



Trafficking in Children: China and Asian Perspective

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Presented at Conference on

Making Children's Rights Work: National & International Perspectives

International Bureau for Children's Rights

Montreal, November 20, 2004

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Trafficking in children for sale, sexual exploitation, child pornography, and slavery labor has become one of the fastest growing global crime enterprises stretching from African continent to Europe and from the Asia-Pacific to North and South America. Around the world children are being sought for a variety of illicit purposes. They are being sold, abducted, kidnapped, or lured away from their families, bought, exploited, abused or even murdered for profits and illicit services. Nowadays, no country seems to immune from this rapidly expanding transnational brutal trade against children. The issues I will be presenting today are derived from my research work with UNICEF office in China, Office of Anti-Trafficking in Women and Children of China Ministry of Public Security, inter-government working groups, and many NGOs in China and Southeast Asia, mainly Mekong Sub-regional countries, including Thailand, Laos, Vietnam, Cambodia, Yunnan and Guongxi provinces of China.

International Legal Instruments on Trafficking in Children:

In global community, the legal framework in combating trafficking in children is based on several important international legal instruments.

- 1) The convention on the Rights of the Child, especially articles 1, 11, 21 and 32-36, lays out the basic legal foundation in guaranteeing the protection of children from the sale of children, child prostitution and pornography (See Appendix I for additional UN Protocols).
- 2) Three Hague conventions on (1) the Protection of Children and Co-operation with Respect to Inter-country Adoption; 2) the Civil Aspect of Child Abduction; and 3) the

Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children offered additional international legal weapons to combat transnational child abduction and illegal adoption.

- 3) International Labor Organization (ILO) Convention No. 182 outlined the legal framework prohibiting the worst forms of child labor practice.
- 4) The World Trade Organization's special task force promulgated the "Global Code of Conduct for Tourism" to combat child sex tourism (CST).

Regionally, five Mekong countries (China, Viet Nam, Cambodia, Lao PDR, and Thailand) began the dialog and negotiation on anti-trafficking collaboration about a decade ago. An intergovernmental forum was held in October of 2004 to adopt "the Mekong Children's Recommendation for Action on Human Trafficking" (Save the Children, 2004).

Purposes of Trafficking in Children can be understood from the point of view of both traffickers and clientele. For traffickers, all forms of trafficking in children are for the purpose of making illegal profits. However, for buyers of children, purchase of children often satisfies various needs and desires. The most noticeable purposes are:

- **Illegal Adoption:** Trafficking in children in China is largely for domestic illegal adoption that is driven by a deeply rooted traditional belief that only male heir can carry on family name and sonless marriage is a moral shame that disgraces one's ancestors. China's enforcement of one-child-a-family policy beginning in the early 1980s puts this traditional belief under siege. A national survey conducted by the Chinese police in 2000 reported that a total of 10,768 children were abducted and sold in trafficking between 1980 and 1999 primarily for the purpose of illegal adoption.

- **Illegal Border Crossing for Family Reunification:** Hong Kong immigration authority reports that hundreds of children are being smuggled from mainland China into Hong Kong to join their parents. More than 1,500 children have crossed the border illegally in 1997, twice the number that crossed during all of 1996. It was estimated that 130,000 children are currently waiting in mainland China to cross the border while Hong Kong Immigration Authority only allows 66 children per year to legally reunite with their parents in Hong Kong (IOM, 1997). Although the police often classified such cases as human smuggling instead of trafficking in children, extortion, bondage and abuse of children frequently occur in the course of cross-border human smuggling.
- **Bridal Trade:** abducting, kidnapping and sale of young girls for the forced marriage are a common practice in many Asian countries, especially in China and Mekong region. Chinese police reported that near 360,000 women and children were sold in bridal trade between 1995 and April 2000 by traffickers. One third of these victims were girls under age of 18. For those girls trafficked abroad for sexual exploitation, 65% of them were under age of 18. In 2000 national campaign against trafficking, Chinese police rescued over 120,000 women and children. Of these rescued, more than 16,000 are women and children trafficked from Vietnam, Burma, and North Korea (Ren, 2000). Many ethnic Chinese girls were also sold to the forced marriage in Laos, Thailand and Malaysia. In recent years, many Asian women are also enticed or sold to servile marriage through overseas mail-order bride services (Foo, 2002).
- **Sexual Exploitation:** Asia has been considered by some Western and Asian tourists as the paradise for child sex tourism (CST) that fuels trafficking in children for sexual exploitation in the world. Virgins are also highly sought in Asian sex market. After

