

# Prostitution and Female Trafficking in China

Between Phenomena and Discourse

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**ABSTRACT:** Prostitution is illegal in China and is frequently the target of law enforcement crackdowns. In recent years, the country's growing emphasis on combating human trafficking has also increased the profile of these anti-prostitution campaigns. This is seen in China's current anti-trafficking roadmap, which identifies the nationwide eradication of prostitution as an important prong of the country's anti-trafficking campaign. The two phenomena of prostitution and trafficking in women, or female trafficking, are nevertheless not equivalent. This article argues that, in the contemporary discourse on prostitution and female trafficking in China, the two issues are often conflated. The two terms are used interchangeably in a way that has affected the conceptualisation of female trafficking as a phenomenon that is largely synonymous with prostitution. This problem is exacerbated by the social stigma attached to women who are engaged in prostitution, regardless of the circumstances of their entry. Another aspect of this discourse is its dissociation from historical context, despite the fact that neither prostitution nor the trafficking in Chinese women for the exploitation of prostitution are newly arrived challenges for the present generation. The article therefore argues that discussions on prostitution and female trafficking in China would benefit from a conceptually clear framework that examines these challenges as more than a singular purpose of exploitation or a challenge of modernity.

**KEYWORDS:** China, Human Trafficking, Female Trafficking, Trafficking in Women, Anti-Trafficking, Women, Prostitution, Sex Trade.

## Introduction

In China, as in other countries, prostitution and the myriad policy options to address it are subject to various political considerations. The famed "Swedish model for prostitution," which targets the demand for sexual services by criminalising the purchase of sex, has been held up by some as a useful model (Levy 2015; Yttergren and Westerstrand 2016),<sup>(1)</sup> but it is not without criticisms, which point out the unintended consequences of driving the purchase of sex further underground (Danna 2012: 89). Domestically, China's sex trade generates such negative social connotations that there is virtually no usage of the term "sex work" by the state to offer an alternative discourse for activities in the sex industry. The official English translation of the Chinese criminal law, for instance, refers to "prostitution" instead of "sex work," reflecting the original Chinese term *maiyin* 卖淫 that is used in the law.<sup>(2)</sup> Interestingly, it is also a common term used outside of the legal context to refer to commercial sexual activities by highlighting the transactional nature of such activities, since *maiyin* literally means the "selling of obscenity." During early years of China's economic liberalisation, sex establishments mainly operated in the Special Economic Zones and catered to businesspersons and foreign investors. Since then, the domestic sex industry has become more ubiquitous (Cao and Stack 2010; Gil and Anderson 1998; Jeffreys 2004, 2006; Tao 1997). Due to the fact that many see the ostentatious sex trade as an undesirable aspect of the country's rapid economic rise, this has resulted in a series of crackdowns known as "strike hard" (*yanda* 严打) campaigns against prostitution and other crimes perceived as particular challenges to the post-1978 public order (Liang 2005; Ren 2015; Sigley and Jeffreys 1999; Tanner 1999; Wu 1990; Zhou 2006).

In recent years, China's law enforcement crackdowns against prostitution have seen an increased rhetorical focus on efforts to combat human trafficking, which is a broad category that includes different victims and for various purposes of exploitation beyond the prostitution of others. For instance, sexual and labour exploitation that occurs in the domestic sphere, as in cases of domestic servitude or forced marriages, would additionally fall within the scope of human trafficking and present a major challenge of detection owing to these abuses taking place in private homes. Nonetheless, the China National Plan of Action on Combating Trafficking in Persons (2013–2020) (*Zhongguo fandui guaimai renkou xingdong jihua (2013—2020 nian)* 中国反对拐卖人口行动计划 (2013—2020年)) identifies the nationwide eradication of prostitution as an important prong of the country's anti-trafficking campaign.<sup>(3)</sup> The plan states as its second most important priority, after mea-

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1. There is a large body of literature on the said Swedish model. Although discussions on the Swedish model largely focus on the criminalisation of the purchase of sex, it is more than a legal response. The Swedish response addresses prostitution as a multifaceted issue with strong social-structural components; see Yttergren and Westerstrand 2016: 45–46.
2. While the Chinese criminal law refers to "prostitution," advocates of those working in the domestic sex trade tend to use the term "sex work" (*xing gongzuo* 性工作), in line with similar discourse abroad that frames these activities within the constructs of labour and employment. This article uses both terms: "prostitution" when it is in the context of the government's prohibitionist position or as originally used by the referenced author(s); and "sex work" more generally.
3. General Office of the State Council of the People's Republic of China, "国务院办公厅关于印发中国反对拐卖人口行动计划 (2013—2020年) 的通知" (*Guowuyuan bangongting guanyu yinfa Zhongguo fandui guaimai renkou xingdong jihua (2013—2020 nian) de tongzhi*, Notice of the General Office of the State Council of the People's Republic of China on China National Plan of Action on Combating Trafficking in Persons, 2013–2020), 2 March 2013, Part. 2, Section. 1.2(2).

sures to prevent exploitation in labour employment, that the government aims to crackdown on prostitution and solicitation. China's National Plan of Action on Combating Trafficking therefore illustrates a tension between efforts to combat human trafficking, specifically trafficking in women or female trafficking, and prostitution, particularly in jurisdictions that strictly prohibit prostitution. For instance, what is "trafficking in women for the purpose of sexual exploitation"? Is this term synonymous with female prostitution, meaning that all adult women who are involved in the sex trade should automatically be seen as victims of trafficking? There is no straightforward answer to this very question, with fierce disagreements between those who advocate for a strict prohibition of prostitution versus others favouring a more decriminalised approach for non-coerced, adult prostitution (Gallagher 2001: 984-988; Gallagher 2010: 38-39). Referring to the international legal agreement to combat human trafficking, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ("Trafficking Protocol") adopted by the UN General Assembly in November 2000,<sup>(4)</sup> for a definitive answer also does not offer much guidance. This is because the Trafficking Protocol specifies that it addresses the issue of prostitution strictly in the context of trafficking, and the exact relationship between prostitution and female trafficking was left to the interpretation of individual states (UNODC 2004: 268).<sup>(5)</sup>

