

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Is there any evidence that Falun Gong practitioners have been forced into prostitution in China, specifically in Guilin City?**
- 2. Is there evidence that female Falun Gong practitioners are vulnerable to criminals operating prostitution businesses in China?**
- 3. Please provide any available information about the treatment of sex workers who are returned to China.**

**RESPONSE**

**1. Is there any evidence that Falun Gong practitioners have been forced into prostitution in China, specifically in Guilin City?**

No information could be found in the searches conducted on Falun Gong practitioners specifically being targeted for forced prostitution in China. No information could be found in the searches conducted on people being forced into prostitution within Guilin, Xinan County, Guangxi. Some information was found on forced prostitution in Guangxi Zhuang Autonomous Region, and on forced prostitution in general within China.

The response to this question explores forced prostitution in Guangxi Zhuang Autonomous Region, and forced prostitution in general in China.

**Prevalence of forced prostitution in Guangxi Zhuang Autonomous Region**

A map of Guangxi Zhuang Autonomous Region, showing Guilin, can be seen in the following attachment ('Guangxi Zhuang Autonomous Region' 2000, *Microsoft Encarta Atlas 2000* – Attachment 1).

Sources indicate that Guangxi Zhuang Autonomous Region, in the Mekong Delta region of southern China, has been one of the main sources for people trafficked for prostitution in China. A dated 1998 report on the implementation of Chinese government policies relating to the discrimination of women commented on people trafficking in Guangxi:

According to a number of academic surveys and press reports, the vast majority of trafficking victims are rural women from impoverished parts of the country, with most being young. **According to a recent paper by various officials involved with combating this crime, most are from Guizhou, Yunnan and Guangxi, and are sold to central and northern China. They tend to be abducted or deceived into going with traffickers when traveling away from home, often in search of work, with the main areas in which traffickers operate being informal labor markets, railway stations and dockside areas. However, an unknown number are also sold to traffickers by parents or relatives.** Typically, the women and girls are transported across the country to an area with which they are unfamiliar and where they do not know the local dialect, and then sold. Stories of horrific abuse at the hands of traffickers during transport, including rape and even murder, have appeared (Human Rights in China, Asia Monitor Resource Centre, China Labour Bulletin, & Hong Kong Christian Industrial Committee 1998, *Report on Implementation of CEDAW in the People's Republic of China*, Human Rights in China website, December, p. 19 [http://hrichina.org/fs/view/reportables/pdf/reportable-resources/cedaw\\_98.doc](http://hrichina.org/fs/view/reportables/pdf/reportable-resources/cedaw_98.doc) – Accessed 28 August 2008 – Attachment 2).

An April 2004 report by Laura Bailey for Rehab International, a Christian Outreach Ministry that works with women in prostitution, commented on forced prostitution in the Mekong Delta region, encompassing Guangxi:

In total, the International Organization for Migration estimates that around 300,000 women and children are trapped in slavery-like conditions in the Mekong Delta region, which encompasses Cambodia, Lao PDR, Thailand, Myanmar, Vietnam and the two southern Chinese provinces of Yunnan and Guangxi. **It is believed that 90 percent of trafficking in the Mekong region is related to forced prostitution, and that 50 percent of women in the commercial sex industry have been trafficked** (Bailey, L. 2004, 'Trafficking in Women for Prostitution: Thailand', Rehab International, World Outreach UK website, April, p. 2 [http://www.wouk.org/rahab\\_international/pdf\\_files/Trafficking%20in%20Women%20for%20Prostitution%20-%20Thailand.pdf](http://www.wouk.org/rahab_international/pdf_files/Trafficking%20in%20Women%20for%20Prostitution%20-%20Thailand.pdf) – Accessed 1 September 2008 – Attachment 3).

In November 2002, the Feminist Daily News Wire website reported on the “dramatic rise in trafficking and prostitution” in China, and cited the case of a man in Guangxi who was executed for the abduction and sale of women as wives:

Despite China's developing market economy, high unemployment among women desperate to support their families, has contributed to a dramatic rise in trafficking and prostitution, according to the Chicago Tribune. Small private agencies, purporting to offer jobs that pay \$40 to \$70 per month to women working as cleaners, maids, and restaurant workers, in actuality sell the women into sex trafficking.

...Earlier this year, a man was executed in the Guangxi province for the abduction and sale— at \$125 to \$375 per person—of 104 women as wives to farmers. Increasingly, thousands of girls from northern provinces are being trafficked into western provinces for prostitution ('Trafficking and Prostitution on the Rise in China' 2002, Feminist Daily News Wire website, 27 November <http://feminist.org/news/newsbyte/uswirestory.asp?id=7311> – Accessed 1 September 2008 – Attachment 4).

