



## China Human Trafficking Datasheet



### DEMOGRAPHIC INFORMATION

#### Population

1.32 billion (approx. 55% rural)<sup>14</sup>

#### GDP Per Capita (est. 2009)

USD \$6,500<sup>15</sup>

### MIGRATION

According to the Chinese Ministry of Commerce (MOFCOM) there are some 147.35 million internal migrants in China.<sup>16</sup> The 'floating inter-provincial population', i.e. the number of Chinese moving between provinces each year, is approximately 47.79 million persons.<sup>17</sup>

MOFCOM estimates that in 2009 there were some 745,000 Chinese officially registered as working abroad. There may, however, be many more migrants working abroad who are not officially registered.<sup>18</sup>

## Current Trafficking Data & Trends

### MAIN EMPLOYMENT SECTORS OF TRAFFICKED PERSONS

An unpublished study of media reports on human trafficking led by the International Labour Organization found that forced prostitution, the entertainment industry, hairdressing, massage parlours, brick kilns, manufacturing and forced begging were the key sectors of employment for trafficking victims. Women and children may also be victims of forced marriages or illegal adoption.<sup>19</sup>

### SOURCE COUNTRIES AND REGIONS

Source countries for persons trafficked into China are Vietnam, Russia, Korea and Myanmar. Source regions for Chinese trafficked within China include Yunnan, Guizhou and Henan provinces.<sup>20</sup>

### DESTINATION COUNTRIES AND PROVINCES FOR VICTIMS OF TRAFFICKING

Destinations for Chinese trafficking victims include Thailand, Malaysia, some countries in Africa, Europe and America. Destination provinces for domestic victims of trafficking are typical in Fujian, Guangdong, Shandong and Henan.<sup>21</sup>

### TYPES OF DOMESTIC & CROSS-BORDER TRAFFICKING

Trafficking occurs in the form of forced marriages, illegal adoption, sexual exploitation and labour exploitation.<sup>22</sup>

### VULNERABILITIES AND VULNERABLE SECTORS

Economic disparity between geographical regions in China, poverty, underdeveloped social welfare systems, gender imbalance, local culture and traditions are some of the trafficking risk factors in China.<sup>23</sup> An estimated 150 million

Chinese people have migrated internally in search of a better life and more opportunities. Around 20 million children migrate with their parents and more than 58 million rural children are left behind at home while their parents seek full-time employment in urban areas.<sup>24</sup>

## CURRENT TRENDS IN TRAFFICKING

- Increased forced prostitution, forced labour, forced begging and theft<sup>25</sup>
- Increased use of violence in cross-border trafficking crimes<sup>26</sup>

- Increased use of the Internet to lure underage girls into prostitution. China has the world's largest number of internet users<sup>27</sup>
- More complex and sophisticated trafficking crime rings<sup>28</sup>
- Lowered average age of trafficked victims due to increased numbers of trafficked infants less than one month old<sup>29</sup>
- Increased targeting of young girls for sexual exploitation

## Trafficking & Law in China

### LEGAL DEFINITION OF HUMAN TRAFFICKING IN CHINA

The Chinese Criminal Law defines trafficking as "the abduction, kidnapping, trading and transporting of women and children for the purpose of selling." Offences such as forced labour and other trafficking related offences are punished as other crimes and not as trafficking offences.<sup>30</sup>

### ANTI-TRAFFICKING LAWS & GUIDELINES

Criminal Law of the People's Republic of China (1997)

#### Key legal instruments, agreements and guidelines which relate to anti-trafficking in China

- Law on Penalties for Administration of Public Security
- Labor Law
- Provision on Prohibition of Child Labor
- Guiding Opinions on Punishing Crimes of Trafficking in Women and Children According to Law
- Joint Implementation plans of the 29 Inter-Ministerial Office Against Human Trafficking (IMOAT) members
- Ministry of Public Security Opinions Concerning Public Security Authorities' Implementation of the NPA
- Evaluation standards for the management of local public security in anti-trafficking work, by the Central Office for Comprehensive Management of Public Security, of the Central Committee of the China Communist Party and Ministry of Public Security
- The Five Ministries joint circular on strengthening the work of rescuing vagrant children and children forced into begging
- Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) Memorandum of Understanding on Cooperation Against Trafficking in Persons in the Greater Mekong Sub-region (2004)
- The China National Plan of Action against Trafficking in Women and Children (NPA)

