



AALBORG UNIVERSITET

**Behind the Curtain of Female Trafficking in China:
Analysis of this persistent problem and the actions to tackle it.**



(Source of the image: <http://archive.naplesnews.com/news/local/dreams-of-a-better-life-in-us-shattered-by-sex-trafficking--a-victim-shares-her-story-ep-1161219682-337592621.html/>)

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Abstract

The purpose of this thesis is to understand why female trafficking in China is still a persistent problem nowadays. In order to provide an answer to this question, we will examine the *root causes* of this problem, such as the One Child Policy or its consequence of a gender imbalanced society. However, the root causes alone cannot justify the present scenario, therefore, some *secondary factors* have been identified as supplementary circumstances, that are allowing this phenomenon to be a heinous thorn in today's Chinese society.

The conduction of the research necessary to draft this paper, was made through the lens of the supply and demand and the feminist theory, which had the role of providing a deeper understanding on the problem of female trafficking. Through the use of such factors, it was possible to understand how this sensitive issue has to be considered a profitable economic market, that has become very difficult to tackle throughout the years.

According to our findings, it can be claimed that the reasons behind the persistence of the problem today known as *modern slavery*, rely on China's particular traits, such as: social aspects, like the women status; cultural traditions, namely, the patriarchal system; economic features, like poverty and inequality and finally political and legal aspects, such as the fragmented authoritarianism and consequently, problems related to the law enforcement in the field of human trafficking.

As such, this pressing phenomenon, which shifted from a domestic to a transnational dimension, cannot be overcome without a strong and unified commitment from the Chinese government together with the support as well, of external actors.

Keywords: Human Trafficking, Female Trafficking, Modern Slavery, One-Child Policy, Gender Imbalance, Poverty, Legal and Political Framework, Governmental Initiatives, External Actors

List of Abbreviations

| | |
|--------|---|
| ACWF | All China Women's Federation |
| COMMIT | The Coordinated Mekong Ministerial Initiative against Trafficking |
| C.L | The Chinese Criminal Law |
| GAATW | Global Alliance Against Traffic in Women |
| GMS | The Great Mekong Sub-region |
| H.T | Human Trafficking |

| | |
|---------|---|
| ILO | International Labour Organization |
| IR | International Relations |
| OCP | One Child Policy |
| U.D.H.R | Universal Declaration of Human Rights |
| U.N | United Nations |
| UN-ACT | The United Nations Action for Cooperation Against Trafficking in Persons |

| | |
|----------------------|--|
| UNODC | United Nations Office on Drugs and Crime (UNODC) |
| U.S.A | United States of America |
| TRAFFICKING PROTOCOL | Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime |
| TIP Report | Trafficking in Persons Report |

List of Contents

| | |
|---|----|
| CHAPTER I - Introduction | 1 |
| CHAPTER II - Methodology | 6 |
| 2.1 Research Methods | 6 |
| 2.1.1 Theories | 6 |
| 2.1.2 Research Approach..... | 8 |
| 2.1.3 Sources..... | 8 |
| 2.2 Research Structure | 10 |
| 2.2.1 Research Approach..... | 10 |
| 2.2.2 Purposes and Structure | 10 |
| 2.3 Limitations..... | 11 |
| CHAPTER III - Theories and Conceptual Frameworks | 13 |
| 3.1 Introspection on Human Rights' History and their Evolution..... | 13 |
| 3.2 The Concept of Human Trafficking..... | 15 |
| 3.2.1 Modern Slavery versus Exploitation | 17 |
| 3.2.2 Trafficking or Smuggling | 18 |
| 3.2.3 What fuels Human Trafficking | 20 |
| 3.2.4 Women Trafficking – Global Trend..... | 22 |
| 3.3 Introduction to the Theories..... | 24 |
| 3.3.1 The demand and Supply Theory | 24 |
| 3.3.2 Feminist Theory – Views on Human and Female Trafficking | 26 |
| CHAPTER IV - The Analysis of Female Trafficking in China | 30 |
| 4.1 The Framework Supporting the Analysis..... | 30 |
| 4.2 Human and Female Trafficking a problem in the Chinese context | 31 |
| 4.2.1 Sexual Exploitation for Prostitution and Forced Marriage..... | 35 |
| 4.2.2 Flow variations of Trafficking | 41 |
| 4.3 Root Causes Leading to Female Trafficking..... | 42 |

| | |
|--|----|
| 4.3.1 One Child Policy and Gender Imbalanced Society | 42 |
| 4.3.2 Poverty and Inequality | 44 |
| 4.4 Secondary Factors | 46 |
| 4.4.1 Shengnü: The Leftover women Phenomenon | 46 |
| 4.4.2 Chinese Legal Framework | 48 |
| 4.4.3 Corruption | 49 |
| 4.4.4 Corruption Cases: Testimonies of Mistrust and Authority Inefficiency | 50 |
| 4.5 Initiatives Implemented to Tackle Trafficking in Persons | 52 |
| 4.5.1 Chinese Governmental Responses to Female and Human Trafficking | 52 |
| 4.5.2 The work of external actors | 55 |
| 4.6 Social Responses | 57 |
| CHAPTER V - Conclusions and Recommendations | 59 |
| CHAPTER VI – Bibliography | 62 |

CHAPTER I - Introduction

The aim of this thesis is to analyse the current and pressing issue of female trafficking in China, starting with the provision of a theoretical context which will pave the way to understand the reasons and the causes that allowed this illegal network to rise and to be an ongoing problem nowadays.

China's current demography reflects a wide range of societal issues. Among these, it is possible to see one major problem, namely the occurrence of a ratio deficit, between the male and the female population. Political choices in the end of the 70's, resulted in the years forward in a demographic imbalance, which contributed to maintain a different perception of roles between man and women in China.

When analysing the nature and the organization of China's society, we can see that its history and customs still play a crucial role in determining one's function within the nation. As a matter of fact, the still persistent division of social classes led to the rise of different problems. Indeed, the gap between poor and rich in the Chinese society, fuelled discrepancies and determined some of the current problems, such as trafficking in humans, with the aim of exploitative purposes.

Considering these contexts, the difference between social classes and gender, seems to be interconnected, playing an important role in explaining the phenomenon of female trafficking. Therefore, it seems that the easiest targets in this crime, in most situations, are females from the poorer layers of the society.

