Gender Bias and Sex Trafficking in China

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GENDER BIAS AND SEX TRAFFICKING IN CHINA

by
Avery Kennedy

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the requirements of the Sally McDonnell Barksdale Honors College.

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Abstract

China’s history shows a pattern of preference for sons over daughters. Chinese language and policies show evidence of this bias. This penchant has created a sizable gender disparity within China’s population. The implementation of the One-Child Policy only exacerbated the gap between males and females. China’s age-old preference for sons has negatively impacted modern-day China. The gender disparity generated a “demand” for women, which has been answered by sex trafficking women in China to be sold as brides and sex workers.
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Chapter One: Significance and Literature Review

Human trafficking is defined as transporting, harboring, or recruiting persons by use of force, fraud, or coercion to exploit the person for either labor or commercial sex. Cases of human trafficking have been reported in every country in the world. There is no one type of victim: regardless of race, gender, or age, all populations are vulnerable to trafficking. In efforts to fight trafficking and facilitate conversation between countries, since 2001, the U.S. State Department produces the Trafficking in Persons Report (TIP). This document is an in-depth analysis of trafficking worldwide. It measures each country’s willingness to comply with the Trafficking Victims Protection Act (2000) and the 2003 and 2005 updates to the TVPA. The Trafficking Victims Protection Act is U.S. federal law, but it serves as an ideal model for anti-trafficking in the TIP. The TIP also describes each country’s narrative in regards to trafficking, detailing what a country does to protect victims of trafficking. It reports incidents of prosecution of traffickers within the country and details what each country is doing to prevent human trafficking. In addition, it provides individualized recommendations for improvement. As a result of the findings, the State Department places each country in a tier (1-3), three being the countries making little to no efforts to fight trafficking.

The 2017 National Security Strategy, produced by the White House, states that human trafficking is detrimental to our critical infrastructure. The report also establishes that one of the United States’ priority actions is to reduce human suffering. While there is no exact number of trafficking victims because of varying statistics it is estimated that there are 20.9 million people subjected to human trafficking worldwide. (Polaris)
Arthur Rizer and Sheri Glaser, two trial attorneys for the United States Department of Justice, published “Breach: The National Security Implications of Human Trafficking” in The Widener Law Review. This article argues that human trafficking brings along with it possible security implications for the United States. While human trafficking is not a direct factor in the instability of a country, as stated in this article, trafficking is a sign of a decaying society, which leads to instability. (Rizer, Glaser)

Many Tier 3 countries are already cause for concern for the United States including China, Iran, North Korea, Russia, and Syria.

This article establishes an argument that Tier 3 countries are problematic for the United States on military, economic, and diplomatic levels. Unstable countries pose a military threat to the United States. (Rizer and Glaser) Countries ravaged by political conflict and economic insecurity are breeding grounds for human rights violations, terrorism, and regional instability. Rizer and Glaser also contend that the globalization of the world economy has led to a highly connected and largely unregulated network that allows for criminals to move relatively freely and spin a web of international organized crime. If the United States sanctions a country as a result of the findings of The Trafficking in Persons Report, it will likely put a strain on diplomatic relationships. (Riser and Glazer) For example, the Venezuelan government questioned the TIP findings in 2009, stating that the United States was trying to damage the Venezuelan government by publishing this report. James Suggett, author of the article, “Venezuela Says U.S. Report on Human Trafficking Reflects ‘Double standards’” also argues that the United States used the TIP to sanction Venezuela in 2004 in an attempt to politicize the issue.
Author, law professor, and former Director of the Centre for Feminist Legal Research in India, Ratna Kapur also argues that human trafficking is a national security issue in her essay, “Cross-border Movements and the Law: Renegotiating the Boundaries of Difference.” Kapur argues that trafficking should be seen as a national security issue because many trafficking victims are smuggled illegally across borders. Kapur states the global “War on Terror” has led to an exponential increase in regulations and laws related to cross-border movement. Therefore, it is clear that migration and immigration are both considered to be top priorities by our government; thus forced migration and human trafficking are national security issues.

Based on these arguments, human trafficking can be considered a national security issue. Therefore, the United States must better understand how to help countries combat trafficking. Human trafficking is a global concern; not only is it a human rights issue, it is a matter of national security. At first glance human trafficking may not appear to be a threat to national security, but upon reflection the impact is quite substantial. After the illicit drug trade, human trafficking is the second most lucrative crime in the world.

Last year China made headlines, when the U.S. Department of State labeled them as one of the “worst offenders” of human trafficking. In 2017, China’s ranking fell from the Tier 2 Watchlist to Tier 3 as a result of the country’s reluctance to comply with the Trafficking Victims Protection Act (2000). The Trafficking in Persons Report stated that China has both severe labor and sex trafficking problems, but I have chosen to focus my research on sex trafficking. My goal is to understand the depth of male preference within Chinese culture and understand how it contributes to today’s sex trafficking situation in China.
China’s cultural tradition of male preference has created a gender disparity within the Chinese population and the implementation of China’s One-Child Policy has exacerbated the problem. Through my research, I hope to answer the following two questions: How does the male/son preference in Chinese culture affect the trafficking situation? How has the One-Child Policy worsened sex trafficking in China?

Human trafficking statistics worldwide are far from robust. Many cases go unreported and many governments are unwilling to state their actual number of trafficking victims or prosecutions related to trafficking. In order to provide accurate recommendations to prevent trafficking, the United States must better understand each country’s trafficking situation. Culture and history play an integral part in the development of the trafficking culture in each country. By looking closely at the Chinese historical perspective on woman, I hope to establish a relationship between culture, policy, and China’s trafficking narrative.

