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Growing problem in rural areas: Child Trafficking

Ka Hye Chin

A nine month-year-old boy, Ruicong, was playing outside of his home with his sister.¹ While he was playing, a white van slowly approached him with the door open, and a man leaned out and grabbed him.²

Yuan Xinquan, a 19 year-old father, was standing at a bus stop while holding his 52-day-old daughter.³ Then a white government van suddenly approached and asked him to show his marriage certification.⁴ When Mr. Yuan was unable to produce his certification because he was below the legal age for marriage, family planning officials subsequently snatched his daughter.⁵

In the Southern part of Hunan Province, Duan Yuelin ran his family business, and his business made \$ 3,000 a month, which indicates “unimaginable riches for uneducated Chinese rice farmers”.⁶ The main customers of his business were orphanages governed by government, and the merchandise he had sold was newborn babies.⁷

As illustrated above, these stories are not uncommon in China. China is a source, transit, and destination country for human trafficking of women and children who are the most vulnerable targets due to lack of inability to defend themselves.⁸ A significant number of women and children have been trafficked internally in the form of forced labor including begging, stealing,

¹John Vause, *Parents seek answers after children abducted*, CNN (Aug. 10, 2009, 5:54 PM), <http://www.cnn.com/2009/WORLD/asiapcf/08/10/china.stolen.children/index.html?iref=allsearch#cnnSTCText>.

² *Id.*

³Sharon LaFraniere, *Chinese Officials Seized and Sold Babies, Parents say*, N.Y. Times (Aug. 4, 2011), available at http://www.nytimes.com/2011/08/05/world/asia/05kidnapping.html?pagewanted=all&_r=0.

⁴ *Id.*

⁵ *Id.*

⁶Barbara Demick, *A family in China made babies their business*, L.A. Times (Jan. 24, 2010), <http://articles.latimes.com/2010/jan/24/world/la-fg-china-adopt24-2010jan24>.

⁷*Id.*

⁸ See U.S. Dep’t of State, *Trafficking in Persons Report 2011*, available at <http://www.state.gov/j/tip/rls/tiprpt/2011/164231.htm> [hereinafter TIP Report 2011].

and work in brick kilns and factories.⁹ Although there is a considerable number of international trafficking, the majority of trafficking problems in China are internal.¹⁰

According to the Trafficking in Persons Report (“TIP Report”) issued by the U.S. State Department in 2007, “there are an estimated minimum of 10,000 to 20,000 trafficked victims internally per year.”¹¹ Most victims of domestic trafficking are from rural and poor areas in China.¹² Approximately 150 million people constitute China’s migrant population,¹³ and two-third of Chinese children in China live in rural areas.¹⁴ Local government officials often lack the requisite diligence to protect the rights of these migrant workers as well as the rights of their children.¹⁵ As a result, traffickers often target children of migrant workers, who often do not have time to take care of their children.¹⁶ International organizations report that more than ninety percent of the trafficking victims are women and children from Anhui, Guizhou, Henan, Hunan, Sichuan, and Yunnan Provinces.¹⁷ Those victims who are trafficked are sent to wealthier provinces in the east coast of China for forced labor and sexual exploitation.¹⁸

The TIP Report 2012 reported that China has been placed on Tier 2 Watch list for eight consecutive years because the Chinese government has failed to meet the minimum standard

⁹ *Id.*

¹⁰ *Id.*

¹¹ U.S. Dep’t of State, Trafficking in Persons Report (2007), available at <http://www.state.gov/j/tip/rls/tiprpt/2007/>. [hereinafter TIP report 2007] Note that since the Chinese government does not release any official statistics of internal trafficking victims, the TIP report 2007 showed the most recent official estimated number of domestic victims in China.

¹² Children’s Rights Portal, <http://childrensrighportal.org/china> (last updated Nov. 6, 2011).

¹³ TIP Report 2011, *supra* note 8.

¹⁴ Save the Children, <http://www.savethechildren.org.uk/where-we-work/asia/china> (last visited April 15, 2013).

¹⁵ Patricia J. Meier & Xiaole Zhang, *Sold into Adoption: The Hunan Baby Trafficking Scandal Exposes Vulnerabilities in Chinese Adoption to the United States*, 39 *Cumb. L.Rev.* 87 (2008-2009).

¹⁶ *Id.*

¹⁷ U.S. Dep’t of State, Trafficking in Persons Report (2008), available at <http://www.state.gov/documents/organization/105501.pdf> [hereinafter TIP Report 2008].

¹⁸ *Id.*

found in Section 108 of the Victims of Trafficking and Violence Protection Act of 2000 for the elimination of trafficking.¹⁹

Nonetheless, the Chinese government has made progress in educating the general public to raise the awareness of problem. In 2009, the Chinese government agreed to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime (“Palermo Protocol”).²⁰ In the same year, the Chinese government has developed a National Plan of Action for Combating Trafficking in Women and Children (“National Plan of Action”) in order to effectively combat the issues.²¹ According to Assessment Report on the National Human Rights Action Plan of China (2009-2010), 9,388 abducted children were rescued during the reporting year between 2009 and 2010.²² Additionally, Xinhua, the state news agency, reported in 2012 that since the campaign has been introduced in 2009, more than 54,000 children have been rescued, and the government had cracked down on 11,000 trafficking organizations.²³

Even though the Chinese government is making extensive efforts to eliminate the problem, child trafficking has been continuously reported.²⁴ Indeed, the Congressional-Executive Commission on China, an independent agency of the United States government, reported that the

¹⁹U.S. Dep’t of State, Trafficking in Persons Report (2012), available at <http://www.state.gov/documents/organization/192594.pdf> [hereinafter TIP Report 2012].

²⁰Annual Report 2012, Congressional-Executive Commission on China, One Hundred Twelfth Congress (Oct. 10, 2012), available at <http://www.cecc.gov> (Although the Chinese government acceded, it has not revised domestic criminal law in the line of UN TIP protocol) [hereinafter Annual Report 2012].

²¹China National Plan of Action on Combating Trafficking in Women and Children (2008-2012) (issued by the State Council of China, Dec. 13, 2007), available at <http://www.humantrafficking.org/612> [hereinafter National Plan of Action].

²²*China’s anti-trafficking campaign rescues 9,388 abducted children, 18,000 women: report*, Xinhua (July 14, 2011), available at http://news.xinhuanet.com/english2010/china/2011-07/14/c_13984420.htm.

²³ Tongzhou, *A cruel trade*, The Economist (Jan 26, 2013), available at <http://www.economist.com/news/china/21570762-curb-widespread-trafficking-abducted-children-officials-and-parents-are-turning-social>.

²⁴TIP Report 2012, supra note 19.

trafficking problem is still prevalent in China because “the Chinese government’s prevention work is limited to certain provinces rather than being comprehensive.”²⁵

The disparity of wealth gap between urban and rural areas would be another contributing factor to child trafficking.²⁶ This leads to a considerably high number of trafficking victims in rural, economically disadvantaged areas.²⁷

Although there is serious human trafficking within China as well as abroad, this paper will focus on child trafficking in China, mainly in rural and poor areas. The paper will offer some suggestions for anti-child trafficking issues.