- Provincial, prefectural and municipal plans for the implementation of the NPA

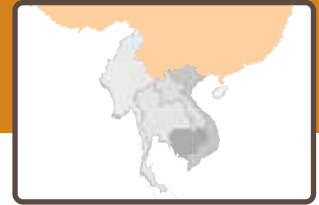
### TRAFFICKING PERPETRATORS OPERATING IN CHINA

According to local media reports, trafficking of children for illegal adoption is perpetrated by both individuals and groups. Crimes of sexual exploitation and forced prostitution are generally perpetrated by crime syndicates or groups of traffickers. Crimes of forced labour and labour exploitation are generally perpetrated by the factory, kilns or illegal mines owners together with illegal brokers.<sup>31</sup>

### TRAFFICKING OFFENCES DESCRIBED IN LEGAL FRAMEWORKS

#### Offences criminalised under Article 240 of the Criminal Law of the People's Republic of China

- Abducting or trafficking a woman or child
- Engaging in abducting and trafficking women or children as part of a ring
- Abducting and trafficking more than three women and/or children
- Raping abducted women
- Seducing, tricking, or forcing abducted women into prostitution, or selling abducted women to others who in turn, force them into prostitution
- Kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them



- Stealing infants or babies for the purpose of selling them
- Causing abducted women or children, or their family members, serious injuries or death or other grave consequences
- Selling abducted women or children outside the country

**Offences Criminalised under Article 241**

- Buying abducted women or children
- Buying abducted women and forcing them to have sex
- Buying abducted women or children and depriving them of or restricting their physical freedom, or injuring or insulting them.

Penalties are specified in Article 240.

Those buying abducted women or children but not obstructing bought women from returning to their original residence in accordance with their wishes, not abusing bought children and not obstructing efforts to rescue them, may not be investigated for their criminal liability.

*NOTE: Chinese Criminal Law also punishes trafficking related offences through articles 134 238, 244, 262,321, 358.*

**CHINESE MINISTRY OF SECURITY'S ANTI-TRAFFICKING CAMPAIGN: APRIL TO DECEMBER, 2009<sup>32</sup>**

During this campaign:

<b>10824</b>	Trafficked women and children rescued.
<b>7317</b>	Trafficking cases solved.
<b>1684</b>	Trafficking syndicates broken up.
<b>10284</b>	Trafficking suspects placed in criminal detention.

**TRAFFICKING PROSECUTIONS AND CONVICTIONS**

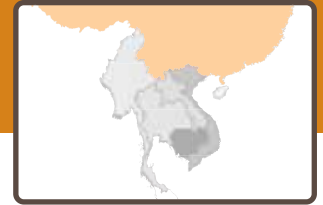
<b>2008<sup>33</sup></b>	
<b>1353</b>	Women/children trafficking cases prosecuted in Chinese courts
<b>2161</b>	Individuals convicted of a trafficking crime
<b>1319</b>	Individuals convicted and sentenced to more than 5 years imprisonment, life imprisonment or death
<b>61%</b>	Convictions given sentences of more than 5 years imprisonment

<b>2009<sup>34</sup></b>	
<b>1636</b>	Women / child trafficking cases prosecuted in Chinese courts
<b>2413</b>	Individuals convicted of a trafficking crime
<b>1475</b>	Sentences of more than 5 years imprisonment, life imprisonment, or death
<b>61%</b>	Sentences of more than 5 years imprisonment

