



China

- Population: 1.39 billion
 - GDP Per capita (in US dollars): 7.590 (Hong-Kong, SAR, China: 40.169)
 - Single party republic
 - Human development index (HDI): 0.727 (90th rank among 187 countries)
 - Gender inequality index (GII): 0.191 (40th rank among 147 countries)
 - Corruption Perceptions Index (CPI): Score of 37 on a scale from 0 (highly corrupt) to 100 (very clean)
- According to a figure given by the Communist Party of China, there are between 3 and 4 million prostituted persons in China (*Fondation Scelles*, 2013). The OMS, however, estimates between 4 to 6 million prostituted persons (*OMS*, 2010). A study conducted by Asia Catalyst in December 2013, estimated that there were 2.68 million prostituted persons for 26.5 million clients.
- No official statistics on Chinese nationals sexually exploited abroad.
 - Prohibitionist country (articles 66 and 67 of the Administrative Penalty Law, 2005). Prostitutes arrested by authorities are subject to be sent to surveillance and education centers where forced labor is practiced. Clients and procurers are also penalized.
 - In Hong Kong, prostitution in private apartments is legal, but soliciting and brothels are prohibited. In Macau, prostitution in private apartments is legal, but soliciting is prohibited. In Taiwan, prostitution in private apartments is permitted, soliciting is illegal, and brothels are legal.
 - Articles 240, 358, and 359 of the Penal Code criminalize human trafficking and sexual exploitation, which is punishable by up to life imprisonment or, in some circumstances, the death penalty.
 - There has been a substantial increase in large-scale police operations – in 2013, 5000 crime groups were dismantled and 40,000 people arrested. It is estimated that between 18,000 and 28,000 women arrested for prostitution each year are sent to surveillance and rehabilitation centers.
 - The national ratio of 117 men per 100 women generates a demand for foreign brides from neighboring countries (*U.S. Department of State*, 2015). Sold by their families or recruited

through coercion or deception, women frequently find themselves in situations of domestic and sexual slavery.

- A significant phenomenon of domestic trafficking exists, affecting 236 million people in rural exodus (*U.S. Department of State, 2015*).
- Country of origin and destination for victims of trafficking for sexual exploitation.
- Chinese victims are exploited both in Chinese urban centers as well as on all continents. These victims are particularly exploited in large cities, on construction sites, in the mining and forestry industry as well as in areas where there is a high concentration of Chinese diaspora.
- Foreign victims in China originate mainly from North Korea, Tibet, Mongolia, Burma, Laos, Cambodia and Vietnam, as well as other Central Asian Republics.

Sexual exploitation in China from 2013-2015 was marked by diverse forms of prostitution: in luxury hotels, massage parlors, karaoke bars, and occasionally, the domestic work field.

An examination of press reviews conducted by Fondation Scelles (*CRIDES, Fondation Scelles, 2013*) as well as several other reports show that China remains a country of origin, but is also a transit and destination country. The recent discovery of the “marcheuse” (the walker) phenomenon of Chinese prostitution in France demonstrates a steady increase in victims trafficked from poor areas of China (Dongbei, Jiangxi, and Shandong). These facts are reflected in the context of Chinese criminal networks. The Chinese criminal networks represent 17% of the networks dismantled by France in 2014, this number falling just behind that of the Central European networks (*Ministry of the Interior, May 19th, 2015*). The arrests of Chinese procurers made up 17% of all arrests in the matter behind those of Eastern Europe (*Ministry of the Interior, April 24th, 2015*). Wherever Chinese prostitution is present, this method of exploitation reproduces itself: the most vulnerable people, wishing to find a better life elsewhere, are exploited by local gangs. China is also a destination country for women from neighboring countries (North Korea, Burma, Mongolia) who are exploited in the fields of prostitution, forced marriage and work. In recent years, cross-border movement from neighboring countries to China has increased. Many migrants end up in factories in the provinces of Fujian, Guangdong, Jiangxi and Zhejiang, as well as in the southeast. The demand for foreign brides in China is also rising. The International Organization for Migration (IOM) noted that although there are many legitimate cross-border marriages, many women and girls in the Greater Mekong Sub-region continue to be duped by promises of a better life or employment. They are then forced to marry and live a life of domestic and sexual servitude.

Greater Visibility: the Increasing Number of Court Cases

In February 2014, a spectacular operation, covered by the Chinese media, was conducted in Dongguan by 9,000 policemen and led to the arrest of nearly a thousand suspects and the closure of 200 places of prostitution within the 2000 raided establishments. Several police officers were questioned due to suspicions that they had made attempts to hide this activity. In August 2014, in the province of Hubei, the Supreme Public Prosecutor reported the apprehension of a network that had been exploiting thirty underage prostituted persons. This

case followed the abduction of a girl by a taxi driver that led to a public outcry. In June 2015, a network of procurers working in hotels in seven provinces and another network located in Wenzhou which operated in ten cities through WeChat¹ groups were both dismantled.

Legislation on Sexual Exploitation

The majority of China remains prohibitionist, meaning that the act of prostitution is not tolerated. Only special autonomous administrative regions, such as Hong Kong and Macau, allow prostitution but criminalize procurers. The Penal Code renewed by Mainland China in 1997 in its Chapter IV denounces “crimes violating the rights of individuals and the democratic rights of the citizen,” which includes several offenses such as those relating to the trafficking of women and/or children (Article 240).