According to what just mentioned, an important characteristic to highlight, is the status of women in the Chinese society. During the past, women played a domestic role, meaning that they were in charge of household chores, taking care of their children, their husband and the family's terrain (Huachun, W. *et al.* 2015). Despite their traditional role and the patriarchal society in which they were surrounded by, over the years Chinese women started pursuing an on-going emancipation process. With such, they started to become more independent and responsible of their own destiny. This emerging role of the Chinese females, triggered the beginning of a new phenomenon, namely, the *sheng nu* or leftover women, which described "single, unmarried Chinese professional women" (To, 2015).

Despite this phenomenon, not all of them managed to take this big step and go against the traditions or even their family's influence.

Therefore, from our perspective, it is possible to see that in a global context the role of women and their status can still be characterized as vulnerable, when compared to males. Indeed, women have been predominantly considered inferior in diverse fields, such as, economy, family or in the society.

Bearing this scenario in mind, this thesis will take China as the main topic, aiming at understanding the reasons why female trafficking is still an ongoing problem. The focus will be on providing theoretical perspectives that can explain the conditions behind women's social and cultural inferiority, that fostered their vulnerability to trafficking. Therefore, a closer look will be taken at how past and present political options and cultural traditions helped this situation to be maintained. In order to explain how trafficking in women developed, it is necessary to pay a close attention to the factors that triggered this phenomenon, which for the aim of this paper, have been divided in, root causes and secondary factors. Moreover, in order to give a better understanding of the nature of the factors previously mentioned, they will be structured according to four main aspects, such as gender, social-economic, political and legal.

Following such logic, we will analyse first what we consider the *root causes* of female trafficking in China, known as the One Child Policy and the direct consequence of gender imbalanced society, and poverty and inequality. The OCP, that can be inserted in the political aspect, also had an impact in the gender context here considered. In fact, this policy contributed throughout the years to the existing gender imbalance, in today's Chinese Society, which has been responsible to the ratio gap between men and women. Therefore, through this policy, we will explain how the overgrowth of men, contributed to the high demand of women, especially for the purposes of forced marriages and prostitution.

Finally, still within the *root causes*, the socio-economic aspects of poverty and inequality, will be presented as one of the main causes for trafficking in women. Such elements, were determined by the economic reforms implemented in China in the late '70s. These policies, on one hand, increased the country's productivity and development, but on the other, highlighted the gap between poor and rich.

Despite the factors previously mentioned, it is important also to analyse in depth the *secondary factors*, such as: the leftover phenomenon, the features of the Chinese legal framework, and corruption. These factors will influence respectively, the social and gender aspect and the legal and political dimension, of the female trafficking phenomenon.

First, the leftover women phenomenon, will play a crucial role in understanding how the necessity of independence and emancipation of some women, is starting to put pressure in the remaining females to comply with the demand from the male counterpart. Secondly, differences between the Chinese criminal law and the international law, on the understanding of what means and constitutes human trafficking, will pave the way to understand this problematic. In addition to that, the lack of policies' implementation and a low level of knowledge of the existence of the problem, between the population are also fuelling factors of female trafficking.

Lastly, the problem of corruption in the Chinese society, triggered by, as defined by the scholars, fragmented authoritarianism, will also be analysed as a secondary factor that prevents the adoption of efficient solutions by the different actors. The control of specific provinces by local authorities, let problems like this to overspread, pushed by lucrative reasons and by the lack of commitment of the government to this field.

By analysing all the above factors, we aimed at understanding how female trafficking has become a pressing issue and why China is still facing challenges to overcome.

But why focusing on trafficking? Generally speaking, trafficking in humans can be described as a global problem that does not stop at a country's border. This phenomenon, nowadays better known as a form of *modern slavery*, can be observed in different parts of the globe and affects China internally and externally. In fact, human trafficking in the 'Middle Kingdom', can be characterized by two flows, one occurring inside the country and another that goes beyond its borders. In fact, as affirmed in the UN-ATC publication, "some of the most extensive and diverse human trafficking patterns occur in and between the six countries of the Greater Mekong Sub-region (GMS)" making it hard for China to overcome such problem (UN-ATC, 2016, p. 1).

Despite the fact that the crime of human trafficking involves a different range of people and it is composed by a wide number of exploitive purposes. It is possible to assert that, some of the aims to which victims are trafficked, commonly affect females. Bearing this in mind and considering that one of the main traits of this thesis is based on a gender perspective, we decided to narrow down the field, analysing two types of exploitative situations, namely, forced marriages and prostitution.

To understand the two phenomena above mentioned, it is important to consider that the international community has already developed policies that tried to address such issues. However, in presence of this scenario, it is fundamental to comprehend that all actors have to assume an active and unified approach for the fight against human trafficking. So, with this thesis we will also cover some of the measures adopted by the Chinese government and external actors.

Bearing the seriousness of trafficking in women in mind, this paper will be structured in the five following chapters:

The second chapter, Methodology, will be focused on providing a brief explanation of the reasons behind the selection of the theories used. In addition to that, we will also describe the methods, research approach, the sources used in the research, the purpose of each chapter linked to the problem formulation and the limitations encountered during the draft of this paper.

In the chapter III, Theories and Conceptual Frameworks, we will provide conceptual tools necessary to understand the discussion later deepened in the analysis. As such, we will touch upon some concepts, namely human rights definition, what is human trafficking for the international community etc... introducing also the theories that will frame our future work. The first theory introduced is the demand and supply, which will provide useful knowledge on understanding the different factors behind female trafficking. Following, through the feminist theory, it will be presented two different views on the trafficking issue.

Chapter IV, The Analysis of Female Trafficking in China, starts by giving an explanation on how the theoretical perspectives selected, will frame the analysis section. Also, here, an overview on human and female trafficking will be discussed. After that, we will divide the analysis according to what we consider to be the *root causes* and the *secondary factors*, behind this problem. Therefore, it will be necessary to discuss some specific societal aspects, such as,

the One Child Policy, leftover women and even how corruption plays a part in this spread phenomenon. Lastly, the international and the Chinese government's initiatives adopted to tackle female trafficking in China will be analysed, in order to understand why this issue, still remains a pressing matter nowadays.

The final chapter, will delineate the conclusions deduced from the draft of this thesis. This chapter will aim at responding to the problem formulation in accordance with the analysis conducted and providing also, feasible solutions and recommendations applicable in the human and women trafficking reality in China.

Therefore, with this thesis, the writers aim at answering the following *problem formulation*:

- *Why is female trafficking still persistent in the modern Chinese society?*

CHAPTER II - Methodology

With this chapter we aim at defining the process used to write this thesis. First of all, we will introduce the theoretical tools necessary to conduct this research. Secondly, a description of the research method adopted to draft the following chapters of this paper will be displayed, introducing the main topic as well.