The article is organized in four parts. Part I will give an overview of child trafficking in China including the definitions, the primary causes of child trafficking, and the potential trafficking victims. Part II will address the Chinese government’s efforts to combat the trafficking in children as well as other international organizations’ cooperation regarding child trafficking. Part III will examine the specific problems occurring in rural areas. Finally, Part IV will offer policy suggestions on combating child trafficking in China such developing local policy, accelerating the drafting of the anti-corruption law and social society’s cooperation.

I. Background

Child trafficking has a long history in China. Although the accurate figure of child trafficking is unclear, the numbers of incidents reported are relatively low because of the narrow definition

²⁵ Combating Human Trafficking in China: Domestic and International Efforts: Hearing Before the Congressional-Executive Comm’n on China, 109th Cong. 17-22 (2006) (statement of Wenchi Yu Perkins, Director, Anti-Trafficking and Human Rights Program, Vital Voices), available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_house_hearings&docid=f:26671.wais [hereinafter CECC].

²⁶ Save the Children, <http://www.savethechildren.org.uk/where-we-work/asia/china>.

²⁷ CECC, supra note 25.

of child trafficking under the China's Criminal Law.²⁸ The Chinese government has continuously focused on combating trafficking throughout the country, yet it remains pervasive in many provinces, particularly rural and poor areas. Among other reasons, poverty makes rural children more vulnerable to human trafficking.

A. Definition of Human Trafficking

The trafficking of children is a serious crime which violates the human rights of the victim. Child trafficking has grown in China since the early 1970s.²⁹ The United Nations establishes the Palermo Protocol, the first global binding instrument, and introduces the definition of human trafficking.³⁰ According to the Palermo Protocol, child trafficking means “the recruitment, transportation, transfer, harboring or receipt of children for the purpose of exploitation.”³¹ Under the definition, the mutual consent is irrelevant regardless of the means used.³²

By contrast, Article 240 of the Chinese Criminal Law defines trafficking as “abducting, kidnapping, purchase, sale or transfer of children for the purpose of selling.”³³ The law includes extensive definitions of trafficking, including human smuggling, child abduction, and fraudulent adoption.³⁴ This leads to unclear figures on how many actual child trafficking cases have been investigated or prosecuted during the reporting period.³⁵ Compared with the Palermo Protocol, the Chinese criminal code only penalizes traffickers who had abducted or kidnapped children in

²⁸ Annual Report 2012, *supra* note 20.

²⁹ Yunnan Province, China Situation of Trafficking in Children and Women: A Rapid Assessment, Int'l Labour Org. & Int'l Programme on the Elimination of Child Labour (2002) [hereinafter Yunnan Province].

³⁰ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, art. 3(a), Dec. 12, 2000, G.A. Res. 55/25, U.N. Doc. A/55/383 (2000) [hereinafter Palermo Protocol].

³¹ *Id.*

³² *Id.*

³³ Criminal Law, arts 240 (P.R.C) (adopted at the Second Sess. of the Fifth Nat'l People's Cong. on July 1, 1979 and revised at the Fifth Sess. of the Eighth Nat'l People's Cong. on March 14, 1997), available at <http://www.cecc.gov/pages/newLaws/criminalLawENG.php> (last visited April 25, 2013) [hereinafter Criminal Law].

³⁴ *Id.*

³⁵ TIP Reports 2011, *supra* note 8.

order to sell them. This narrow scope of who is being penalized offers one explanation as to the comparatively low statistics for human trafficking in China.³⁶

All forms of child trafficking in China are for the purpose of making illegal profits including forced labor, forced marriage, illegal adoption, or commercial sexual exploitation.³⁷ Current trends in Chinese child trafficking are characteristically the sales of infants less than one month old, luring underage girls on the internet, and forced child labor such as begging and theft.³⁸

B. Potential Trafficking Victims

Statistics show that women and children are most vulnerable to traffickers. Trafficking is also most pronounced among the Chinese migrant population.³⁹ According to the report from the All China Women's Federation, a non-governmental organization, there are more than twenty million rural migrant children left behind by full-time working parents in cities.⁴⁰ It also reported that "of children affected by migration and possibly trafficking, the children who left at home make up the second largest number of trafficked victims."⁴¹ Children are trafficked through various means depending on "the age of the children, the purposes for trafficking, and the specific circumstances."⁴²

³⁶Ye He, Tiezheng Sun & Kate Wedgwood, Save the Children, Child trafficking: Protecting children in a society on the move, address at the Foreign Correspondents Club in Beijing (April 13, 2007), available at <http://www.chinadevelopmentbrief.com/node/1062>.

³⁷Xin Ren, Trafficking in Children: China and Asian Perspective, Address at Conference on Making Children's Rights Work: National & International Perspectives International Bureau for Children's Rights (Nov. 20, 2004), available at http://no-trafficking.org/content/web/05reading_rooms/China/trafficking_in_china_china_and_asian_perspective.pdf.

³⁸United Nations Inter-Agency Project on Human Trafficking, *Mekong Region Country Datasheets on Human Trafficking (2010)*, available at http://www.no-trafficking.org/reports_docs/siren/uniap_2010ht_datasheets.pdf [hereinafter SIREN Report].

³⁹TIP Reports 2011, supra note 8.

⁴⁰United Nations, U.N. Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region, http://www.no-trafficking.org/china_who.html (last visited April 13, 2008) [hereinafter UNIAP].

⁴¹UNIAP, supra note 40.

⁴²Anqi Shen, Georgios A. Antonopoulos & Georgios Papanicolaou, *China's Stolen Children: Internal Child Trafficking in the People's Republic of China*, Sprieger (Mar. 2013, vol 16, issue 1, pp31-48) ;also see Anqi Shen, Georgios A. Antonopoulos, Georgios Papanicolaou, *Internal Child Trafficking in China (2012)*, International Institutes for Asian Studies, available at http://www.iias.nl/sites/default/files/IIAS_NL61_11.pdf.

New born babies and extremely young children may be obtained through various ways, including “collecting abandoned infants, receiving unwanted children from their parents, purchasing children from other traffickers, stealing, and using force to snatch them.”⁴³ These victims are either sent families who want male children or orphanages where babies are re-purchased at a premium. In urban areas, most trafficked children are sent to childless families.⁴⁴ Parents who purchase babies will spend much more money on boys than on girls, due to a male-preference tradition.⁴⁵

Some migrant couples who had moved from poorer area seeking employment also have been known to sell their children to raise money. One officer who investigates a human trafficking said that “boys could be sold for up to 50,000 yuan, approximately 8,000 in U.S. dollar, while the price for girls was 30,000 yuan, approximately 4,800 in U.S. dollar.”⁴⁶ Orphanage official was also willing to pay for babies because international adoptive parents pay \$3000 per child as contributions, according to Chinese policy.⁴⁷

Young children are primarily sold to individuals who force them carry on street trades, such as selling flowers, polishing shoes, or forced begging.⁴⁸ Some abducted children are mistreated by their handlers in order to attract more sympathy.⁴⁹ The most common trafficking way to traffick teenagers is by enticing the teen with fraudulent job offers such as working in factories,

⁴³ *Id.*

⁴⁴ Wedgewood, K., Sun, T. and Y. He., *Child trafficking: Protecting Children in a Society on the Move* (Jun. 15, 2007), available at http://www.iias.nl/sites/default/files/IIAS_NL61_FULL.pdf.