Chapter VI in a series of articles (358-662) explicitly criminalizes procuring, citing a prison sentence of 10 years to life. Article 360 also punishes clients of prostituted persons younger than 14 years of age. One of the lasting peculiarities of Chinese law regarding prostitution is the right of security officials to penalize prostituted persons and their clients with 6 months to two years worth of forced work. This is a result of the establishment of a “guardianship and education” policy created by the Administrative Directive in 1991 (the Administrative Directive lists education, participation in community service, and the control of sexually transmitted diseases as its main objectives). Consequently, even if the original system of re-education through labor in specialty camps were to be abolished, the system of administrative sanctions would nevertheless remain.

Statistical Estimate

According to a 2010 study, the World Health Organization (WHO) estimates the number of prostituted persons in China to be between 4 to 6 million. A study conducted by *Asia Catalyst* in December 2013 indicates an estimate of 2.68 million female prostitutes and 26.5 million sex buyers. The *2014 Global Slavery* report places China immediately after India in its number of human trafficking victims, but in doing so notes the absence of precise figures. The 2014 U.S. Department of State Report on Trafficking in Persons by the reported that in 2013, 5,000 criminal groups involved in human trafficking were dismantled and 40,000 people were arrested.

Internet prostitution is subject to considerable growth throughout the development of the digital world in China, despite restrictions put in place. The press advocated against Internet prostitution in conjunction with several campaigns such as “clean the web 2014” or “Thunderball” that resulted in the banning of the popular dating site *Momo*, an online chat room for digital tablets, as well as the banning of *Jiayun*, a site with over 100 million users. In September 2014, the police focused on online bride services that aimed to kidnap and resell Vietnamese, Cambodian and Burmese women to Chinese customers. Finally, more than 1200 sites specializing in pornography and online chat rooms with prostituted persons were closed in 2014.

¹ First Asian social media network.

Significant Initiatives

The national action plan against the trafficking of women and children was launched for 2013-2020 after having completed the previous plan spanning from 2008 to 2012. The new action plan affirms the magnitude of the challenges posed by the trafficking and exploitation of prostituted persons facing Chinese society by first prioritizing the protection of victims with the establishment of rehabilitation programs for women and children, and, secondly, the fight against traffickers. The campaign against corruption, supported by the UN Convention against Corruption (known as the Merida Convention), explicitly refers to the principles of the protocol to prevent, suppress and punish trafficking in persons, especially that of women and children, which supplements the United Nations Convention against transnational Organized Crime (as stated in the Palermo Protocol). Many observers note, however, that rehabilitation centers using labor (RTL Reeducation Through Labor) were largely replaced by approximately 200 monitoring and education centers (Custody & Education Centers) and may equally affect prostituted persons and customers. The *New York Times* estimated that 18,000 to 28,000 women are sent to Custody & Education Centers each year. As in previous years, the Ministry of Public Security has expanded police operations in areas known for prostitution, demonstrating its determination to fight against an activity that encompasses issues of crime and health. The training procedure for aides in the fight against sexual exploitation and other forms of trafficking underwent new developments in 2014, including increased involvement by the public prosecutor's department in a domain that previously had been reserved to security forces. Thus, exchanges of best practices with the *École de magistrature française* (French National School for the Judiciary) have been initiated as of 2013. In April 2014, the IOM and the Ministry of Public Security held a seminar in Beijing on the training of border officials.

Prostitution and Health

Several studies report the incidence of HIV/AIDS in China in relation to prostitution. Health policies indicate an awareness of the extent to which HIV/AIDS is prevalent amongst prostituted persons. Officials continue to intensely debate the right of convicted prostituted persons to benefit from the 12th national plan to prevent HIV/AIDS, especially considering whether security concerns outweigh concerns over public health. *Asia Catalyst* estimates that the number of prostituted persons infected by HIV/AIDS increased from 0.02% in 1996 to 0.6% in 2011. The rate of customers failing to use condoms (60%) is undoubtedly contributing to this increase.

The Key Points

The identified causes that most generally lead to the development of human trafficking, regardless of whether or not it is suppressed, are largely linked to the economic difficulties that promote internal migration within several regions of China, as well as immigration to wealthier countries. Additionally, the decline in the population of women due to the one child

policy has similarly contributed to the prevalence of human trafficking. The logic of reforming the criminal procedure is largely linked to the desire to be compatible with international legal agencies. In this respect, China's Tier 2 ranking on the Watch List in the past two human trafficking reports (Tier 2 Watch List, 2014-2015) by the U.S. Department of State show that China still has a long way to go in terms of legislation.

International Cooperation

Chinese authorities announced that they will continue to strengthen their efforts to prevent trafficking on bilateral, regional and international levels through the exchange of information and the coordination of legal procedures that prosecute traffickers from domestic regions as well as from other countries. On April 27th, 2015, the French parliament adopted the first extradition treaty between the Republic of China and France, which followed the adoption of a bilateral treaty of mutual assistance in 2007. These treaties offer real potential for progress in the fight against criminal networks and victim support, but still lack evaluation. The enhanced judicial management, illustrated by the criminal policy report, states that the "leniency and severity" established during the National People's Congress in March 2014, is an objective that could better ensure the legality of the measures taken against prostituted persons by reaffirming the roles of the Supreme People's Court and the Supreme Prosecutor's Court in the application of the legislation. As in most countries, assistance for victims of trafficking is faced with capacity problems, which are worsened by China's increasing desire to decentralize the management of funds at the regional level. A study published by the *South China Morning Post* in July 2014 highlighted the dire situation of minors in the human trafficking world, revealing high rates of sexually transmitted infections (STIs) and abortions among prostituted persons 15 to 20 years of age, 92% of whom said they had left school.

Sources

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