



## The Plight of Sex Workers in China

From Criminalisation and Abuse to Activism

Prostitute in Shanghai.  
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*To this day, the Chinese Party-state perceives sex work as a violation of the human rights of women. Therefore, the Chinese authorities believe that sex workers need to be rescued and reeducated, and regularly subject them to periodic crackdowns and long spells of detention in ‘rehabilitation education centres’. In this essay, Tiantian Zheng highlights how policies of this kind have not only fuelled violence, exploitation, abuse, and health risks among Chinese sex workers, but have also had terrible consequences for public health in China.*

**M**aoist China boasted of its eradication of sex work through state policies such as the stringent household registration system, isolation of the peasants in the countryside, and the near prohibition of rural-to-urban migration. However, in the post-Mao era, the market economy and pro-consumption policy relaxed these restrictions, producing an explosion of the entertainment industry in major cities. In the 1980s and 1990s, the dire poverty and desperation of people in the rural areas, accompanied by increasing social inequality, led peasants to break the floodgates and stream into the cities, resulting in an influx of an estimated six million sex workers. The resurgence of sex work took place in establishments such as nightclubs, saunas,

hotels, hair salons, disco and other dance halls, parks, video rooms, and karaoke bars. On average, in the early 2000s, sex workers could earn more than 6,000 yuan a month, three times the monthly income of a person without special labour expertise, education, or skills (Jie 2014).

Adopting a feminist standpoint, the communist state perceives sex work as a violation of the human rights of women, an exploitation of their body, and a degradation of their status. In the official view, sex work reduces women to the status of sexual objects, humiliated playthings, and exchangeable commodities, rather than respectable human beings. From such a perspective, women's social and political positions cannot be advanced unless sex work is outlawed. Since the ideology contends that no woman would voluntarily or willingly choose sex work in violation of her own legal rights, it is considered a forced occupation. Therefore, it is believed that sex workers need to be reeducated, rescued, and rehabilitated.

Rooted in this set of ideas, in the reform era the Chinese government continued the Maoist abolitionist policy to prohibit all aspects of sex work, including solicitation, sale, and purchase. To do so, it adopted a wide array of laws and regulations, including the first Criminal Law of 1979, the Regulations on Strictly Prohibiting Sale and Purchase of Sex of 1986, the Regulations on Eradicating Prostitution and Detaining Sex Workers for Labour Reeducation of 1987, the Criminal Law of 1984, the Decision on Strictly Forbidding the Selling and Buying of Sex of 1991, the Decision on the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women and Children of 1991, the Law on Protecting the Rights and Interests of Women (Women's Law) of 1992, the Revised Criminal Law of 1997, and the Entertainment Regulations of 1999. These legal documents stipulate that it is forbidden to sell or purchase sex and that it is illegal to introduce people into sex work, offer venues for sex work, organise or force people into sex

work. People who transgress risk five to ten years of imprisonment, or the death penalty in severe situations.

Since 1989, local public security bureaus have been enforcing these laws and regulations through comprehensive, periodic 'strike hard' (严打) campaigns. These police raids target sex work as a 'social evil' (社会邪恶的东西) or 'ugly social phenomenon' (丑恶的社会现象) that is at odds with the 'socialist spiritual civilisation' (社会主义精神文明). Police raids usually last about three months at a time and often occur more than once a year. Adopting techniques perfected during the communist revolution, raids are often unexpected, sudden, and unannounced—coming as a shock to the sex workers. Aside from these attacks, policemen also masquerade as plain-clothed customers, awaiting evidence to arrest sex workers.

Elaine Jeffreys has argued that such crackdowns have successfully redressed the 'deteriorating' social order and that fines and detentions of sex workers in the wake of these raids are 'soft' and 'lenient', resulting in an 'amicable' relationship between local police and veteran sex workers (Jeffreys 2004, 151 and 157). As I will explain in this essay, my previous ethnographic fieldwork and recent research on this topic indicate that the opposite is the case. Police raids have not only fuelled violence, exploitation, abuse, and health risks among sex workers, but have also exacerbated public health and facilitated the transmission of HIV/AIDS.