## Prevalence of forced prostitution in China

Sources indicate that both forced prostitution and trafficking in persons for the purpose of sexual exploitation have been serious problems in China. The US Department of State's *Trafficking in Persons Report 2008* noted that China was a "source, transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labor" (US Department of State 2008, *Trafficking in Persons Report 2008*, 'Country Narratives - Countries A through G: China', p. 91

<http://www.state.gov/documents/organization/105656.pdf> – Accessed 28 August 2008 – Attachment 10).

The US Department of State's *Country Reports on Human Rights Practices for 2006* on China also commented on trafficking in persons and noted that whilst most trafficking cases were "internal for the purposes of forced labor and forced marriage", some "cases involved the trafficking of women and girls into forced prostitution in urban areas":

**Although the law prohibits human trafficking, trafficking in persons remained a serious problem.** The country was both a source and destination country for trafficking in persons. **Most trafficking was internal for the purposes of forced labor and forced marriage. Some cases involved trafficking of women and girls into forced prostitution in urban areas,** and some reports suggested that certain victims, especially children, were sold into forced labor. **In many cases, women and children were lured abroad with false promises of employment and then trafficked into prostitution or forced labor.**

...Between 2001 and 2005, police opened more than 28,000 trafficking cases, arrested more than 25,000 suspected traffickers, and rescued more than 35,000 victims. In July, 28 members of a trafficking ring in Guangdong Province received sentences ranging from two years imprisonment to the death penalty. The ring had forced 10 women into prostitution.

...Despite government efforts to eliminate trafficking in women and children, the problem persisted. **There were reports of local officials' complicity in both alien smuggling and in prostitution, which sometimes involved trafficked women. In some cases, village leaders sought to prevent police from rescuing women who had been sold to villagers** (US Department of State 2007, *Country Reports on Human Rights Practices for 2006 – China*, 'Section 5 Discrimination, Societal Abuse, and Trafficking in Persons: Trafficking in Persons', 6 March – Attachment 5).

A June 2006 report by Human Rights in China argued that domestic trafficking within China was a widespread problem and victims of trafficking in general were "mainly women and children" trafficked for "sexual exploitation and forced labor". This report noted that:

**Trafficking in women is a serious problem in China.** On an international level, the United Nations Office of Drugs and Crime has rated China "very high" in the index as a country of origin, and "high" as a destination country. **The report profiles victims as mainly women and children, especially girls, trafficked for the purposes of sexual exploitation and forced labor. At the same time, domestic trafficking remains the more widespread problem, with the majority of trafficking victims in China trafficked from inside the country.** An estimated minimum of 10,000–20,000 victims are believed to be trafficked within China each year, though the actual number could be much higher. While several factors contribute to the prevalence of trafficking in women, foremost is the striking gender imbalance stemming from impacts of the family planning policy. **Poor rural girls, already disadvantaged in education, health, and employment opportunities, and girls from nearby developing countries fall prey to trafficking to be exploited sexually, or to serve as potential brides or laborers** (Human Rights in China 2006, *Implementation of the*

*Convention on the Elimination of All Forms of Discrimination against Women in the People's Republic of China*, June, pp. 5-7 <http://hrichina.org/public/PDFs/HRIC-CEDAW-REPORT.6.26.2006.pdf> – Accessed 15 December 2006 – Attachment 6).

## **2. Is there evidence that female Falun Gong practitioners are vulnerable to criminals operating prostitution businesses in China?**

No information could be found in the searches conducted on women Falun Gong practitioners being particularly vulnerable to criminals operating prostitution businesses in China. However some information was found on people within China who are vulnerable to being trafficked and forced into prostitution, and these include “Poor rural residents in remote areas lacking legal knowledge and self-protection”, “women with lower education levels”, “adolescents, migrating population and parents of young children” (United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region (undated), ‘China – Overview’ [http://www.no-trafficking.org/content/Country\\_Pages\\_China/overview\\_china.htm](http://www.no-trafficking.org/content/Country_Pages_China/overview_china.htm) – Accessed 1 September 2008 – Attachment 9).

An undated report by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region commented on people prone to victimisation and being vulnerable to abduction and trafficking for forced prostitution:

**Poor rural residents in remote areas lacking legal knowledge and self-protection capacity are prone to victimization. Especially vulnerable are women with lower education levels. They are subject to abduction and trafficking for forced prostitution, forced marriages, etc.** In some rural areas, the phenomenon of buying women or children for marriage or to carry on the family name exists. Different situations exist for trafficked women. In poor areas, the majority of trafficked women are sold as wives to old, sickly and disabled unmarried men. **In rich areas, most of the trafficked women are brought into entertainment business, hair salons, massage parlours and bathhouses or are sold and forced to work as prostitutes.** In recent years, in collaboration with international traffickers, the cases of cross-border trafficking are growing. The trends include trafficking foreign women into China and trafficking Chinese women out of China.

...The enormous profits from trafficking stimulate more traffickers to take the risk of doing this business. In recent years, the crime of international human trafficking has become a professional and well-organized trade.