In China, the growing emphasis on combating trafficking in persons has meant that anti-trafficking features heavily in public order campaigns enforcing the prohibition on prostitution. This is articulated in China's National Plan of Action on Combating Trafficking, which pledged "to severely crackdown on the illegal activities of prostitution and solicitation (...) [and] to secure the public order of entertainment service venues, as well as to improve assistance in the education and employment rehabilitation provided to fallen women [of prostitution] (*shizu funü* 失足妇女)." <sup>(6)</sup> The formulation of this priority is marked by two noteworthy observations. First, combating prostitution and solicitation is the first priority that specifically addresses women as victims of trafficking. However, this is done in a derogatory tone by labelling them as *shizu funü*. Second, the Ministry for Public Security is identified as the main authority responsible for implementing programs to target prostitution-related crimes within the broader anti-trafficking agenda. The article argues that, in the contemporary discourse on prostitution and female trafficking in China, the two are often conflated and used interchangeably in a way that has affected the conceptualisation of female trafficking in the country. In this context, female trafficking becomes a phenomenon that is largely synonymous with prostitution, even though trafficking in persons under international law encompasses more than the end purpose of the exploitation of prostitution (Gallagher 2015). For instance, trafficking in women could also be for the purpose of forced or sham marriage as another form of exploitation (Gallagher 2016).<sup>(7)</sup> The problem of accurate conceptualisation is not unique to China, however, for it has been observed that trafficking victims of sexual exploitation in other jurisdictions are also likely to be treated as prostitutes or other individuals who have violated the law and are then denied the rights guaranteed to them under international standards and applicable national law (Roth 2012: 8). However, what is more pronounced in China is the conflation of the two terms of female trafficking and prostitution in the political narrative in which both phenomena supposedly completely disappeared and only reappeared as a recently-arrived social malaise as result of the country's economic opening in 1979.

The supposed eradication of prostitution in China by the late 1950s was seen as such a major accomplishment for the new regime that it necessitated a domestic narrative wherein "prostitution [had] effectively 'disappeared' as an object of governmental concern (...) until it reemerged [with the country's] shift from a planned to a market-based economy" (Jeffreys 2010: 129-130). This conceptualisation is flawed, for neither prostitution nor trafficking in Chinese women for sexual exploitation are newly arrived challenges for the present generation (Cao and Stack 2010; Gil and Anderson 1998). In fact, if one looks to historical parallels to China's current anti-trafficking roadmap, one sees that earlier governments also grappled with similar issues. These include the challenge of disentangling cases of sex trafficking based on a matrix of the coercive means used to enable and maintain the women's sexual exploitation from the broader sector of voluntary, adult prostitution. Just as anti-trafficking is seen as a serious challenge for present-day China, there are interesting parallels to accounts of the widespread problem of female trafficking during late-nineteenth and early-twentieth century China. Distinctions were made in past anti-trafficking efforts concerning circumstances of the women's entry into prostitution and their subsequent treatment. French sinologist Christian Henriot, for example, raised the challenge of identification in his study on prostitution in Shanghai from 1849 to 1949 (Henriot 2001). During this period, there were two coercive means of entry into prostitution for Chinese women: being directly sold or collaterally pledged into prostitution and being held in a system of debt bondage.<sup>(8)</sup> Differentiating between the Chinese women who entered prostitution through a direct sale or pawning, Henriot estimated that the "proportion of girls sold or pledged [into prostitution] probably did not amount to more than half" of all the prostitutes in Shanghai (Henriot 2001: 233). The other half would be the voluntary prostitutes who received food and lodging against half of their earnings but had no additional debts to repay.<sup>(9)</sup> Both pathways of being sold or pledged into prostitution thus represented extreme forms of exploitation, and they were respectively characterised by Henriot as "slaves" or "virtual slaves" to reflect their plight (Henriot 2001: 233).

Challenges of identification and labelling remain in the contemporary setting and influence the current lens used to understand victimhood of sexual exploitation. Foremost, identification and labelling have a profound impact on statistic-gathering, and this, in turn, affects our understanding of the situations of female trafficking and prostitution in China. For instance, the National Bureau of Statistics of China does not collect numbers related to female trafficking (*fanmai funü* 贩卖妇女) "nor do any [of] its own past surveys, microcensuses or censuses contain such

4. United Nations General Assembly, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, Resolution 55/25, 15 November 2000.

5. The Trafficking Protocol specifies that it does not oblige State Parties to criminalise prostitution, only prostitution in the context of trafficking in persons.

6. State Council of the People's Republic of China, "中国反对拐卖人口行动计划 (2013—2020年)" (*Zhongguo fandui guaimai renkou xingdong jihua* (2013—2020 nian), China National Plan of Action on Combating Trafficking in Persons, 2013-2020), 2 March 2013, Part. 2, Section. 1.2(2). The cited statement is based on the author's translation, as there is no official English version of this action plan to date.

7. Trafficking for forced or sham marriages accounts for about 1.4% of the total number of detected victims of trafficking in the data reported to the UN by 15 countries during the 2012-2014 period (UNODC 2016: 32).

8. League of Nations, *Commission of Enquiry into Traffic in Women and Children in the East: Report to the Council*, Official No. C.849.M.393.1932.IV, 1932, 43-44.

9. *Ibid.*

information.”<sup>(10)</sup> Instead, the Bureau of Statistics relies on numbers collected by the Ministry of Public Security, which is the only domestic institution that regularly collects case numbers on trafficking in persons; this information, however, cannot be checked against other potential, but more restrictive, sources of data, such as those kept by the courts or the procuratorate, due to the challenge of access to information in the country.<sup>(11)</sup> The result is that one must rely on various pieces of information gleaned from various sources—official, media, or academic—in order to construct a fuller understanding of China’s situation of female trafficking that is consistent with international standards and not completely dissociated from its historical context.

This article argues that, in China, much could be gained by addressing female trafficking as more than the singular challenge of anti-prostitution, for which the strict prohibition against prostitution does not reflect the reality of its prevalence. Independent of the discourse of the illegality of prostitution, this requires a more nuanced understanding of female trafficking as more than cases that involve the crimes of prostitution and solicitation, since other purposes of exploitation also exist. This article specifically focuses on trafficking in women for the exploitation of prostitution for the reason that operations against prostitution have long been identified as a high priority for law enforcement in China, stemming from the “strike hard” campaigns post-1978. The term “female trafficking” is therefore used in the article not to underemphasise the severity of other forms of exploitation of trafficking in women, but rather to reflect the way that this term has largely taken on the meaning of female prostitution in China. Another point to consider in the Chinese context is how the politicised nature of discussion surrounding prostitution overshadows other issues, such as the social stigmatisation faced by women found to have engaged in prostitution, regardless of potential coercive events that they might have experienced that could fall within the scope of the international definition of trafficking in persons. The article begins with an examination of the situation of prostitution in the country, including reported cases of forced prostitution. Thereafter, the article examines in depth the two phenomena of prostitution and trafficking in women and argues that the ease with which these phenomena are conflated in China belies the more complicated process of criminality represented by trafficking. Here, the article makes use of various official documents and statements to indicate the ambiguity that exists in the using of these two terms in China. In an attempt to build a fuller understanding of female trafficking in the country, information and estimates on the extent of female trafficking in China are necessarily gleaned from different sources. These include domestic official documents on anti-trafficking and related issues, such as the development of women; governmental documents from abroad, such as those from the United Nations or U.S. reports on trafficking in persons as it pertains to China; statistics on trafficking released by the Ministry of Public Security to domestic media; as well as selected academic studies on prostitution and trafficking in China.