## **Violence, Exploitation, and Abuse**

Due to police raids and the criminalisation of sex work, sex workers live in constant fear of arrest and are unable to pursue police protection in case of violence. These women are at the mercy of both policemen and male customers who feel that they can inflict violence and abuse on them with impunity. Since it is the public security apparatus that

wields the ultimate power to fine, arrest, and detain sex workers without any due process, the police frequently abuse their arbitrary power, resulting in sex workers' mistrust of, and antagonistic relationships with, authority figures.

Legally and socially vulnerable, sex workers use fake names, fake IDs, fake family backgrounds, and fake identities in the cities where they work, making them easy victims of rape, violence, robbery, blackmail, as well as murder. In one shocking case in 2005, two male customers in Shenzhen not only beat and raped two sex workers, but also burned their breasts and vaginas with cigarette lighters. They dipped needles into ink and tattooed the words 'No 1. Sex Worker' and 'Slut' on the women's foreheads, breasts, and backs (Xu 2012). From 2004 to 2006, the bodies of over 60 sex workers were discovered in Beijing alone, their identities unknown until family members reported them missing (Li 2007). Since 2007, every week there have been at least one to two incidents of rape and murder of sex workers (Xu 2012). In the past decade, it was reported that 40 percent of the unresolved murder cases in Beijing involved sex workers as victims (Li 2007).

Police raids and criminalisation subject sex workers not only to violence from male customers, but also to police abuse. In 2010, during a police raid in Dongyuan, Guangzhou, several sex workers were paraded barefoot on the street and photographed in order to subject them to public humiliation (Xie 2010). Elsewhere, sex workers reported being cruelly beaten by the police and forced to take nude pictures with male customers (Jie 2014; Gray 2013). In a city in South China, a journalist witnessed policemen charging at sex workers on a street with iron batons, beating them up, and swearing obscene words at them (Xu 2012). Over the ensuing nights during the crackdown, the streets were periodically filled with the piercing screams of sex workers, because of the mistreatment inflicted by the police. Some policemen sprayed black ink or paint onto the hair and faces of the women, before driving

off whistling songs. One sex worker told the reporter that her roommate, fleeing to avoid being beaten by a policeman, was hit by a car and died on the spot. The policeman bore no responsibility for this incident (Xu 2012).

Because the police have the arbitrary power to arrest, fine, and detain them, sex workers are also compelled to comply with sexual exploitation at the hand of policemen. As they seek immunity from arrests and fines, some sex workers are kept by police officials as their personal harem to spy on others. My previous research showed that sex workers were petrified when plain-clothed customers revealed themselves as policemen. To avoid arrests and fines, they were compliant with their sexual demands and exploitation.

In the absence of police protection and legal recourse, to ward off customer violence, sex workers are forced to look for protection from gangsters or establish long-term relationships with regular clients. In exchange for the protection provided by gangsters, sex workers once again have to provide free sexual services. Some sex workers are able to cultivate intimate relationships with regular customers, thus entering into contractual relationships with them. Living with a regular customer like a couple in a rented apartment, a sex worker is protected against police raids, police arrests, and customer violence. However, since non-condom use is a prerequisite for such a relationship, sex workers are not protected against risks of sexually-transmitted infections (STIs), including HIV/AIDS (Zheng 2009b).

## Fines and Abuses in the Rehabilitation Education Centres

Police raids often end in severe fines, arrests, and the detention of sex workers. Indeed, the 'strike hard' campaigns have become one of the ways in which police officials extort sex workers as well as owners of entertainment

establishments (Zheng 2009; Xiao 2013). During my own ethnographic fieldwork in karaoke bars, the police arrested many sex workers (Zheng 2009). If sex workers wanted to avoid being detained at a rehabilitation centre for up to two years, hefty fines immediately ensued. Over the years, fines have been arbitrarily imposed from as low as 5,000 yuan (around 800 USD) to as high as 70,000 yuan (around 10,000 USD) in some special extortion cases (Pan and Huang 2011; Kuo 2013). Owners of entertainment establishments also find it necessary to regularly bribe the police in order to avoid—or be notified of—upcoming police raids.

