

Research Center for Women and Family under the Zhejiang  
Academy of Social Sciences

The Report of Chinese Women's NGOs  
on the Combined Seventh and Eighth Periodic Report  
Submitted by China under Article 18 of the *Convention on  
the Elimination of All Forms of Discrimination against  
Women*

Anti-trafficking and Forced Prostitution  
(Article 6)

(For public information)

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# Anti-trafficking and Forced Prostitution (Article 6)

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## I. Efforts and Progress

**China has made substantial efforts and achieved considerable progress in cracking down on trafficking in women and children.** Since 2006, the relevant laws and policies have been modified targeting at new characteristics of trafficking in women and children across the country, with the *National Plan of Action to Combat Human Trafficking* (2008-2012) and the *Detailed Rules for Implementation* formulated respectively in 2007 and in 2008. The *United Nations Convention against Transnational Organized Crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* was approved and adopted in 2009, and the *Notice on Issuing the Opinions on Legally Punishing the Crimes of Abducting and Trafficking in Women and Children* was jointly issued by the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and the Ministry of Justice in 2010. National agencies and cooperation mechanisms specialized in anti-trafficking work were established. The Ministry of Public Security set up an anti-trafficking office in 2008 and worked closely with the Legislative Affairs Commission of the NPC Standing Committee and other 30 ministries to launch a joint inter-ministerial conference under the State Council on combating women and children trafficking. Owing to the joint efforts of all parties, China has witnessed enhancement in combating trafficking of women and children. From January to July 2010, the courts at all levels nationwide handled a total of 1,233 cases of trafficking in women and children, of which 1,060 cases were concluded, an increase of 45.2% and 32.4% respectively over the same period in 2009.

**The Chinese government has changed its conception, priority and approach in respect of combating forced prostitution of women.** Above all, the philosophy of merely cracking down on crime is supplemented by the pursuit of bettered survival and development of women and children, where the government mobilizes resources to improve the survival and development conditions for women and girls, especially those who are extremely poor and vulnerable, in an effort to reduce poverty and risk of these women and girls in being forced into prostitution from the root cause. Second, strict enforcement and awareness of human rights are intensified on a constant basis. In July 2010, the Ministry of Public Security issued a notice requiring all public security organs resolutely stop any practice that undermines the dignity of the alleged prostitution when investigating and handling relevant cases. Third, the key targets have been shifted to those who organize, force, accommodate and match prostitution, as well as those who are engaged in forced prostitution of child. Fourth, the fight against forced prostitution of women has been incorporated in the routine work instead of a random task, with combat and prevention combined together. Finally, greater importance has been attached to the reintegration of women forced into

prostitution.

**NGOs become an important partner of the government in combating trafficking and forced sexual services of women.** Efforts made by NGOs and individuals include: First, effective advocacy, such as the project entitled “Case Study of the Inflow Destinations of Trafficked Adolescent Women/Children from Yunnan and Guangxi into the Five Provinces in East China” led by the Sociology Institute of the Zhejiang Academy of Social Sciences, which provides basic information and useful ideas for the development of the *National Plan of Action to Combat Human Trafficking* (2008-2012). In respect of the vacancy of laws and policies opposing commercial sex transactions and the deficiencies in enforcement, many civil society organizations and scholars have proposed some comments and suggestions, such as wiping out unequal gender-based punishment for women forced into prostitution and sex service consumers, preparing charged condoms at hotels and entertainment premises, etc., contributing substantially to the refinement of the relevant laws and policies. Second, extensive theoretical and policy research has been conducted. Theory and policy study related to anti-trafficking has proved fruitful since 2006, with extended and deepened research domain in combating forced prostitution of women and greatly increased outcome. Third, initiative has been taken with regards to social assistance. The civil society also plays a key role in searching and rescuing abducted women and children. For instance, the most famous NGO in this field, baobeihuijia.com, has developed more than 20,000 members and helped more than 160 missing children, including trafficking victims, back home through cooperation with public security authorities and other civil forces. Civil society organizations and individuals have done a lot of work, providing social assistance for women forced into prostitution from three aspects: empowerment, rescue and creation of bread-earning opportunities.