⁴⁵ Andrew Jacobs, *Chinese Hunger for Sons Fuels Boy's Abductions*, N.Y. Times (Apr. 4, 2009) http://www.nytimes.com/2009/04/05/world/asia/05kidnap.html?pagewanted=all&_r=0.

⁴⁶ *China baby-trafficking is shut down*, the Guardian (Nov. 4, 2011, 03:32 PM), <http://www.guardian.co.uk/world/2011/nov/04/china-baby-trafficking-ring-shut>.

⁴⁷ Meier&Zhang, *supra* note 15.

⁴⁸ Zhang, L., *Explore Human Trafficking: An Analysis of Family, Marriage and Gender*, Journal of Shanxi Normal Univ., 93-95(2008), available at http://www.iias.nl/sites/default/files/IIAS_NL61_11.pdf.

⁴⁹ *Chinese professor creates microblog to end child-abduction and forced child beggars*, China Digital Times, <http://chinadigitaltimes.net/2011/02/chinese-professor-creates-microblog-to-end-child-abduction-and-forced-child-beggars/> [hereinafter China Digital Times].

building sites, and restaurants.⁵⁰ They have mostly been trafficked into forced marriage and commercial sexual exploitation.

C. Causes of Child trafficking

The primary contributors to child trafficking are “economic disparity between geographical regions in China, poverty, underdeveloped social welfare systems, gender imbalance, local culture and traditions.”⁵¹ Of these factors, poverty, long standing cultural traditions, and the implementation of a One-Child Policy make child trafficking a more lucrative business.⁵²

China has huge economic disparities among provinces and between urban and rural areas. According to Martin Ravallion of The World Bank, China has one of the lower rural poverty lines among the developing countries.⁵³ National Bureau of Statistics of China reported in 2011 that the per capita net income in rural areas were 6,977 yuan (\$1,126 in U.S. dollars) which is nearly four times lower than urban residents who earned 23,979 yuan (\$3,873 in U.S. dollars) per capita income.⁵⁴ Because of the fact that urban incomes are much higher than incomes from rural areas, poverty still remains a significant phenomenon in rural parts in China.⁵⁵ Moreover, those areas are more heavily affected by trafficking because “people are eager to escape the tough subsistence living of the farmer.”⁵⁶

The United Nations Inter-Agency Project on Human Trafficking has reported that “poor rural residents in remote areas lack the legal knowledge and sophistication to protect themselves

⁵⁰ Shen, *supra* note 42.

⁵¹ SIREN Report, *supra* note 38.

⁵² Susan Tiefendrun & Christie J. Edwards, *Gendercide and the Cultural Context of Sex Trafficking in China*, 32 *Fordham Int'l L.J.* 731(2009).

⁵³ Shaohua Chen, Ren Mu, Martin Ravallion, *Are There Lasting Impacts of Aid to Poor Areas? – Evidence for Rural China*, the World Bank, available at http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2008/03/03/000158349_20080303131839/Rendered/PDF/wps4084.pdf.

⁵⁴ National Bureau of Statistic of China, available at http://www.stats.gov.cn/english/pressrelease/t20120130_402787464.htm (last visited April 25, 2013).

⁵⁵ Rural Poverty Portal, <http://www.ruralpovertyportal.org/country/home/tags/china> (last visited April 25, 2013).

⁵⁶ Yunnan Province, *supra* note 29.

from victimization.”⁵⁷ In many parts of rural China, awareness of human trafficking is relatively low and rural peoples do not consider trafficking as a serious crime. The rural families sometimes ask people who have worked at orphanages to take their unwanted babies.⁵⁸ One trafficker who was released from jail was interviewed in the L.A. Times, and said that his family members did not initially realized that they were breaking the law when they engaged in the business because the babies were sent to orphanages run by the government.⁵⁹ In Southern areas of the Hunan Provinces, some villager run the family business, purchasing babies from impoverished parts of Sichun and Yunnan Provinces and re-selling them to government-run orphanages.⁶⁰

China has one of the greatest gender disparities in the sex ratio. Some families have favored sons over daughter because people want from their son to continue the patrilineal family line. Consequently, families desperate for a male heir purchase the abducted boy children. Because of son preference phenomenon, girls are typically deemed as a financial burden. This male-preference culture is tied to the belief of Confucian, the dominant ideology throughout China’s history. Confucian describes the view of female that “the female was inferior by nature she was dark as the moon and changeable as water, jealous, narrow-minded and insinuating. She was indiscreet, unintelligent and dominated by emotion.”⁶¹ This traditional disfavor of female leads to gender inequality in China.⁶² As a result, domestic illegal adoption has been widespread. Yet, as a consequence of the public awareness campaign on the value of daughters, many have less

⁵⁷UNIAP, supra note 40.

⁵⁸ Demick, supra note 6.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Richard W. Guisso, *Thunder Over the Lake: The Five Classics and the perception of Women in Early China*, in *Women In China: Current Directions in Historical Scholarship* 59 (Richard W. Guisso & Stanley Johannesen eds., 1981).

⁶² Mary H, Hansel, *China’s One-Child Poliy’s effects on women and the paradox of persecution and trafficking*, *Southern California Law Review of Law and Women’s Studies*.

traditional thinking about women's roles and most observers believe that negative treatment of female children is decreasing.⁶³ Child trafficking is still rampant in China's provinces such as Southeastern Fujian, Chaozhou in Southern Guangdong, East Central Henan and Eastern Shandong, where people are more likely to follow deeply rooted traditional concepts which favor males.⁶⁴ Chen Xiurong, National People's Congress deputy and vice president of the All-China Women's Federation, has reported that provinces with rooted cultural traditions are more likely to be involved in child trafficking.⁶⁵

In 1979, the Chinese government established a One-Child Policy. The policy was designed to regulate the country's demography. In order to comply with the One-Child Policy, the couples in urban areas are limited to have a single child. Yet, the families in rural areas, ethnic minorities and parents without siblings are exemptions which allow the couples to have two children.⁶⁶ However the policy has resulted in negative consequence. For instance, many children are sold and abandoned by their parent to the orphanages.⁶⁷ Additionally, local officials sometimes seize babies when parent violates the one-child policy. In Hunan Province, at least 16 babies were confiscated from the couple who failed to comply with the policy by local family planning agency when the couples could not be able to pay penalty.⁶⁸ The abducted children

⁶³ Kay Ann Johnson, *Wanting a daughter, needing a son*, at 208 (Amy Klatzkin ed., 2004); see also Patricia J. Meier & Xiaole Zhang, *Sold into Adoption: The Hunan Baby Trafficking Scandal Exposes vulnerabilities in Chinese Adoption to the United States*, 39 *Cumb. L.Rev.* 87 (2008-2009).