### **Between phenomena and the discourse of prohibition**

Prostitution is illegal in China, with an entire section of the Chinese criminal law dealing with the “crimes of organizing, forcing, luring, sheltering, or procuring other persons to engage in prostitution.”<sup>(12)</sup> Prostitution-related offences are also addressed as administrative violations. In fact, most women suspected of being involved in prostitution are dealt with adminis-

tratively and can be sentenced to detention in extra-judicial holding centres without having had a fair trial, the right of appeal, or defence counsel.<sup>(13)</sup> The illegality of prostitution is nevertheless at conspicuous odds with the prevalence of the domestic sex trade. Underscoring the seeming ubiquity of sexual establishments in China, one study notes: “Erotic services take place in various establishments that include karaoke bars, hotels, sauna salons, hair salons, disco and other dancing halls, small roadside restaurants, parks, cinemas, and video rooms” (Zheng 2009: 55). To this list, one Chinese scholar adds massage parlours, which flourished in the late 1980s due to a regulatory loophole that allowed them to register as medical establishments in different localities (Dan 1995: 404, 407). This incongruity between legal prohibition and the reality of domestic sex trade results in frequent and intense crackdowns against prostitution (Gil and Anderson 1998; Tao 1997). Colloquially referred to as “sweeping away the yellow” (*saohuang* 扫黄), these are high-profile campaigns adopted by either national or local authorities. For instance, a two-month *saohuang* campaign from April to May 2012 in Beijing saw the forced closure of 48 venues suspected of being involved in prostitution, following a similar local campaign in April 2010 during which more than a thousand individuals were arrested for allegedly engaging in prostitution.<sup>(14)</sup> Furthermore, since 1993, those suspected of being involved in the sex trade can be sentenced to a form of administrative detention from six months to two years without legal representation and entirely outside the formal criminal justice process.<sup>(15)</sup>

Despite the heightened attention given by law enforcement to the issue of prostitution, the phenomenon is actually not well documented statistically. There is simply a lack of reliable data on the extent of China’s domestic sex trade (Tao 1997). Although this reflects the general challenge of accurately quantifying any illicit activity—a problem that is not unique to China—the estimates for sex workers in China vary significantly. While one estimate points to around three million sex workers in China, other figures indicate a number close to four million; some also believe that the number of domestic sex workers could be as high as ten million if one includes individuals who sometimes accept material benefits for sex (Liu 2011: 10).<sup>(16)</sup> Therefore, this wide range of estimates and the absence of official figures from government sources introduces a certain unreliability in examinations of the country’s domestic sex trade. Another lacuna of knowledge stems

10. Email exchange with Prof. Dr. Thomas Scharping, Chair for Modern Chinese Studies at the University of Cologne, Germany, in August 2016, following the conference, *China Goes Global: New Perspectives on Chinese Migration in China and Abroad*, held in Cambridge, England, on 27–28 June 2016.
11. *Ibid.*
12. National People’s Congress of the People’s Republic of China, “Criminal Law of the People’s Republic of China,” *Database of Law and Regulations*, [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384075.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384075.htm) (accessed on 10 January 2016), Ch. VI, Sec. 8.
13. The domestic treatment of women suspected of engaging in prostitution under administrative sanctions is extremely problematic and leads to serious abuses against the apprehended women; see, for instance, Human Rights Watch, “Swept Away”: *Abuses against Sex Workers in China*, May 2013, <https://www.hrw.org/report/2013/05/14/swept-away/abuses-against-sex-workers-china> (accessed on 9 October 2017).
14. Cao Yin, “Crackdown on Venues Suspected of Prostitution,” *China Daily*, 13 June 2012, [http://www.chinadaily.com.cn/china/2012-06/13/content\\_15497944.htm](http://www.chinadaily.com.cn/china/2012-06/13/content_15497944.htm) (accessed on 15 December 2015).
15. State Council of the People’s Republic of China, “*卖淫嫖娼人员收容教育办法*” (*Maiyin piaochang renyuan shourong jiaoyu banfa*, Measure on the Custody and Education of Prostitutes and their Clients), promulgated on 4 September 1993 and revised on 29 December 2010, article 9; the measure can be found in Asia Catalyst, *Custody and Education: Arbitrary Detention for Female Sex Workers in China*, December 2013, <http://asiacatalyst.org/resources/research/> (accessed on 15 December 2015), 45–47. Although the Chinese government announced in late-2013 the abolition of a similar system of administrative detention known as “Reeducation Through Labour,” the “Custody and Education” system remains.
16. Collection of different figures cited in Liu 2011.

from the lack of a further breakdown of data on sex workers by gender or age, even though male prostitution also exists in China (Kong 2014; Tao 1997). Few studies on the sex trade in China include male prostitution, owing to the increased difficulties of accessing male sex workers and the fact that, as elsewhere where the demand for commercial sexual activities is predominantly driven by men, the majority of sex workers in China are women (Jordan 1997; Monto and Julka 2009).<sup>(17)</sup>

Understanding the extent of female prostitution in China is further complicated by how prostitution intersects with gendered patterns of domestic migration. This is important because the sex industry is a major receptor of female migrants in China by serving as a convenient employment option (Davidson 2001: 11; Ren 2015). Nevertheless, women's entry into sex work could defy a straightforward mapping of their agency and consent. For example, while their initial decision to migrate represents an exercise of their agency, their entry into the sex sector could be the result of fraudulent job recruitment, the use of other deceptive means, or the use of physical violence, actual or threatened. This is illustrated by a case of forced prostitution reported in August 2007, involving five female victims between the ages of 15 and 18. They were initially recruited to work as reflexology therapists by a man who had promised them a monthly wage, board, and accommodation, with a chance of performance-based promotion. They later discovered reflexology was merely a cover for prostitution, and they were forced to accept about ten customers a day without pay. The girls were heavily monitored, beaten, and threatened with death after several failed escapes. One eventually found the police, who then rescued the remaining girls and apprehended the recruiter and his four accomplices.<sup>(18)</sup>