...Great efforts have been made to **target the awareness of the high-risk populations such as adolescents, migrating population and parents of young children to enhance their sensitivity and capacity in preventing trafficking** (United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region (undated), ‘China – Overview’ [http://www.no-trafficking.org/content/Country\\_Pages\\_China/overview\\_china.htm](http://www.no-trafficking.org/content/Country_Pages_China/overview_china.htm) – Accessed 1 September 2008 – Attachment 9).

An overview of China on the Stop the Traffik website also seemed to support these comments, stating that “People in rural villages in China remain vulnerable to trafficker’s lures of a better life. Many victims leave with traffickers to escape the extreme poverty that they would otherwise have to endure. However, their escape soon turns to captivity as the reality of their new life of slavery is revealed” (‘The China Project’ (undated), Stop the

Traffik website <http://www.stophetraffik.org/projects/china.aspx> – Accessed 16 September 2008 – Attachment 24).

Several Chinese government measures have also been introduced to reduce trafficking amongst “high risk populations”. The United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region reported on some of these activities:

The Chinese government and NGOs have conducted various activities to prevent trafficking at different levels and include poverty alleviation, agricultural skills training for rural women, re-employment training for laid-off female workers, organizing labor export, and supporting drop-out girls to continue their schooling. The government has enhanced supervision and services to migrants and promoted orderly legal employment opportunities in order to reduce trafficking in high risk populations (United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region (undated), ‘China – Overview’ [http://www.no-trafficking.org/content/Country\\_Pages\\_China/overview\\_china.htm](http://www.no-trafficking.org/content/Country_Pages_China/overview_china.htm) – Accessed 1 September 2008 – Attachment 9).

Sources also indicate that around the world in general, previous victims of trafficking are particularly vulnerable to being re-trafficked. Several examples were found within China. The situation for victims of people traffickers who are returned to China is explored more fully in the response to question 3 below (US Department of State 2005, *Trafficking in Persons Report 2005*, ‘The Human and Social Costs of Trafficking: Promoting Social Breakdown’, p. 13 <http://www.state.gov/documents/organization/47255.pdf> – Accessed 28 August 2008 – Attachment 7; Hirsch, M. 2007, ‘Rights group says Chinese police helping traffickers’, *Taipei Times*, 31 January – Attachment 8; US Department of State 2008, *Trafficking in Persons Report 2008*, ‘Topics of Special Interest: Custody of Child Trafficking Victims’, June, p. 30 <http://www.state.gov/documents/organization/105501.pdf> – Accessed 28 August 2008 – Attachment 10).

### **3. Please provide any available information about the treatment of sex workers who are returned to China?**

Some information was found on the treatment of sex workers who are returned to China. This generally related to the treatment of women who were trafficked for sex work overseas being returned to China. Sources indicate that the Chinese government has put pressure on sex workers in general through the enforcement of prostitution laws, and sex workers are held in very low esteem within China (Human Rights in China 2006, *Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the People’s Republic of China*, June, p. 6 <http://hrichina.org/public/PDFs/HRIC-CEDAW-REPORT.6.26.2006.pdf> – Accessed 15 December 2006 – Attachment 6; Zi Teng 2000, ‘Research Report on Mainland Chinese Sex Workers’, February, pp. 4-5 [http://www.ziteng.org.hk/pub/report/2000\\_mainland\\_e.pdf](http://www.ziteng.org.hk/pub/report/2000_mainland_e.pdf) – Accessed 1 September 2008 – Attachment 14).

In addition, sources indicate that victims of trafficking around the world in general (not specific to China) are vulnerable to being re-trafficked upon returning home to unstable environments, and within China several examples were found of victims of people traffickers being re-trafficked. In recent years, however, the Chinese government has started to provide rehabilitation services for domestic victims of people traffickers, though one report indicated that these are not available to “victims returning from abroad” (US Department of State 2005,

*Trafficking in Persons Report 2005*, 'The Human and Social Costs of Trafficking: Promoting Social Breakdown', p. 13 <http://www.state.gov/documents/organization/47255.pdf> – Accessed 28 August 2008 – Attachment 7; US Department of State 2008, *Trafficking in Persons Report 2008*, 'Topics of Special Interest: Custody of Child Trafficking Victims', June, p. 92 <http://www.state.gov/documents/organization/105501.pdf> – Accessed 28 August 2008 – Attachment 10; 'China' (undated), HumanTrafficking.org website <http://www.humantrafficking.org/countries/china> – Accessed 2 September 2008 – Attachment 13).

The response to this question explores government attitudes towards sex workers in China, cultural attitudes towards sex workers in China, and the situation for victims of people traffickers. Some additional information has also been provided that may be of interest.

