

SIREN human trafficking data sheet

STRATEGIC INFORMATION RESPONSE NETWORK

United Nations Inter-Agency Project on Human Trafficking (UNIAP): Phase III

CHINA

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Country information (Yunnan & Guangxi)



❖ **Population:** There are 1.32 billion people in China¹ and the labour force is 72.5% of the total population. The rural: urban

population ratio is 45:55 and male:female is 51.5:48.5.²

❖ **Area:** The Peoples' Republic of China (hereafter: China) has 31 provinces including five autonomous regions and four municipalities covering 9.6 million km.²

❖ **Neighbouring countries:** Yunnan and Guangxi provinces are part of the Greater Mekong Sub-region (GMS) and border Myanmar, Lao PDR and Vietnam.

❖ **GDP per capita:** \$2,784³ (national average), \$1,550 (Yunnan)⁴ and \$1,846 (Guangxi).⁵

❖ **Education:** 93.0% of adults and 99.2% of youth are literate. The enrolment rate of 99% is similar for girls and boys (2006).⁶

❖ **Employment sectors:** agriculture 43%, industry 25% and services 32%. (2006 est.)⁷.

❖ **Ethnicity:** Ethnic Han make up 91.6% and 55 other ethnic minorities make up 8.4%.⁸

China: Human Trafficking Routes



What is human trafficking and why is it a problem?

❖ Human trafficking is a serious violation of human rights. It involves the illegal trading of women, children as well as men for the purpose of sexual and/or labour exploitation. The current criminal laws focus on female sex trafficking and does not criminalize forced labour, debt bondage, coercion, nor involuntary servitude nor offences committed against adult males, all of which are generally considered to be acts of trafficking under the Palermo Protocol.⁹ China has other laws, such as the Labour Law, which protect the legal rights of workers and prohibits forced labour.¹⁰

What is the human trafficking situation in China?

- ❖ China is both a source and destination country for human trafficking, and trafficking occurs mainly in the context of large-scale migration within the country, which is increasing.¹¹
- ❖ China's migrant population has reached 140 million, which is more than 10% of the total population and over 30% of the total rural labour force¹². For instance, the total population of Beijing is approximately 17 million, of whom the migrant population accounts for around 5.1 million.¹³ It is estimated that the total migrant population in China will increase continuously by five million every year.¹⁴
- ❖ Around 600,000 migrant workers leave China annually to work overseas, most of whom are men. This number accounts for those tracked by the Ministry of Labour and Social Security and does not include those who leave without documents.¹⁵
- ❖ Most (perhaps 90%) of the migrant workers are migrating through unregulated and uninformed channels.¹⁶
- ❖ The number of female migrants is also rising rapidly, most of whom are young girls aged 17-25.¹⁷
- ❖ Anecdotal evidence suggests that cross-border trafficking of women is increasing in China. Undocumented migrants who are trafficked into China mainly come from Vietnam, Russia, Korea and Myanmar. There have been cases of individuals from southwest China trafficked through Myanmar into countries like Thailand and Malaysia. The purposes of cross-border trafficking are diverse, ranging from commercial sexual exploitation and forced marriage to illegal

adoption, forced labour, and begging.¹⁸ For example, according to one study,¹⁹ of the 8,000 Vietnamese women married to Chinese men in Guangxi province between 1989 and 1999, some were introduced by friends and relatives, and most were found to have been trafficked.²⁰