This case of forced prostitution parallels another scandal. Wang Ziqi operated numerous brothels in Chongqing from 1994 to 2009 and harboured around 2,000 female prostitutes, of which 300 were found to have been forced into the situation.<sup>(19)</sup> Wang and her accomplices used various physical and psychological tactics to exploit their victims, including violent beatings, threats of exposure or harm against the women and their families, illegal detention, as well as the initial deception about the nature of employment. In 2003, one detained woman sought escape by jumping from the eighth floor and became paralysed in the fall. Fearing that the accident would expose their operations, Wang and her associates locked the victim in a room for six years until her rescue by the police in September 2009. Another victim developed long-term psychological problems resulting from frequent beatings and confinement. Wang was found guilty and sentenced to death in August 2010 by the Chongqing Fifth Intermediate People's Court on charges of organising and leading a criminal group; forcing and arranging for another person to engage in prostitution; unlawful detention; and bribery.<sup>(20)</sup> Wang's execution in 2011 became the first ever execution for the crime of forced prostitution in China.<sup>(21)</sup>

### Conflated terms and stigmatisation

The conviction of Wang Ziqi in 2010 on charges that included forcing of and arranging for another person to engage in prostitution (Articles 358 and 359 of the Chinese Criminal Law) was widely reported as a particularly notorious case of forced prostitution enabled by local malfeasance. Reports that emerged of how the women under Wang's control were treated left little doubt that they were coerced, with no expectation of escape, into a situation of sexual exploitation. Although Wang's conviction did not include the charge of abduction and trafficking in women and children under Article

240 of the Chinese Criminal Law, the case would have clearly fallen into the article's scope that criminalises abduction and trafficking in women or children, with "enticing or forcing the woman who is abducted and trafficked in to engage in prostitution" listed as a more serious offence. What the Wang Ziqi case illustrated, along with the aforementioned case of minors forced to work in a reflexology practice, is that the various means used to maintain an individual in sexual exploitation can be multifaceted; it can be brute physical violence or the more indirect means of threat or use of force, coercion, fraud, deception, and the abuse of the individual's position of vulnerability. The international definition for trafficking in persons recognises the complexity of means that could be involved by listing a wide range of such dynamics:

[T]he recruitment, transportation, transfer, harbouring or receipt of persons, by means of *the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person*, for the purpose of exploitation (...) [that] shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation (...).<sup>(22)</sup>

The long definition establishes the crime of trafficking as any conduct that combines any of the listed actions and means and is carried out for the purpose of labour exploitation, including those of a sexual nature. This means that trafficking is a more complicated process of criminality than simply the end purpose of prostitution. For instance, the definition of trafficking in international law explicitly establishes that the actual exploitation does not need to have occurred for it to constitute the crime of trafficking, so long as the intended purpose of the exploitation can be established. The intersection of prostitution and sex trafficking can therefore begin with the potential presence of these means, representing either direct or indirect coercion undertaken to maintain another person's situation in exploitative labour, regardless of the particular jurisdiction's position on the prohibition of prostitution. However, an enforcement approach under the rubric of anti-trafficking that leans predominately on the arrest and prosecution of those found to engage in prostitution can have the unintended effect of neglecting other elements of criminality at earlier stages of the trafficking process,

17. Some public health reports do refer to the population of men who have sex with men in China, although it is not clear if these studies further address the specific subgroup of those who are engaged in sex work; see China Ministry of Health and UN Theme Group on HIV/AIDS in China, "A Joint Assessment of HIV/AIDS Prevention, Treatment and Care in China," *UNAIDS*, [http://data.unaids.org/una-docs/china\\_joint\\_assessment\\_2003\\_en.pdf](http://data.unaids.org/una-docs/china_joint_assessment_2003_en.pdf) (accessed 4 January 2016), 67.
18. Tang Yang, "温州5少女被骗至沈阳卖淫每天要接10个客人" (Wenzhou 5 shaonü bei pian zhi Chenyang maiyin meitian yaojie 10 ge keren, Five young women from Wenzhou tricked and sent to Shenyang as prostitution, forced to serve ten customers each day), *Xinhua News Zhejiang*, 30 August 2007, [http://www.zj.xinhuanet.com/newscenter/2007-08/30/content\\_11001166.htm](http://www.zj.xinhuanet.com/newscenter/2007-08/30/content_11001166.htm) (accessed on 20 January 2016).
19. "女黑老大强迫妇女卖淫 "法西斯式管理" 手段残忍" (Nuheilaoda qiangpo funü maiyin 'Faxisi shi guanli' shouduan canren, Female mobster forced women into prostitution and controlled them in a cruel "fascist" manner), *Legal Daily*, 8 December 2011, <http://legal.people.com.cn/GB/16534535.html> (accessed on 20 January 2016).
20. *Ibid.*
21. "重庆女黑老大成国内首位因强迫卖淫获死刑罪犯" (Chongqing nuheilaoda cheng guonei shouwei yin qiangpo maiyin huo sijing zuifan, Chongqing female mobster is the first sentenced to the death penalty on charge of forced prostitution in China), *Chengshi Evening News*, 8 December 2011, [http://www.fjsen.com/h/2011-12/08/content\\_7112158.htm](http://www.fjsen.com/h/2011-12/08/content_7112158.htm) (accessed on 20 January 2016).
22. Trafficking Protocol, Article 3, italics added for emphasis.

which can include the actions of those who organised, facilitated, sheltered, or profited from the said sexual exploitation of another.