⁶⁴ Yuxia Wang, *Fighting Human Trafficking, Women of China* (Mar. 6 2012), <http://www.womenofchina.cn/html/node/138775-1.htm>.

⁶⁵ *Id.*

⁶⁶ *China's one-child policy boosts child confiscation for overseas adoption*, *International Business Times* (May 12, 2011), <http://www.ibtimes.com/chinas-one-child-policy-boosts-child-confiscation-overseas-adoption-283399#> [hereinafter *IBT*].

⁶⁷ Penny Kane & Ching Y. Choi, *China's One Child Family Policy*, 319 *Brit. Med. J.* 992, 994 (1999).

⁶⁸ Shangguan Jiaoming, *In Hunan family planning turns to plunder*, *Caixin Online* (May 10, 2011), available at <http://english.caixin.com/2011-05-10/100257756.html>.

were subsequently sent to local orphanages and the office could get 1,000 yuan or more for each child.⁶⁹

II. Chinese government effort

Despite the fact that China does not fully comply with the minimum standards set by the U.S. State Department, the Chinese government has recognized the problems and has consistently increased their efforts to address and combat the issues.⁷⁰ The Public Security has also strengthened the cooperation with international and non-governmental organizations on child trafficking problem.

A. Chinese government effort

The Government of the People's Republic of China has enacted extensive laws which penalize human trafficking and protect the interest of children. For example, the Law on the Protection of Minors, which was adopted in 1991 and amended in 2007, specifically prohibits the trafficking, kidnapping and sexual exploitation of minors.⁷¹ The law also prohibits the sale of children for adoption.⁷²

Article 240 of Chinese Criminal Law prohibits “abducting and trafficking a woman or child, and such crime is subject to a five to ten year sentence.”⁷³ The punishment for the offense of trafficking under Article 240 varies from a five year imprisonment to the death penalty. The law may also impose the confiscation of property. The most serious sentences will be imposed if the

⁶⁹ Jiaoming, supra note 68.

⁷⁰ TIP Report 2011, supra note 8.

⁷¹ Law on the Protection of Minors (P.R.C) (adopted by the Standing Comm. Nat'l People' Cong., Sept. 4, 1991, revised Dec. 29, 2006, effective June 1, 2007).

⁷² *Id.*

⁷³ Criminal Law art. 240, supra note 33.

trafficking involves more than three victims.⁷⁴ The Chinese Adoption Law strictly prohibits trafficking for adoption.⁷⁵ Article 31 of Adoption Law states that “whoever sells his or her own child shall be imposed a fine with his or her illegal proceeds confiscated by the public security organ; if the act constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with law.”⁷⁶

The Chinese government has been working to protect women and children from abuse as well. In 1986 China passed a compulsory education law which should help to keep children out of the labor market,⁷⁷ and the regulation on child labor, issued by State Council, prohibits use of children who are younger than sixteen years of age since 1991.⁷⁸

Additionally, the Chinese government has implemented policies to raise awareness of trafficking among children identified as vulnerable.⁷⁹ The U.S government reported in the TIP Report 2008 that the Chinese government established a new office for Preventing and Combating Crimes of Trafficking in Women and Children during the reporting period.⁸⁰ Moreover, the National People’s Congress Standing Committee voted to ratify the Palermo Protocol in 2009⁸¹ in order to fill gaps existing in the legal structure of anti- trafficking.⁸²

⁷⁴ *Id.*

⁷⁵ P.R.C. Adoption Laws (Adopted at the 23rd Meeting of the Standing Committee of the Seventh National People’s Congress on December 29, 1991, promulgated by Order No. 54 of the President of the People’s Republic of China on December 29, 1991, effective April 1, 1992; amended by the Ninth Nat’l People’s Congress, Nov. 4, 1998, effective April 1, 1999); See also <http://en.pkulaw.cn.ezproxy.shu.edu/display.aspx?id=12687&lib=law&SearchKeyword=adoption law&SearchCKeyword=> (last visited April 20, 2013) (providing English translation of P.R.C. Adoption Laws).

⁷⁶ P.R.C. Adoption Laws, *supra* note 75, art. 31.

⁷⁷ National Plan of Action, *supra* note 21.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ TIP Report 2008, *supra* note 17.

⁸¹ “China’s Top Legislature Ends Bimonthly Session, Adopts Tort Law,” Xinhua, 26 December 09; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 00, entered into force 25 December 03, art. 3(a).

⁸² TIP Report 2011, *supra* note 8.

In the same year, the Ministry of Public Security (“MPS”) launched a National Campaign on Combating Trafficking, which suggested a number of good practices including the improvement of aftercare work and assistance programs for people who are vulnerable to crime.⁸³ The MPS and Central Comprehensive Management of Public Security issued evaluation standards for anti-trafficking work in women and Children in order to implement the plan.⁸⁴ Since then 13,500 cases of trafficking in women and children were investigated as well as approximately 16,000 children and women were rescued by 2010.⁸⁵ The MPS established an Anti-Trafficking Office with cooperation of an Inter-Ministerial Joint Meeting Mechanism (“IMJMM”) in 2007.⁸⁶ The main responsibilities of the system are to develop, implement, monitor and evaluate the National Plan of Action.⁸⁷ The mechanisms are gradually being established in the provincial, municipal and country level.⁸⁸

Despite the Chinese government efforts, the TIP Report 2008 reported that Chinese enforcement efforts to arrest and prosecute perpetrators of these crimes are seriously lacking.⁸⁹ In order to lessen such problem, the four Chinese law-enforcement departments, including the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Justice and the Ministry of Public Security, jointly published an opinion on Combating the Crime of Trafficking in Women and Children in 2010. It provides the enhancement of the protection of the rights of

⁸³ National Plan of Action, *supra* note 21.

⁸⁴ *Id.*

⁸⁵ UNICEF China, <http://www.unicefchina.org/en/index.php?m=content&c=index&a=show&catid=53&id=3604> (last visited April 25, 2013).

⁸⁶ National Plan of Action, *supra* note 21.

⁸⁷ *Id.*

⁸⁸ UNIAP, *supra* note 40.

⁸⁹ TIP Report 2008, *supra* note 17.

trafficked children and women.⁹⁰ For example, if local authorities notice children in the street, the police should immediately register and investigate the case.⁹¹

The General Office of the State Council recently released a new China National Plan of Action for anti-trafficking efforts for the period of 2013 and 2020, providing the strict investigating system of Child trafficking and the protection of victims of trafficking.⁹²⁹³ The China Daily, newspaper, reported that “the new plan specifically stated the protection of rescued children who are not able to reunite with their parents.”⁹⁴

B. Other Non-governmental organization and international organization’s cooperation

In the response to the child trafficking problems, other countries and international organizations have been working with the MPS to raise awareness and mobilize local leaders.⁹⁵

The United States enacted the Trafficking Victims Protection Act of 2000 (“TVPA”) which is designed to combat human trafficking.⁹⁶ The TVPA suggests international solutions to international crimes by providing protection for victims, prosecution for perpetrators, and prevention of trafficking.⁹⁷ The TVPA also seeks to coordinate with other countries through the publication of the Trafficking in Persons Report, which divides countries into three tiers based on their efforts to combat human trafficking within the country.⁹⁸ According to the TIP Report

⁹⁰ *China Strengthens law to prevent human trafficking*, Xinhua (April 2, 2010), http://www.china.org.cn/china/2010-04/02/content_19740876.htm; see also <http://en.pkulaw.cn.ezproxy.shu.edu/display.aspx?id=8136&lib=law&SearchKeyword=trafficking&SearchCKeyword>.

