women and girls tricked and subjected to sex trafficking in China “are often recruited from rural areas and transported to urban centers” (United States Department of State 2012b, 1). The women who actually successfully migrate away from rural areas without the intervention of traffickers face a second moment of vulnerability. In leaving their home rural areas, they enter a market economy still awash in traditional views of women



and their role in society. They are thereby at a competitive disadvantage. When they become unemployed, traffickers have a second opportunity to capitalize on their desperation.

Additionally, residence and registration regulations place this so-called “floating” population at a distinct social disadvantage. “The national *hukou* 户口, or residency system, prevents rural individuals from permanently migrating to cities, though it has been relaxed in recent years to permit some urban workers with steady employment to change residencies” (Burnett 2010, 299). Although the promise of wages is enough to overcome the disadvantages of living without proper permits in urban areas, as Wooditch (2010, 8) warns, “A country with migrants competing for employment is often a fertile market for recruiting unskilled labor or work within the sex industry that can be easily exploited” since “migrants tend to rely on illegal methods of entry, which place them at risk of victimization.”

The term “floating population” (*liudong renkou* 流动人口) refers mostly to these regional migrants, but it does include a variety of other alienated populations, such as additional children borne outside of the One-Child Policy, that resulted from the government *hukou* 户口 registration system and the identity card (*shenfen zheng* 身份证) system. The government *hukou* 户口 registration system is essentially a resident permit that entitles one to the services available in the place specified on the family’s *hukou* 户口. This presents a problem because if a person were to migrate to an urban city without the proper residence permit for that city, such a person will not be able to receive social services. This contributes to the vulnerability and susceptibility of internal migrants because without social services the migrants are more likely to become lured into trafficking (United States Department of State 2012a, 1). It also serves another purpose. By limiting the provision of local services to only those who have the proper residence permit, local

governments can better meet the municipality's budget. Although the residency permit and identity card systems were designed to fix people in place and track their movements, the demands of economic development have essentially undermined those goals. The result has been a large number of people living in cities without proper documentation. These people have, in a sense, legally disappeared, having to hide their existence from authorities to continue to work and live in urban cities.

### ***China as a Manifestation of the Global Market for Sex***

The values and conditions described above represent the distinctly Chinese attitudes that help foster trafficking, but China is not unique in facing the problem. It is, instead, one manifestation of a global phenomenon. One might say that we are witnessing “trafficking with Chinese characteristics.” Globalization has created a global criminal market for sexual services with men, women, and children trafficked around the world to satisfy this demand (Rahman 2011). China is deeply integrated into this network of transnational trafficking, but it also has a specifically internal criminal market in the form of domestic trafficking. It must be noted that each type of trafficking (domestic and transnational) has its own distinct characteristics. For example, it is easier to craft legislation to prevent domestic trafficking, offer victims protection, and provide needed social services, etc. By contrast, the overlapping of jurisdictions affected by transnational trafficking complicates legal efforts and the provision of support services. It is easier to process, identify, and provide services to a victim if the victim is domestic, whereas a foreign victim might take longer to do so since they came from another country. Of course, the flipside of this is that operating within one country simplifies the movement of people internally and thus makes domestic trafficking more prevalent, especially in China. Understanding these

two aspects – China’s own domestic trafficking and its place in transnational trafficking networks – is essential if China is to fully grasp the scope of its problem.

It is best to begin with the actual entrapment of victims, which in broad terms characterize both types of trafficking. There are many tools that traffickers use to lure victims and to make them stay where needed. Whether international or domestic, one common tactic to lure victims with false promises of employment opportunities. For example, traffickers are making “increased use of the internet to lure underage girls into prostitution” (China Human Trafficking 2001, 2). Perhaps not surprisingly, most of the traffickers’ victims come from disillusioned and vulnerable populations. Once their targets arrive at the destination willingly, the traffickers often take away their identification, employing threats and violence to keep them from running away. This process effectively intimidates and instills fear into the victims. It is particularly effective when combined with actual violence (China Human Trafficking 2009). Beatings, rape, and threats against family members are just some of the coercive tactics used to make victims submissive and fearful of trying to escape. This is in line with the 2012 Trafficking in Persons Report which states that “Traffickers recruited girls and young women, often from rural areas of China, using a combination of fraudulent job offers, imposition of large travel fees, and threats of physical or financial harm, to obtain and maintain their service in prostitution” (United States Department of State 2012b, 1). With no way to reach for help, and fear of the consequences for attempting to leave, the victims remain victims.