My preliminary research strongly suggests a close relationship between culture and policy and current sex trafficking patterns in China. I plan to argue that China’s historic cultural preference towards males and China’s One-Child Policy have impacted trafficking patterns in modern day China. The statistics that are available for trafficking vary from organization to organization, there are no definitive statistics on this subject. As a result of a lack of statistics, my research will rely on secondary sources to establish the connection between the past and the present. I also hope to identify recommendations for China to progress in the fight against trafficking.

A significant portion of academic literature that discusses “male preference”, discusses Chinese culture specifically, which illustrates the depth of this issue in China.
Patricia Ebrey, in “Women in Traditional China,” illustrates the early origins of male preference in China. The author explains how women’s roles in traditional Chinese society (Shang, Han, and Song Dynasties) were limited to the domestic sphere. This article also cites several Confucian readings indicating the importance of the segregation of the sexes in order for the family unit to function properly.

Charis Loh and Elizabeth J. Remick “China’s Skewed Sex Ratio and the One-Child Policy” illustrate how inheritance laws favored males, how only men traditionally worked in the field and how women did not have much economic potential. Women were resigned to the domestic sphere and did not carry the responsibilities or receive the benefits that males did in traditional China. Loh and Remick also examine China’s sex ratio at birth (SRB); this statistic is the determining factor used to measure gender imbalance within a country.

Linguists have also revealed how the Chinese language reflects a cultural bias against women. Dali Tan’s “Sexism in the Chinese Language” argues that both written and spoken elements of the Chinese language demonstrate a gender bias against women. By analyzing specific characters containing the woman radical and linguistic patterns, Tan establishes evidence of a linguistic bias against women. China’s history and culture have played an integral role in the development of China’s gender disparity. China’s

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infamous One-Child Policy is another topic that is often brought up in conjunction with China’s gender disparity.

While China’s One-Child Policy officially ended in 2015, it is important to understand the origins of this policy in order to understand why modern-day China has a gender disparity. An article published in *Population Development and Review*[^3][^4] titled “Population, Policy, and Politics: How Will History Judge China’s One-Child Policy?” details the panic surrounding the rapid population growth that was evident in the 1960s. The authors of the article explain that the effects of the Cultural Revolution in China were devastating. While the Chinese government never released any numbers, thousands of people lost their lives during the Cultural Revolution as a result of Mao Zedong’s efforts to rid China of capitalistic influence. The authors note that the goal of the One-Child Policy was not just to curb population growth but also to help foster economic growth and thus establish the political legitimacy of Deng Xiaoping and the Chinese Communist Party after Mao Zedong’s death in 1976. The new government needed to establish a plan of action for the country; Xiaoping chose to focus on economic growth, which would be bolstered by a higher GDP.

In 1995, the Information Office of the State Council of the People’s Republic of China prepared an official statement, also known as a white paper, asserting the benefits

[^4]: Population Council is a non-profit dedicated to reproductive health in developing countries. *Population and Development Review* is a peer-reviewed journal published on behalf of the Population Council. According to Journal Citations Report, in 2016 this journal ranked in the top ten among journals related to Demographics and Sociology.
and purpose of the One-Child Policy. Since the document was approved by the state while the policy was in effect, it gives insight to China’s motives and goals in implementing the One-Child Policy. This white paper was strategically produced shortly before the Fourth World Conference on Women which was held in Beijing. (Population Council) The statement provides a rationale for the policy and responds to criticisms of the policy’s human rights violations. China’s goal is to convince a global audience and its citizens that this policy is best for the country’s economic progress.

The most recent estimate of China’s sex ratio at birth recorded by the World Bank in 2015 is 1.154 (average of the last five years). This ratio can be defined as follows: there are 115 males born in China for every 100 females. Wei Xing Zhu, Li Lu, and Therese Hesketh published a study in the *British Medical Journal* titled “China’s Excess Males, Sex Selective Abortion, and One Child Policy: Analysis of Data from 2005 National Intercensus Survey.” This study was completed by analyzing the data that was provided from China’s 2005 intercensus survey. This cross-sectional population survey, measured households in all 2861 counties. The researchers used this data to better understand the China’s sex ratio. The study concludes that provinces with high male preference and access to selective sex ultrasound technology that became available in the 1980s tend to have a higher male to female sex ratio at birth.

In addition to deepening the gender disparity, the implementation of the One-Child Policy has generated other unexpected issues in China. The Trafficking in Persons

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5 *The British Medical Journal* is a peer-reviewed medical journal, last year it ranked fourth among general medical journals in the Journal Citations Report.

Report provides the most up to date information on sex trafficking patterns in China. It includes a narrative of the country’s trafficking situation and a description of the country’s efforts for prevention, prosecution, and protection. In 2014, the United Nations established the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT). Their online UN-ACT publications provides an additional resource to overview China’s trafficking situation and challenges that China faces in the future.

The U.S. Department of State’s 2013 Trafficking in Persons Report cites China’s One-Child Policy as a driving source of demand for foreign brides and prostitution. The Diplomat, a current affairs magazine focused on the Asia-Pacific, has produced many articles in regards to these issues. “Sex Trafficking and China’s One-Child Policy”7 authored by Madeline Fetterly cites the TIP report arguing that there is a clear relationship between the gender disparity in China, male preference, and the One-Child Policy. Her 2014 article follows China’s 2013 decision to relax the One-Child Policy; her discussion centers around the government realization of the country’s worsening gender disparity and the problems it has created. Kyla Ryan’s “The Women Who Escape From North Korea”8 states the high likelihood that women who manage to escape from North Korea to China will be forced into marriage upon entry into China. She reveals that three of the Chinese provinces surrounding North Korea have a ratio of young men to women of 14:1, leaving many bachelors searching for a bride. As defectors of North Korea, these women are desperate and are a vulnerable target for traffickers.