Moreover, the thesis' structure will be presented by highlighting the purpose of each chapter and by clarifying the importance of answering the problem formulation. Lastly, the limitations of the research will be presented to understand the general framework of the future analysis.

2.1 Research Methods

2.1.1 Theories

The thesis focuses on two theories, the supply and demand and the feminist, applied to the main topic of trafficking in females in China. The reason behind the choice of these two contrasting theories, arises from our interest in combining two different fields, in order to have a multifaceted overview of the phenomenon of trafficking in humans, in the specific context of China. Precisely, the economic theory of supply and demand was mainly selected to explain the reasons that compose the market of female trafficking, by looking at different root causes and secondary factors.

The feminist theory instead, was selected not only because the main subjects of this thesis are both, young and adult females, but also because the gender aspect is one of the most relevant dimensions of this paper. Also, this theoretical approach provides an explanation of the concept of trafficking in females and how the international community reached an understanding regarding its definition. The two feminist perspectives taken into consideration, start discussing the problem of human trafficking by resorting to the understanding of female prostitution. The first perspective, is firmly contrary to every form of prostitution and condemns it in every way that is presented. The other by contrast, presents a more liberal and open vision of the concept, accepting it as a form of labour, in order to escape poverty, as long as it is an expression of the person's will.

Despite these two different theories appeal to distinct fields of study, they have been selected to help us conducting the analysis of trafficking in females and to explain some of the main

factors that drive this critical issue. Starting from an economic perspective, the supply and demand theory, has been used in order to explain why nowadays there is a strong market for trafficked females in China. If we take a closer look on the supply-side of this phenomenon, we can identify several aspects that are still leading females into a vulnerable situation. On this side, we can pinpoint how gender issues, related to the Chinese cultural aspect of male preference, have maintained throughout the years a clear status division between man and women, where the latter has more privileges than the former. Also, a gender imbalanced society, has led women to be trafficked in order to comply and satisfy certain males' needs, exposing them in this way, to the world of prostitution and forced marriages.

Another aspect related to the existence of female supply in the trafficking market, is the fact that, the economic reforms in China preserved the gap between the different layers of society. Females, in some situations, find themselves pushed into the networks of trafficking in search for a better economic future, that however in some occasions, reveals to be very different from their expectations. It is important to bear in mind that the root causes and secondary factors, that will be later analysed in depth, can affect in some cases both the supply and demand side in the phenomenon of female trafficking.

Alongside with the help of the supply and demand theory, the feminist theory also provides guidance in order to understand the problem of trafficking in humans. As previously mentioned, the feminist theory divides itself in two different views. Both of them, provide useful knowledge throughout the analysis of this thesis' topic. Undoubtedly, if the two perspectives were to be applied, the explanation of the supply and demand side would have different outcomes. In fact, from a more liberal feminist point of view, prostitution can exist as the expression of an individual's choice, therefore the only cases that arise concern are those where we are in the presence of, for example, coercion that may be the first indicator of the presence of human trafficking. The other feminist perspective, does not take into consideration the person's will as an exclusion factor, considering therefore every case of prostitution as a form of human trafficking. According to our analysis of the current state of China's problem of female trafficking, prostitution and H.T. should be seen as two different occurrences. Despite the possibility of cases of female trafficking for the purpose of prostitution, we agree that, stopping this crime may not prevent the existence of human trafficking. Therefore, we cannot

say with certainty that, by eliminating prostitution, would have a positive effect in reducing the demand for human and, in this specific case, female trafficking.

2.1.2 Research Approach

This thesis has been written applying a qualitative research approach, together with the personal interpretation and contextualization of the sources consulted, with no exclusion of subjective contributions (De Vaus, 2001). Despite acknowledging the existence between qualitative and quantitative approach, we decided to apply a qualitative method due to some constraints that will be later explained.

Quoting Susan Wyse “[q]ualitative research is primarily exploratory research. It is used to gain an understanding of underlying reasons, opinions, and motivations. It provides insights into the problem or helps to develop ideas or hypotheses for potential quantitative research” (Wyse 2011, para. 3). By contrast, quantitative research “is used to quantify the problem by way of generating numerical data or data that can be transformed into usable statistics. It is used to quantify attitudes, opinions, behaviours, and other defined variables” (Wyse 2011, para. 4).

Through the usage of qualitative data, we have been able to select different sources of information, in order to gather the necessary tools to develop the further analysis. Nevertheless, the adoption of such method can present some disadvantages related to our personal interpretation of the data collected. Despite our goal of maintaining a neutral position throughout the draft of this thesis, the application of personal point of view, is not excluded.

Conducting this thesis, no case-studies have been selected. However, if contrary, the topic selected would have been on providing more information about the trafficking situation in the Yunnan province, since the most of data selected during our research, described it as one of the regions where female trafficking is more widespread. Nevertheless, the reason behind this missing choice was due to the lack of updated and reliable information on the topic itself.

2.1.3 Sources

To conduct the present research regarding human and female trafficking, the information was collected only among secondary data, namely found in books, reports, academic papers, videos

and so on. These sources have been obtained mainly via the access to internet, specifically to the online AAU library, JSTOR, Google, Google Scholar.

Also, for the draft of the theoretical framework, secondary data were used for both, supply and demand and feminist theory. The data used presented a different focus, in the sense that some were specifically developed in the context of China. Differently, other sources were more general and discussed human traffic in general.

In chapter III, some sources, helped us collect more descriptive information regarding definitions and the background necessary to understand the underlying questions regarding trafficking in humans. The sources collected to produce this section of the thesis, were divided in three major groups: a) to understand the importance and evolution of human rights and how it is connected to the phenomenon of human trafficking; b) what are the main issues around human traffic; and finally c) acquire knowledge regarding the theories selected, in order to create a theoretical framework to support our analysis.

In respect to point b), one of the major aspects in this chapter was the usage of the Palermo Protocol and resort to literature in order to discuss some issues regarding its application and how the article 3 should be understood through the clarification of some fundamental concepts. In the elaboration of this paper no interviews, surveys nor any other mechanisms to achieve primary data have been conducted. The testimonies of the local authority's inefficiency reported in the chapter analysis in fact, are taken from a secondary source.