### **Government attitudes towards sex workers in China**

Prostitution is illegal in China under the Security Administrative Punishments Law of 2006, and according to the sex workers concern organisation Zi Teng, the Chinese police have taken an active stance against sex workers through “arrest, fines, detention, incarceration and even labour re-education”. An undated report by Zi Teng, prepared for consideration by the UN Committee against Torture, also indicated that the police abuse of sex workers is “systematic” because of the “total discrimination faced by sex workers in China” and the reported failure of the Chinese government to provide sufficient support or protection against this abuse (People’s Republic of China 2006, ‘Security Administrative Punishments Law’, adopted at the 10th National People’s Congress Standing Committee on 28 August, Article 66 [http://www.law-lib.com/law/law\\_view.asp?id=97597](http://www.law-lib.com/law/law_view.asp?id=97597) – Accessed 12 September 2008 – Attachment 23; Zi Teng (undated), Untitled document, Office of the High Commissioner for Human Rights website, p. 12 <http://www2.ohchr.org/english/bodies/cat/docs/ngos/ZiTengHongKong41.pdf> – Accessed 3 September 2008 – Attachment 15).

Sarah Biddulph argued in her 2007 book *Legal Reform and Administrative Detention Powers in China* that a number of measures have been used in an attempt to eradicate prostitution, such as “registration at the police station as a member of the focal population, administrative sanctions...such as a warning, fine or administrative detention and detention in specialist detention centres, or under RETL [Re-education through labour]” (Biddulph, S. 2007, *Legal Reform and Administrative Detention Powers in China*, Cambridge University Press, Cambridge, p. 156 – Attachment 17).

In particular, Biddulph noted that “The targets for detention [for education] are ‘prostitutes’ and ‘clients of prostitutes’”, and, whilst evidence of prostitution is required to lay charges, there are a number of documented cases where no evidence was available, so the police brought an individual into custody to seek evidence by way of confession (Biddulph, S. 2007, *Legal Reform and Administrative Detention Powers in China*, Cambridge University Press, Cambridge, pp. 167, 172 – Attachment 18).

A 2006 report by Human Rights in China indicated that “law enforcement bears down heavily on prostitutes”, and “trafficked women themselves bear a disproportionate burden of law enforcement efforts”:

**As a consequence of the illegality of prostitution in China, law enforcement bears down heavily on prostitutes without respect for their basic human rights to due process or**

**consideration of their possible status as trafficking victims. While programs do exist that target those who traffic women, available information suggests that trafficked women themselves bear a disproportionate burden of law enforcement efforts. According to regulations issued by the State Council, those involved in prostitution can be sentenced to administrative detention for six months to two years.** Specifically, the NPC Standing Committee in 1991 authorized the detention of prostitutes in Reeducation Through Labor (RTL) centers. Each year, approximately 40,000 to 50,000 prostitutes are coercively detained by authorities and entered into one of two administrative detention systems for “reeducation.” Through the RTL system, public security authorities and other administrative officials are vested with complete authority to execute these administrative sentences without regard for due process protections, such as a hearing before an independent tribunal. Despite the fact that the RTL system violates international human rights law and is in conflict with existing Chinese legal requirements for the deprivation of citizens’ personal freedom, the government has been unwilling to abolish this system (Human Rights in China 2006, *Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in the People’s Republic of China*, June <http://hrichina.org/public/PDFs/HRIC-CEDAW-REPORT.6.26.2006.pdf> – Accessed 15 December 2006 – Attachment 6).

Zi Teng also commented on the abuse of sex workers by police in their undated report for the UN Committee against Torture:

Abuse of sex workers is systemic within the police force. This can be explained by the near total discrimination faced by sex workers in China, and not their illegal status. Because of the position sex workers occupy in Chinese society even the police think nothing of transgressing the law in carrying out abuses against them.

As in Hong Kong, Police in Mainland China embark on periodic crackdowns: arbitrary arrest is common as is assault and sometimes, the insides of raided properties are vandalized and furniture is removed. As arrests are rarely made at the time of the crime (while the sex worker is providing sexual services for the client) Police officers are intent on extracting a guilty plea from the suspects. Torture is commonly manifested as physical assault, and verbal abuse is present in nearly every case. Some officers exploit their dominant position to rape suspected sex workers (Zi Teng (undated), Untitled document, Office of the High Commissioner for Human Rights website, p. 12 <http://www2.ohchr.org/english/bodies/cat/docs/ngos/ZiTengHongKong41.pdf> – Accessed 3 September 2008 – Attachment 15).

