
Sex Work In China And Netherlands

Sex Work in China

Historical Perspective of Sex Work

Sex work has been a visible part of the Chinese culture throughout history for more than 2000 years (Zhou, 2006). China's first brothels were developed in the early 17th century B.C. as a way to increase the state income by the famous philosopher Guan Zhong (Ruan, 1991). Institutionalised prostitutions have begun during the Han dynasty, where Emperor Wu has recruited female camp prostitutions for his armies (Ruan, 1991). At the same time, there are two segregation sex work systems which are the government-run prostitutions and private brothels (Liu & Finckenauer, 2010). The institution of government-run prostitutions has reached its peak during Tang and Song dynasties, and some of the prostitutes were working with the local government (Ruan, 1991). The sex industry has been booming since the late 19th century; however, there is a dramatic decline in the sex trade when the Communist Party took power in 1949, and the government has claimed that they have successfully eradicated sex work industry (Liu & Finckenauer, 2010). It was not until the 1970s; sex work again began to flourish when China began its Open Door and Reform Policy (Huang & Pan, 2014). Starting in the 1980s, the Chinese Government began new policies such as laws and campaigns in eradicating sex work (Huang & Pan, 2014).

Sex Work Under Current Law

All aspects of sex work are prohibited, and it is a criminal offence in China. The government has taken a punitive approach towards sex work which almost all the prosecutions have been against sex workers, but not their clients (Shen & Csete, 2017). Under the Chinese law on the Strict Prohibition Against Prostitution and Whoring, sex workers will be imposed with up to 15 days of administrative detention and a fine of up to 5000 RMB (Laws of the People's Republic of China, 1991). Since the 1981s, the government started to carry out various campaigns against sex work such as 'anti-prostitution', 'sweep away', 'strike hard' to restrict prostitution (Huang & Pan, 2014). There is also shame parade where the sex workers were arrested by police, their identities such as names, birthdates, and city of origin were publicised and paraded on the street intending to 'educate' the public (Andrew, 2010). Furthermore, both sex workers and clients can be subjected to custody and education detention from six months up to two years (Asia Catalyst, 2013). However, past research has found that various abuses had occurred in the re-education centres such as physical and psychological abuses and forced labour, rather than provide sex workers with education support (Human Rights Watch [HRW], 2010).

The Impacts of Criminalising Sex Work

Human rights organisations have supported the decriminalisation of sex work and the attendant recognition of the rights for sex workers because of the positive associations between decriminalisation and the increased access to healthcare services and safer working environments among sex workers (Dewey, Zheng, & Orchard, 2016; Joint United Nations Programme on HIV/AIDS, 2012). However, the criminalisation of sex work in China creates

adversarial relationships between women and various officials who exert considerable control over their lives (Dewey et al., 2016). This, in turn, makes it difficult for sex workers to report crimes against them or to hold officers accountable for their abuses of power. The sex work industry has been subjected to periodic police raids, physical violence, forced or coercive HIV testing and disclosure of test results to third parties and mistreatment by health practitioners (Liu & Finckenauer, 2010; Lorway et al., 2016; Shen & Csete, 2017).

China's criminalisation of sex work has led to a violent working environment that threatens the safety of sex workers instead of eliminating sex work. Criminalisation forces women to attempt to work in locales that poorly lit and far away from any assistance that women can access when they were being abused (Dewey et al., 2016). Additionally, the clients are also aware of sex workers' vulnerable status, and they would take advantages of this situation by having sexual services without payment (Liu & Finckenauer, 2010). The power dynamics differences provide opportunities for police to use their power to control over sex workers such as threatening the sex workers that they will be arrested if they did not offer free sexual services (Dewey et al., 2016). As a result, sex workers have no alternative way but to offer and to comply with police officers' sexual demands (HRW] 2013). Besides, police officers sometimes required sex workers to provide 'protection fee' or accept money from them in order to avoid being arrested (Huang & Pan, 2014). According to the HRW (2013), it has been found that police violence against sex workers in China is a common occurrence, where a female sex worker has said that 'I was beaten until I turned black and blue because I wouldn't admit to prostitution' (p. 24).

As sex work is the major drives of HIV epidemic in Asia, sex workers in China are often blamed for the spread of sexually transmitted diseases (STD) rather than viewed as needing of healthcare services (Kaufman, 2011). One of the most problematic issues is that police have been using the presence of condoms as evidence to arrest or detain the sex workers for engaging in sex work (Huang & Pan, 2014). This policy is directly conflicted and undermining the programmes and policies set up by the government that are designed to distribute condoms to prevent STD transmissions (Shen & Csete, 2017). Such continued use of condoms as evidence impeded sex worker's condom use and discouraged them from practising safer sex behaviours; therefore, this further increases the sex workers' likelihood of acquiring STD (Dewey et al., 2016; Hong & Li, 2008).

Sex Work in the Netherlands

Act Against Immorality of 1911

In contrast to China, the Netherlands was the first European countries to legalise prostitution in 1999 (Post, Brouwer, & Vols, 2018). However, back to the early 19th century, the Act against Immorality 1911 was introduced to restrain prostitution because prostitution was considered as an 'evil of immorality' and morally reprehensible (Post et al., 2018). However, the behaviours of a prostitute were not considered as 'evil', and a prostitute should be categorised as the victim of immoral and criminal behaviours (Outshoorn, 2004). As a result, the new legislation marks a profound shift from the abolitionist legislation and only make brothels and pimping as a criminal offence (Outshoorn, 2004). However, the legislation did not successfully eradicate brothels; instead, brothels that closed in one place opened in other places (Post et al., 2018). Minister of Justice - Liberal Korthals, together with feminist advocates and women's policy agencies supported lifting the ban on brothels, emphasising that voluntary prostitution should be

seen as work in order to improve prostitutes' position (Outshoorn, 2004).

The new Act of 2000

The government has soon realised that the sex work was a fact of life, which could not be eradicated, and sex work should be recognised and accepted as work instead condemning it (Post et al., 2018). Moreover, sexual behaviours were considered as a private matter between two consenting adults; thus, government started to recognise sex work as regular business activities (Post et al., 2018). Consequently, the new Act on the decriminalisation of exploitation of prostitution was introduced in 2000 following the 'realistic, without moralism' approach (Post et al., 2018, p. 109). The new Act recognising sex work as work, the ban on brothels was lifted, and municipalities have been delegated the regulation of the sex industry (Outshoorn, 2012). Sex work is legal only if it was voluntary and consenting sex, the age to work in sex industry need to be 18 years, and above, and individuals who possess the legal residence permit can work in the sex industry (Outshoorn, 2012; Verhoeven, 2017). However, coerced sex work, including threats and deception and human trafficking remained as a criminal offence (Verhoeven, 2017).

The Impacts of Legalised Sex Work

It has been found that the introduced of pro-sex work model leads to an overall increase in improving working environment such as few incidents of abuses were found, and the health and safety of sex workers were being enhanced (Dalla, Defrain, & Baker, 2011). Furthermore, the operators of brothels have the responsibility to prevent pimps and human trafficking from intruding on the sex industry, ensure that no minors were involved, and it is voluntary prostitution (Wijk & Mascini, 2019). This helps to prevent and stop human trafficking and at the same time, protect victims and vulnerable women who are being forced into prostitution (Verhoeven, 2016).