The draft of the analysis was then conducted bearing in mind the theoretical background, aiming at developing a critical view of the matter, having special concern of the characteristics presented by China. Finally, it is important to highlight that in the selection of these sources, there was the attempt to find reliable, up-to-date literature and data. However, some obstacles have been encountered due to the sensitive nature of the topic and the restrictions on the information imposed by the Chinese government. Despite these conditions, there was always the motivation to analyse the sources in a critical and neutral way.

2.2 Research Structure

2.2.1 Research Approach

The approach selected to elaborate this thesis is a deductive approach, which consists in the application of pre-existing theories to the specific case of China. As previously mentioned, in this case, the supply and demand and the feminist theories have been used to describe the reality of female trafficking in China. Regarding the draft of this thesis, we started from a more general description of human trafficking, and then we followed to a narrower dimension of this problem. Focusing more specifically on one aspect of this crime and on one specific country, namely, trafficking in female in China.

The reasons for the choice of this structure are related to the fact that, human trafficking embraces different fields and aspects, that analysing all of them would have resulted too generic. Therefore, not only we have decided to select one form of human traffic, but also, we have selected two forms of exploitation for the victims, it is to say, forced marriages and prostitution. Despite this selection, the topic resulted being connected to many other problems that affect the country nowadays from a social, economic or legal point of view.

2.2.2 Purposes and Structure

In this section, the purpose of each chapter constituting this thesis and its inner structure will be introduced.

This paper starts with the abstract and the introduction sections, so to introduce first a brief and then, a more detailed idea of the topic described in this thesis. Following the introduction, there is the methodology chapter, which gives more details on the structure of this paper, the type of resources used, the approach adopted to draft this thesis and the limitations encountered during these months of writing. The reason to put this section after the introduction and before the theories chapter, is due to the fact that, after introducing the idea of what we are going to analyse, we wanted to give the reader a general overview of our drafting method, guiding him/her through this paper and providing another index to the chapters.

The third chapter, is the theories chapter. Here will be introduced the strict connection between the concept of human trafficking and the violation of the human rights. Following, it will be given a detailed description of some of the core concepts related to this crime, its meaning, its

interpretation by the international community and what are the contexts in which human trafficking is found. At the end of this section, the theories selected for the analysis of the female trafficking in China, will be briefly presented, namely supply and demand and feminist theory.

The fourth chapter is the analysis chapter. Here, we will start by giving an overview on how the theories framed our analysis. Also, we will be focusing more on the main topic of female trafficking in China, namely by selecting two types of purposes to which females are trafficked. Afterwards, we start by presenting the *root causes and secondary factors* that fuel this crime. Also, in this chapter will be analysed from a closer perspective the initiatives adopted by the government and the actions implemented by external actors such as, UNICEF, ILO. In addition, a short note on how the Chinese society is reacting will be given.

Regarding the section 4.4 of this paper, it is important to stress that we decided not to include the responses of the government and external actors, as a subparagraph of the secondary factors. But, we organized the chapter by placing the initiatives after the secondary factors in order to highlight it. However, we aware that for example, the governmental action can be related to the secondary factors.

In the fifth and last chapter, some neutral conclusion on the matter of the trafficking in female in China will be drafted. Here, at first will be given a summary of all the data and information collected through the thesis, with no exclusion of the addition of new evidence to support our discussion. Also, in this chapter will be given the answer to our problem formulation of why female trafficking is still persistent in the modern Chinese society.

This section will be concluded with a look at the future and the hopes for the country in reaching feasible solutions to solve the problem of trafficking in female.

2.3 Limitations

During the draft of this paper, we came across certain difficulties and limitations. The first limitation found is linked to the own nature of the topic itself, in the sense that trafficking in females is described as being a complex and hidden problem. Therefore, the collection of reliable and updated data on the matter, resulted in a difficult task. The second main constraint, was time related.

In depth, finding information regarding human trafficking, was more feasible at the beginning of our research since the data consulted focused more on general aspects of the topic. By contrast, when the research started focusing more specific on China and its cases of female trafficking, the collection of information encountered some obstacles. For example, the access to reliable statistics on the current situation on China was very hard to find. The possibility to use quantitative data in this thesis was due to existence of literature which had already researched and reported the number of people trafficked or their conditions of vulnerability. Therefore, was not possible to draft a clear timeline, in which we presented a true evolution and the current scenario of female trafficking in China.

As to the second constraint, if we had more time to develop this thesis we would have probably tried to enhance two more aspects. The first, is related to the development of the study of a specific case. Keeping China as our main topic, we would have chosen the province of Yunnan as a case study, better known for its high percentage of flux of trafficking, favoured also by the existence of the Mekong Region. The second aspect instead, would have been the analysis of the level of engagement of specific organizations that focus on the rescue of the female trafficking's victims.

CHAPTER III - Theories and Conceptual Frameworks

The overspread problem of human and female trafficking is a clear violation of human rights. Therefore, develop a theoretical discussion around this topic requires an understanding of its core meaning, some fundamental concepts and an explication on why it is still an ongoing issue with no prospects to end.

Human trafficking, and further in the analysis, female trafficking, present the major focus of this thesis. However, due to its intricate connection to human rights, this chapter will start by providing an overview of the history of this unalienable and constant evolving concept. Here, it will be explained the evolution of human rights and the relevance this topic covered over the time, in relation to trafficking. Following, an introduction to human trafficking will be given, adding also a focus on the female trafficking phenomenon, its causes, the victims involved in it and the reasons behind this global issue. Finally, the main theories adopted by the researchers to analyse the problem of female trafficking will be mentioned, namely supply and demand and feminist theory.

3.1 Introspection on Human Rights' History and their Evolution

It has always been difficult to give a definition of the concept of human rights. Everybody can provide a different explanation of it. However, one aspect that cannot be denied, is the importance they cover, especially nowadays. Characterised by a tormented past, human rights went through many obstacles before being recognised and adopted by most of the countries, changing also their understanding over the years.

Before being universally recognised as human rights, in ancient time people used to refer to them as natural laws. Therefore, such concept served as an umbrella for wide number of rules and rights, which were superior to the willingness of the state and to which people naturally comply with. Time by time, this term has been accompanied by other important concepts, such as freedom and equality. Related to this idea, an important change happened in 1215 when, during the reign of the Bad King John, was issued the Magna Carta or Great Charter¹. This treaty, introduced a new kind of relationship between the monarch and the rest of the population. In fact, among its various clauses, it prevented the abuse of power, asserting that people's rights had to be respected by everyone, included the king (C.Breay, J.Harrison, 2014).