These methods create a population that traffickers can deploy to meet the sexual demands of various types of consumers. The result is that victims may end up engaged in street prostitution, working in brothels, or even being sold as involuntary brides. Working in brothels is the most common form of the three since hair salons, acupuncture massage parlors, and

nightclub/KTV lounges can operate as brothels (Chin 2012, 61). These women and girls in these circumstances are usually forced into organized and systematic exploitation until their bodies are broken. The differences between street prostitution and brothels are irrelevant in this sense. They merely differ by location and the process used to attract customers. With street prostitution, women “work” the streets by walking up and down until they secure a customer. By contrast, in brothels, the women are confined to an area, thus enabling easier access for customers. Despite the different forms of sex trafficking, the fact remains that these women are being organized and forced into sexual labor.

Bride trafficking (the abduction and sale of women as unwilling brides) is a special case that differs in important ways from the various forms of prostitution. It is a response to the particular social pathology that Chinese tradition and social policies have created. The coercion of a sexual relationship for the financial gain of a third party justifies including it as a form of sex trafficking (and international conventions view the trafficking of brides as a violation of their human rights), but the permanence of the relationship with the consumer adds another dimension to this form of exploitation. Bride trafficking itself is not unique to China. Generally, it appears when social customs or political policies result in a shortage of women to supply a significant proportion of men with wives. In such circumstances, bride trafficking fills the void. Such shortages of women are usually found in countries that culturally prioritize men over women, as in India or China. Lagon (2008, 2) notes that, “a potential factor, among others, in the trafficking of brides is the gender imbalance caused by China’s one-child policy.” Children are not excluded from this, there has been an increasing demand for child brides with such trafficking on the rise.<sup>6</sup> Baird (2013, 14) supports this when he notes that “Child marriage, still common in India, is now

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<sup>6</sup> The UNODC (2015) considers persons under the age of 18 as a “child.”

making an appearance in China, too – there are reports of parents kidnapping girls to raise as partners for their sons.”

Although the broad regional patterns of domestic trafficking suggest that provinces and autonomous regions in the southwest supply most trafficked women, the explanations for this are significant. As noted before, the epicenters for “Chinese trafficked within China include Yunnan 云南, Guizhou 贵州, and Henan 河南省 provinces” (China Human Trafficking 2009, 1).

According to the 2014 Trafficking in Persons Report, traffickers have also found a source of girls for forced marriages and other forms of servitude in the Tibet Autonomous Region (United States Department of State 2014, 1).

The ultimate destinations of all these women is closely related to the region where they end up. Rural provinces, the economies of which center on agriculture, tend to have a disproportionate number of males to females and therefore a higher incidence of bride trafficking. Li Lijun 离理君(n.d., 1) supports that trafficking is more common in rural areas, in comparison to urban provinces. Since urban provinces are wealthier, have larger populations, and the birth ratios are closer to even (though not perfectly), city born men can generally find city born women to marry. They therefore have a lower demand for bride trafficking, but a potentially higher demand for prostitution because there is not a high gender imbalance in urban provinces. City men may be wealthy enough to have a wife *and* patronize prostitutes, thereby artificially increasing the demand for prostitutes and diminishing further the number of women available for marriage to rural men. Rural provinces simply do not have enough women to supply the needed brides. There is also not enough wealth to draw women from cities to rural areas. City-born women are not inclined to move to rural areas to marry, nor are they willing to marry men without a *hukou* 户口. Such reverse migration could have mitigated the gender

imbalance, but economic incentives render it impractical. By contrast, women from rural provinces are eager to migrate to urban provinces, intending to find jobs, but some will find city men willing to allow them to marry “up” so to speak. Others, however, will end up in brothels. So the marriage situation for rural males is tough all over. Thus, the overall driving force behind the differences in trafficking demands in urban and rural regions is their underlying birth-gender ratios when combined with the legal status and wealth differences.