exhausted most marketable virgins for sex industry in Thailand, organized crime groups in sex industry aggressively sought after such supply from China, Burma and Vietnam. Many countries, such as Switzerland, Slovenia, Cyprus, Thailand, and Japan also issue “artistic” and “entertainer” visas to young girls from Asia to work as legal prostitutes or escort ladies. It is reported that in 2003, Japanese government issued 55,000 such visas to women from Philippines (US Department of State, 2004). Unlike in drug and firearm trafficking, women and children in sex industry can be sold and resold many times to continuously generate profit for organized crime enterprise without requiring for any reinvestment. It is a much lucrative and profit-generating business adventure than other trafficking business for the underground criminal groups.

- **Exploitation of Child Labor** is a world wide problem reported in almost every country. But Asian countries have often practiced the worst kind of child labor exploitation due the extreme poverty experienced in many Asian communities and lack of legislation in protecting child labor. India, Pakistan and Sri Lanka reported that children as young as 8 or 9 years old often work in small factories or sweatshops for more than ten hours a day to earn a tiny fraction of wage that earned by adult labors each day.
- **Forcible Organ Removal** for organ transplant was also reported in India, Pakistan and some other Asian countries. Children were often either sold by their parents for little money or kidnapped and abducted by the traffickers to have their organ removed for transplant purpose sought after by wealthy patients from the Western countries. Some children were even murdered in the process of forcible removal of their organs.

Magnitude of Trafficking in Women and Children in the Region: The number of children and young girls trafficked within, from, through, and to Asia is stunning. Each year an estimated 800,000 to 900,000 men,

women, and children are trafficked across international borders worldwide into the forced marriage, prostitution, and slavery labor (US Department of State 2003). Of those people trafficked across international borders every year, 70% are women and 50% are children. Of these children, 70% were sold for sex exploitation purpose. The international Organization for Migration estimates that each year 500,000 women are sold by traffickers to local prostitution markets in Europe (US Department of State 2004:15). Trafficking in persons is now considered the third largest source of illegal profits for transnational organized crime, behind only narcotics and firearm trafficking. Annually, it generates billions of dollars profits (Miko and Park 2002). In some of Southeast Asian countries, sex industry counts for as much as 14 percent of the country's gross domestic product (GDP). Of all known trafficking cases, it is estimated that 225,000 victims or equivalent to one quarter of victims of worldwide are trafficked annually from the South and Southeast Asia, especially the Mekong Sub-Region countries, onward to other popular destination countries in Europe, North America and the South Pacific. Of those victims of trafficking, a significant portion of them are children under age of 18. China, especially Yunnan and Guongxi (two provinces in the southern border regions), is one of the major suppliers of young girls and children for sex trade in Thailand. In recent decades, there has been increased demand for young girls from Yunnan Province in southern Thailand such as in cities of Bangkok, Pattaya and Phuket where these lighter-skinned women are highly sought after by brothels to serve ethnic Chinese Malaysians, Taiwanese, and Singaporeans visiting the popular tourist spots (Arnold and Bertone 2002). One source reported that anywhere between 200,000 to 500,000 Chinese girls and children have been trafficked into or through Thailand, mainly through the mountain pathways of Burma in the past decades.