⁹¹ *Id.*

⁹² *Action Plan of the State Council issued China’s opposition to human trafficking*, News King (Mar. 8, 2013), <http://www.newsking.us/news-4036797-Action-Plan-of-the-State-Council-issued-China-39s-opposition-to-human-trafficking.html>.

⁹³ *Crackdown on child Trafficking*, Xinhua (Mar. 9, 2013), http://usa.chinadaily.com.cn/china/2013-03/09/content_16293598.htm.

⁹⁴ Haixing Jin, *Plan outlines crackdown on child trafficking*, China Daily (Mar. 8, 2013), available at http://www.chinadaily.com.cn/china/2013-03/08/content_16292901.htm.

⁹⁵ UNICEF China, *supra* note 85.

⁹⁶ Trafficking Victims Protection Act of 2000, 22 U.S.C. §7101-7112 (2000).

⁹⁷ TIP Report 2008, *supra* note 17.

⁹⁸ U.S. Dep’t of State, <http://www.state.gov/j/tip/rls/tiprpt/2011/164236.htm> (last visited April 25, 2013).

2012, China has been placed on Tier 2 Watch List⁹⁹ since 2005 because the Chinese government does not fully comply with the minimum standards of the TVPA,¹⁰⁰ but is nonetheless making significant efforts to bring themselves into compliance by committing to take additional steps over the next year.¹⁰¹

In the late 1990s, the MPS started to fight child trafficking with non-governmental organization, and other organizations such as All-China Women's Federal ("ACWF"), Save the Children, UNICEF and the International Labour Organizations ("ILO").¹⁰² The ACWF, a non-governmental organization in China, has continued to work with the ILO to incorporate messages on avoiding human trafficking situations into school curricula.¹⁰³ Since 2001, the ACWF has been working with UNICEF on the issue of human trafficking.¹⁰⁴

The Save the Children China programme ("Save the Children"), largely funded by the UK department for International Development, has started working on anti-trafficking in China since the late 1990s.¹⁰⁵ Among other accomplishments, the Save the Children implemented the first experience of a community-based prevention approach in Yunnan Province and Guangxi Zhuang Autonomous Region.¹⁰⁶

UNICEF has successfully supported the Chinese government in combatting on combat child trafficking; cooperating with the Ministry of Civil Affairs to develop an effective model of

⁹⁹ *Id.* (Country is placed on the Tier 2 Watch List if its government fails to meet the minimum standards of TVPA and has a high number of trafficking victims, but makes some efforts to address the problem).

¹⁰⁰ *Id.* (Minimum standards for the elimination of human trafficking are found in Section 108 of the TVPA. The Tier 1 indicates that "a government has acknowledged the existence of human trafficking", available at <http://www.state.gov/j/tip/rls/tiprpt/2011/164236.htm>).

¹⁰¹ TIP Report 2012, *supra* note 19.

¹⁰² He, Sun & Wedgwood, *supra* note 36.

¹⁰³ TIP Report 201, *supra* note 8.

¹⁰⁴ UNICEF China, *supra* note 85.

¹⁰⁵ He, Sun & Wedgwood, *supra* note 36.

¹⁰⁶ *Id.*

providing community services for street children.¹⁰⁷ The services include “the outreach programs, street child protection center, referral services, foster care, and vocational training.” Fifteen cities in China have successfully adopted this program.¹⁰⁸ UNICEF has also supported the development of the first National Action Plan in 2009.¹⁰⁹ In 2011, UNICEF has expressed their plan on the supporting the Chinese government towards effective implementation of the Palermo Protocol.¹¹⁰

The international Labour Organization (“ILO”) launched projects in various provinces aiming to prevent trafficking in children and women. In 2000 the Mekong Sub-Regional Programme on the Elimination of Child Labour of the International Labour Organization (ILO-IPEC) set up the project in Yunnan Province to assess the current status of trafficking of children and women in Yunan.¹¹¹ The ILO had also engaged the China Project to Prevent Trafficking in Girls and Young Women for Labour Exploitation (“CP-TING”) in partnership with the ACWF in 2004. The CP-TING project was implemented in five provinces including Henan, Anhui, Hunan, Jiangsu, and Guangdong. The main achievement was implementing direct assistance models in at-risk communities such as the training in life skills, devising trafficking prevention strategies, and working with employers.¹¹²

III. Problem related to child trafficking

Despite the Central government’s efforts to eradicate human trafficking in China through ratifying the domestic laws and the international organization’s cooperation, the Chinese

¹⁰⁷ UNICEF China, *supra* note 85.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Yunnan Province, *supra* note 29.

¹¹² Wang Zhuoqiong, *China to Step up fight against trafficking in women, children*, China Daily (Sept. 30, 2008), http://www.chinadaily.com.cn/china/2008-09/30/content_7070678.htm.

government has still faced substantial challenges on trafficking issues.¹¹³ The progress on developing a National Action Plan has so far been quite slow in China.¹¹⁴ This may be due to a broad interpretation of the law, or the relatively low number of cases has been filed.¹¹⁵ Ineffective allocation of funding by anti-trafficking offices within the NPS could also affect the number of child trafficking.¹¹⁶

In 1978, the third Plenary Session of the 11th CPC central Committee was held at Beijing, China, and the central government expanded the local authorities' financial power.¹¹⁷ As a result, the government at the Province level can exercise autonomy in an independent plan as well as in economic management.¹¹⁸ Because the central government has treated provincial governments as enterprises, local officials in provincial level focus largely on local economic rather than national benefit.¹¹⁹ This encourages local government to take a deviation from the national policy and rules.¹²⁰

In addition to the local protectionism, local authorities often ignore on the issue of child trafficking even though they have acknowledged the significance of the problem. It has meant that child trafficking is often overlooked by local officials.¹²¹ Where significant profits are made from forcing children into work in local business such as street dealing or begging, local officials often choose to ignore the practice and view these cases as successful local entrepreneurships.¹²²

According to the TIP Report 2008, one of the big issues facing the Chinese government's efforts

¹¹³ CECC, *supra* note 25.

¹¹⁴ He, Sun & Wedgwood, *supra* note 36.

¹¹⁵ TIP Report 2011, *supra* note 8.

¹¹⁶ He, Sun & Wedgwood, *supra* note 36.

¹¹⁷ Local Government in Asia and Pacific: A comparative analysis of fifteen countries, United Nations Economic and Social Commission for Asian and Pacific, <http://www.unescap.org/huset/lgstudy/country/china/china.html>.