- ❖ Trafficking in women and children remains a significant problem in several provinces. In addition, cases of forced labour and sexual exploitation are becoming more prevalent.²¹
- ❖ A study of trafficking cases reported in print media between 2006 and 2007 found 800 articles on reported cases. Giving an indication of how the problem is presented and cases that are raised, the study found correlations between age, gender, and types of trafficking, for example, trafficking of young boys for adoption, and girls and young women for sexual exploitation. The main means of trafficking were: fraud and deception, 37%; kidnapping, 26%; abuse of power or a position of vulnerability, 17%; and physical violence, 5%. Only 58% of the articles reported into which sector victims were trafficked: forced prostitution 19%; entertainment industry, hairdressing or massage parlours 9%; brick kilns 9%; manufacturing 4%; domestic labour 3%; forced begging 3%; others 11%.²²
- ❖ Analysis of 301 trafficking cases reported by media over 2007 to mid-2008 indicated that Yunnan and Guizhou provinces are the main source provinces, while Fujian, Guangdong, and Shangdong are the main destination provinces. Henan province is both a source and destination for human trafficking.²³ Yunnan and Guizhou provinces are amongst the provinces with the lowest GDP per capita in China, while Fujian, Guangdong and Shangdong have some of the highest GDP per capita.

Who is being trafficked in China, and what are some of the vulnerability factors?

- ❖ Due to the nature of the definition in national legislation the majority of the official victims are clearly women and children, however there are many cases involving men who have been trafficked into forced labour, not meeting the official definition of trafficked persons.²⁴
- ❖ The reported trafficking cases identified girls and young women between 14 and 20 years as most likely to be trafficked – as stated above, related to the national definition of trafficking.²⁵
- ❖ Information from the Ministry of Public Security shows that cases of people being trafficked to work in the entertainment industry has now risen to 50-60% of the total reported trafficking cases, and 16-20 year-old girls are becoming the main targets for such exploitation.²⁶
- ❖ To date, there are around 20 million migrant children and more than 20 million rural children left behind at home by full-time working parents in cities²⁷. According to a research report by the All-China Women's Federation, of children affected by migration and possibly trafficking, stay-at-home children make up the second largest number.²⁸

What is being done in China?

Policy and Coordination

- ❖ China's National Plan of Action on Combating Trafficking in Women and Children (NPA) was approved in December 2007 and the Implementation Plans for the NPA are currently being formulated by the 28 ministries responsible for counter-trafficking work. The provinces of Fujian and Guizhou have already finalized their implementation plans.
- ❖ The Ministry of Public Security (MPS) has signed 72 treaties and MOUs with 41 countries to strengthen collaboration on anti-trafficking.²⁹ For instance, a framework to intensify bilateral cooperation between China and Myanmar was signed in Kunming in November 2006, and the first cross-border meeting and joint cross-border field visit took place in February 2007.³⁰
- ❖ According to the MPS report, seven Border Liaison Offices were opened in Dongxing, Pingxiang, and Jingxi in Guangxi and Hekou City of Yunnan (for trafficking from and into Vietnam), in Ruili and Zhangfeng in Yunnan (for trafficking from and into Myanmar), as well as in Mengla in Yunnan (for trafficking from and into Lao PDR) from 2007 to 2008 to improve ongoing cooperation between the local police of China and Myanmar, Vietnam, and Lao PDR, and to facilitate the repatriation of trafficking victims and to prosecute traffickers.
- ❖ 2007 was an important year for labour legislation in China, with the enactment of three laws: *Employment Promotion Law*, *Employment Contract Law* and *Mediation and Arbitration of Labour Disputes Law*. In addition, *Regulations on Paid Annual Leave for Employees* and *Regulation of Shanghai Municipality on Collective Contract* were also established to protect the legal rights of workers and prevent forced labour.³¹
- ❖ The Chinese Government is also working to strengthen the legal framework, including deliberations on the Palermo Protocol, in relation to prosecuting human trafficking crimes.

Protection

- ❖ China has a total of 1,351 Relief Administrative Centres (relief centres), located at provincial, county and city levels. Although primarily providing shelter and care for the homeless and beggars, there are specially designated areas for

minors (under 18 years) in relief centres, and there are 2 protection centres, in Beijing and Guangdong, designed specially for children.³²