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Dr. Elaine Jeffreys, professor at the University of Technology Sydney, explains in her book, *Sex in China*, China’s tumultuous relationship with the commercial sex industry. She details the “abolition” and subsequent growth of the commercial sex industry since the 1980s. Jeffreys also speaks to the vast number of individuals from differing plans of society that are involved in this industry.

While overall trends are important, it is also worthwhile to explore incidents on a case by case basis. A report titled “Kidnapped and Sold: Inside the Dark World of Child Trafficking in China,” authored by Charlie Custer, speaks to the children who are abducted, trafficked, and adopted by families both nationally and internationally. This article provides personal narratives of a family whose child has gone missing and another woman who discovered that the child she adopted was actually abducted. Custer highlights the abduction/adoption trafficking of infants, which the United Nations considers a hallmark characteristic of trafficking in China, even though it is currently not recognized as a form of human trafficking.

A resource published by the Law Library of Congress titled “Training Related to Combating Human Trafficking: China” reviews the portions of China’s Criminal Code that relate to human trafficking. The outline of China’s Criminal Code included in this resources shows the limitation of China’s laws that hinder successful prosecution of perpetrators. A statement made by a Foreign Ministry Spokesperson in 2017 in anticipation of the release of the TIP Report and a report released by China titled “China

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Action Plan against Human Trafficking (2013-2020) illustrate China’s response to criticisms and plans to combat trafficking in their country.

When assessing any matter of national security, recommendations play an important role for offering options to improve upon a situation. Within the Trafficking in Persons Report the Department of State provides tailored recommendations to each country with the publication of the Trafficking in Persons Report. China’s recommendations suggested by the U.S. State Department will provide a roadmap for China’s fight against human trafficking.
Chapter Two: Male Preference and the One-Child Policy

“Son preference” is “a term used for a complex [collection] of [Chinese] cultural, social and economic institutions and practices that make it likely that families will choose to have sons instead of daughters.” (Loh, Remick) This preference for male children can be dated back to ancient times in China.

Historically, men have always been the center of Chinese culture. The philosopher Confucius (551 BCE to 479 BCE) stated in The Book of Documents “When the hen announces the dawn, it signals the demise of the family.” The hen, a representative of women who are heads of households, is seen as a sign of instability within the family structure. This clearly shows the importance of the patriarchal structure in Chinese culture. Another concept of Confucian ethics is that of “三从四德” (three obediences and four virtues). This phrase represents the three people a woman should respect and the four virtues they should possess. A woman should respect her father before marriage, her husband after marriage, and her son after her husband’s death. A woman should be moral, have physical charm, speak eloquently, and be proficient in needlework. These Confucian ideals are evident throughout many of China’s dynasties.

Women were often only mentioned in historical record because of problems that they caused men. (Ebrey) During the Han Dynasty (206 BCE–220 CE), laws gave men legal powers over women. Men could divorce their wives for any number of reasons, including talkativeness and barrenness, but a woman could not instigate divorce proceedings. (Ebrey) During the Song Dynasty (960–1279 CE), the concept of widow chastity, stating that a woman must not remarry after her husband’s death because she
will lose her virtue, was popularized by the Neo-Confucian philosopher Cheng Yi. (Ebrey)

China’s “male preference” has even been evident in Chinese culture since the creation of the Chinese language. Male and female roles are clearly defined in the earliest forms of the Chinese language, dating back to the Shang Dynasty (approximately 1500 BCE to 1000 BCE). The earliest form of the character that represents a woman “女”, is a pictograph of a woman kneeling or bowing. (Figure 1) This position is universally representative of a person in a subservient position. On the other hand, the character that represents men, “男”, relates to hard work and strength. The earliest form represents the field and a harvesting tool. (Figure 2) This difference between the representations of the two sexes is a good starting place for understanding the Chinese language’s inherent discrimination against women.

*Figure 1*

**Oracle Bones Script: Female Character**
Specific characters and their formation also reveal the linguistic discrimination against women. Radicals play an important part in character formation. Radicals are components of Chinese characters that serve as either an indication of the meaning or as a phonetic component. If the radical for woman is used, one can assume that the meaning will somehow relate back to women.

The character “安”, meaning peace or security, contains the character for woman. The top part of the character is made up of the radical “宀”, meaning roof, which represents the home. Below is the radical is “女”, meaning woman, so combining these two elements together, “安”, represents a woman at home. The characters 安静 (quiet) and 安稳 (secure) both contain “安”. The use of the character meaning woman within these words suggests that women are associated with quietness and security and Chinese culture. (Tan)

Many words containing the “女” radical have a negative connotation, for example “嫉妒” (jealousy) and “娇气” (fragile). (Tan) “嫉妒” translates to jealousy, sometimes referred to as a woman’s sickness in Chinese culture. “娇气” translates to fragile, fragility
is often a word associated with women. In addition to the formation of characters, other elements of the Chinese language show a linguistic bias against women.

Speech contains linguistic dyads, which are two words that are normally paired together: good and bad, love and hate, right and wrong. There are also gender pairings of dyads: man and wife, boys and girls, etc. Chinese also has similar patterns which are similar to English in that in gender pairings the man always precedes the woman 爸爸妈妈 (father and mother) or 兄弟姐妹 (brothers and sisters). The order of these linguistic dyads is important because, in Chinese, the father is put before the mother as a sign of respect.