¹ This document was composed by 63 clauses. One of the most important among these turning points, was the clause 39, which for the first time, guaranteed all freemen the right to justice and fair trial (C.Breay, J.Harrison, 2014)

From this moment on, the draft of other important documents followed, such as the Petition of Rights in 1628 in England, the U.S Constitution with the Declaration of Independence of its States in 1776 or the French Declaration of the Rights of Man and of the Citizen after the French Revolution in 1789. All these documents and the tough path that led to their writing, paved the way to the current human rights' concept. In their pages, these official documents condemned the injustices of the past and declared important amendments, such as, the freedom of elections, of speech or the right to be treated equally and to be judged in front of the law by a fair trial (Eugen *et al.* 1993).

As a consequence of this evolving changes, it seemed that, people's rights started to be accepted and recognised in most of the countries. However, this was not the case. People had to go through the injustices of many tyrants and wars, before seeing their rights recognized and having the role that they deserved. Many riots and protests started sparking all over the world, denouncing the lack of equality, the misusing of power and the necessity of seeing the fundamental rights recognized in Europe as in the rest of the other countries, where there was still a strong violation of them.

After the two World Wars, which seriously threatened people's existence and the whole world's security, a radical change was needed. Therefore in 1945, after the end of the Second World War, countries assembled and formed the United Nations. With this international institution, they aimed at reaffirming faith and stability in the world, protecting people's rights. Hence, in 1948, the Chairman of the United Nations, Eleanor Roosevelt with the General Assembly, signed the Universal Declaration of Human Rights. However, even after its proclamation, many injustices continued existing. This unresolved issue, was due to the fact that when it was drafted, the Universal Declaration of Human Rights was not given the status and strengthen of law and, which remains the same nowadays. For this reason, after being issued, people did not stop fighting for having their rights recognised and respected in their own countries. Among these outcries, we can pinpoint some remarkable examples of that, such as: the non-violent marches in India, led by the Indian nationalist movement leader, Mahatma Gandhi, who fought for seeing natural rights recognised in the rest of the world. Nelson Mandela, who led protests from Africa and asked for equality and social justice, or Martin Luther King who, 40 years after the release of the Universal Declaration of Human Rights, was

marching in the streets of America for equality and the recognition of human rights (United for Human Rights, na).

Unfortunately, despite these efforts, people are still nowadays tortured and abused of their rights in 81 countries, they experience unfair trials in at least 54 countries and are restricted in their freedom of expression in at least 77 countries. Even if everyone should have the right to an adequate standard of living, still 16 million children are dying of starvation. Even if everyone should be free to express their thoughts and speak up their minds, nowadays thousands of men and women have been arrested for having expressed their beliefs. Even if the right of education has been recognised, there are still billions of uneducated adults. And, even if slavery has been abolished, closely to 27 million people are still experiencing slavery conditions today (United for Human Rights, na).

Over time, human rights evolved and passed from being merely considered as a privilege for a small portion of the population to be a fundamental aspect of every person's existence and integrity. Nevertheless, 70 years after the U.D.H.R in which were recognized 30 inalienable rights, the world is still witnessing cases of their violation. Related to the topic addressed in this thesis, trafficking in humans is a clear infraction of articles 4 and 5, which condemn respectively, slavery and torture, or article 16, which is related to the problem of forced marriage, to which many women and girls are exposed to against their will (United for Human Rights, na). Despite these prohibitions, the issue of trafficking found its way to spread all over the world. Traffickers take advantage of the critical and vulnerable conditions of the victims, making a profit out of their exploitation. Tackling this kind of problem is becoming day after day more difficult and often, the numbers of victims, which are officially reported, do not correspond to the real ones.

3.2 The Concept of Human Trafficking

When discussing the implications of human trafficking across the globe, is possible to pinpoint a number of reasons, according to the literature, for this phenomenon to happen and to its consequences. Human trafficking ²still remains a fundamental concern in today's world, especially from a of human rights' perspective, because it affects a "significant proportion of

² Therefore, any reference to human trafficking will be made through the abbreviation H.T.

the world's population, most of whom are socially, economically and politically vulnerable” (Usman, 2014, p. 282).

The H.T phenomenon also represents a global acknowledge of a common problem, that needs more concise and conjoint answers and solutions to it. In fact, a worldwide consideration on the matter, was made through the Palermo Protocol, also known as the *United Nations Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children*³(Gallagher and Skrivankova, 2015). An important remark that needs to be made is that, the Palermo Protocol, which came into force in 2003, was not the first legal document to identify the problem⁴of trafficking but was the first to give a broad definition and corresponded to a generalized acceptance from a wide number of different states (Shoaps, 2013).

In the trafficking protocol the point b) of Article 3 “Terms of Application”, the definition of trafficking is the following: “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;” (United Nations General Assembly, 2000).

Having the definition provided by the Protocol as the base for the present discussion, it allows us to deconstruct the idea that it is embedded in Article 3⁵, which will be useful in the draft of this paper. According to different authors in the literature, such as María Fernanda Perez Solla, when explaining the meaning of the definition of the Protocol, it is affirmed that it includes three requisites: act/activity, means and purpose (Solla, 2009). In fact, such requisites are easily presented across the sources analysed, through figures as the one here presented (see figure 1).

³ Any future references to this protocol will be made using the term *Trafficking Protocol*

⁴ Like mentioned by Laura L. Shoaps in *Room for improvement: palermo protocol and the trafficking victims protection act* the Convention on the Rights of the Child, had already addressed (Shoaps, 933)

⁵ It is possible to note that the Trafficking Protocol arises some discussions in the literature regarding the problematic of *consent* (Article 3 (b)). However, we decided not to develop such issue since, through the application of the theories we will touch upon this question.

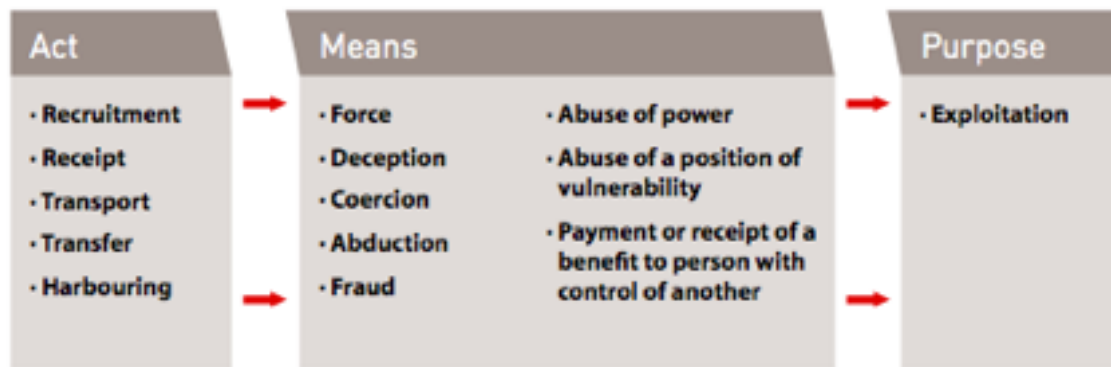


Figure 1- Source: Human Trafficking is a Modern Form of Slavery. Counter-trafficking Training (IOM, n/a)

Despite the easy observation and separation of its requisites presented in Article 3 of the protocol, its application can be difficult depending the case analysed, since a real-life situation of trafficking can be much more complex.