Given these demand profiles, how are the victims supplied? There are three primary options: forcible overland transport, forcible air transport, and luring women through trickery. The last is naturally the easiest. Air transport is more often used in transnational trafficking than domestic trafficking, but it is also more complicated. Therefore, the most successful method is for traffickers to trick women into voluntarily relocating by holding out the possibility of a job opportunity. Only after arrival do such victims realize that they have become trapped. Regardless of how the women are transported, criminal organization is necessary: “Well-organized international criminal syndicates and local gangs play key roles in both the outbound trafficking of Chinese women and girls and the inbound trafficking of foreign women and girls into China” (United States Department of State 2012b, 1).

The demand for women is so high in China that domestic sources of women are not sufficient to satisfy it. The result has been a high volume of women trafficking from other countries into China. According to the China Human Trafficking Datasheet (2009, 1), “Source countries for persons trafficked into China are Vietnam, Russia, Korea, and Myanmar” among others such as Thailand and Malaysia. Their close proximity to China helps explain their importance in the trade. It is not quite as difficult to traffic people from Vietnam or Thailand when all traffickers have to do is cross a land border. The convenient geographical location of

the Southeast Asian countries, combined with the uneven distribution of economic opportunities and industrialization that have contributed to a growing population of low-income households there, makes these countries appealing to human traffickers as a source and/or destination for human sex trafficking.

One anomaly is worth considering because it is part of the equation whereby China is integrated into the global trafficking network. Despite the high demand for women in China, Chinese women are actually also trafficked out of China to destinations all over the world. These numbers are difficult to estimate, however victims have been found in the Macau, Malaysia, Thailand, and Indonesia which shows that there is significant bidirectional transnational trafficking problem (Chin 2012, 60). According to Chin (2012, 38), one of the reasons for trafficking overseas is due to the fact that it was not as easy to make money in the commercial sex market in China anymore. The rural market still has a demand for bride trafficking but the urban market is already saturated with commercial sex. So while there is ongoing bride trafficking to supply the rural market, women are also being trafficked out to fill the demand in the market for commercial sex trafficking which is found overseas, where there is still a demand. The majority of victims that are trafficked out of China came from various provinces and municipalities in the southwest (Chin 2012, 60). Essentially, victims are tricked into going overseas only to end up in sex work because they owe money to a sex trafficking operator in order to go overseas (Chin 2012, 60). Most of victims are trafficked into countries where there is a culture of tolerance for commercial sex, which makes it less risky for traffickers to get caught. In addition, factors like “The legal status of commercial sex (what is permitted and where); the presence of potential buyers (businessmen, military, etc.); having tourist attractions; the national and local law enforcement policies and practices (how vigorously the laws are enforced and

whether there is corruption, etc); the society's governing moral philosophy and traditions... and the specific nature of and venues for commercial sex" are taken into consideration when trafficking women out of China and into another country (Chin 2012, 116). These factors help traffickers determine the best market for trafficking in order to maximize profits with the least amount of risk possible.

### ***PRC Anti-Trafficking Strategies and their Flaws***

There are laws and policies in China designed to grant equal rights between men and women, combat against human sex trafficking, punish traffickers, and protect victims. For instance, the 1982 Constitution reinforced Article 91 of the 1954 Constitution of the People's Republic of China (China or PRC) which specifically stated that women would have "equal rights with men in all areas of political, economical, cultural, social and domestic life" (Burnett 2010, 299). The Fifth Session of the Seventh National People's Congress also created a *Law of the People's Republic of China on the Protection of Rights and Interests of Women* (1992). In this document, Article 2 states "The state shall protect the special rights and interests enjoyed by women according to law, and gradually perfect its social security system with respect to women. Discrimination against, maltreatment of, or cruel treatment in any manner causing injury even death of women shall be prohibited" (Fifth Session 1992, 2). Article 8 of this document also has the state guaranteeing that women enjoy equal political rights with men (Fifth Session 1992, 3). The Fifth Session of the Eighth National People's Congress (1992) wrote the *Criminal Law of the Public's Republic of China* which details crimes and the corresponding punishment. This document "defines trafficking as 'the abduction, kidnapping, trading, and transporting of women and children for the purpose of selling'" them for sexual exploitation (Sex Trafficking and



China's One Child Policy 2014, 1). Article 240, for instance, states that "Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine" and also goes on to list different punishments for different levels of severity for the crime of trafficking (Fifth Session of the Eighth 1992, 2).