The rapid growth of sex tourist industry in this region demands a steady supply of young women and girls, especially virgins, from the surrounding countries. Thailand, Cambodia and the Philippines are known to the world as the most popular sex tourist destination countries. Thailand alone has some 200,000 sex workers at any time of year working in various commercial sex outlets. To continuously transfuse new supply of young women and children into commercial sex industry, interregional

trafficking in women and children has flourished in recent decades in Asia. China has also quietly become a newly emerged sex tourist attraction in Asia. The domestic and international demands for prostitution have increased dramatically. Between 1991 and 1995, 1.5 million of prostitutes and male patrons were reportedly arrested in China. Last year, a prostitution scandal in Zhuhai, Guangdong province that involved some 200 male employees from a Japanese company which hired some 300 prostitutes during a three-day company's retreat has stunned the entire country. The magnitude of the scandal prompted the Chinese government to take quick actions to clean up its booming sex industry in China.

Every year an estimated 5,000 to 7,000 Nepali girls, some of them as young as 9 or 10 years old, are trafficked to the red light districts in Indian cities and sold and then resold ten times less than the original price after they lost their virginity in sex trade (Global March International Secretariat, 2003). It is estimated that one third of 55,000 prostitutes in Cambodia today are Vietnamese boys and girls under age of 18. Reportedly, 200,000 Bangladeshi women were trafficked to Pakistan in the last ten years working as prostitutes. Some 20,000 to 30,000 young Burmese girls are estimated to work in Bangkok as prostitutes.

Characteristics of victims of trafficking in China

- From 1980-2000, a total of 10,768 children were abducted and trafficked domestically in China
- Of them, 66.4% are boys and 33.6% are girls
- Price ranges from 10,000-20,000 yuan (\$1,250-2,500) for a boy to 500-800 yuan (\$60-\$100) for a girl
- Among those abducted children:
 - 36% abducted from private homes
 - 21% abducted from public place
 - 6% from school premises
- Recruiting regions and direction of trafficking flow:

- 42% of children were recruited from three provinces: Sichuan, Guizhou, and Shanxi
- Geographically, children were trafficked from South and West inland provinces onward to East and coast regions. Children are normally trafficked from the poorest inland provinces to economically_better developed coast provinces in Fujing, Guongdong and Zhejian_Nevertheless, majority of these children still end up in the poorest counties in those receiving provinces. Both sale and purchase of children seem to be a homogenous phenomenon among the poverty population in China

Age of victims: Children under age of 7 are highly demanded in illegal adoption market. Close to 70% of children sold in the past two decades in China are in this age group. Boys continue to be more highly demanded than girls do. High percentage of girls in older age group is indicative of their more frequent outlet in sex industry and bridal trade (See Table 1).

Table 1. Age of Child Victims of Trafficking

Age group	Percentage	Boys	Girls
1 day-7 yrs old	69%	78%	36%
8-14 yrs old	31%	22%	64%
Total	100%	100%	100%

Regional Multilateral Agreements on Anti-Trafficking in Women and Children: Following the establishment of UN Protocols of Anti-Transnational Organized Crime in 2000 and Anti-Trafficking in Persons in 2001, the governments of Association of Southeast Asian Nations (ASEAN- Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines,

Singapore, Thailand, and Vietnam) have showed their common concern and commitment to combating exploitation of people and trafficking in person in various regional memorandum of understanding such as the ASEAN Tourism Agreement and the ASEAN Plan of Action to Combat Transnational Organized Crime of Kuala Lumpur in 2002, the press release of ASEAN Subcommittee on Women I 1999 and the 6th Meeting of ASEAN Heads of Immigration Departments and Ministries of Foreign Affairs in 2002. In 2003, A Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues also identified combating trafficking in women and children as one of six prioritized tasks that require inter-regional governmental cooperation.

Legal Obstacles in Assisting Victims of Trafficking: Similar to the problems and difficulties encountered by many recipient countries in Western Europe and North America, the implementation of these inter-government treaties and agreements often faces formidable challenges in the field of combating trafficking in women and children. Several pressing legal and human right issues rising from anti-trafficking efforts in the region are noteworthy here.