Another additional difficulty of using such definition, like any other, is that there are some concepts, which are introduced and no further explained by the legal document. This lack of explanation can be the starting point for further problems since, every country can interpret it according to its national understanding.

The first issue that deserves our attention is the fact that, the definition of the Trafficking Protocol, tried to create a wide category in order to include all types of victims, no matter gender or age, by using the reference to “traffic of persons”. This point sometimes creates in the literature a certain discomfort. In fact, despite the will to cover every type of victims, the Palermo Protocol places a special attention on women and children, as can be seen in its title Protocol to Suppress, Prevent and Punish Trafficking in Persons, *Especially Women and Children* (Shoaps, 2013). Therefore, questions to whether the correct term to use is *persons*, in order to refer to all victims of trafficking, we understand that the international community tried to achieve the best notion possible. However, it is possible to see that gender still plays a crucial role in understanding H.T. The gender dimension of H.T will be further developed in the next subparagraphs, as well as it will be useful for the analysis chapter.

3.2.1 Modern Slavery versus Exploitation

Another question that arises in the literature is whether human trafficking can be considered a *modern form of slavery* or if it is a simple mechanism that leads to a wide range of forms of *exploitation*. In this context, it is important to stress that the meaning of the two concepts,

slavery and exploitation, changed over the years. In fact, if we focus on the meaning of slavery, we can see that it has come a long way from the “transatlantic slave trade (ancient slavery) in which Africans were captured, chained and transported” (Ngwe and Elechi, 2012, p. 103).

Nevertheless, it is important to mention that exist clear differences between what we call old and a modern slavery. In fact, in the past “one individual owned the other” opposing to the present reality, since “today’s slave owners do not have legal ownership rights over their slaves.” (Ngwe and Elechi, 2012, p. 105). Despite the old and the new form of slaveries, do not share the same characteristic of ‘ownership’, human trafficking can still be recognized as a form of *modern day slavery*, since it is possible to observe a “situation where one individual exploits the labor of another individual” (Ngwe and Elechi, 2012, p. 105). Unlike these authors, others feel discontentment on placing human trafficking and slavery in the same discourse (Davidson, 2010).

As for our perspective, the human trafficking phenomenon can be addressed by using the expression *modern day slavery* as it presents itself as a new wave of exploitation, of weaknesses and fragilities of a group of people.

Literature that focus on the problem of humans' rights violations and trafficking issues, admits that the use of this term, slavery, is justifiable due to the fact that comprehends "situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power." (ILO and Institution, 2017, p. 9).

The fact that the Trafficking Protocol uses the concept of *exploitation* to describe H.T, as numerous forms of situations where on person takes advantage of the other, including explicitly slavery; this concept does not present itself as an obstacle to use the term modern day slavery, to describe this phenomenon. The reason behind this possibility, lies within the fact that some situations present the same characteristics of slavery.

3.2.2 Trafficking or Smuggling

When discussing human trafficking, the doubts are not only related to terminology but also where to draw the line between such phenomenon and other practices, that may jeopardy the human condition and the respect for human rights. Therefore, another necessary distinction to make should be, between, what can be considered human trafficking versus smuggling. The first and more relevant difference that can be here presented, is the presence or absence of *consent* (May, 2017).

In fact, according to what was written in the paper for Global Financial Integrity, the writer Channing May, explains that “Human trafficking involves the *involuntary* exploitation of a person and does not require the crossing of international borders.” while “Human smuggling is the *voluntary* transportation of a person across an international border” (May, 2017, p. 23).

According to what was described, it does not mean that both of the phenomena will have opposing faiths. Smuggling and trafficking should, in theory, present two different outcomes. However, in some scenarios, it is possible to see smuggled people being deceived and placed into a situation of exploitation. As a consequence, this situation places a strong pressure on the competent authorities, since the line that divides smuggling and trafficking can be very thin and difficult to evaluate (Sun-Suon, 2015).

Like the Trafficking Protocol that focuses on human trafficking, also human smuggling has its own legal definition traced in the *Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime* through its Article 3 paragraph a), where it is possible to read the following: a) “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;” (UN, 2000; Gallagher 2001)

Despite being two forms of organized crime, the present distinction here plays an informational and clarification role, since the two words, trafficking and smuggling, are easily and usually used as synonyms. However, the two terms present different characteristic. However, they are, as previously mentioned, two forms of organized crimes which involve human beings. It is possible to see more simply their characteristics, from both human trafficking and human smuggling, in the figure below:

| Human Trafficking | Human Smuggling |
|-------------------|-----------------|
|-------------------|-----------------|



Figure 2 – Source: Human Trafficking and The Role of Local Government (Sun-Suon, 2015)

3.2.3 What fuels Human Trafficking

One of the first points to bear in mind is that, human trafficking can be considered a high profit market. In fact, human trafficking can be brand as “one of the fastest-growing transnational organized crime” but it can also be seen as an economic sector, which is motivated and developed by the aim of maximize the criminals’ profit. However, unlike other economic fields and markets, this one occurs at the expenses of human beings (May, 2017, p. 21).

Despite the importance of understanding the global phenomenon of human trafficking and how it generates millions in profits, the next section will focus in general, on why this phenomenon still happens and why there is a market for trafficking in persons.

No matter if the discussion is about women, men or even children, the only certainty that we can state is that, some contextual situations “help to shape the vulnerability of an individual, a social group, or a community to trafficking and related exploitation” (Gallagher and Skrivankova, 2015, p. 8). Across the literature, is possible to find those vulnerability factors, such as, “poverty and inequality; to discrimination and violence against women; and to discrimination on the basis of race, ethnicity and caste.” (Gallagher and Skrivankova, 2015, p. 8).