- ❖ The legal framework contains provisions on victim protection and access to remedies. Beyond the temporary relief stations for victims, assistance is provided in the return and reintegration process. The MPS is primarily responsible for the identification of victims while the Ministry of Civil Affairs takes the lead in providing services at relief centres. Both ministries, as well NGOs, work together to provide return and reintegration assistance to the victims. However, some indicate a need for improved programs for victims of trafficking and systematic victim identification procedures to identify victims of sex trafficking among those arrested for prostitution.³³
- ❖ Relief administrative centres for victims have been established in Guangxi province to more effectively identify victims and prosecute perpetrators in Dongxin City (established in 2003) and Pingxiang City (established in 2007).
- ❖ In 2007, 1,392 migrant workers and 470 disabled workers were rescued during a special campaign on combating illegal employment was jointly undertaken by 9 government ministries.³⁴
- ❖ To date, China has established more than 27,000 legal assistance points around the country for the protection of women's rights. There are also more than 400 shelters and relief centres and around 12,000 contact points where women can report domestic violence.³⁵ In addition, Public security agencies have set up 8813 police stations near schools around the country to ensure the safety of school children.

Prevention

- ❖ Various counter-trafficking training courses have been held at national level, such as training for media, trainers, police and key government officials in collaboration with UN agencies and INGOs. Up to August 2007, 263 police officers have been trained on issues related to anti-trafficking in persons. These agencies also issued and distributed various publications on human trafficking and safe migration.
- ❖ In 2006, the Ministry of Education organised practical technical training courses for farmers for more than 45 million person-times and the employment training courses for migrant farmers for more than 35 million person-times.³⁶
- ❖ In 2008, the Ministry of Agriculture will offer practical technical training courses and Green Certificate Technical training courses for farmers and migrants, with the goal of having the numbers of trainees reach 21 million person-times, respectively.³⁷ As there is evidence to show that trafficking in China is linked to its large migration and that a significant migrant population is made up of farmers, it is important that farmers and migrants in general receive adequate training in order to improve their livelihood.

Prosecution

- ❖ 2,160 cases of domestic trafficking have been investigated, involving 3,371 offenders in 2006.³⁸ From 2001 to 2004, a total of 24,809 trafficking cases were solved, 26,636 offenders were arrested and 51,164 woman and child victims were rescued.³⁹ Data on actual prosecutions is not available.
- ❖ 2.37 million people have been assisted and 1.35 million cases have been handled by legal aid agencies in the last five years since the promulgation of *Rules and Regulations on Legal Aid* in 2003. The caseload reached 420,000 in 2007 alone, which was three times the caseload in 2002 (130,000). By the end of 2007, the number of people assisted increase by 27% annually.
- ❖ There are 3,259 legal aid agencies nationwide, 3176 of which are at prefectural and county levels. Legal aid agencies have been set up in most of the counties, cities and districts⁴⁰. Despite these efforts many do not know about these services and many face difficulties accessing them. In 2006 94,712 women received assistance from these offices.⁴¹

What else needs to be done to combat human trafficking in China?

- ❖ The articles on trafficking in the Criminal Law of the People's Republic of China (Criminal Law of the PRC) only cover women and children, not men. Legislation should be revised so that all persons are covered in line with the definition of trafficking in the UN Trafficking Protocol.
- ❖ Penalties and sentences for trafficking and related offences should be commensurate with the crime. For example, forced labour is punishable under Article 244 of the Criminal Law of the PRC with no more than 3 years imprisonment, and only if the circumstances are found to be 'serious'. Similarly, formation or participation in criminal syndicates is punishable with a penalty of 3 to 10 years of imprisonment under Article 294 of the Criminal Law.
- ❖ Improve victim identification and support systems to reach and meet the needs of victims of sex and labor trafficking, including social, psychological, medical and legal support.
- ❖ Undertake rigorous, systematic research on human trafficking to get more accurate data and information.
- ❖ Due to the size of the labour force and migration levels, more resources are needed from the government and donors to address trafficking and labour exploitation. These resources should be directed to improve inspection of workplaces and training for those officials working in relevant sectors.



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⁵ National Bureau of Statistics, 2008, China Statistical Yearbook 2008

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¹⁸ Country Paper against Trafficking in Women and Children (2004)

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