An Amnesty International report from 2004 also commented on widespread cases of abuse of women accused of being prostitutes by Chinese police in order to extract lists of clients who are then blackmailed:

In China, where prostitution is illegal, Amnesty International has documented widespread police abuse of women accused of being prostitutes, many of whom have migrated from the countryside to towns and cities. **With alarming frequency, police detain and torture women in order to extract lists of alleged “clients” to blackmail. Many alleged prostitutes and clients have died in custody, while others have committed suicide shortly after being released. These practices are so common that they have come to constitute a major source of income for many police officers** (Amnesty International 2004, *It’s in our hands: Stop violence against women*, p. 19 [http://amnestyvefur.eplica.is/media/Ofbeldi\\_gegn\\_konum/Stop\\_violence\\_against\\_women\\_-\\_oll\\_skyrslan.pdf](http://amnestyvefur.eplica.is/media/Ofbeldi_gegn_konum/Stop_violence_against_women_-_oll_skyrslan.pdf) – Accessed 3 September 2008 – Attachment 19).

## Cultural attitudes towards sex workers in China

Sources indicate that although sex work has become widespread in China, cultural attitudes towards sex workers are still very negative. Sex workers face public discrimination, obstacles in seeking medical treatments, and unfair treatment by the police, as a 2000 research report on sex workers in China by Zi Teng noted:

Although sex work has become a widespread phenomenon in the Mainland Chinese society, it is still not accepted by people under the mainstream social values. People tend to disregard the experience of sex workers and put it into underground, so as to avoid facing the discrepancy between the social reality and moral values. **As a result, sex workers have to face many difficulties in their work and lives, such as the violence from clients, discrimination by the public, obstacles in seeking medical treatments and unfair treatments under police arrest, without receiving desirable concern.** The only general discourse on sex workers is negative and in all ways accuses them of chasing for enjoyment but being unwilling to work, or violating the ethics. As sex workers have a stigma attached to them, most of them do not tell their families about their work and problems. Therefore they cannot share their burden with their families. Instead, they have to face many conflicts with their families as they try to keep their secrets. They can only share with their friends or boyfriends who are in the same circle and seek recognition in the “sub-cultural” group. It more or less limits their possible change or development. All these problems have been disregarded in society (Zi Teng 2000, ‘Research Report on Mainland Chinese Sex Workers’, February, pp. 4-5 [http://www.ziteng.org.hk/pub/report/2000\\_mainland\\_e.pdf](http://www.ziteng.org.hk/pub/report/2000_mainland_e.pdf) – Accessed 1 September 2008 – Attachment 14).

Another report by Zi Teng, prepared for consideration by the UN Committee against Torture, also provided a brief section on attitudes towards sex workers in mainland China. This report noted that sex workers were subject to a wide range of abuse and received little support or protection from the government:

Sex work in Mainland China is illegal and considered to be a threat to law and order and to Jingshen Wenming (moral culture). Although policing habits vary considerably throughout China, common practise towards sex workers include: arrest, fines, detention, incarceration and even labour re-education. **Because their work is illegal, sex workers are forced underground and are subjected to a wide range of abuses. Of the sex workers questioned on client abuse: 29% had been physically assaulted, 51% verbally abused and 5% raped. Critically, sex workers are reluctant to contact the police and this severely exacerbates their vulnerable position in society.**

**...Sex workers in China are often exposed to violence brought by clients. Many are assaulted, raped and even trafficked to other cities and provinces. Yet, the Chinese Government fails to provide any support or protection for these women.** They also denied the above be happening in China (Zi Teng (undated), Untitled document, Office of the High Commissioner for Human Rights website, p. 12 <http://www2.ohchr.org/english/bodies/cat/docs/ngos/ZiTengHongKong41.pdf> – Accessed 3 September 2008 – Attachment 15).

A July 2008 article in *AIDS and Behaviour* commented on the different status of sex workers in China:

**Commercial sex is still illegal in China;** female sex workers (FSWs) and their clients are subject to fines and incarceration (e.g., women’s reeducation center) if arrested. Depending on the different definitions and methods of estimation, estimated numbers of FSWs vary from 1 million to 10 million (Huang et al. 2004; Pan et al. 2004; Schafer 2003). According to a



nationwide survey in 2000, 6.4% Chinese men aged 20– 64 years had engaged in commercial sex at least once in their lives (Pan et al. 2004).

... **Several researchers in China have classified FSWs into a multi-layer spectrum** (Huang et al. 2004; Ruan et al. 2006). ‘High-status’ sex workers, who work in high-class dance halls and clubs, or who cater as ‘call girls’ to businessmen, are often able to charge high prices for their services and work in private settings. At the other end of the spectrum are ‘street-walkers’, who are often considered to be at the very bottom of the hierarchy (Rogers et al. 2002) (Hong, Y. & Li, X. 2008, ‘Behavioral Studies of Female Sex Workers in China: A Literature Review and Recommendation for Future Research’, *AIDS and Behaviour*, Vol. 12, No. 4, July, pp. 624, 629 – Attachment 16).

