

# 1986

*Not all women coming from rural areas found jobs in the new factories that were being established in China's Special Economic Zones. As China gradually introduced a market economy and pro-consumption policies, sex work, which had nearly been eradicated in the Maoist era, made its comeback in the country's major urban centres. As establishments such as nightclubs, saunas, hotels, hair salons, and karaoke bars began offering sexual services to their patrons, the Chinese authorities reacted with draconian measures that stipulated severe punishment for people who introduced others into sex work, offered venues for sex work, or organised or forced others into sex work, including the Criminal Law of 1979, the 1986 Regulations on Strictly Prohibiting Sale and Purchase of Sex, the 1987 Regulations on Eradicating Prostitution and Detaining Sex Workers for Labour Reeducation, the Criminal Law of 1984, and the Decision on Strictly Forbidding the Selling and Buying of Sex of 1991. This essay delves into the plight of sex workers in China in the reform era, highlighting how the repressive policies adopted by the Chinese Government not only have fuelled violence, exploitation, abuse, and health risks, but also have had terrible consequences for public health more generally.*

# Sex Workers in China: From Criminalisation and Abuse to Activism

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In 1979, one year after the Third Plenary Session of the Eleventh Central Communist Party Committee ushered China into the new post-Mao era, the National People's Congress passed the first Criminal Law of the People's Republic of China. The law stipulated severe punishment, from imprisonment to the death penalty, for people who introduced others into sex work, offered venues for sex work, or organised or forced others into sex work. Since the law was enacted in 1980, the country's Public Security Bureaus have been tasked with periodic and nationwide crackdowns on sex work and police raids on the entertainment industry.

Maoist China boasted of its eradication of sex work through state policies such as the stringent household registration system, the isolation of 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 policies relaxed these restrictions, producing an explosion in the entertainment industry in major cities. In the 1980s and 1990s, the dire poverty and desperation of people in rural areas, accompanied by increasing social inequality, saw peasants 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, discos and other dance halls, parks, video rooms, and karaoke bars.<sup>2</sup> On average, in the early 2000s, sex workers could earn more than 6,000 yuan a month—three times the average monthly income of a person with no special labour expertise, education, or skills.<sup>3</sup>

Adopting a feminist standpoint opposed to prostitution, the communist state perceives sex work as a violation of the human rights of women, as exploitation of their bodies, and 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 rescued, reeducated, and rehabilitated.

Rooted in this set of ideas, in the reform era, the Chinese Government continued the Maoist abolitionist policy of prohibiting all aspects of sex work, including solicitation, sale, purchase, and the third party's involvement in sex work. To do so, it adopted a wide array of laws and regulations, including the first Criminal Law of 1979, the 1986 Regulations on Strictly Prohibiting Sale and Purchase of Sex, the 1987 Regulations on Eradicating Prostitution and Detaining Sex Workers for Labour Reeducation, 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 to sex work, offer venues for sex work, and 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) at odds with a 'socialist spiritual civilisation' (社会主义精神文明). Police crackdowns usually last about three months at a time and often occur more than once a year. Using techniques perfected during the communist revolution, the raids are often unexpected, sudden, and unannounced. As well as these attacks, plain-clothed police masquerade as customers to secure evidence to arrest sex workers.<sup>4</sup>

Elaine Jeffreys has argued that such crackdowns have successfully redressed the 'deteriorating' social order and that fines and the detention 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.<sup>5</sup> 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 not only have fuelled violence, exploitation, abuse, and health risks among sex workers, but also have exacerbated public health problems 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 the police and male customers who feel they can inflict violence on and abuse them with impunity. Since it is the public security apparatus that wields the ultimate power to fine, arrest, and detain sex workers without 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 identification, and fake family backgrounds 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.<sup>6</sup> From 2004 to 2006, the bodies of more than sixty sex workers were discovered in Beijing alone, their identities unknown until their families reported them missing.<sup>7</sup> Since 2007, every week there have been at least one to two incidents of rape or murder of sex workers.<sup>8</sup> In the past decade, 40 percent of the unresolved murder cases in Beijing involved sex workers as victims.<sup>9</sup>

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, to subject them to public humiliation.<sup>10</sup> Elsewhere, sex workers reported being cruelly beaten by the police and forced to take nude pictures with male customers.<sup>11</sup> In a city in southern China, a journalist witnessed police charging at sex workers on a street with iron batons, beating and swearing at them.<sup>12</sup> Over the ensuing nights of this crackdown, the streets were periodically filled with the piercing screams of sex workers being mistreated by the police. Some police sprayed black ink or paint on the hair and faces of the women, before driving off while 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 police were not held responsible for this incident.<sup>13</sup>

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 hands of policemen. Seeking immunity from arrest 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 to be policemen. To avoid arrest 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 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 as part of a couple in a rented apartment, a sex worker is protected against police raids, arrest, and customer violence. However, since not using condoms is a prerequisite for such a relationship, sex workers are not protected against the risk of sexually transmitted infections (STIs), including HIV/AIDS.<sup>14</sup>

#### Fines and Abuses in the Rehabilitation 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.<sup>15</sup> The police arrested many sex workers during my own ethnographic fieldwork in karaoke bars.<sup>16</sup> 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 US\$800) to as high as 70,000 yuan (around US\$10,000) in some special extortion cases.<sup>17</sup> The owners of some entertainment establishments also find it necessary to regularly bribe the police to avoid—or be notified in advance of—police raids.