Identification of victims of trafficking is the key in assisting victims of trafficking. Due to lack of research data on where the victimization of trafficking actually begins and what and how the abuse and violation of human rights may have occurred, the current victim identification mode is largely relied on the retrospective trace of the chain events based on victims recall to determine if the three elements of trafficking (by force, fraud, or against will, for exploitable purpose of coerced labor, slavery, sex workers, and for profit set forth by the UN Protocol) indeed experienced by the victims. It is important to recognize that trafficking in women and children is often a by-product of illegal migration. The global influx of illegal migrant workers seems to be an unstoppable tsunami that touches every nation and sweeps every

corner of the world. In the process of illegal migration, there are two elements that make women and children particularly vulnerable in illegal migration. First, illegal migrants can only enter the illegal labor market, assuming jobs unwanted by the regular labor force either due to low pay and harsh working environment or strictly forbidden by the law such as illicit sex trade. Second, illegal migrants must rely on smugglers to move across borders thus easily fall prey to those who are bent on taking advantage of the weak and the vulnerable. Women and children migrants thus become a major concern for potential human rights abuse by unscrupulous smugglers or criminal entities (Skeldon, 2000). Despite the clear distinction between human smuggling and trafficking in persons set forth by the UN Protocols, in practice, however, trafficking in persons and human smuggling are often used interchangeably and therefore create tremendous complexity and ambiguity in policy making and implementation. For instance, women oftentimes leave homes on their own in search of job opportunities. During their journey to find a better life, they are often lured, deceived, or picked up by traffickers and then sold to sex trade or slavery labor for profits. By definition, these women are not “trafficked” but become trafficked in their self-initiated illegal border-crossing migration (Arnold and Bertone 2002).

Such self-initiated or victim-precipitated trafficking in women often creates many legal obstacles and even bureaucratic standoff in rescuing, repatriating and assisting victims between the supplying and receiving countries. While the authority in the applying country views those who illegally crossed the border as criminals, the receiving country may intercept them as the victims of trafficking. The victims are often denied reentry to China or stuck in Thailand for months or even years waiting for the nationality identification process and repatriation. When they are repatriated, they are not entitled to any victim assistance program because of their involvement in illegal border crossing. Occasionally, they might also face criminal penalties such as fines once they are returned to home.

Detention of illegal aliens: Relating to the crime of illegal border crossing, victims are often arrested by police of a foreign country. Once they are arrested, they are normally locked

up in an immigration authority's detention center for nationality identification process. They are often incarcerated with the convicted criminals or crime suspects waiting for trial or the traffickers. Due to their illegal alien status, they are not entitled to any government sponsored public assistance and welfare services. To positively identify victims is a huge and time and resource-draining task because most of the victims neither carry passport nor any ID document. To make the situation tougher, many victims are illiterate who cannot read or write nor tell where they came from. Some of the victims have mild or severe developmental problems. The language barrier and lack of language assistant staff further complicated this identification process. It often takes several months or even years to identify the victims' nationality. Even when the nationality of a victim can be easily determined, the negotiation to repatriate these victims back home between two countries often takes another long journey to reach agreement on who will pay for the costs of transporting victims back home.

In the process, the most devastated victims are children born to the women sold by the traffickers to brothels or forced marriage. They are often detained in the same facility as their mothers without school education and adequate medical care and services. While mothers' life can be put on hold at the detention centers, the life of these children cannot be put on hold. They grow, burgeon and develop regardless whether they are legal or illegal. These children are often neither wanted by the country they were born to nor wanted by their mothers' home country. They become truly countryless children.

In assisting victims of all forms of crime, it is important for all of us to recognize that human rights do not have a nationality and assisting victims of trafficking should not stop at the national border.

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Appendix I: International Legal Instruments on Trafficking in Women and Children

- UN Convention against Transnational Organized Crime (Sept. 29, 2003)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (December 25, 2003)
- International Organization of Migration (IOM)
- Coalition against Trafficking in Women (CATW)
- Global Program against Trafficking in Human beings (GPAT) (March 1999)
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- United Nations Convention on Protection of Migrant Workers and Their Families
- United Nations' Convention on the Elimination of All Forms of Discrimination Against Women