There are also many proverbs and set phrases within the Chinese language that highlight the language’s gender bias: “夫唱妇随” (The husband sings and the wife follows.), “女子无才便是德.” (Women’s virtue lies in their lack of talent.), “天下最毒妇人心.” (Women are most evil in the world.), and “唯女子小人难养.” (Only women and petty men are difficult to deal with.). These proverbs or set phrases show a clear bias against women and an emphasis on a male-dominant society.

China’s historic preference for males also manifests itself throughout history in China’s gender disparity. The sex at birth ratio is the determining statistic used to measure gender imbalance within a country. China’s first official census took place in 1953, so in order to understand early SRB imbalances, studies of smaller populations, royal and regional lineage, were conducted to show the effects of female infanticide. (Loh, Remick) Within Loh and Remick’s argument, a study titled “Infant and Child Mortality among the Qing Nobility: Implications for Two Types of Positive Check” is used to provide early evidence of male preference. This study of the Qing Dynasty
lineage show that around 10% of female infants were likely killed after birth between 1700-1830. (Lee, Feng, Campbell) Female infants were also ten times more likely to die the day of their birth than males. (Lee, Feng, Campbell)

From 1960 to 1985, the sex ratio at birth in China was within the normal range (107). (Loh, Remick) Loh and Remick explain this by detailing the effects of Collectivization, which caused a decreased level of son preference that caused the SRB to move towards natural levels. Under Mao Zedong, China focused on collective farming instead of family farming. This economic plan caused a shift in the sex at birth ratio; as a result of collectivization the SRB moved towards equilibrium. This change in mindset and lifestyle caused levels of son preference to change over time. (Loh and Remick)

Figure 3

“Son Preference and SRB in China during the 20th Century”

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Labor</th>
<th>Ritual</th>
<th>Inheritance/Property</th>
<th>Social Security</th>
<th>SRB Imbalance(^{10})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Collectivization(1900-1957)</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>High</td>
<td>High (ca. 109-115)</td>
</tr>
<tr>
<td>Collectivization (1957-1983)</td>
<td>Low</td>
<td>Medium</td>
<td>Low</td>
<td>Low</td>
<td>Natural levels (ca. 107)</td>
</tr>
</tbody>
</table>


Loh and Remick create a table that measures son preference throughout an eighty-three-year period in four different categories. *(Figure 3)* This article quantifies son preference on a scale: low, medium, and high. Loh and Remick then define the following categories of male preference as: labor, ritual, inheritance/property, and social security. The authors establish a timeline divided into three sections: pre-collectivization, collectivization, and post-collectivization.

| Post-Collectivization (post-1983) | High | High | Medium | High | High (ca. 108-120) |

In 1900-1957, before collectivization, son preference was high in each category: labor, ritual, inheritance/property, and social security. Families were dependent on themselves for sustenance and economic profit. Only men were viewed as capable enough to work the fields. Therefore it was more likely for men to be able to financially support the family. Under the 1911 Civil Code, families were also required to have a male heir to inherit property. Filial piety is a part of Confucian philosophy defined as the value of respecting one’s parents, elders, and ancestors. The head of the household, the man, was also expected to take care of parents/elders during old age. The duty of caring for your parents and elders was seen as an honor and a requirement for males. Thus, parents were aware that daughters might not be available to take care of them, since they would likely be providing care for her husband’s family. The strong preference for sons in each category during this time period led to an equally high sex ratio imbalance (ca. 109-115). *(Loh and Remick)*
During collectivization, the government required a collective effort. The family farm was no longer a private entity, the farms functioned as a collective economy. This means that women were put to work in the fields, so they were viewed as an economic benefit. Care for the elderly was also considered a collective concern, which reduced the need for sons to take care of their parents and in exchange receive land. (Loh and Remick) Thus, during collectivization, 1957-1983, a mixture of low and medium levels of son preference in each category led to a natural sex at birth ratio (ca 107). While the One-Child Policy was instituted in 1978, the effect on the SRB would not be seen with certainty until around 1987, as it would take time for the policy to be fully implemented. (See Figure 4)

As a result of decollectivization, post 1983, the focus returned to family farming and preference for sons increased once again. A mixture of high and medium son preference in each category led to a high sex ratio at birth (ca. 108-120). During the process of decollectivization, land was redistributed by the local leadership in villages; unmarried men were often given more land than unmarried women. The logic behind this decision was that men would need a larger parcel of land to provide for their family. Women were likely to marry out of their family and typically moved to another village, so they were not given large pieces of land. (Loh and Remick) Male preference increased in the category of social security because care for elderly parents was no longer a collective effort; parents looked back to their sons for economic and social security. (Loh and Remick)

The One-Child Policy was implemented in 1978, Figure 4 shows a rising SRB rate after the implementation of the One-Child Policy, reinforcing that the One-Child
Policy intensified the gender imbalance. The figure shows the SRB in China from 1962 to 2015. From 2010 onward the SRB has fallen; there are two main reasons for this move towards parity. The first factor is that in 2013 the Chinese government relaxed the regulations of the One-Child Policy; a couple that consists of two people who are only children were allowed to have more than one child. (Feng) Then, in 2015, the One-Child Policy was abolished, which encouraged the SRB to fall. The 2015 SRB rests around 115; which is still well above the average of 106.