HUMAN TRAFFICKING OFFENCES AND PENALTIES

OFFENCE OR ARTICLE	PENALTIES OR PENALTY RANGES
Buying abducted women or children	Imprisonment for up to 3 years OR under criminal detention or surveillance <sup>35</sup>
Abducting or trafficking a woman or child	Imprisonment for 5 to 10 years <sup>36</sup>
Unlawful removal for cross-border transfer	Imprisonment for 2 to 7 years or 7 years to life for serious offences
Engaging in abducting and trafficking women or children as primary elements of rings	Imprisonment for 10 years to life + fines or confiscation of property <sup>37</sup>
Abducting and trafficking more than three women and/or children	
Raping abducted women	
Seducing, tricking, or forcing abducted women into prostitution, or selling abducted women to others who in turn, force them into prostitution	
Kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them	
Stealing infants or babies for the purpose of selling them	
Causing abducted women or children, or their family members serious injuries or death or other grave consequences	
Selling abducted women or children outside the country	
Buying abducted women and forcing them to have sex	
Offences involving rape or sexual intercourse with a person under age 14	
Committing especially serious crimes	Death + confiscation of property <sup>38</sup>

*In comparison, the offence of murder carries a penalty of imprisonment of 10 years or death<sup>39</sup> and manslaughter carries a penalty of imprisonment of 3-7 years or less than three years under certain circumstances.<sup>40</sup>*



## Anti-Trafficking Action in China

### PROTECTION

#### Policies and procedures for victim identification

In China, only women and children can be legally recognised as trafficking victims. Victims are generally found through police raids or via information provided by members of the public or shelter staff, though there are some victims who self-report to police. Victim identification is carried out by police officers, applying Articles 240 and 241 of the Criminal Law of the People's Republic of China (1997). Police also apply domestic victim identification guidelines.<sup>41</sup>

#### Policies and procedures for shelters

With the support of other ministries and NGOs, the Ministry of Public Security (MPS) and Ministry of Civil Affairs (MCA) provide temporary relief, return and reintegration assistance to victims of trafficking. China has a total of 1,372 administration and relief shelters and over 200 Child Protection Centres located in cities across the country, which provide temporary support to trafficking victims.

Shelter staff operate according to guidelines developed by the MCA which relate to receipt and care for trafficking victims and others in need, such as vagrants.

In 2009, shelters across the country have provided relief services to over 12,000 trafficked women and children, some referred by police while others were self-reported.

#### Post-harm assistance

Responsibility for repatriation is shared between the Chinese Police and shelter staff, sometimes with the assistance of non-government partners such as Save the Children. Generally police have primary responsibility for the return of women and children victims of trafficking, but shelter staff may also play this role.

In the border provinces of southwest China, the procedure for repatriation of cross-border trafficked victims is generally:

1. Rescue
2. Victim taken to transit centre (Kunming, Yunnan or Dongxing, Guangxi Province)
3. Border Liaison Office identifies victim
4. Victim taken to BLO
5. Victim returned to home country.<sup>42</sup>

Statistics on the number of victims repatriated from China are not widely available. One media report suggests that in 2009, 272 victims were repatriated from China to Myanmar.<sup>43</sup>

### PROSECUTION

#### Specialist units for prosecution

Both local and central governments provide funding for anti-trafficking activities in China. In 2009, a large, nation-

wide campaign was launched by Ministry of Public Security to combat different forms of trafficking. The campaign will continue to run throughout 2010 and has initiated a number of good practices in suppressing trafficking crimes and rescuing victims, including setting up DNA database, joint action of multi-function police, immediate response mechanism. During this period, campaigns of combating forced prostitution, illegal employment and rescue of street children and child beggars were also launched.

#### Resources for prosecution

Both local and central governments provide funding for anti-trafficking activities in China. In 2009, five campaigns were launched to combat different forms of trafficking, including:

- Trafficking of women and children,
- Forced prostitution,
- Illegal employment and
- Rescue of street children and child beggars.

### POLICY

#### Significant current policies or developments which impact victims or perpetrators

To improve cooperation between various government departments, an Inter-Ministerial Joint Meeting Mechanism (IMJMM) was established, comprising 31 members of the Communist Party and government ministries. An Anti-Trafficking Office was set up by the Ministry of Public Security to lead its anti-trafficking work and coordinate IMJMM members. Cooperative mechanisms at the provincial, municipal and county level, are gradually being established.