### **Situation for victims of people traffickers, including sex workers, who are returned to China**

Sources suggest that previous victims of people traffickers around the world in general are vulnerable to being ‘re-trafficked’. A number of sources indicate that police and other government officials have been involved in people trafficking operations within China, including involvement in the re-trafficking of victims of people traffickers. A January 2007 report in *Taipei Times* noted that female sex workers who had been extradited from Taiwan to China were being located by corrupt Chinese authorities and handed over to people smugglers, who then sent the women back to Taiwan to serve out their contracts as sex workers. The report noted:

**Advertising Chinese police are complicit with China-based human-trafficking rings in smuggling Chinese sex workers extradited from Taiwan back into this country, a women’s rights group said yesterday.**

**Awakening Foundation general-secretary Tseng Chao-yuan told the Taipei Times that human-trafficking gangs usually bribe Chinese authorities to request Taiwan extradite the gangs’ sex workers who have been detained here. Once back in China, the trafficked women are then sent to Taiwan again to serve out their contracts.**

“I’ve heard from Chinese detainees myself: **Once their bosses back in China hear of their being detained here, the bosses talk to the Chinese police about getting them back.** The Chinese police then present Taiwan with a list of detainees that they’d like extradited right away. Taiwan sends the girls back to China, and then they are smuggled to Taiwan again,” Tseng said (Hirsch, M. 2007, ‘Rights group says Chinese police helping traffickers’, *Taipei Times*, 31 January – Attachment 8)

The US Department of State’s *Trafficking in Persons Report 2008* also commented on the complicity of Chinese government officials in people trafficking, noting that “Additional challenges facing the P.R.C. government include the enormous size of its trafficking problem and the significant level of corruption and complicity in trafficking by some local government officials” (US Department of State 2008, *Trafficking in Persons Report 2008*, ‘Country Narratives - Countries A through G: China’, June, p. 92 <http://www.state.gov/documents/organization/105501.pdf> – Accessed 28 August 2008 – Attachment 10).

The US Department of State’s *Trafficking in Persons Report 2008* also commented on the vulnerability of children in China who were victims of people traffickers being targeted and re-trafficked:

Whether due to corruption or ignorance of proper procedure, police in these cases handed the victims over to traffickers who claimed to be their families or friends. In China, reports indicate that trafficking victims taken to protection centers in Urumqi, Xinjiang are sometimes released to individuals who claim to be relatives, but who ultimately turn out to be traffickers (US Department of State 2008, *Trafficking in Persons Report 2008*, 'Topics of Special Interest: Custody of Child Trafficking Victims', June, p. 30 <http://www.state.gov/documents/organization/105501.pdf> – Accessed 28 August 2008 – Attachment 10).

The US Department of State's *Trafficking in Persons Report 2005* also commented on global trafficking, and reported on the difficulties faced by trafficking victims in general (not specific to China), and the factors that make trafficking victims vulnerable to being 're-trafficked':

**The loss of family and community support networks makes trafficking victims vulnerable to traffickers' demands and threats, and contributes in several ways to the breakdown of social structures.** Trafficking tears children from their parents and extended family. The profits from trafficking often allow the practice to take root in a particular community, which is then repeatedly exploited as a ready source of victims. The danger of becoming a trafficking victim can lead vulnerable groups such as children and young women to go into hiding, with adverse effects on their schooling or family structure. **The loss of education reduces victims' future economic opportunities and increases their vulnerability to being re-trafficked in the future. Victims who are able to return to their communities often find themselves stigmatized or ostracized.** Recovery from the trauma, if it ever occurs, can take a lifetime (US Department of State 2005, *Trafficking in Persons Report 2005*, 'The Human and Social Costs of Trafficking: Promoting Social Breakdown', p. 13 <http://www.state.gov/documents/organization/47255.pdf> – Accessed 28 August 2008 – Attachment 7).

A June 2004 *Inquiry into the trafficking of women for sexual servitude* by the Parliamentary Joint Committee on the Australian Crime Commission also commented on the vulnerability of trafficking victims in general (not specific to China) being re-trafficked:

4.56 The Committee noted that on one view, deportation of a trafficked person amounts to a breach of human rights because of the potential for the person to suffer retaliation on return to her country. The issue of deportation was one which concerned a number of witnesses, as well as the Committee, particularly in view of the potential for harm to the victim and her family.

4.57 The Committee was told by Ms Osborn, a policy officer from the NSW Public Health Association of the likely consequences of deportation:

... the people that organised the trafficking in the country they came from would make sure that their life was miserable. Their families might have sold them to the trafficking organisation. There are a number of those sorts of cases. It could be very difficult for them to go back to their country if they are deported. Their families will lose out.