Despite the possibility to list the factors above mentioned, it is also possible to divided them into two different categories: “pull” and “push” factors. This division, in most of the cases, can

help to explain the background necessary for situations of trafficking to happen (Alpert *et al.*, 2014, p. 8).

As Gallagher and Skrivankova explain, the push factors can be: “poverty, unemployment, underemployment, discrimination, physical, sexual or psychological violence, conflict displacement; and pull factors: a demand for unpaid/cheap labour, sex industry, organs, crime, etc” (Gallagher and Skrivankova, 2015, p. 9). Among these factors, some will be useful for the further analysis and understanding of the trafficking crime of women in China.

Viewing these *pull and push factors*, it is possible to say that in the presence of one, several combined or even all in one society, can be what lies the ground for the existence problem of trafficking in humans.

Bearing in mind the definition of H.T provided by the Trafficking Protocol, it can be claimed that, such factors are the reasons that fuel this crime in a country. Behind the Protocol’ requisites there are a number of situations and contextual influences that make possible for the *activity, means and the purpose* of H.T to happen. What is possible to understand by the different authors across the literature is that, they see those factors as influencing “people to leave their home or situation (push factors), or that attract people to a new location (pull factors). Hence, the presence of these elements helps to create the “circumstances that make individuals particularly susceptible to human trafficking” (Alpert *et al.*, 2014, p. 8; Gallagher and Skrivankova, 2015).

In fact, observing such factors will play an important role in the development of this paper. If we take into consideration the reality here to be analysed, namely China’s female trafficking problem, some of those factors can be seen as responsible for the ongoing business of trafficking of humans.

China’s particular case, seems to point out to the existence of forces from both push and pull factors. In one side, push factors such as gender discrimination against women, as well as the existence of a wide poverty sector of the population, may influence women, to pursuit better life conditions. On the other side, pull factors which contribute to the vicious cycle of trafficking, are better job offers, better life and economic conditions, the lack of gender discrimination and so on. However, most of the times, the combination between those factors, leads to a wrongful and unwanted situation, with the deception of the victims.

3.2.4 Women Trafficking – Global Trend

The vulnerability of a wide range of people, can mean an easy way for others to take advantage of them and lure the victims into degrading situations, from which is very difficult to escape. Due to its criminal and therefore illegal nature, it is very difficult to find in the literature, reliable numbers that confirm or give the certainty of how many people are trapped in the networks of trafficking (Gallagher and Skrivankova, 2015; Sun-Suon, 2015).

Statistics are provided by a certain number of organization, but those numbers do not cover the whole spectrum of the problem and are often considered non-reliable. Nevertheless, it is possible to observe a certain pattern on human trafficking, which is the gender dimension. Even though, women, men and children are subjected to this atrocity, this kind of crime seems to occur mostly among women and children (Ngwe and Elechi, 2012; Sun-Suon, 2015).

Despite the understanding of the global phenomenon of H.T, and the fact that we are aware of how it affects women, men and children, for the purpose of this paper, the focus will be on females.

Due to the extension of the topic, not only we decided to focus on the gender aspect of H.T, but we also decided to analyse in depth some of the forms of exploitation that this crime appears, namely, sexual exploitation and forced marriages. The reason behind this choice is due to the fact that, these kinds of situations resulted in being the most common violations among females (Zavratnik Zimic *et al.*, 2004).

When discussing H.T in females and how it is processed, we can identify *gender*, as playing a crucial part in this phenomenon. In fact, this social aspect can be considered as one of the many factors that expose women to a situation of vulnerability. Such statement can be supported by the following paper by the UNODC:

“[W]omen are vulnerable to trafficking because they are frequently excluded from mainstream economic and social systems, such as employment, higher education, and legal as well as political parity. They are often the hidden victims of war and conflict, and this vulnerability extends to their status as displaced persons or refugees. It is also arguably exacerbated by their “relatively unequal” (secondary) status in the family and society more generally Women are vulnerable to rape, domestic violence, harmful traditional practices, trafficking and lack of or

limited access to resources. Many of these gender-based conditions of vulnerability are linked to social and cultural conditions.” (UNDOC, 2008, p. 72)”.

Despite what was above mentioned about the global configuration of today’s world, this picture can be easily transported and applied further in our analysis. Therefore, if we make a short consideration of its application to the Chinese context, it will help us understand how women are persistently the victims of years of cultural, social, political and even economic options. Breaking away from this “gender-based conditions of vulnerability”, as UNDOC calls it, will be a challenge to the Chinese society and governmental entities (UNDOC, 2008, p. 72).

Throughout the literature, it is possible to come across numbers that point that women are on the top of the chain, when discussing human trafficking. The readings on trafficking in females, show that a high percentage of the victims trafficked respond to the demand for sexual exploitation, labour exploitation or even a mix of the two (IOM, n/a).

The available data, translate the problem of female trafficking for the purpose of forced marriages into a alarming dimension. In fact, according to the publication “Global estimates of modern slavery: forced labour and forced marriage”, provided by the International Labour Organization in partnership with the Walk Free Foundation, it is possible to see that 2016 there were “an estimated 15.4 million people were living in a forced marriage.” of which “6.5 million cases” happened between 2012-2016. Also, important to note is the fact that, “most victims (88 per cent) were women and girls, with more than a third (37 per cent) of victims under 18 years of age at the time of the marriage.” (ILO and Institution, 2017, p. 11). In the same paper it is also possible to see data regarding the dimension of sexual exploitation, in which it is stated that “[w]omen and girls accounted for more than 99 per cent of all victims of forced sexual exploitation.” (ILO and Institution, 2017, p. 39). In the presence of this scenario, it is no surprise the need of documents such as, the Trafficking Protocol.

If we take a closer look to the forms of exploitation to which women are mostly trafficked, it is possible to see that the Trafficking Protocol, gives an explicit shelter to one of our concerns: the sexual exploitation, especially for the purpose of prostitution. In fact, it is possible to find some security in this definition when it comes to the problem mentioned before, since it is clearly covered in it. Contrary to what was said before, problems could arise when discussing our second concern namely, trafficking for the purpose of forced marriage. The reason behind it, is due to the fact that forced marriage does not find an explicit definition in the Trafficking

Protocol⁶. However, such situation should not become a barrier to understand and give attention to this matter. Applying the Protocol to those circumstances, should be a certainty, since it is stated in its Article 3 that “slavery or practices similar to slavery” should be considered for the purpose of this Protocol (UN-ATC, 2016).