Despite what appears to be a comprehensive legal strategy to eliminate sex trafficking in China, several problems undermine the effectiveness of that legal commitment. By far, the most important is corruption (*tanwu fubai* 贪污腐败). Corruption is a prevalent problem in China, one that spreads far beyond its sex trafficking problem. Just like many other places in the world, the ability to corrupt government officials has made it relatively easy for traffickers to operate in China. According to Wooditch (2010, 8), government corruption is the strongest predictor of trafficking to a country. Cho (2012) agrees that it's mainly, the corruption of the government and law enforcement has impeded the efforts to implement and enforce policies that prevent human sex trafficking. According to Kapstein (2006, 107), "Since profits are high, slavers have plenty of money to pay off government officials and local police." Furthermore, he argues that in order for sex trafficking to thrive it "requires the direct or indirect involvement of national governments at both the source and the destination" (Kapstein 2006, 107).

Certainly in China, the thriving sex trafficking market depends on the collusion of government officials. The 2012 Trafficking in Persons Report cites Chinese media accounts that reported on the involvement of government officials in the sex trade in cities throughout China, for example: "In July 2012, eight girls under the age of 14 were kidnapped and forced into prostitution. Local government officials and businessmen were among the five people arrested for the girls' commercial sexual exploitation" (United States Department of State 2012b, 1). Furthermore, it seems that the involvement of "workers, teachers, soldiers, and even party

members and cadres” in trafficking is on the rise, often using their respected official status as cover to engage in crime (Dangqian Guaimai 1997, 4). When we add in collusion by owners of businesses such as hotels, nightclub/KTV lounges, bars, massage parlors, and hair salons the number of people – both official and non-official – with a financial stake in the trafficking becomes so large that it renders the problem increasingly intractable (Chin 2012). It remains to be seen whether the high profile anti-corruption campaign initiated by Xi Jinping 习近平 can actually change conditions. At the very least, we can be confident that to have a strong impact it will need to remain consistent over a long period of time.

A second major problem impeding government legal efforts to eliminate sex trafficking is that “China continues to conflate trafficking with non-trafficking crimes such as fraudulent child adoption, rendering the full extent of the government's anti-trafficking efforts unclear” (United States Department of State 2012a, 1). Furthermore, the statistics on trafficking that have been made public by the Chinese government are also not disaggregated, which means that the statistics may look like more progress has been made against sex trafficking than is actually the case. (United States Department of State 2012a, 1). Without clear and reliable information, the government will not be able to rationally allocate its efforts where problems lie.

A third problem is the incomplete implementation of existing laws. For example, in 2007 the government announced the *China National Plan of Action on Combatting Trafficking in Women and Children* (2008-2012) which was developed in order to “effectively prevent and severely combat the criminal activities of trafficking in women and children, actively provide assistance and give appropriate aftercare to rescued women and children, earnestly safeguard the legal rights and interests of women and children” (State Council of China 2001, 1). However, there is no concrete evidence or enough available literature to show that anything has actually

been implemented, enforced, or done to carry out the ideas of the document or statistics to show the results of carrying out the ideas in the document.

We can take one example. Legislation was enacted against sex-selective abortion, to offset the effects that the One-Child Policy created. (Martin 2013). This legislation was intended to minimize the likelihood that a family would abort a female; since they can only have one child due to the One-Child Policy which created the shortage in women that fosters sex trafficking (Martin 2013). However, this legislation was not successful. Martin (2013, 26) states that “often the legislation against sex selective abortion is not enforced, largely because doctors can receive lucrative bribes for letting a baby’s sex slip” even though it would be quite easy for them to enforce this legislation. The problem is compounded by the fact that “While such practices are technically illegal under Chinese law, there are ambiguities surrounding what constitutes sex-selective abortion” (Xie 2014, 35). However, without sex-selective abortion, parents resort to other methods to abort unwanted children as evidenced by the fact that “many female newborns are either abandoned or killed” and “Numerous reports of neglect and infanticide have been reported in China” (Xie 2014, 35).