In China, the conceptual confusion between trafficking in women and prostitution is further reflected at the level of law enforcement, where anti-prostitution campaigns regularly receive sustained policing not only due to concerns of vice and criminality but also as rescue operations to combat human trafficking. One testimony describes this conceptual ambiguity in anti-prostitution crackdowns in China:

In China, beginning in 1989, the state has launched periodic nationwide anti-trafficking and anti-prostitution campaigns, known as crackdowns, to end trafficking in the sex trade. During the crackdowns, the Public Security Bureau employs a complex system of raids to attack the underground brothels, to locate undocumented trafficked sex workers (...). By conflating and confusing trafficking and prosecution [for the crime of prostitution] (...) anti-trafficking strategies focus on raid and rescue (...) [and] enable law enforcement officials to exercise force to raid brothels, detain, rehabilitate, and deport women and children detected and identified as illegal migrant sex workers. (23)

The conflation of anti-trafficking in women with anti-prostitution is problematic. An anti-trafficking approach that focuses primarily on the arrest and prosecution of those engaged in prostitution can have the unintended effect of overlooking the fact that trafficked victims in sexual exploitation are entitled to special protection and assistance under international law. This then raises the thorny issue of victim identification in human trafficking, where adequate attention needs to be given to the more covert element of the means used to enable a situation of exploitation. Viewed from this perspective, women who were trafficked into the commercial sex trade, instead of being seen and treated as criminal offenders for violating the prohibition against prostitution, warrant special rehabilitation and assistance under the international protocol on combating trafficking in persons, which calls for a host of measures that a State Party to the protocol shall implement, to the extent possible, to protect victims of human trafficking. (24) The real challenge, then, is to properly distinguish between female trafficking and prostitution, despite the fact that the distinction between the two is not one that is readily and clearly maintained in China's domestic political discourse.

Part of the problem of discourse arises from the strong stigmatisation that is usually attached to the women who find themselves engaged in prostitution in China, regardless of the circumstances of their entry. Anthropologist Tiantian Zheng, who conducted ethnographic fieldwork amongst Chinese female sex workers in a karaoke bar in Northeastern China, described their systemic, social marginalisation: "State, popular, and intellectual representations condemn hostesses' voluntary engagement in the sex business as influenced by Western spiritual pollution and the abnormal psychology and biology of the women" (Zheng 2009: 25). In the past, the strong stigmatisation had been backed by overzealous law enforcement crackdowns against prostitution that relied on a component of their public shaming. (25) For instance, one incident reported in Dongguan in 2010 involved two female sex workers who were apprehended and then paraded barefoot, handcuffed, and tethered by a rope by law enforcement. (26) Responding to these incidents of public shaming, the Ministry of Public Security ordered a halt to such tactics in July 2010 and called on local officials to enforce laws in a "rational, calm and civilized manner." (27) Nevertheless, the stigmatisation against women found to engage in the sex trade is dif-

ficult to completely eliminate. As noted earlier, such discrimination is so intense that the women are labelled as "fallen women" (*shizu funü* 失足妇女), or literally as "women who have lost their footing," in China's current roadmap against human trafficking released in 2013.

The shift in terminology to "fallen women" for those found to engage in prostitution came into official use in December 2010, when Liu Shaowu, head of the Bureau of Public Security Management under the Ministry of Public Security, announced that "[t]hose who were previously referred to as female prostitutes can now be called 'fallen women' instead." (28) Explaining the reasoning for the change, Liu affirmed that "marginalised groups are also deserving of respect." (29) However, it is contentious that the new term is less denigrating. An examination of the comments online indicates that many discussions have argued that the label "fallen women" subjects those who work in the sex trade to the same, if not more intense, amount of social discrimination, owing to the fact that the ideation of the fallen ultimately denotes a sense of impropriety. (30) One commentator openly opined that the term "fallen women" effectively signifies the nadir in their social status and represents their unequal treatment as a member of society. (31) Against this backdrop of stigmatisation is ultimately the question of the women's agency and victimhood, involving the element of their consent to their employment. Prominent Chinese sociologist Pan Suiming, known for his pioneering research on sexology, has argued that most domestic prostitution is not coerced, based on results from his multiyear study of 19 different sex establishments and three red-light districts (Pan 1999). In the realm of public opinion and official position, however, such nuanced debates on coercion and voluntariness in prostitution is absent in anti-prostitution campaigns that characterise the apprehended women as either individuals who violated the criminal prohibition on prostitution or "fallen women" deserving of sympathy, at the same time that such campaigns are supposedly also carried out to combat female trafficking. The confusion in the usage of the terms "female trafficking" and "prostitution" is described below in an expert testimony on the prevalence of human trafficking in China:

23. "China and Human Trafficking: Updates and Analysis. Roundtable Before the Congressional-Executive Commission on China, One Hundred Eleventh Congress, Second Session," *Congressional-Executive Commission on China*, 20 August 2010, <http://www.cecc.gov/events/roundtables/china-and-human-trafficking-updates-and-analysis> (accessed on 20 January 2016), 5.
24. Trafficking Protocol, articles 6-8.
25. See Andrew Jacobs, "China Pushes to End Public Shaming," *The New York Times*, 27 July 2010, <http://www.nytimes.com/2010/07/28/world/asia/28china.html> (accessed on 20 January 2016); Edward Cody, "Public Shaming of Prostitutes Misfires in China," *The Washington Post*, 9 December 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/08/AR2006120801480.html> (accessed on 20 January 2016).
26. "China Bans 'Shame Parades' of Prostitutes," *China Daily*, 28 July 2010, [http://www.china-daily.com.cn/china/2010-07/28/content\\_11058479.htm](http://www.china-daily.com.cn/china/2010-07/28/content_11058479.htm) (accessed on 20 January 2016).
27. *Ibid.*
28. "公安部建议将'卖淫女'改称'失足妇女'" (*Gonganbu jianyi jiang "mai yinnü" gaicheng "shizu funü"*, Ministry of Public Security proposes renaming "female prostitutes" as "fallen women"), *china.org.cn*, 15 December 2010, [http://www.china.com.cn/info/2010-12/15/content\\_21551615.htm](http://www.china.com.cn/info/2010-12/15/content_21551615.htm) (accessed on 1 February 2016).
29. *Ibid.*
30. See "观点交锋: '卖淫女'改称'失足妇女',您是赞成还是反对?" (*Guandian jiaofeng: "mai yinnü" gaicheng "shizu funü," nin shi zancheng haishi fandui?* Thematic discussions: Do you support or oppose the move to rename "female prostitutes" as "fallen women?"), *People Daily*, 11 December 2010, <http://qblog.people.com.cn/GB/politics/209899/13468640.html> (accessed on 1 February 2016); and "公安部建议卖淫女改称失足妇女 媒体称仍有偏见" (*Gonganbu jianyi mai yinnü gaicheng shizu funü meiti cheng rengyou pianjian*, Ministry of Public Security proposes changing "female prostitutes" to "fallen women" but bias remains claims media), *china.org.cn*, 13 December 2010, [http://www.china.com.cn/policy/txt/2010-12/13/content\\_21528258.htm](http://www.china.com.cn/policy/txt/2010-12/13/content_21528258.htm) (accessed on 1 February 2016).
31. Xu Dongmei, "卖淫改失足只是一个文字游戏" (*Maiyin gai shizu zhishi yige wenzi youxi*, It is only a word game to change from prostitution to losing one's footing), *china.org.cn*, 15 December 2010, [http://www.china.com.cn/info/2010-12/15/content\\_21551687.htm](http://www.china.com.cn/info/2010-12/15/content_21551687.htm) (accessed on 1 February 2016).