In early 2009, the Ministry of Public Security and Central Office for the Comprehensive Management of Public Security, issued Inspection and Evaluation Standards for Anti-Trafficking Work in Women and Children.

### PREVENTION

The Employment Promotion Law of the People's Republic of China (2008) aims to promote employment, promote the balance between economic development and the expansion of employment opportunities, and promote social harmony and stability.

#### Key awareness raising campaigns in 2009

- Growing Up Safe – campaign directed towards children. The campaign ran from May to September 2009 and was led by the All-China Women's Federation
- Care for Women, Combat Trafficking, which ran from March to June 2009, led by the Inter-Ministerial Office Against Human Trafficking
- Promotion of counter trafficking initiatives, led by the Ministry of Public Security<sup>44</sup>

## Key Anti-Trafficking Actors in China

### KEY MINISTRIES AND COMMITTEES RESPONSIBLE FOR ANTI-TRAFFICKING IN CHINA

#### The Inter-Ministerial Meeting System of State Councils in Anti-Trafficking

Comprised of representatives from 33 ministries and agencies and responsible for coordinating the development, implementation and assessment of the National Plan of Action as well as organising inter-ministerial, inter-agency and trans-border counter-trafficking activities.

#### The Ministry of Public Security

Leads the policy, prosecution, protection and prevention efforts in anti-trafficking and coordinates the work of the Inter-Ministerial Office Against Human Trafficking (IMOAT).

#### The Ministry of Civil Affairs

Provides victim protection through shelter services and the welfare institute.

#### The National Working Committee on Children and Women, under the State Council (NWCCW)

Formerly the coordinating body for anti-trafficking efforts before the MPS took over this role. The NWCCW focuses on prevention and policy coordination.

#### The Legal Working Commission of National People's Congress Standing Committee

Works to improve national laws and regulations in order to prevent trafficking crimes and put structures in place for assistance and rehabilitation of rescued victims of trafficking.

#### The Ministry of Human Resources and Social Security

Works to improve laws and regulations which protect the rights and interests of women and children.

#### Central Office for Comprehensive Management of Public Security

Establishes and popularizes the mass prevention and treatment working system against human trafficking.

#### All China Women's Federation

Supports public education, awareness raising and victim return and reintegration.

#### Publicity Department of CCCPC

Collaborates with MPS to develop publicity, education and training programs on anti-trafficking and the protection of the legal rights and interests of women and children.

#### Supreme People's Court

### TYPES OF ANTI-TRAFFICKING ACTORS IN CHINA

#### Government

31 central ministries and agencies and their local branches.

### UN Agencies and Projects

- International Labour Organization (ILO)
- United Nations Development Programme (UNDP)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- United Nations Inter-Agency Project on Human Trafficking (UNIAP)
- United Nations Children's Fund (UNICEF)
- United Nations Women's Fund (UNIFEM)

### NGOs

- Save the Children
- World Vision
- Babybackhome
- CANGO & CARITAS Australia
- GAD Yunnan

### Inter-governmental Organisations

- International Organization for Migration (IOM)

### Academic

- Beijing Normal University
- China Academy of Social Science
- Guangxi Academy of Social Science
- Yunnan Academy of Social Sciences
- Zhejiang Academy of Social Sciences
- Yunnan University

### CHINA TRAFFICKING IN PERSONS CONTACT INFORMATION

Inter-Ministerial Office Against Human Trafficking (IMOAT) & the Anti-trafficking Office of the Ministry of Public Security

[www.mps.gov.cn](http://www.mps.gov.cn)

### CHINA TRAFFICKING IN PERSONS HOTLINES

110

To report trafficking cases and access referral services

12351

Trade Union hotline

12338

Women's hotline

12355

Children's rights hotline

*These hotlines operate only within China. Local hotlines also exist in various provinces.*