¹¹⁸ *Id.*

¹¹⁹ Howard Tsang, *Child Trafficking and Local Protectionism in China*, Asia Pacific Memo (Nov. 6 2012), <http://www.asiapacificmemo.ca/child-trafficking-and-local-protectionism-in-china>.

¹²⁰ *Id.*

¹²¹ Tsang, *supra* note 119.

¹²² Anqi, Antonopoulos & Papanicolaou, *supra* note 42.

to combat trafficking is “the significant level of corruption and complicity in trafficking by some local government officials.”¹²³

A. Raising Revenue by Abducting Children

Local officials in some provinces engage in child trafficking, and local government officials have a strong relationship with family planning departments.¹²⁴ Local authorities sometimes confiscated the children from families who were unable to pay fines.¹²⁵ According to the Telegraph, a magazine, the head of the village family planning committee in Anxi County, Fujian Province, was suspected of assisting illegal sales of babies.¹²⁶ Moreover, in some provinces, since the central government abolished agricultural taxes family planning in local province has raised violation fees in order to boost fiscal budgets.¹²⁷ Later the family planning violation fees have been increased up to 10,000 yuan,¹²⁸ which is nearly three times higher than initial fees.¹²⁹

The close relationship between orphanages and the provincial governments also indicate the high risk of child trafficking. It was revealed that local officials and orphanage employees in Hunan Province had sold at least 100 children to other orphanages.¹³⁰ The villager in Longhui County, an impoverished rural area in Hunan province, said that in the past, parents who breached a one-child policy, were punished by tearing down their house or forfeiting their

¹²³ TIP Report 2008, supra note 17.

¹²⁴ Jiaoming, supra note 68.

¹²⁵ IBT, supra note 66.

¹²⁶ Malcolm Moore, *Chinese family planning official caught trafficking in children*, The Telegraph (Jan. 04, 2013), <http://www.telegraph.co.uk/news/worldnews/asia/china/9780602/Chinese-family-planning-official-caught-trafficking-in-children.html>.

¹²⁷ Jiaoming, supra note 68.

¹²⁸ In 2013, 10,000 Chinese Yuan is equivalent to 1,619 US dollar.

¹²⁹ Jiaoming, supra note 68.

¹³⁰ Mark McDonald, *Buy, Sell, Adopt: Child Trafficking in China*, N.Y. Time (Dec. 26, 2012), <http://rendezvous.blogs.nytimes.com/2012/12/26/buy-sell-adopt-child-trafficking-in-china/>.

properties.¹³¹ However, since 2000, local authorities have started to confiscate children as punishment.¹³² In 2005, local government confiscated Mr. Yuan's 52-day-old daughter when he was unable to show his marriage certificate.¹³³ From 1999 through the late 2006 period, the family planning official in Longhui County abducted at least 16 children, and Mr. Yuan's daughter was one of them.¹³⁴ According to parents in Longhui County, local officials have treated babies as "a source of revenue" by imposing fines of \$1,000 or more; five times higher than an average local family's annual income.¹³⁵ Although it is unclear whether orphanage director did receive the payments because he refused to answer, the villager interviewed with Caixin Magazine that a family planning agency may receive money from the orphanage for the exchange of baby.¹³⁶ Once these babies are illegally abducted by local authorities, they are sent to orphanages or often put up for adoption by foreigners, even though child is not an orphan.¹³⁷

Although family planning policies ban the confiscation of children from parents who violate the national policy, critics say "the powers handed to local officials under national family planning regulations remains excessive and ripe for exploitation."¹³⁸ Moreover, despite the fact that the authorities have responsibilities to register the birth certificate of every child, they usually fail to do it when there is bribery involved.¹³⁹

Another tragedy has occurred in Guangdong Province where the local family planning agency reportedly broke into a farmer's home and took his child away while he was working far

¹³¹ *Illegal Children will be confiscated*, The Economist (Jul. 21 2011), available at <http://www.economist.com/node/18988496>.

¹³² Jiaoming, supra note 68.

¹³³ Sharon LaFraniere, *Chinese Officials Seized and Sold babies*, N.Y. Times (Aug. 4, 2011), http://www.nytimes.com/2011/08/05/world/asia/05kidnapping.html?pagewanted=all&_r=0.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Jiaoming, supra note 68.

¹³⁷ LaFraniere, Supra note 134.

¹³⁸ *Id.*

¹³⁹ Andreas Lorenz, *As Profitable as the Drug Trade: China's Child-Trafficking Epidemic*, Spiegel (May 21, 2010), <http://www.spiegel.de/international/world/as-profitable-as-the-drug-trade-china-s-child-trafficking-epidemic-a-696129.html>.

away.¹⁴⁰ The farmer later learned from family planning officials that his child had been sent to the orphanage in Shaoyang, the Southern part of Hunan Province.¹⁴¹

Local officials sometimes take away babies from the couple even if they are not in violation of the one-child policy. A farmer in the village of Gao Ping in Hunan Province interviewed in CBC News that local the family-planning office seized his daughter, and he was beaten when he asked the office for her return.¹⁴²

B. Local official's Neglect on Duty

Chinese local and judicial officials do not cooperate with the investigation of international organizations.¹⁴³ Also, polices fail to provide immediate help to find trafficked children and reluctantly investigate these cases because the local polices are rarely rewarded for responding to crimes.¹⁴⁴ Local authorities give very little assistance to parents when parents of trafficked children ask for help to investigate such cases.¹⁴⁵

Deng Huidong, a villager in the Southeast region of China, noticed that the police were indifferent in her son's kidnapping.¹⁴⁶ She said "after my son was kidnapped, I went in the police car but after a few seconds, they took a sudden turn down another road... I asked why and [the police] told he was off duty, so it was not his responsibility to catch the traffickers."¹⁴⁷

Police in China also do not consider crimes such as kidnapping, abduction or stealing as serious enough as other crimes such as murder. In some places, polices consider a child as

¹⁴⁰ Jiaoming, *supra* note 68.

¹⁴¹ *Id.*

¹⁴² Anthony Germain, *Chinese baby trafficking leaves farmers forlorn*, CBC News (May 16, 2011), <http://www.cbc.ca/news/world/story/2011/05/15/china-stolen-babies.html>.

¹⁴³ TIP Report 2011, *Supra* note 8.

¹⁴⁴ Jacobs, *supra* note 45.

¹⁴⁵ *Id.*

¹⁴⁶ Vause, *supra* note 1.