[T]here are these misconceptions that can sometimes cloud our analysis of these issues [of prostitution and trafficking]; where you can find somebody who (...) in some instances, chose that situation [of prostitution]; and, the very tricky task for delineating when something that starts out as free will becomes a more coercive situation [as in female trafficking].<sup>(32)</sup>

The accurate identification of trafficking victims is difficult, given the illegality of prostitution in China that necessitates the challenge of accessing a hidden economic sector. Here, using overlapping labels to describe female trafficking and prostitution results in the absence of a firm understanding of the domestic situation of female trafficking. For instance, an oft-cited figure on trafficking released by the Ministry of Public Security states that a total of 24,118 trafficking victims were rescued in 2011, including 15,458 women and 8,660 children, but the Ministry does not denote the specific purposes of exploitation involved.<sup>(33)</sup> It is very likely that a great majority of the rescued women were those found during police raids on sex establishments, but this aggregated data is not further categorised. It is therefore not possible to glean more insights about the profiles of the rescued women. The same problem exists for trafficking numbers reported by the National Bureau of Statistics. In February 2015, the Bureau released its 2013 Statistical Report on the Implementation Progress of China's Women Development Program (2011-2020), which simply states without providing more disaggregated data: "In 2013, public security organs dealt with a total of 4,537 cases of female trafficking and 2,237 cases of trafficking in children."<sup>(34)</sup> Referencing data reported by the Chinese government to the United Nations is also of limited utility. For instance, the most recent year of data reported by China for the 2016 *Global Report on Trafficking in Persons* continues this statistical ambiguity by not denoting the victim profile for cases of trafficking in women and children.<sup>(35)</sup> These haphazard numbers are sometimes supplemented by official statements on the trend of the problem but often without more precise figures. For example, Chen Shiqu, Director of the Anti-Human Trafficking office of the Ministry of Public Security, spoke in January 2011 on how the number of Chinese women trafficked abroad and forced into prostitution has risen amidst an increasing number of international criminal groups engaged in trafficking, but he declined to provide specific figures.<sup>(36)</sup>

Along with an ambiguous use of terms, the lack of more precise numbers from official domestic sources regarding the situation of female trafficking hampers rigorous analyses on this topic. Nonetheless, some academic studies have tried to fill this lacuna and meet the possible methodological challenges. For instance, a study published in 2011 by criminologist Min Liu attempted to identify and disaggregate trafficking victims from the larger pool of voluntary, adult sex workers in China. Liu's study on prostitution and human trafficking in Shenzhen found that only six of the 40 female prostitutes she interviewed over a two-year period were what she would consider to be victims of trafficking (Liu 2011: 96). While there are methodological limitations in the study due to the difficulties of having a large and random sample when dealing with a hidden population, Liu's attempt to distinguish between prostitution and trafficking for her sample in Shenzhen makes a unique contribution. While Liu cautioned against extrapolating results to elsewhere in the country, notwithstanding these methodological constraints, a crude approximation based on her results for the number of trafficked women for prostitution in China would be in the range of several hundred thousand, even when one uses the most conservative estimate of there being four million sex workers in China. This floor estimate is important, for it cautiously indicates a situation of female

trafficking that is already more severe than what is currently believed. For example, one figure by the U.S. State Department places the minimum number of internally trafficked victims, both male and female, at around 10,000 to 20,000, while recognising that the actual number could be much higher.<sup>(37)</sup>

It is rare within both international and domestic literature to have rigorous research conducted on prostitution and trafficking in China that seeks to discern the more coercive dynamics of trafficking. Nevertheless, to effectively meet the present anti-trafficking challenge in China, these types of studies will become increasingly important to evolve discussions on trafficking beyond incomplete, selected statistics based on flawed assumptions and denigrating terms to a more accurate and nuanced understanding. In addition to the conflation of these two terms, the discourse on prostitution and female trafficking in China invokes a misplaced sense of modernity. Perhaps owing to the severity of cases of female trafficking and the seeming ease with which the crime is carried out, the characterisation of trafficking for prostitution in China often comes with a domestic characterisation of modernity, as part of the "excesses of capitalism" that arrived with the country's economic liberalisation in 1979.<sup>(38)</sup> This is especially because the government, rhetorically at least, believes that it already successfully addressed the problems related to the social marginalisation and exploitation of women in the decades immediately following the founding of the People's Republic in October 1949. The discourse of modernity, however, is not an accurate representation of the problem of female trafficking in China. Further, it has the negative effect of mistakenly portraying female exploitation in the country as a new, reactionary phenomenon to Western influences.

### The characterisation of modernity

The commitment towards gender equality featured strongly in the founding of the People's Republic. Article 48 of the Constitution of the People's Republic of China affirms:

Women in the People's Republic of China enjoy equal rights with men in all spheres of life, in political, economic, cultural, society and family life. The State protects the rights and interests of women.<sup>(39)</sup>