A study conducted by Wei Xing Zhu, Li Lu, and Teresa Hesketh on the number of excess males in China focuses on the results of the 2005 national intercensus survey. The results of the study concluded that men under twenty outnumber women under twenty by 32 million. This study noted that this disparity is the result of selective sex abortions. (Zhu) In the 1980s, ultra-sonographic sex determination technology became relatively widely available, making it possible to select the sex of a child. Since women were able to determine the sex of the child before the birth, the rate of selective sex abortions soared during this time. This effect is clear in Figure 4, where the SRB rises from 1982 to 1987. The implementation of the One-Child Policy in 1978 intensified the necessity of having a male child. If parents could only have one child, for both cultural and economic reasons, Chinese parents would prefer to have a son.
Charis Loh and Elizabeth Remick’s study on the effects of Collectivization show male preference is clearly a contributor to China’s gender disparity. The conventional wisdom is that the One-Child Policy is the singular driving factor behind the skewed SRB in China, but the implementation of the One-Child Policy only exacerbated China’s gender disparity problem; it is not the sole contributor to the imbalance. Rather, the SRB is skewed as a result of male preference: female infanticide, selective-sex abortion, and non-registration at birth. (Ding, Hesketh) Some parents, in an effort to avoid punishment, would not register female children at birth. But, these female children would most likely

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filter into statistics later on because they would have needed to be registered to attend school or get immunized. (Ding, Hesketh)

As noted in the literature review, Wang Feng, Baochang Gu, and Yong Cai state that the One-Child Policy was implemented as a result of the population growth. During the second half of the twentieth century, the world’s population was growing at its fastest rate in history. (Feng) This growth was a mainly a result of improved human life expectancy. (Feng) Post World War II, a Neo-Malthusian Revival led many back to Thomas Malthus’ theory of population growth. (Desrochers) Malthus’ theory states that the world’s population growth is exponential, but that supplies, mainly food, are limited. The panic associated with a rapidly growing population was very evident in the global movement for birth control. (Feng) During this time, there were two types of family planning that most governments implemented: providing contraception to individuals or government restriction of reproduction. (Feng)

In an effort to control its rapidly growing population, China had sought to reduce population growth since the 1960s. The Chinese government established the Birth Planning Commission in 1964 with the goal of reducing the population growth rate from 2.7% to 1% by the year 2000. At the start the Chinese government’s birth control measures mainly consisted of education campaigns and the encouragement of contraception. It was also a hope of the government that the Chinese people would delay marriage and space out the birth of their children, hopefully leading to overall fewer births. (Smith p. 69) Until the late 1970’s, China’s population policy was strictly voluntary. Mao Zedong was actually criticized after his death for not taking a stronger stance towards birth control. (Smith p. 69) Overall, the Chinese government’s call for
family planning and the use of contraceptives was not sufficient. (Family Planning in China) Therefore, in 1978, China officially implemented the One-Child Policy. (Feng)

On the surface, controlling population growth in China seemed to be the main purpose of the One-Child Policy, but after the Cultural Revolution and the death of Mao Zedong, the Chinese Communist Party found itself in dire circumstances. (Feng) The new leadership turned to economic development to bolster the nation’s welfare. The government was aware that China’s increasing population would have led to a barrier to “accumulating the capital needed for the modernization drive.” (Smith p.70) Essentially, economic development was seen to go hand in hand with curbing the population. Therefore, curbing population growth was essential to establishing the credibility of the new leadership in China. (Feng) The One-Child Policy was a sweeping, one of a kind policy that firmly established the direction of Deng Xiaoping’s leadership.

In 1995, the Information Office of the State Council of the People's Republic of China published “Family Planning in China.” This document appears to validate the theory that China’s main purpose of the One-Child Policy was population control. The document opens by restating the UN Population Fund’s warning of the implications of rapid worldwide population growth. The authors then imply that China is responsible to reduce population growth because of the country’s massive population: “For a populous developing country like China the challenge posed by the population question not only has a bearing on the survival and development of the Chinese nation but also affects the stability and prosperity of all human society.” The government’s main emphasis is that the economy and general living standards have improved in China as a result of the One-Child Policy.
In the second part of the statement the government asserts six factors that have improved as a result of the One-Child Policy. “Family planning has effectively checked the trend of over-rapid population growth.” (1) “Family planning has promoted the change of the people’s concepts regarding marriage, birth and family.” (2) “Family planning has created favorable conditions for the development of China's economy and the improvement of people's living standards.” (3) “Family planning has promoted the improvement of the quality of the Chinese population in terms of education and health as well as the overall development of the people.” (4) “Family planning has further liberated the female productive forces and helped improve the status of women.” (5) “Family planning has accelerated the process of eradicating poverty in rural China.” (6)

This 1995 statement highlights the seemingly endless benefits of the One-Child Policy but as time passed it has become clear that the One-Child Policy has had many negative effects as well. In addition to causing a rapidly aging population, the One-Child Policy has also exacerbated the difficulties caused by male preference.
Chapter Three: Sex Trafficking Patterns in China

A combination of male preference and the One-Child Policy has left China with an extreme gender imbalance. (See Figure 5)

Figure 5

China’s Gender Gap (in hundred millions)

This imbalance has led to an increased number of bachelors looking for wives. Human trafficking is a simple solution to this issue. Rather than searching for a partner in an area with a decreased population of women, a man can just pay a marriage broker, a source for trafficked women, and easily obtain a woman. (TIP 2016) If he is unable to do this, he can turn to prostitution, thus this gender imbalance has worsened the sex trafficking

13 Source: United Nations Development Program
situation in China. The types of sex trafficking that are most prevalent in modern China are closely associated to the country’s gender disparity: bride trafficking, forced prostitution, and child trafficking.