4.58 **The major risk returned women face is that of re-trafficking.** According to Mr Iselin:

**The victim knows, as do many law enforcement officers working on trafficking that deportation means re-trafficking. Sending the victim women back to their country of origin places them in a position of extreme vulnerability and at great**

**risk of being re-trafficked. Often they will simply be recaptured by their original trafficker and trafficked to another destination.**

4.59 Ms Anne Gallagher agreed:

Trafficking responses that do not place the victim at their centre are likely to contribute to further violations of victim's rights and to re-trafficking: consequences which will also have a negative impact on the investigation, apprehension, and prosecution of traffickers (Parliamentary Joint Committee on the Australian Crime Commission 2004, *Inquiry into the trafficking of women for sexual servitude*, 'Chapter 4 – Australia's legal response: Deportation by DIMIA', 24 June, pp. 56-57 [http://www.aph.gov.au/senate/Committee/acc\\_ctte/completed\\_inquiries/2002-04/sexual\\_servitude/report/c04.htm](http://www.aph.gov.au/senate/Committee/acc_ctte/completed_inquiries/2002-04/sexual_servitude/report/c04.htm) – Accessed 3 September 2008 – Attachment 11).

In terms of government attitudes towards victims of trafficking, sources indicate that the Chinese government has started to provide support services. An overview of China by the United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region commented on services for victims of trafficking:

Chinese government has paid more attention to supporting and assisting the victims of trafficking. In Kunming (Yunnan province), Xuzhou (Jiangsu province) and Chengdu (Sichuan province), three centers of transfer, training and rehabilitation for trafficked women and children were set up. They provide services for more than 2000 trafficked women, accommodating and rehabilitating them physically and psychologically. The centers are responsible for helping the victims to return home safely. Throughout the anti-trafficking campaigns that rescued trafficked women and children in 2000, the MPS used DNA testing to ensure that children were correctly reunited with their parents for the first time and helped 513 children reunite with their birth parent. Another avenue for victim support in China is the use of socialized rights protection agencies to provide legal aid and services to these women and children. By the end of May 2003, there were more than 8000 legal aid centers or legal counseling centers in 330 cities/prefectures throughout 30 provinces, autonomous regions and municipalities (United Nations Inter-Agency Project (UNIAP) on Human Trafficking in the Greater Mekong Sub-Region (undated), *China – Overview* [http://www.no-trafficking.org/content/Country\\_Pages\\_China/overview\\_china.htm](http://www.no-trafficking.org/content/Country_Pages_China/overview_china.htm) – Accessed 1 September 2008 – Attachment 9).

The US Department of State's *Trafficking in Persons Report 2008* also indicated that the Chinese government had made some steps to protect victims of trafficking, but noted that facilities remain inadequate and trafficking victims are often returned to their homes without extensive rehabilitation:

China made incremental progress in victim protection during the reporting period. The government, with the assistance of UNICEF, built a new shelter to provide trafficking victims in Yunnan Province with short-term care, but there remain overall an inadequate number of shelters for victims of trafficking. There continue to be no dedicated government assistance programs for victims of trafficking. China continues to lack systematic victim identification procedures to identify victims of sex trafficking among those it arrests for prostitution and to refer them to organizations providing services. It does not have a comprehensive nationwide victim protection service, but has taken some steps to improve intra-governmental coordination and cooperation in vulnerable southern border provinces. While both the MPS and Ministry of Civil Affairs run shelters, the two ministries do not share information or coordinate their efforts.

While China has made increased efforts to better identify and protect trafficking victims through enhanced cross-border cooperation, protection services and victim identification procedures remain inadequate to address victims' needs. Women found in prostitution are, in many instances, treated as criminals for acts committed as a direct result of being trafficked. Although the MPS has provided expanded border and police training to help border officials spot potential trafficking victims and assist in their repatriation, the quasi-governmental All-China Women's Federation reported that ongoing problems require NGO intervention to protect trafficking victims from unjust punishment. The MPS runs three Border Liaison Offices along the border with Vietnam, which has led to an increase in some cross-border cooperation in victim repatriation, and opened one new Border Liaison Office along the border with Burma during the reporting period. Local governments in southern border provinces often rely upon NGOs to identify victims and provide victim protection services due to the lack of resources. Trafficking victims are generally returned to their homes without extensive rehabilitation. All of the victims of forced labor discovered in brick kilns were repatriated to their homes without access to counseling or psychological care, and three victims suspected of being mentally disabled were lost by authorities during the repatriation process (US Department of State 2008, *Trafficking in Persons Report 2008*, 'Country Narratives - Countries A through G: China', pp. 91-94 <http://www.state.gov/documents/organization/105656.pdf> – Accessed 28 August 2008 – Attachment 10).

An overview of the situation in China on the HumanTrafficking.org website noted that, whilst the Chinese government was providing services to trafficking victims, they did not provide services to victims returning from abroad:

The Chinese Government provides short-term shelters and medical care to trafficking victims along the southern border provinces and in Guangxi. Victims are later assisted with repatriation by NGOs, specifically the All-China Women's Federation and Save the Children. With funding from the Chinese government, the All-China Women's Federation provides counseling on legal rights and medical and psychological treatment. China does not adequately identify and provide services to all its trafficking victims; some trafficking victims from North Korea have been deported, and some foreign trafficking victims found in prostitution are punished as criminals. **The government does not provide services to Chinese trafficking victims returning from abroad** ('China' (undated), HumanTrafficking.org website <http://www.humantrafficking.org/countries/china> – Accessed 2 September 2008 – Attachment 13).