32. "China and Human Trafficking," *Congressional-Executive Commission on China*, 9-10.
33. "去年全国公安机关共解救被拐儿童8660人妇女15458人" (*Qunian quanquo gonganjiguan gongjiejiu beiguai ertong 8660 ren funü 15458 ren*, Public Security authorities nationwide rescued a total of 8660 trafficked children and 15,458 trafficked women last year), *China Daily*, 11 March 2012, [http://www.chinadaily.com.cn/dfp/shizheng/2012-03/11/content\\_14806656.htm](http://www.chinadaily.com.cn/dfp/shizheng/2012-03/11/content_14806656.htm) (accessed on 20 January 2016).
34. 2013年《中国妇女发展纲要(2011-2020年)》实施情况统计报告 (*2013 nian zhongguo funü fazhan gangyao (2011-2020 nian) shishi qingkuang tongji baogao*, 2013 Statistical Report on the Implementation Progress of China's Women Development Program (2011-2020)), *National Bureau of Statistics of the People's Republic of China*, 3 February 2015, [http://www.stats.gov.cn/tjsj/zxfb/201501/t20150122\\_672472.html](http://www.stats.gov.cn/tjsj/zxfb/201501/t20150122_672472.html) (accessed on 10 October 2017).
35. UNODC, *Global Report on Trafficking in Persons 2016, Country Profile: China*, [https://www.unodc.org/documents/data-and-analysis/glotip/Glotip16\\_Country\\_profile\\_East\\_AsiaPacific.pdf](https://www.unodc.org/documents/data-and-analysis/glotip/Glotip16_Country_profile_East_AsiaPacific.pdf) (accessed on 28 January 2018), 6.
36. Zhang Yan and He Dan, "Trafficking of Chinese Women on the Rise," *China Daily*, 24 January 2011, [http://www.chinadaily.com.cn/china/2011-01/24/content\\_11902610.htm](http://www.chinadaily.com.cn/china/2011-01/24/content_11902610.htm) (accessed on 1 February 2016).
37. United States Department of States' Office to Monitor and Combat Trafficking in Persons, "Trafficking in Persons Report 2007," *U.S. Department of State*, June 2007, <http://www.state.gov/j/tip/rls/tiprpt/2007/> (accessed on 20 January 2016), 80.
38. See, for instance, Han Zhu, "广场运动与普世主义" (*Guangchang yundong yu pushizhuyi*, Mass protest movements and universalism), *Guancha.cn*, 14 June 2012, [http://m.guancha.cn/HanZhu/2012\\_06\\_14\\_79038.shtml](http://m.guancha.cn/HanZhu/2012_06_14_79038.shtml) (accessed on 20 January 2016).
39. The Legislative Affairs Work Committee of the Standing Committee of the National People's Congress (ed. and trans.), *Constitution of the People's Republic of China*, Beijing, People's Publishing House, 2004, p. 43, article 48.

It further asserts the equal status of women in production and within the Chinese Communist Party. Chairman Mao Zedong believed that women would no longer be inferior to men if they could gain economic independence through employment; hence, the large increase in the number of employed women during the early years of the People's Republic convinced many that Chinese women had achieved equality and liberation from past oppression (Yuan 2005: 35-37, 60-64). This thinking is reflected in a paper on the resurgence of female trafficking in China presented at an international conference on victimology in 1994, where the historical roots of this phenomenon are simply described by a Chinese scholar (Ren 1996: 69):

Trafficking in women was one of the "oldest evil trades" to flourish in pre-communist China (...). The early practice of women and children trafficking represented women and children's inferior social status before the law and generally reflected the society's values and attitudes toward victims of this evil trade in the traditional Chinese society. When political power changed hands in China in 1949, the new government quickly abolished such inhuman practices against women and children.

Is this a point of nostalgia or historical misrepresentation? While it is undeniable that the decision by the Chinese Communist leadership to embark on market reforms had a singular, seismic effect on modern Chinese society by ushering in decades of economic and cultural transformation, it is not necessarily true that problems of female trafficking did not exist earlier in the history of the People's Republic. Already by 1970, there were reports of young Chinese women sent to the countryside under an official program of transferring young urbanites to remote areas for their own populist education during the Cultural Revolution, only to then return to the cities to work as prostitutes.<sup>(40)</sup> Furthermore, if one expands the examination to include the Republican and late-imperial Qing eras prior to 1949, then there are more notable similarities between past and present cases of female trafficking for sexual exploitation in China. In fact, the phenomenon and dynamics of female trafficking in contemporary China are not completely severed from past practices during the late-nineteenth and twentieth centuries. During these times, some women and young girls were either sold or pawned into prostitution, often as a survival strategy for the remaining members of their indigent families. Similar to present-day dynamics, others could have been deceived by false promises of legitimate employment or marriage. These practices were especially common during the late-Qing period, when internal instability brought about widespread poverty and significant population displacement, and continued into the Republic era.

Mirroring present-day cases of female trafficking in China, the means of trafficking women in the late nineteenth and early twentieth centuries could involve the direct use of force and coercion, as well as other more insidious means based on fraud and deception. One way of procuring Chinese women for the brothels during this period was through their physical abduction, and reports of this era were replete with examples of Chinese women and girls disappearing from their communities and then forced into prostitution by strangers (Hershatter 1997: 75). One study described these kidnappers as a network "[of] roving bandits or unemployed or underemployed city men looking for an easy source of income, abduct[ing] women and girls 'of good families' (...) [who often] were offered for ransom and, if none was forthcoming, were sold for a high price to brothels or procurers" (Gronewold 1985: 13). Others entered and were maintained in sexual ex-

ploitation through the indirect means of fraud and deception, such as under the pretence of marriage. Some women were described as being "lured and tricked by the feigned affection of their male suitors" (Wu 2006: 287). For them, the non-materialisation of a marriage meant that they were commonly derided as "fallen women," for whom there existed few options other than begging or prostitution after their abandonment (Gronewold 1985: 72). Job-related deception also featured prominently as a method of recruiting trafficked women during this period. For example, one case in 1883 described three young Chinese women, who left their families to follow a man promising them legitimate jobs in Hong Kong. Once there, the man held them at a private house, and they eventually learnt of his intent to send them to work as prostitutes. The women were only rescued when a neighbour happened to overhear their wails and notified the police. Later, a note in the police case file simply stated that these cases of deception were not uncommon (Kani 1990: 151).

Once trafficked for the purpose of prostitution, the women were often maintained in their situation of exploitation by means of violence, which was frequently meted out as punishment and served as strong deterrence for others not to disobey the rules and wishes of those who exerted control over them (Dan 1995: 162). In fact, these acts of violence in their daily life were so frequent and common that one Chinese commentator in the 1930s simply noted (Dan 1995: 162):

Not all prostitutes who yield to their life of cruelty behind their facade of smiles consented freely to their fate (...) it is unimaginable for others to think of the physical punishments they suffer. At least the vitriolic scoldings that they regularly receive from the brothel-keepers and owners are not held for much because they do not amount to physical pain. And as far as beatings are concerned, it suffices to say that there are many variations.

These recurrent acts of physical punishment are also different from other less frequent but extreme cases of brutality. Christian Henriot illustrated this latter category with cases of a prostitute who was beaten and jabbed with needles, another who was seriously wounded from being hit with an iron bar, and one whose face was burnt by the brothel madam and later chained in a room (Henriot 2001: 151-153). Physical violence also did not have to take place for it to be an effective deterrent; fears of its administration carried the same effect. For this reason, beatings were sometimes carried out in front of others or within hearing distance, so that the punishment of one served as a common warning (Dan 1995: 163). Ultimately, these different forms and severity of violence had the same practical effect, that of maintaining the trafficked women in a state of exploitation, where they felt that they had no other option but to accept their fate.