Marriage is very important in Chinese culture, men that are not married are referred to as “光棍儿” (bare sticks) because they will not continue their family line. Unmarried women are also scorned in Chinese culture. An unmarried woman over the age of 26 is usually referred to as “剩女” (leftover woman). In China, older unmarried women are most common in areas such as higher education or the workforce. It is sometimes difficult for these women to find a husband because they may make more money than him, or may have more education, which is considered emasculating. Culturally these men and women are looked down upon because they do not adhere to the social norms of Chinese culture. This cultural pressure to marry intensifies the industry of bride trafficking in China.

Madeline Fetterly contends in “Sex Trafficking and China’s One Child Policy” that the demand for women in China is directly related to the country’s shortage of women. The U.S. State Department’s Trafficking in Persons reports states: “The Chinese government’s birth limitation policy and a cultural preference for sons created a skewed sex ratio of 117 boys to 100 girls in China, which observers assert increases the demand for prostitution and for foreign women as brides for Chinese men—both of which may be procured by force or coercion.” (TIP 2017)

Kyla Ryan, in “The Women Who Escape from North Korea”, discusses how North Korean women are lured with the promise of work or a better life by marriage
brokers, but instead are sold to Chinese bachelors in areas with a decreased female population. These women are especially vulnerable to trafficking because of the harsh punishments, sometimes including death, imposed on those who return to North Korea after an escape. (Ryan) In 2014, the three provinces closest to the North Korean border had a male to female ratio of 14:1 (Ryan). The women are sold based on appearance; younger, more beautiful women are sold for higher prices. (Ryan) In addition to North Korea, women from Burma, Malaysia, Vietnam, and Mongolia are also trafficked to China to be brides for Chinese bachelors. (TIP 2013)

Women that are not forced into marriage are often forced into prostitution. Chinese women that are abducted for the purpose of sex trafficking are often moved from rural areas to urban areas. In an economic sense, women from rural areas are not as privileged as urban women; therefore they are more vulnerable to trafficking. (Fetterly) Women in urban areas have an increased opportunity for education; this increases their economic potential. Rural women may be more likely to fall prey to the offer of a higher paying job, which is a common ruse. These women may be coerced with the promise of better economic opportunity but are often forced into prostitution.

The commercial sex industry in China has evolved since Mao Zedong’s era (1949-1976). Under his rule, government campaigns were carried out to eradicate prostitution. Today, China still retains an abolitionist attitude towards prostitution. But, despite its illegality, since the mid-1980s there has been a resurgence of commercial sex in China. (Jeffreys & Yu p. 72) Commercial sex can be divided into two categories, the sellers and the buyers, it is important to remember that in discussing sex trafficking, sex
sellers are not willing participants. The makeup of these categories shows the vast array of people involved with the commercial sex industry in China.

The majority of sex sellers in China are women aged 17-24. They usually stay in the industry for a short time with the goal of earning a livelihood. (Jeffreys & Yu p.73) Many women choose prostitution as a solution to unemployment or limited opportunities for upward mobility. (Jeffreys & Yu p. 73) There is a stereotype that all prostitutes in urban areas are poor uneducated rural women. While this stereotype has validity, there are many types of women, both urban and rural, that enter into the commercial sex industry.

In China, men aged 20-65 are most likely to be buyers of commercial sex. There are two types of men that buy sex in China: blue and white collar workers. Blue collar workers typically seek out cheap, quick sex from low-grade venues. White collar workers typically buy commercial sex from higher-grade venues for business deals or pleasure. Some examples of white collar clientele would be government officials, entrepreneurs, and other business professionals. (Jeffreys & Yu p.74)

Female providers and male clientele is the typical arrangement, but commercial sex in China is an expanding industry. It has become more common to see male providers and female clientele, male providers and male clientele, youth providers, and children providers. (By definition child providers of sex would be considered child sex trafficking victims.) (Jeffreys & Yu p. 75-76) The rise of internet use in China has also expanded the commercial sex industry. The ability to access porn, arrange sex tourism, order mail-order brides and facilitate sex trafficking have been simplified by access to the internet. (Jeffreys & Yu p.52)
Locations of commercial sex include both rural and urban settings. Some typical venues used for commercial sex in China are: bars, karaoke/dance venues, health and fitness clubs, saunas, cinemas, teahouses, foot- and hair-washing salons, barbershops, high-and low-grade hotels, truck stops, temporary work camps, and some public spaces such as beaches, parks, and underneath overpass bridges. (Jeffreys & Yu p.74) Prices for services vary based on location, the attractiveness of the provider, and the socio-economic status of those requesting the service. (Jeffreys & Yu p.74) Service prices can range from 10 yuan to several thousand yuan. ($2 to $500+)

While the commercial sex industry in China is illegal, it is hardly unseen. Flyers for “massages” and other services are commonly posted on street pavements, slid under hotel doors, and handed out by children to adults in public. (Jeffreys & Yu p. 76) China still retains an abolitionist attitude towards prostitution which is evident through police action. Since the late 1980s, police in China have “cracked down” on places of prostitution and detained the prostitutes found there. These women were often subject to fines, imprisonment, possible torture, and interrogation. (Jeffreys & Yu p. 78-80) China sought to improve police action dealing with prostitution in the 2005 Public Security Administration Punishments Law. This law both lowered fines and reduced the time a prostitute may be detained. In 2010, Chinese police issued statements that they would continue crackdowns, but would they would be conducted in a lawful manner. (Jeffreys & Yu p.80)

China is mainly a transit country, which is defined as a country where people are trafficked within the country itself. However, China is also source and destination country meaning that people are both “imported” and “exported “from China for
trafficking. Because of the impact of male preference, women that are not trafficked within the country often are smuggled out of the country and taken to countries around the globe, including the United States. (TIP 2013)

This includes another form of trafficking, not mentioned in the Trafficking in Persons Report. The United Nations Actions for Cooperation against Trafficking in Persons states that illegal adoptions are a distinct characteristic of China’s trafficking profile. Their report also stated the average age of victims has decreased due to the increased number of infants being trafficked. The TIP has yet to include abduction/adoption trafficking with China’s country narrative even though it seems to be an emerging problem in China.