Every year, more than 28,000 sex workers are arrested by the police or detained in about 200 rehabilitation centres.<sup>18</sup> Established in 1991 and managed by the local public security authorities, these centres house sex workers for a period ranging from six months to two years, providing

'reeducation' (再教育). Sex workers detained in these centres are often forced to engage in hard labour for many hours a day, seven days a week, without payment.<sup>19</sup> Such 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 permission for bathroom breaks during work hours, and are forbidden from using their local dialect when talking to their families. Often, they have to endure physical abuse such as severe beatings.<sup>20</sup> They are also required to pay for all the costs incurred by the centre on their behalf, including food, regular STI tests, bed linen and pillows, bathroom necessities such as soap and towels, and toilet paper. Family members must pay 200 yuan each for every visit. On average, sex workers end up spending 2,400 yuan during a six-month detention at a centre.<sup>21</sup> Having 'learned nothing', these women usually continue to engage in sex work after the completion of their 'rehabilitation education'.<sup>22</sup>

#### 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.<sup>23</sup> 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 to continue working there. Test results, however, are either released to the public or withheld from the sex workers themselves.<sup>24</sup>

Sex workers have reported prejudice, discrimination, and mistreatment by health officials in the CDCs.<sup>25</sup> They fear going to CDC clinics due to the poor treatment they receive from health officials and the possible cooperation between health officials and the police. As a result of this glaring rift between the official public health system and sex work, the health needs of sex workers are not met, while they are also humiliated and deprived privacy.

## Health Risks

Police raids harm the health of sex workers. In addition to the violence and abuse mentioned above, police officials routinely confiscate condoms to use as evidence. During my research, sex workers, on arrest, were searched for condoms, the presence of which was deemed sufficient 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 evidence for arrest and a 2012 State Council document that mandates that condoms should be made available in public places.<sup>26</sup> This police practice discourages sex workers from carrying or using condoms, making them vulnerable to health risks related to unprotected sex, such as unwanted pregnancy and the transmission of disease.

Police raids also drive sex workers to clandestine or isolated locations to conduct their activities. Being in an unfamiliar area can render them helpless, thus augmenting the likelihood of customer violence and refusal to use a condom. Some sex workers are also forced into hiding, waiting for several months for police crackdowns to end. When they return to work after several months of forced inactivity and financial constraint, sex workers sometimes feel compelled to agree to unprotected 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.<sup>27</sup> 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.<sup>28</sup> They also tend to stay away from major hospitals unless they are in need of serious surgery or urgent 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 with no professional training. As a result of police raids, sex workers are thus excluded from accessing essential healthcare services and 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 arising from the criminalisation of 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 nongovernmental organisations (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'.<sup>29</sup> The twelve organisations listed on the petition included the Beijing Zuoyou Centre, Shenzhen Xiyan, Shanghai Xinsheng, and Tianjin Xinai Culture and Media Centre. Some of these organisations are AIDS and LGBTQ activist groups. The letter cites 218 violent incidents against female, male, and transgender sex workers, including eight murders. Deploring the lack of protection for sex workers, the letter calls for an end to violence, stigma, discrimination against, and abuse of people in this line of work. These organisations have a marginal status in China, with only a few able to register as companies. These kinds of grassroots organisations and the state operate in a regime of 'contingent symbiosis', whereby the survival of the organisations hinges on their ability to benefit the state—a situation that constrains their activities.<sup>30</sup>

In 2006, activist Ye Haiyan created Hong Chen Wang (红尘网), the first website to provide sex workers with a platform to share their experiences and exchange information.<sup>31</sup> 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 'Sex Workers' Day'. In 2010, her NGO members and volunteers staged events on the main streets of Wuhan to appeal for the legalisation of sex work. A few days later, Ye was taken away by police for a 'trip' that lasted a few days.<sup>32</sup> 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, more than 100 lawyers, scholars, and retired Communist Party members signed a petition, appealing for the abolition of the reeducation system for sex workers.<sup>33</sup> The letter, which declared the system violated 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 reeducation system for sex workers.<sup>34</sup> These developments suggest that the system might be abolished within the next few years.<sup>35</sup> With this system gone, the goal of decriminalising sex work will probably be 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 reeducation centres.<sup>36</sup> In these areas, sex workers are either detained at police stations or fined, but they are no longer sent to rehabilitation centres.<sup>37</sup>

The criminalisation of sex work not only spawns violence, abuse, stigmatisation, and the exploitation of sex workers by the police and customers, but also ignores the economic and social factors that lead women to engage in this 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 experience lower HIV transmission rates thanks to sex workers' insistence on condom use, in collaboration with public health officials.<sup>38</sup> Embodying the spirit of the international movement for the rights of sex workers, the rising activism in Chinese civil society has lit a beacon of hope that decriminalisation of sex work is on the horizon.