In taking a historical perspective to the present-day challenge of anti-trafficking, a striking aspect that emerges is the similarities in the means used to achieve the sexual exploitation of the trafficked women. These diverse means could include brutal violence as manifested by the women's physical abduction, or they could involve indirect coercion, as represented by elements of fraud or deception. It is also important to note that the boundary between the direct means based on abduction, violence, and brutality and others driven largely by fraudulence and deception was fluid and not rigidly delineated. Traffickers frequently used a combination of violence, physical

40. "Chinese City Girls Sent to Countryside Turn to Prostitution," *The New York Times*, 23 August 1970, 6.

intimidation, fraud, and deception to maintain the exploitative situation of the trafficked women. For instance, while there was the procurement of victims through abduction for prostitution in early twentieth-century Shanghai—their “sudden, unexplained, and often irreversible disappearance” (Hershatter 1997: 186)—most traffickers were not complete strangers to their victims. Often, they were individuals the victims had known in some capacity. As described by one historian: “[A]bduction and kidnapping often came about by chance or through a combination of special circumstances,” usually by someone who was not a complete stranger to the victim (Henriot 2001: 188). Fraud and deception were effective methods of recruitment because they facilitated the access that some traffickers had to potential victims. These cases thus illustrated the blurred line between direct means of abductions and violence and other indirect means of trafficking. A historical perspective therefore highlights the important observation that, despite their diversity, the means used in trafficking in present-day China are not newly invented ways of coercion or compulsion. This underscores the continuity of the anti-trafficking challenge facing the country, despite the political imperative to characterise trafficking in women for prostitution as a recent social malady.

## Conclusions

An examination of the political discourse of prostitution and trafficking in China reveals that it is largely a discussion based on an imprecise usage of terms, stigmas, and an episodic narrative focused on the contemporary aspects. The lack of clarity in the way the terms female trafficking and prostitution are used has a real effect on who is labelled a trafficking victim, giving rise to the broader challenge of an accurate identification of trafficking victims, which is a key pillar of an effective anti-trafficking strategy. Conflating female trafficking with prostitution also would revert to the enforcement approach during the early 1920s, when the 1921 International Convention for the Suppression of the Traffic in Women and Children equated international trafficking with commercialised prostitution (Dunbar 2000: 110). Various national authorities during this time often relied on the number of registered prostitutes as a convenient indicator of the scale of female trafficking in their territories, thereby obstructing an accurate understanding of the dynamic of trafficking, which can begin much earlier than the end situation of prostitution. Therefore, official figures on the extent and demography of victims from this time are believed to be extremely low estimates for the historical trafficking in women. One report by the League of Nations Special Body of Experts on Traffic in Women and Children in 1927 struggled with obtaining better estimates for the different categories of registered, clandestine prostitutes and victims of trafficking:

It is impossible to give even approximate figures of the extent of traffic in women and girls (...). [I]t should be remembered that the statistics procured mainly relate to registered prostitutes, who form part only of the number of women practising prostitution (...). There is reason to believe that large numbers of clandestine prostitutes have also been victims of international traffic. <sup>(41)</sup>

Similar to this past challenge of properly understanding the full extent of trafficking in women, the need for the accurate identification of victims is ever present and is fundamental to the goal of providing special protection and assistance to individuals who fell victim to trafficking.

The discourse of modernity in the portrayal of female trafficking in China is also an over-simplification of this complex phenomenon. Recognising that dynamics relating to the sexual trafficking in women are not completely severed from historical context is an important step towards a fuller understanding of the issue of gender and exploitation in the country. This can then allow for a deconstruction of the rhetoric surrounding how the problem is currently viewed and understood as a recent social phenomenon. By not framing China's female trafficking as a problem causally linked to the country's program of economic liberalisation that began in 1979, a deeper probe of the dynamics that drive or contribute to trafficking and the exploitation of women can properly take place. Slavery scholar Kevin Bales once observed, “It is very difficult to solve a problem you do not understand, and more so if the problem is called by a different name every generation.” <sup>(42)</sup> Beyond the political discourse, the clearer picture that emerges is that the term “female trafficking” as it is used in contemporary China is often seen through the prism of prostitution and becomes intertwined with the highly public and contentious concerns of sexual morality, irregular migration, and the law. Clarity in the terminology of trafficking, as well as being cognisant of its historical context, will go a long way towards a deeper understanding of gender and exploitation in China.

In light of China becoming a State Party to the international Trafficking Protocol in February 2010, it is ever more important to have a keener understanding of the phenomena of prostitution and female trafficking in China—to discern where they may intersect and where they may differ. Definitional issues are not abstract discussions, for they affect the designation of who is a trafficked victim and, therefore, legally entitled to special protection and assistance in accordance with China's obligations under the Trafficking Protocol. A more accurate use of terms, as a basic step, helps to build a clearer understanding of the complexity of trafficking in women that extends to not only sexual exploitation but also other purposes of exploitation. Some of these other forms of exploitation may occur in the domestic sphere, thus making these victims of trafficking harder to detect, as in the case of women in forced marriage situations. At the same time, it is of fundamental importance to note that human trafficking is not a crime that ensnares only female victims, for this would be a gross over-simplification. Beyond the boundaries of female trafficking for sexual exploitation as discussed in this article, other problems of trafficking also present significant challenges for the country. These naturally include cases of trafficking in children and the less highlighted problem of trafficking in adult men for forced labour or sexual exploitation, who fall outside the definition of trafficking in Article 240 of the Chinese Criminal Law, which only includes women and children within its scope (Ling 2016; Yang 2008). For all these other forms of trafficking, the same challenges of definition, labelling, and statistics gathering are also embedded in their discussions. Earnest attempts are critically needed to disentangle how the crime of trafficking in persons is understood domestically in China and internationally. Only then can the challenge of countering trafficking in persons in China move beyond a problem that one does not understand and therefore cannot easily solve.

41. League of Nations, *Report of the Special Body of Experts on Traffic in Women and Children (Part One)*, Official No. C.52.M.52.1927.IV., 1927, p. 10.

42. Kevin Bales, “The Anti-Slavery Project: From the Slave Trade to Human Trafficking,” *University of Pennsylvania Press Newsletter*, June 2011, [http://www.upenn.edu/pennpress/newsletter/ppnl\\_06\\_11.html](http://www.upenn.edu/pennpress/newsletter/ppnl_06_11.html) (accessed on 22 January 2016).

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