Every year, over 28,000 sex workers are arrested by the police or detained in about 200 rehabilitation education centres (Xiao 2013). Established in 1991 and managed by the local public security authorities, these centres house sex workers for a period that ranges from six months to two years, offering them ‘reeducation’ (再教育). Sex workers detained in these establishments are often forced to engage in hard labour for many hours a day seven days a week, without payment (Jie 2014; Kuo 2013). Forced labour includes producing commodities such as toys and disposable chopsticks, some of which are for export. Women are not allowed to use the bathroom at night, are required to request bathroom breaks during work hours, and are forbidden to use their local dialects when talking to their family members (Jie 2014; Kuo 2013). Often, they have to endure physical abuse such as heavy beating (Di 2014). They are also required to pay for all the costs incurred by the centre, including daily food, regular STI tests, bed sheets and pillows, bathroom necessities such as soaps, towels, and toilet paper. Each family member also needs to pay 200 yuan for every visit. Most sex workers end up spending 2,400 yuan during their six-month period of detention at a centre (Jie 2014). Having ‘learned nothing’, these women usually continue to engage in sex work after the completion of their ‘rehabilitation education’ (Jie 2014; Kuo 2013).

## Mistreatment by Public Health Officials

Criminalisation of sex work engenders discriminatory public health policies. Sex workers are subjected to coerced HIV testing, their privacy is violated through the public release or withholding of the results of their medical tests, and they are mistreated by public health officials (Gray 2013). With the permission of the Ministry of Health, the centres for disease control (CDC) test sex workers’ HIV/AIDS status without their consent and, at times, without their knowledge. The CDCs also conduct HIV testing on all sex workers at a particular entertainment establishment after the health officials have established a relationship with the owners. Under such circumstances, sex workers feel compelled to comply with the business owners’ orders in order to continue working there. Test results, however, are either released to the public or withheld from the sex workers themselves (Gray 2013).

Sex workers have reported prejudice, discrimination, and mistreatment by health officials in the CDCs (Gray 2013). They fear going to CDC clinics due to the poor treatment they receive by health officials and the possible cooperation between health officials and the police. As a result of this glaring rift between official public health and sex work, the health needs of sex workers are not met, while they are also humiliated and deprived of any privacy.

## Health Risks

Police raids harm the health of sex workers. In addition to the police violence and abuse mentioned above, police officials routinely confiscate condoms to use as evidence. During my research, sex workers, upon arrest, were searched for condoms, the presence of which was deemed as being hard evidence to impose charges. This continued practice

directly violates two Chinese laws: the 2006 Law on AIDS Prevention that instructs that condoms should not be used as the evidence for arrest and a 2012 State Council document that mandates that condoms should be made available at public places (Wen 2006; Office of State Council 2012). This police practice discourages sex workers from carrying condoms or using condoms during their sexual services, making them vulnerable to health risks related to unprotected sex, such as abortion and the transmission of diseases.

Police raids also drive sex workers to clandestine, removed, and isolated regions to conduct their activities. These unfamiliar areas make them helpless, thus augmenting the likelihood of customer violence and non-condom use. Some sex workers are also forced into hiding, waiting for police raids lasting several months to be over. When they return to work after long spells of forced inactivity and financial constraint, they sometimes feel compelled to accept condomless sex with customers for immediate financial relief.

Sex workers in my previous research employed a variety of methods to mitigate the risks associated with unprotected sex, including emergency contraceptive pills, ineffective liquid condoms, cleansing liquids, and pre-sex antibiotic shots (Zheng 2009b). The overuse of these mediums, however, resulted in long-term physical suffering such as abdominal pain, vomiting, frequent pregnancies and abortions, infections, and infertility.

As mentioned above, sex workers avoid seeking help from health officials who are regularly judgemental and have connections with the police (Gray 2013). They also tend to stay away from major hospitals unless they are in need of serious surgery or treatment for fear of high financial costs and potential arrest. As a result, they often seek temporary relief of symptoms from low-quality, unlicensed, and low-cost clinics, managed by unqualified practitioners without professional training. As a result of police raids, sex workers are thus

excluded from access to essential healthcare services and are forced to face a wide array of health risks.