China has also increasingly begun to address transnational trafficking by suggesting increased international cooperation, because the overlapping of jurisdictions affected by transnational trafficking complicates legal efforts and the provision of support services. It is easier to process, identify, and provide services to a victim if the victim is domestic, whereas a foreign victim might take longer to do so since they came from another country. Accordingly, in 2010, the Ministry of Public Security and Ministry of Justice, wrote the *Opinions on Severely Punishing Trafficking in Women and Children according to Law*. The topic of this document was on foreign crimes and in it transnational trafficking was specifically addressed “In order to

increase judicial protection of the legal rights and interests of women and children and fully implement China's National Plan of Action on Combating Trafficking against Women and Children" (Supreme People's Court 2010, 3). The following passage states that in order to achieve the goals of China's National Plan, it is necessary

"To further increase combating transnational and cross-border trafficking in women. Strengthen bilateral or multi-lateral anti-trafficking exchange and cooperation internationally, and enhance rescue work of transnational and cross-border trafficked women and children. Actively exercise the rights and fulfil the obligations set out in the international treaties concluded by or entered into by China, and request or provide judicial assistance to effectively suppress transnational and cross-border trafficking in women and children" (Supreme People's Court 2010, 11).

This passage is essentially China's acknowledgement that there is a need for more international cooperation and there have been incremental changes since the writing of this document, perhaps due to increasing international pressure. According to SINA news center, for instance, the Chinese and Thai government agreed to cooperate on a joint investigation into a sex trafficking incident that occurred in August 2015 (Duo Ming Taiguo 2015, 1). In which the Chinese police captured and arrested seven sex traffickers (two of whom were Chinese), who trafficked four known victims and possible twenty more victims from Thailand into China to be forced into sexual slavery (Duo Ming Taiguo 1). China has also established the need to cooperate and coordinate with Vietnam to conduct regular border controls along the border (between China and Vietnam) and in the effort to crackdown on Vietnamese bride trafficking into China (Qian 2014, 284). Thus, there has been improvement in international cooperation, but there remains much

more to be done because there are still reports that domestic and transnational victims are sometimes treated like criminals and are punished for the crime of prostitution.

Finally, poor government transparency as well as political sensitivity over the issue of trafficking, especially since it relates to human rights, has also impeded the government's efforts to punish criminals. These challenges in the policies for punishing criminals arose because they have conflicted with the policies protecting victims. As evidenced by the punishment of victims as criminals by association. (Lagon 2008, 1). This is because the focus has been on getting rid of crime and doling out punishment while forgetting about the circumstances that led the victims to such a state in the first place. Chu agrees that "The penalties for traffickers and buyers of the 'human goods' are high, human trafficking continues because there is no persistence in addressing the root causes" (Yik-Yi Chu 2011, 50). Instead there should be a two-pronged approach in addressing the crime and addressing the root causes. Lawmakers and policy-makers have begun to address or acknowledge some of the root causes as causes of sex trafficking, such as the One-Child Policy and the subsequent legislation against sex-selective abortions as well as the protection of women's rights. Even so, there needs to be more support and enforcement for these laws and policies, as well as a distinction made between criminals and victims.

In China, according to Hendrix, there have been reported problems of domestic and transnational victims "being returned back to their traffickers due to a failure of the government or law enforcement to follow procedures" (Hendrix 2010, 203). North Korean trafficking victims, for instance, are often deported back to horrible conditions because China punishes individuals for criminal acts that were committed as a result of trafficking (Hendrix 2010, 192). These victims as a result had no protection or guarantee that they would not be re-victimized. There are many instances of trafficked women who were deported or jailed and then released

only to be trafficked once more by the very same people who victimized them in the first place. In addition there are few social services available for victims to become reintegrated into ordinary society again or to make a living on their own.