The Chinese government has not thoroughly researched this topic, so it is unclear how many children go missing in China, and what percentage of those children are put up for adoption. (Custer) While kidnapping may sometimes be involved in adoptions, the majority of children who are legally adopted are females, and a large majority of those have disabilities.

U.S. State Department numbers show that from 1999 to 2016, there have been 78,257 adoptions of Chinese children into the United States. Out of these adoptions, 86 percent of these adoptions were females. The majority of adoptions occur when a child is two years or younger in age. (U.S. Department of State) (Figure 6) These statistics are also exhibit another fact of male preference in the country, most “unwanted” children seem to be young girls; the One-Child Policy led to a record number of females orphans. The U.S. Department of State places the total number of adoptions worldwide to the
United States from 1999 to 2016 at 267,098, the majority being young females (61.3%) and the rest being male (38.7%).

Charlies Custer illustrates the realities of missing children and illegal adoptions in China in investigative piece titled “Inside the Dark World of Child Trafficking”. In the article, he tells the story of Rose Candis, who adopted her daughter from China in 2011. Several years later, when her daughter asked her who her birth parents were, Rose wanted to try and answer this question. During the adoption process, she had been told her child had been found abandoned on the side of the road. However, after researching Rose discovered that her child had very likely been kidnapped and sold to an adoption agency.

In an unrelated but similar story, in 2010 in Shanxi province, Liu Liqin, received a call from his wife notifying him that their two-year-old child had been kidnapped. Liu and his family received little help from the police and the case is still unsolved. Their story is similar to many other missing children cases in China. These two stories illustrate the issues related to child abduction and illegal adoptions and the need to broaden the definition of trafficking as a result of these types of incidents.
Adoptions from China to the United States

(1999-2016)
Total Adoptions:
78,257

Source: U.S. Department of State
Adoption Statistics

34
Chapter Four: Roadblocks

China faces many different roadblocks that keep the country from progressing in the fight against human trafficking. China’s definition of human trafficking differs from that of the United Nations’ definition of human trafficking. The United Nations defines human trafficking as “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” China’s Criminal Code does not contain a holistic definition of trafficking, but rather the code restricts various activities associated with human trafficking. The following paragraphs contain the articles in China’s Criminal Code that are associated with trafficking.

Under Article 240 of China’s Criminal Code these actions are prosecutable by law: “(1) being a ringleader of a gang engaged in abducting and trafficking in women and children; (2) abducting and trafficking in three or more women and/or children; (3) raping the woman who is abducted and trafficked; (4) enticing or forcing the woman who is abducted and trafficked to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution; (5) kidnapping a woman or child by means of violence, coercion, or anesthesia for the purpose of selling the victim; (6) stealing a baby or an infant for the purpose of selling the victim; (7) causing serious injury or death to the woman or child who is abducted and trafficked or to her or his relatives or any other serious consequences; (8) or selling a woman or a child out of the territory of China.” (LOC)
Article 241 of China’s Criminal Code prohibits the purchase of an abducted woman or child. “Whoever buys an abducted woman or child but does not obstruct the woman from returning to her original place of residence as she wishes or does not maltreat the child nor obstruct his or her rescue may be exempted from being investigated for criminal responsibility.” Before this article was amended in 2015, buyers of trafficked women and children could avoid prosecution. Under the amendment, the buyer is now subject to up to three years of imprisonment, criminal detention, or public surveillance. (LOC) Article 358 was also revised in 2015, and it states that any person organizing prostitution or forcing prostitution is punishable by law.

Article 359 of China’s Criminal Code prohibits seducing or luring any girl under the age of fourteen into prostitution. While Articles 241 and 358 were amended in 2015 to improve prosecution efforts, there are still significant issues with China’s Criminal Code in regards to human trafficking. While Article 240 seems to be comprehensive, it entirely excludes male survivors of similar crimes. The United Nations’ definition of human trafficking refers to survivors as “persons,” an inclusive pronoun that prevents the gendering of trafficking survivors. China is thereby dictating that only women can be victims of sex trafficking.

Until 2015, China was also reluctant to address the “demand” of supply and demand in trafficking. Until 2015, buyers of women and children who were trafficked would receive a minimum of three years, sometimes even avoiding prosecution. By comparison, in the United States a statutory rape charge could result in a prison sentence ranging from zero to twenty years. Last year in Florida, Thomas Leslie Carr, was sentenced to a minimum penalty of fifteen years and up to thirty years in federal prison.
for buying and exploiting victims of human trafficking. (U.S. Attorney’s Office) A possible explanation for this leniency would be that China is more focused on prosecuting other types of crime. For example, in China the crime of treason/spying carries a minimum sentence of ten years in prison, life in prison, or the death penalty. Financial crimes in China require a three year minimum to a ten year maximum. (Chinese Criminal Code) If combatting trafficking is not a priority within the government, it would be consistent that the punishment may not be as severe as in the United States.