### **Additional information**

It may also be of interest to note that the UNHCR *Guidelines on International Protection: Gender-Related Persecution* commented on refugee claims relating to trafficking for the purposes of forced prostitution:

#### **Trafficking for the purposes of forced prostitution or sexual exploitation as a form of persecution**

18. Some trafficked women or minors may have valid claims to refugee status under the 1951 Convention. The forcible or deceptive recruitment of women or minors for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence or abuse that can even lead to death. It can be considered a form of torture and cruel, inhuman or degrading treatment. It can also impose serious restrictions on a woman's freedom of movement, caused by abduction, incarceration, and/or confiscation of passports or other identify documents. In addition, trafficked women and minors may face serious repercussions after their escape and/or upon return, such as reprisals or retaliation from trafficking rings or individuals, real

possibilities of being re-trafficked, severe community or family ostracism, or severe discrimination. In individual cases, being trafficked for the purposes of forced prostitution or sexual exploitation could therefore be the basis for a refugee claim where the State has been unable or unwilling to provide protection against such harm or threats of harm (UN High Commissioner for Refugees 2002, *Guidelines on International Protection: Gender-Related Persecution*, HCR/GIP/02/01, 7 May, p. 5 <http://www.unhcr.org/publ/PUBL/3d58ddef4.pdf> – Accessed 3 September 2008 – Attachment 20).

In relation to Falun Gong practitioners, it may be of interest to note that the US Department of State's *Country Reports on Human Rights Practices for 2007* on China also noted that sexual and physical abuse occurred in some detention centres, and Falun Gong activists reported that female practitioners were raped in detention by police:

Sexual and physical abuse and extortion occurred in some detention centers. Falun Gong activists reported that police raped female practitioners, including in 2005 at the Dongchengfang police station in Tunzhou City, Hebei Province, where two women were allegedly raped while in detention (US Department of State 2008, *Country Reports on Human Rights Practices for 2007 – China*, 'Section 1 Respect for the Integrity of the Person, Including Freedom From: c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment' 11 March – Attachment 21).

A 2003 report by the Federal Research Division of the US Library of Congress indicates that Chinese criminal organisations are active in running prostitution rackets, and people trafficking remains one of the most widespread and profitable activities of criminal organisations in China. This Federal Research Division report also comments on the involvement of Chinese syndicates in human trafficking activities in Malaysia:

**At present, human trafficking accounts for the major part of the Chinese syndicate activities in Malaysia and possibly Indonesia.** The large number of sex workers and illegal Asian immigrants moving around the world from these countries indicates indirectly the existence of Chinese snakehead groups. According to one report, Chinese syndicates operating in Malaysia received between US\$5,000 and US\$7,000 per person for women trafficked into a prostitution system in the United States. Malaysian authorities also have reported the sale and smuggling of Malaysian women throughout Southeast Asia for use in Chinese owned nightclubs and bars.

... Malaysia's lax visa laws also promote human trafficking. Currently, Malaysia serves as a receiving country for women trafficked from most other Southeast Asian countries. **Because trafficking in humans for the sex trade and for illegal immigration is lucrative, Chinese organized crime organizations have become deeply involved in the conduct of Malaysia's global trafficking rings. Although prostitution is illegal in Malaysia, corrupt members of the Mahathir government reportedly have been complicit in supporting the industry** (Federal Research Division, Library of Congress 2003, *Transnational Activities of Chinese Crime Organizations*, Library of Congress website, April, pp. i, 2, 40-41 <http://www.loc.gov/rr/frd/pdf-files/ChineseOrgCrime.pdf> – Accessed 1 September 2008 – Attachment 22).

The 'China' section of the US Department of State's *Trafficking in Persons Report 2008* also commented on the trafficking of women from China to Malaysia:

Chinese women are lured abroad through false promises of legitimate employment, only to be forced into commercial sexual exploitation, largely in Taiwan, Thailand, Malaysia, and Japan. There are also many cases involving Chinese men and women who are smuggled into destination countries throughout the world at an enormous personal financial cost and whose

indebtedness to traffickers is then used as a means to coerce them into commercial sexual exploitation or forced labor (US Department of State 2008, *Trafficking in Persons Report 2008*, 'Country Narratives - Countries A through G: China', pp. 91-94 <http://www.state.gov/documents/organization/105501.pdf> – Accessed 28 August 2008 – Attachment 10).

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### **Government Information & Reports**

Immigration & Refugee Board of Canada <http://www.irb.gc.ca/>  
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US Department of State <http://www.state.gov/>

### **Non-Government Organisations**

Amnesty International website <http://www.amnesty.org/>  
Human Rights Watch <http://www.hrw.org/>

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