¹⁴⁷ *Id.*

missing 24 hours after the crime was reported, even if parents of missing child immediately report.¹⁴⁸ They sometimes show up only one time and never return again.¹⁴⁹

On April 11, 2010, Liu Jingjun discovered that his son was missing. The police did assure him that his son had just wandered off.¹⁵⁰ The couple searched on their son and found that his neighbor had a surveillance camera which showed that a man grabbed his son and took him into a van.¹⁵¹ After reviewing the videotape, police promised to investigate but the status of his son's case has been unchanged.¹⁵²

The parents of missing children interviewed at South China Morning Post, Chinese newspaper, that more than 80 per cent of trafficking cases are never filed by local police under the excuse of inadequate evidence.¹⁵³ Sometimes, local authorities charge parents who openly express their opinion of rescuing kidnapped children. In Longhui County, Hunan Province, parents who spoke out about rescuing trafficked children were detained by local polices for 15 days on charges of soliciting prostitutes at a brothel.¹⁵⁴ According to China Daily, a letter asking local government for help and signed by 400 fathers of abducted children was ignored by local officials.¹⁵⁵

C. Lack of Reunion Mechanism

One main obstacle in combating trafficking is identifying rescued children and their original parents. In Hunan Province, the orphanages must comply with the law which requires posting a

¹⁴⁸Lorenz, *supra* note 140.

¹⁴⁹ *89 children rescued in China trafficking bust*, ABC News (Dec 25, 2012), <http://www.abc.net.au/news/2012-12-25/89-children-rescued-in-china-trafficking-ring-bust/4443230> [hereinafter ABC News].

¹⁵⁰ C. Custer, *Child Kidnapping in China: A case study*, DANWEI (Oct. 11, 2011), <http://www.danwei.com/child-kidnapping-in-china-a-case-study/>.

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ Hui Feng He, *DNA databank to help find missing children*, South China Morning Post (July 19, 2012), available at <http://www.scmp.com/article/678807/dna-databank-help-find-missing-children>.

¹⁵⁴ Sharon, *supra* note 118.

¹⁵⁵ Melanie McGanney, *The Brick Kiln Scandal: An In-Depth Look at China's Slave Trade*, SMALL SWORDS MAGAZINE, <http://smallswordsmagazine.com/articles/life/brickkiln.html> (last visited Oct. 28, 2008).

notice in the Hunan Daily newspaper for 60 days.¹⁵⁶ If no one claims the children within 60 days, however, the orphanages record the receiving date as the rescued child birthday and give him or her a new name.¹⁵⁷ This would not even help the poor families who live in the mountains or migrant workers who are outside the province.¹⁵⁸

Moreover despite that fact that the National Action Plan proposes practical methods to eradicate the trafficking crimes including settling up the DNA databases, such practices have not been effectively carried out in many provinces.¹⁵⁹ In 2000, Child Daily reported that the DNA lab of Guangzhou Public Security Bureau, one of the only four centers authorized by the NPS to conduct DNA tests in China, rescued seven children who were sold, and returned them to their original families.¹⁶⁰ A few years later, in 2009, a national DNA databank was eventually established by the MPS. This DNA bank is designed to track missing children and help matching rescued children with their original parents.¹⁶¹ The Chinese government has collected the DNA information from five tentative groups for no charge; parents whose children are confirmed kidnapped, parents whose children are lost and who have demanded a DNA test, abducted children who have been rescued; children who are suspected of being abducted or cannot give their homes, and homeless or beggar children who cannot give their homes.¹⁶² Yet, there is no accurate figures indicating how much trafficked children has been returned to their family by using the DNA mechanism.

¹⁵⁶ Jiaoming, *supra* note 68.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ SIREN, *supra* note 38.

¹⁶⁰ Xiao Wang, *Police Keeping Crime Down*, China Daily (Jun. 8, 2000), <http://search.proquest.com.ezproxy.shu.edu/docview/257789849/13D886C76EE361E91B7/12?accountid=13793>.

¹⁶¹ He, *supra* note 15.

¹⁶² *National DNA databank set up to help abduction victims*, Xinhua (April 29, 2009), http://www.china.org.cn/government/central_government/2009-04/29/content_17698577.htm.

In many cases when trafficked children were rescued, they are being cared for in local nursing homes¹⁶³ or community services such as street children protection centres, or temporary detention centers.¹⁶⁴ Some of community services are supported by UNICEF.¹⁶⁵ However, if the child is too young to know where they come from and stays more than one year, unidentified children may be sent to orphanages. Once the rescued children arrive at orphanages, police search for their parents by using a national DNA database.¹⁶⁶ Under Articles 240 and 241 of the Chinese Criminal Law, police officers have to carry out victim identification.¹⁶⁷ However, orphanages usually fail to take DNA from rescued children.¹⁶⁸ The failure of taking DNA would lead to another crime such as filling falsified adoption papers by orphanages employee.¹⁶⁹

Chen Shiqu, director of the Ministry of Public Security's human trafficking task force, reports that police would immediately take blood samples for DNA bank once an abducted child is rescued.¹⁷⁰ Yet, it is unclear about official figures about reunite situation.¹⁷¹ Additionally, many parents still have no knowledge about the DNA databases.¹⁷² Alarming, even when the children are rescued, they are sometimes returned to the families who purchased them, not their natural parents.¹⁷³

¹⁶³ ABC News, supra note 150.

¹⁶⁴ UNICEF China, supra note 85.

¹⁶⁵ *Id.*

¹⁶⁶ ABC News, supra note 150.

¹⁶⁷ Criminal Law art 240, 241, supra note 33.

¹⁶⁸ Tongzhou, supra note 23.

¹⁶⁹ McDonald, supra note 131.

¹⁷⁰ Zhang Yan, *Database gives hope to abducted children*, China Daily (Jan.22, 2013), <http://www.chinadailyapac.com/article/database-gives-hope-abducted-children>.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Tania Branigan, *China trafficking crackdown leads to rescue of 178 children*, The Guardian (Dec. 7, 2011), <http://www.guardian.co.uk/world/2011/dec/07/china-trafficking-crackdown-rescue-children>.

IV. Policy Suggestions for China

To deal with child trafficking problems in rural and economically disadvantaged areas, the Chinese government must pay great attention to the action of local government. In response to growing instances of child trafficking, local authorities must take drastic measures on the issue of children trafficking in rural areas. Local authority should shoulder much of responsibility to administer mandated policies as well as strengthen social society's cooperation on anti-trafficking work.

A. Recommendations for government

In order to more effectively deter child trafficking, local governments should implement local policy that is tailored towards their circumstances. Despite the continuous revision of the National Action Plan by the central government, local governments are reluctant to make the required changes due to insufficient funding allocation.¹⁷⁴ In this manner, the implementation and progress of the application of the National Plan of Action cross China has been quite slow due to economic and administrative disparities among Provinces.¹⁷⁵

The people in rural areas make up the majority of China's population. Migrant workers constitute 30% of rural areas.¹⁷⁶ In order to relieve economic disparities among provinces, the local government, in cooperation with the central government, should implement local policy regarding the economic enhancement in those regions. For example, local government should undertake to generate employment in local areas, perhaps by participating in economic construction in rural-based industry.

¹⁷⁴ TIP Report 2008, *supra* note 17.

¹⁷⁵ He, Sun & Wedgwood, *supra* note 36.

¹⁷⁶ National Bureau of Statistics of China, *supra* note 54.