However, in recent years this treatment of victims has changed somewhat, perhaps due to the presence and involvement of nongovernmental organizations that protect these women. According to Lagon (2008, 1), “In the past five years, China has established transfer, training and recovery centers for trafficking victims in four provinces, and has assisted more than 1,000 trafficked women and children.” Be that as it may, according to Hendrix, the new measures created to aid trafficking victims that have been implemented since then “do not allocate resources to local governments to facilitate implementation...and even though there have been rescues... lack of proper oversight has caused many of them to be incomplete” (Hendrix 2010, 192). Furthermore, according to the 2012 Trafficking in Persons Report, “The government did not provide comprehensive victim protection services to both internal and foreign victims of trafficking throughout the country” (United States Department of State 2012a, 1). Consequently, there seems to be a divergence in what is being said and what is actually being done. The government claims to have provided comprehensive social support and services, but upon a closer examination it seems that its efforts have been inefficient and lackluster.

However, domestic and international organizations, such as the All-China Women’s Federation (ACWF), which has a number of ongoing prevention and education projects in affected provinces, have picked up the slack. Nongovernmental organizations and international organizations like the ACWF are needed, as they can identify victims, protect them, and provide assistance and aid. They are especially important when it comes to transnational victims who, without the help of nongovernmental organizations, could easily become re-victimized when

they are forcibly returned to their country of origin. Even so, these organizations still find it difficult work independently in China because they advocate against and call attention to human rights abuses, which China is particularly sensitive to (Lagon 2008, 2) Consequently, these organizations often need permission from the Government of China in order to provide victims services.

### ***Policy Recommendations***

In order for the Government of China to create effective policies to combat sex trafficking, it needs to take several steps: (1) Policies and laws must distinguish between abduction, illegal adoption, smuggling, and trafficking. This can be done by updating the legal framework, within which policies and laws are written, “to further refine the definitions of trafficking-related crimes per the 2000 UN TIP Protocol” (United States Department of State 2012b, 1). (2) Formal procedures should be expanded and updated for efficiency in order to better identify victims of sex trafficking. This will aid in better prevention of sex trafficking and protection of victims. (3) Policies concerning international victims should be jointly written by all countries involved. This will better protect and serve victims, instead of inadvertently punishing them for acts committed as a direct result of being trafficked, as well as provide clarification on what to do when foreign victims are encountered (United States Department of State 2012b, 1). (4) Systemic data collection on sex trafficking would aid in improving the effectiveness of laws and policies. (5) An expansion of the social services offered to victims is also sorely needed. The PRC government itself has reported that only seven of 1,400 government shelters were dedicated to caring for trafficking victims (United States Department of State 2014, 1). As explained before, much of the social services provided to victims come from non-

governmental agencies. The social services that are provided by the Government of China are delegated to local government agencies that are not only inconsistent and unreliable in terms of providing services but tend to be uncooperative in making reform changes (Xie 2014).

(6) Lastly, Chu (2011, 50) suggests that in order to combat trafficking “the determination to reduce poverty, through financial aid and improvement in agricultural skills, would help eliminate human trafficking” because the availability of economic opportunities would help alleviate socioeconomic problems that give people no choice and make them vulnerable to predators. These are just some suggested policy recommendations that could potentially be immensely beneficial to the efforts in preventing sex trafficking, and identifying and protecting victims.

### ***Concluding Remarks***

Presently, more still needs to be done in addressing the driving factors of human sex trafficking China. Some have been acknowledged and addressed, while others such as migration, poverty, and urbanization have not been adequately addressed as of yet. It is also apparent that China’s long history of gender inequality and human trafficking is an enduring one, manifesting itself in the continued problem of gender discrimination and the sex trafficking of women. However, since China began taking a part in international cooperation, beginning with its joining the United Nations, it has seen incremental changes in its laws and policies in regards to the rights of women, sex trafficking, and transnational trafficking. Burnett also states that, “After the United Nations’ recognition of the PRC, China began to improve relations with the western world by taking part in international conferences and even signing treaties to protect disadvantaged groups” (Burnett 2010, 299). International influence has had mixed results in



reform-era China. The opening to the global market has contributed to China's economic growth and exposed it to international standards of human rights, but it has also exacerbated the challenges faced by women, in terms of protecting and advocating women's rights and protection of sex trafficking victims as well as encouraging international cooperation on the problem of transnational sex trafficking, especially among the rural poor. With more international coverage on the problem of sex trafficking in China and international pressure on the Government of China, it could create more support for the realization, implementation, and enforcement of laws and policies that not only address the driving factors of human sex trafficking but also its prevention and protection of victims, thereby continuing the momentum of change.

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