The Chinese Criminal Code is also unclear about whether or not victims of trafficking are defined as such under Chinese law. (TIP 2016) While Article 359 states it is illegal to seduce or lure girls that are under the age of fourteen, international law states that anyone eighteen or younger is considered a child sex trafficking victim. An explanation for Article 359 would be that China’s age of statutory consent is fourteen. (Jeffreys & Yu p.73) But, both of these laws leave a gap in protection for trafficking victims under the age of eighteen.

The Chinese Ministry of Public Security and the Chinese Inter-Ministerial Joint Conference for Anti-Trafficking in Women and Children are responsible for enforcing laws against human trafficking in China. These two departments have mandated anti-trafficking training for both police and law-enforcement at borders, but different law enforcement officers seem to have had varying understandings and processes regarding trafficking. (TIP 2017) The Chinese government’s number of recorded cases of trafficking and of prosecution are not consistent with other countries because of China’s differing definition of human trafficking. (TIP 2017)
When the Trafficking in Persons Report was released in 2017, Chinese Foreign Ministry Spokesperson Lu Wei commented in a press conference that China has been “steadfast and unwavering” in its efforts to combat trafficking. She also states that the results in their efforts are evident. In her statement she also articulates that China is opposed to the United States doling out judgement or criticizing another country’s actions in handling trafficking. (Wei)

In 2013 China produced a report titled “China Action Plan against Human Trafficking (2013-2020)”. In this report the General Office of the State Council establishes several goals. In the report, the government is seeking a long-term mechanism for the prevention of trafficking, and the rescue and rehabilitation of trafficking victims. The second portion of the report details the means by which China hopes to complete this goal. China hopes to create an easy method by which to report human trafficking crimes. China also aims to better regulate employment and employment recruitment and cracking down on prostitution.

The third portion of the report essentially lists populations of people that the Chinese government hopes to focus on throughout the resolution of this problem. The government wants to focus on poverty stricken areas and create legitimate channels for employment for rural women. The demand for a hotline or other service for women’s rights protection in rural areas is also emphasized. The government also wants to ensure that school-age children receive a nine-year compulsory education. The report also emphasizes the need for swift resettlement of abandoned or displaced minors and the importance of social services. The Chinese government also hopes to corner the “buyer’s market” by increasing penalties for buyers and facilitators of trafficking.
The report goes on to establish other areas of importance in the fight against human trafficking. While this report is optimistic in its efforts, it is clear that China has not made a significant efforts since its publication in 2013.

In addition to the numerous obstacles within China’s Criminal Code, the government struggles with corruption and negligence. In the past year, there were two instances of public officials soliciting children for commercial sex. They were reportedly fired, but it is unclear if chargers were brought against them. (TIP 2017) The TIP also mentions reports of police officers taking bribes from sex traffickers and brothel owners, but does not specify any explicit incidents. (TIP 2017)

In the Trafficking in Persons Report, the authors offer each country recommendations to improve the trafficking situation in their respective countries. In 2017, the State Department recommended that China should diligently investigate human trafficking cases and prosecute cases involving trafficking, including government officials. They further suggest that China’s legal definition should be expanded to include all forms of trafficking, especially the criminalization of procuring children younger than eighteen for commercial sex rather than just those under fourteen. They recommended that programs used to identify trafficking victims should be uniform and widespread. They stated that survivors of human trafficking should not be punished, including forced repatriation. Since victims’ services are also sparse, they recommended that China should make ample medical and mental sources available for victims of trafficking. They also advise that the government continue to provide data of “criminal investigations, prosecutions and convictions” to the State Department. (TIP 2017)
While it seems it would be a simple solution for China to update its laws in accordance with international definitions, China does not have much motivation to do so. Without international pressure for change it is unlikely that China will make these changes because human trafficking is not a high priority for the Chinese government.
Chapter Five: Conclusion

Male preference is so deeply ingrained within Chinese culture, it can be traced back to the creation of the written Chinese language. China’s gender bias has led to a sizeable difference between the male and female populations, which is evident in varying sex ratios at birth over time. The gender disparity was only worsened by the implementation of the One-Child Policy in the late 1970s. This imbalance has led to a lesser female population and a record number of bachelors searching for wives. The demand for women has been answered by the illegal trafficking of women for both forced marriage and other types of sexual exploitation. The One-Child Policy also led to a large number of adoptions of female infants from China to the United States. This longstanding negative perspective of females in Chinese culture is pervasive within China’s trafficking narrative.

The State Department recommendations are a logical and manageable starting place to combat trafficking in China. The most important goal being that China needs to expand its legal definition of trafficking. Police and government officials should also take incidents of trafficking with gravity and prosecute to the full extent of the law. Victims should not be punished for their involvement or repatriated back to a country where they may be killed. But in order for China to experience a significant change, there needs to be a shift in cultural expectations.

In order for change to begin in China, females should be seen as equal members of society. It is obviously evident that a sweeping cultural shift that leads to gender equality is highly unlikely. But, if females in China are not considered to have economic potential or social worth to the family, it will be impossible to totally eradicate their
exploitation. A shift in thoughts and values needs to take place in China, but small manageable changes should be the catalyst in a movement toward equality. Personally, I believe that improving education for girls in rural areas would be an important first step towards equality of the sexes in China. This would allow for rural women to provide for their families and decrease the possibility of being trafficked. Economic incentives for companies that hire women may also contribute to women’s economic potential. The cultural expectation of marriage should not be so dominate as it ultimately has a negative impact. Chinese men should also not be intimidated by women in higher education or those who may have higher pay grades than them. Ultimately, a change in cultural expectations needs to begin in order for China to begin to combat sex trafficking.
Bibliography