## Activism

Calls for the legalisation of sex work and the abolition of the rehabilitation education system have proliferated in recent years in China. At every session of the National People's Congress and the Chinese Political Consultative Conference from 2003 to 2011, National People's Congress Representative Chi Susheng proposed legalising sex work. In her proposal, Chi enumerated the problems with criminalising sex work, including police corruption, murder, abuse, heavy fines, an alarming HIV/AIDS transmission rate, and social discrimination. She advocated for the establishment of red light districts, registration of sex workers, and regulation to ameliorate public health problems and increase national tax revenue. However, all her proposals were rejected.

In 2012, a group of NGOs came together under the name Coalition of Chinese Sex Worker Organisations and published an online petition titled 'Sign On to End Violence against Sex Workers in China'. The 12 organisations listed at the end of the petition include Beijing Zuoyou Centre, Shenzhen Xiyan, Shanghai Xinsheng, and Tianjin Xinai Culture and Media Centre. Some of these organisations are AIDS and LGBT activist groups. The letter cited 218 violent incidents against female, male, and transgender sex workers, including eight murders. Deploring the lack of protection for sex workers, the letter called for an end to violence, stigma, discrimination, and abuse of the people in this line of work. These organisations have a marginal status in China, with only a few of them being able to register as companies (Long 2010; Zheng 2015). These kinds of grassroots organisations and the state operate in a regime of 'contingent symbiosis', whereby the survival of the organisations

hinges upon their ability to benefit the state, a situation that constrains their activities (Spires 2011).

In 2006, activist Ye Haiyan created Hong Chen Wang (红尘网), the first website that provided sex workers with a platform to share their experiences and exchange information (Xie 2010). The website was blocked in 2010. One year earlier, Ye had organised the Chinese Folk Women's Rights Working Group (中国民间女权工作室), an NGO intended to galvanise support from civil society to extend assistance to all kinds of marginalised women, including sex workers, and proposed 3 August as the 'Sex Workers' Day'. In 2010, her NGO members and volunteers staged events on the main street of Wuhan to appeal for legalisation of sex work. A couple of days later, Ye was taken away by the police for a 'trip' (Xie 2010). Her organisation was also forced out of Wuhan and is currently located in a remote town in Guangxi province. Over the following years, Ye was arrested and detained on several occasions.

Although the Chinese government abolished the 'labour reeducation system' (劳动教养体制) in 2013, this reform has not impacted sex workers. In 2014, over 100 lawyers, scholars, and retired Party members signed a petition letter, appealing for the abolition of the rehabilitation education system for sex workers (Di 2014). The letter, which declared that this system violates the Constitution and rule of law, was sent to the National People's Congress. Four years later, on 24 December 2018, the Legislative Affairs Commission of the Standing Committee of the National People's Congress also proposed the abolition of the rehabilitation education system for sex workers (Peng 2018).

These recent developments look very promising and suggest that the rehabilitation education system will be abolished within the next few years (Lin 2015). With this system gone, the goal of decriminalising sex work is probably within reach. Although the system currently remains very active in major cities such as Beijing, certain areas such as Anhui province have already closed

their rehabilitation centres (Lin 2015). In these areas, sex workers are either detained at police stations or fined, but are not sent to rehabilitation centres anymore (Lin 2015).

The criminalisation of sex work not only spawns violence, abuse, stigmatisation, and the exploitation of sex workers by the police and customers, but also dismisses the economic and social factors that lead these women to engage in this line of work. Decriminalisation would mean respecting sex work as a legitimate profession, protecting workers from violence, ensuring workers' access to basic health services and justice, and promoting public health. Research around the world has shown that areas where sex work has been decriminalised have experienced a lower HIV transmission rate thanks to the sex workers' insistence on condom use in collaboration with public health officials (Dewey, Zheng, and Orchard 2016). Embodying the spirit of the international movement for the rights of sex workers, the rising activism in the Chinese civil society has lit a beacon of hope that decriminalisation of sex work is not too far in China. ■