## **II. Gaps and Challenges**

**There is a need to further revise the relevant laws.** Taking the *Criminal Law* as an example, the accusation and content relevant to the crime of trafficking in women and children cannot cover all trafficking offenders and victims and all conducts of trafficking, while the content related to the crime of abduction cannot cover all the criminal acts on deprivation of personal rights or guardianship of others through abduction, such as forced marriage of adult women/adolescent girls by means of abduction. The conducts and intentions of trafficking in human defined in the *United Nations Convention against Transnational Organized Crime: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* also fail to cover the two main types of trans-regional human trafficking crime in China, respectively for the purpose of marriage and adoption. In the *Criminal Law*, the *Decision of the Standing Committee of the National People's Congress on Strictly Banning Prostitution*, the *Law on Public Security Administration* and other laws containing penalties imposed on forced prostitution of women, there are inconsistent penalties regarding the conduct of seducing, accommodating or introducing others to engage in prostitution, where intermingled administrative penalties, order punishments and criminal obligations make law enforcement even more difficult. There is a contradiction in the accusation of child rape and child prostitution under the *Criminal Law*, leaving an enforcement loophole in cracking down upon crimes related to forcing girls into prostitution and rape of young girls.

**We should do a better job in a prevention-combat-rescue-reintegration approach**

**to protect women.** There is still a large shortage of information, intermediary and legal services, knowledge training and capacity building provided for normal flow of marriage and labor as well as for the adopted children and trafficked victims to rebuild their lives, coupled with inadequate anti-trafficking funding and police, the lack of comprehensive data and insufficient training for the anti-trafficking staff in terms of human rights consciousness, gender awareness and competence. Besides, public security organs should also strengthen the screening and timely rescue of women forced into prostitution in anti-pornography campaigns.

**New situations and features are observed in trafficking and forced prostitution of women.** The widening gap between the rich and poor across regions and classes has highlighted the role of economic factors in human trafficking, leading to the constant aggravation of human trafficking for the purpose of labor exploitation and forced prostitution. The involvement of international human trafficking gangs has made it more difficult to prevent and combat human trafficking.

**The living environment for women and children, in particular girls, should be further improved.** Child farming has been a long-standing concern for emerging countries, and China is no exception. As long as the problem is not solved, child labor and child trafficking for the purpose of labor exploitation can hardly be effectively curbed. Traditional values, such as having a son to bear the family name, having sons and daughters all together, raising sons for old age and daughters as maids, etc., remain a major cause of human trafficking, especially that in women and children. In particular, over the past few years, the consolidated conventional belief in rural families/clans and the appeal of expanding such families/clans have stimulated trafficking in women in some rural areas, especially trafficking in girls.

### **III. Suggestions in Response**

**In respect of combating trafficking in women and children,** we recommend that the term “trafficking in women and children” in the *Criminal Law* be replaced by “human trafficking” so as to punish criminals engaged in human trafficking with an intent to profit from or exploit the victims, while the victims of the human abduction crime be expanded to all people from minors under the age of 14; Publicity of the related laws and policies should be intensified, with the relevant laws enforced in a more stringent manner; Once the rescue work is concluded successfully, follow-up efforts should be made to rebuild the lives and families of victims, especially by creating favorable conditions for the rehabilitation of women and children who are unwilling to either go home or remain where they are rescued; Data collection and statistical work should be improved regarding human trafficking, especially cross-regional human trafficking nationwide; anti-trafficking funding and human resources should be redoubled; international anti-trafficking cooperation should be furthered to curb the expansion of cross-border human trafficking; collaboration with civil anti-trafficking forces should be strengthened, including civil society organizations and individuals, to improve the living environment for women and children, especially the girls in poor areas, so as to address the root causes for human trafficking.

**In opposition to forced prostitution,** the conduct of seducing, sheltering or introducing others to engage in prostitution should be subject to criminal penalties based on the relevant provisions in the *Criminal Law*; further rescue, assistance and legal aid for women forced into prostitution should be incorporated in the work

system against trafficking in women and children; baseline surveys and studies should be carried out to draw a clearer picture of the realities and trends of multinational and cross-border trafficking of women for prostitution purpose; Police officers engaged in anti-pornography and anti-trafficking work should be trained on human rights and gender awareness, as well as for capacity building on the relevant work and approach. Furthermore, work ethics in this regard should also be altered from combating forced prostitution of women alone to the combination of prevention, crackdown, rescue, reintegration and restoration, thus creating a multi-faceted working mechanism/system to better cope with the increasingly complex situation.

## Appendix

### **Catalog of the Organizations**

#### **Research Center for Women and Family under the Zhejiang Academy of Social Sciences**

The Research Center for Women and Family under the Zhejiang Academy of Social Sciences, founded in 1996, is a non-profit NGO and a cross-discipline research institute jointly initiated by the Zhejiang Academy of Social Sciences and several universities. Being one of the 32 women's / gender research and training bases co-established by the ACWF and the CWRS, the Center sets its own mission to empower women and promote gender equality and benign social development, with a focus on knowledge-based action and practice-backed understanding.

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