Local government should increase law enforcement training in the area of human trafficking. Since trafficking is most prevalent in small villages, the specialized law enforcement training must be administered at the village or town level. The training should provide a proper understanding of child trafficking and child's right, particularly in rural areas. Local governments should consistently monitor and follow-up these training programs.

The Chinese local government should develop and adopt effective procedures, with respect to the identification of a rescued child. Currently, China does not take proper steps to identify trafficking victims once rescued despite the fact that a National Plan of Action has suggested a DNA procedure. The national DNA databank was launched by the MPS in 2009 to find missing children as well as to match with their family.¹⁷⁷ Although many of missing children has been rescued through the DNA test, Zhang Baoyan, founder of Baby Back Home, said that some parents of missing children have “no idea about the DNA database.”¹⁷⁸ Local governments should disseminate information on the DNA database to families who live their regions.

Local authorities should respond in a timely manner when parents report their child missing. Local officials in rural China have not been actively engaged in the investigation of these crimes, compared to organizations in urban areas. Because of the local police's neglect of duty, the consequences of child trafficking problems are increasingly serious and unlikely to be avoidable. In order to eliminate such problem, the Chinese central government should provide adequate guidelines for local investigative procedure. Moreover, the government should take a more aggressive role in monitoring the roles and actions of local government

The central government must accelerate on a draft of the first Chinese anti-corruption law. In China, although the Chinese government has used party discipline to regulate officials, a national

¹⁷⁷ He, *supra* note 154.

¹⁷⁸ *Database gives hope to abducted children*, China Daily (Jan. 22, 2013) http://www.china.org.cn/china/2013-01/22/content_27756427.htm.

anti-corruption law has not been developed yet.¹⁷⁹ In addition to enactment of a national anti-corruption law, the judiciary must reinforce to prosecute and punish local officials who participate in trafficking.

B. Cooperation with Social Society

In the place where high rampancy of trafficking crimes has manifested among rural areas, there must be multi-organizational participation to undertake comprehensive management. The local government should cooperate with the non-governmental organization to educate the villagers to raise the awareness of trafficking problems. For instance, some local residents who reside in rural areas assumed that they had complied with the law when they sold children to orphanages because the institution was run by the government.¹⁸⁰ Such mismanagement results in a greater likelihood of child trafficking in impoverished areas in China. Local government must inform and educate the villagers as to the seriousness of these crimes. With respect to education, the local authorities need to cooperate with the NGOs to establish and develop the services to educate the people.

An anti-trafficking campaign must be disseminated throughout the country. Although some provinces already implemented anti-trafficking campaign, such measure is not effectively employed in every county in China. For instance, Renshou County, the Southwest part of Sichuan Province, instituted an anti- trafficking campaign by printing “anti-trafficking slogans on calendars, cards, T-shirts and umbrellas.¹⁸¹ Thus, the local government in province level should increase cooperation with the international organizations on the development of anti-trafficking campaign.

¹⁷⁹ Keith Zhai, *No sign of anti-corruption law as CPPCC convenes*, South China Morning Post (Mar. 10, 2013), <http://www.scmp.com/news/china/article/1187346/no-sign-anti-corruption-law-cppcc-convenes>.

¹⁸⁰ Demick, *supra* note 6.

¹⁸¹ *China Helps Women, Children Fight Human Trafficking*, China Internet Information Center News (Mar 3, 2004), <http://search.proquest.com.ezproxy.shu.edu/docview/190648003?accountid=13793>.

Under Law of the People's public of China on Protection of Minors, children have lawful rights and interests, and children have the right to receive immediate care and protection.¹⁸² Yet, children's right has not been completely protected in many local regions. Since child victims are the most vulnerable group for traffickers and trafficked children are more likely to suffer various forms of physical or mental abuse than adult victims, local governments should implement mechanism of the post-harm assistances in order to prevent the recurrence of crimes. These mechanisms should include providing shelters, medical treatment, and legal services.

China must improve the family reunion system. To do so, Chinese local officials must also increase cooperation with social media. Social media has been a significant channel for Chinese people to express their opinions. In recent years, parents and activists have been using websites and microblogs to share stories of missing child.¹⁸³ In 2011, NBC News reported that one father of abducted child had posted advertisement on online and eventually found his son who had been kidnapped for three years.¹⁸⁴ As public initiative on child trafficking has grown, several websites and blogs have been launched.

On January 25, 2011, Jianrong Yu, a human right activist and professor at the Chinese Academy of Social Sciences, launched a Sina Weibo, one of popular micro-blog services in China; to reunite trafficked children with their families.¹⁸⁵ The purpose of the micro-blog is to asking people to photograph the child beggar and to post the picture of them on online.¹⁸⁶ Since his micro-blog has been launched, it has accumulated 175,000 followers, and people have posted

¹⁸²Law on the Protection of Minors (P.R.C), supra note 71.

¹⁸³Tongzhou, supra note 23.

¹⁸⁴ Bo Gu, *Chinese tackle child abduction issue with social media*, NBC News (Feb. 16, 2011), http://behindthewall.nbcnews.com/_news/2011/02/16/6065423-chinese-tackle-child-abduction-issue-with-social-media?lite.

¹⁸⁵ China Digital Times, supra note 49.

¹⁸⁶ *Id.*

more than 2,500 pictures of children in the street.¹⁸⁷ Baby Home, China's largest website is another example of a media site run by a non-government official hoping to reunite lost children and their families.¹⁸⁸

Despite the efforts of parents of trafficked children to find their children via Chinese micro-blogs child abduction cases are rarely reported by the state-controlled media.¹⁸⁹ The Public Security Ministry should encourage polices to join internet groups and cooperate with activists who operate the internet website to find the trafficked children. If such efforts are unlikely to be achieved in rural areas due to a lack of source, drastic measures must be treated to increase awareness of trafficking in children. For example, local government officials and police officers must allow victim's family to put their stories on local television channel.

Conclusion

Child abduction and trafficking are rampant in China. Economic disparities between provinces, a lack of accountability in local officers, and a lack of knowledge about child trafficking have led to a higher risk of child trafficking in rural regions. Despite laws that prohibit buying and selling children and a national policy which suggests post-rescued assistances for trafficked victims, local authorities in China are likely to deviate from the direction suggested by the central government. Without local government's intervention, child trafficking in rural areas will not be reduced, but will lead to another adverse consequences. Alternative measures to reduce the trafficking problems are urgently needed by local authorities. There must be comprehensive endeavor in order to lessen the child trafficking problems in China.

¹⁸⁷ Jessica Beaton, *Online effort to save China's kidnapped children is flawed*, CNN (Feb. 14, 2011), <http://travel.cnn.com/shanghai/life/speaking-out-against-saving-chinas-kidnapped-children-221973>.

¹⁸⁸ *Blog fights child trafficking*, Global Times (Feb. 9, 2011), http://www.globaltimes.cn/china/society/2011-02/620682_2.html.

¹⁸⁹ Tongzhou, *supra* note 23.

Local government must make a commitment to implement policy which is tailored to local circumstance: a job creation scheme, the dissemination of trafficking information, and the reunite mechanism enhancement via social media. Only then, the problem of child trafficking in China will be reduced.