So, if on one hand, sexual exploitation still remains one of the principal forms of H.T, which is commonly caused by situations such as: “1) a promise of a good job in another country; 2) a false marriage proposal turned into a bondage situation; 3) being sold into the sex industry by parents, husbands or boyfriends, and 4) being kidnapped by traffickers.”(Makisaka, 2009, p. 6). On the other, human trafficking with the aim of forced marriage, should also have an important consideration.

Briefly summarizing, it is possible to say that forced marriage can be described as circumstances where there is a lack of consent of one or both of the parts engaged in marriage situation (ILO and Institution, 2017). Therefore, it is important to understand that H.T, especially the cases affecting females, can be a multifaceted phenomenon that can include different purposes and consequently, recall distinct approaches and solutions.

3.3 Introduction to the Theories

Human trafficking, is a vast and complicated concept which called the attention of many fields for its analysis and comprehension, such as economy, social relations, global security and so on. Defined as a form of modern slavery, human trafficking is a widespread issue, which involves most part of the world nowadays. Many are the theoretical approaches which tried to study in depth this problem, however, for the purpose of this thesis, two main theories and have been selected so to draft the analysis of this topic, namely the feminist and the supply and demand theory. These theoretical approaches will be used to analyse respectively the problem of women and human trafficking in China.

3.3.1 The demand and Supply Theory

The supply and demand theory, is a theory which constitutes the basis of economics.

⁶ The Trafficking Protocol does not explicitly refer to situations of *forced marriages* in its Article 3. However, as mentioned in this thesis, such feature should not prevent its application to those cases, by the argument given above and by the fact that would go against what the international community already tried to achieve (Psaila *et al.*, 2016).

For the aim of this thesis, this theory will be used to explain one of the reasons why trafficking in humans and, more in particular, female trafficking, still exist nowadays. Hence, this economic thinking demonstrates that, the persistence of this global issue is due to the presence of a demand and an offer of victims in the black market.

In fact, the sale of a product is the consequence of the equilibrium between two variables, namely, supply and demand. The demand is the quantity of a product a buyer is willing to buy according to a certain price. The supply, refers to the quantity of a good that a seller is able to offer on the market and its production is determined by the price that a person is willing to pay for it. Usually, in the market, the supply and demand variables are distributed in the most efficient way and their relation determines the price of a good (Hayes, 2003).

Following with the analysis of these two elements, it is important to highlight that, supply and demand are influenced by some factors such as, time or the consumer's income, preferences, needs and ability to buy a certain service (Vogel, 2015).

Considering the general economic scenario framed until now, both, buyers and suppliers are satisfied, when the consumers buy the requested quantity of a product and the producers sold all the commodities at the best price. However, this kind of situation is very unlikely to happen in the real market due to the constant changes of prices and the factors related to the supply and demand's values. What it is more common to be experienced instead, is a disequilibrium due to a higher demand or a supply of a good. The former, is when a product is sold "below the equilibrium price", hence, its demand exceeds the supply. However, considering the competitive price, this situation can be balanced again due to the increasing demand of the product by the buyers. This strong interest, will raise the price of the good and, as a consequence, its supply too. The latter, is determined because, suppliers produce more products than requested and sell them at a price which results unavailable or not convenient for the consumer (Begg *et al.*, 2000).

For the purpose of this thesis, women and young girls represent the "good" provided on the market. Those men that ask for this service constitute the demand, together with the traffickers, who however, play a double role as demanders and suppliers. Nevertheless, the relevance of this theory in the specific case of China and its female trafficking issue, will be further analysed in the following chapter.

3.3.2 Feminist Theory – Views on Human and Female Trafficking

Throughout the time, the feminist perspective has given the world its different points of view in numerous matters, however, discussing the feminist theory can be a challenge since it is possible to identify some ramifications of this theory (Lorber, 1997). Here, we aim at understanding how the feminist theory, can help comprehend the phenomenon of trafficking in humans and from which angles it needs to be looked at.

Despite being able to discover a multiple understanding of the concept of what feminist means, we can agree with the definition provided by one of the GAATW's papers, where it is possible to read:

““a philosophy, a process and a movement, centred on women's diverse perspectives, that challenges all forms of inequality and discrimination based on sex and gender (and their intersections with class, race, ethnicity, age, religion and other markers of difference) to achieve social change and policies which recognise women as political subjects and which create a rights enhancing environment””(Ham, 2010, p. 6,7).

Despite many interesting issues being discussed in the feminist spectrum, the ones here more important, according to the present topic and with the findings in the literature are, respectively, the angle from where human trafficking should be looked at and who are the persons in need of protection (Lobasz, 2009; Usman, 2014).

An important point to outline across the literature, regarding human trafficking and how I.R theories view it, is the fact that it is possible to see a clear reference to the feminist theory as being one of the starting point of the discussion on H.T. While reading different authors, we are able to see that the discussion around human trafficking, more precisely women trafficking, begins with two fundamental issues: prostitution and existence, or not, of free will (Ham, 2010; Usman, 2014).

In this scenario it is possible to see that the authors, agree on the fact that in the feminist field the discussion can be divided in two groups. The first group, accepts prostitution as a form of labour, justifying it by the fact that people relocate to different places, to engage in such activity as a way to escape from their poverty conditions (Usman, 2014). Such position can be understood because those who advocates for it, separates three different concepts, namely human trafficking, prostitution and sex workers. These three phenomena can exist in the world

separately, according to this segment of the feminist theory. Therefore, it only becomes a problem when there is a lack of willingness from the person who will engage in such activity (Ham, 2010; Usman, 2014).

The second feminist ‘group’ is more extreme and has a different perspective on the matter. This perspective, takes a more strict, ethical and moral point of view, as they emphasize that “prostitution is antithetical to women’s human rights, and all prostitutes are victims of trafficking” (Lobasz, 2009, p. 334; Usman, 2014).

But how can this discussion be helpful for our paper and then more specifically to our context, in the analysis chapter regarding China? The first remark that can be made is that, these opposing views in the feminist ‘world’ have influenced the draft of the Palermo Protocol regarding H.T. The presence of the two conflicting views, abolitionists and regulationists, had an effect on the Protocol itself, since their considerations can be implicitly found in its writing (Outshoorn, 2005).

The main danger, in our opinion, is the fact that, the abolitionist’s perspective appears to make a confusion regarding different issues. We cannot dismiss the fact that the discussion about trafficking started with concerns regarding the eradication of prostitution. However, the subsequently debates around this matter, and within this perspective, seemed to have mixed prostitution, trafficking and sex workers. The truth is that, *trafficking phenomenon* is broader than the purpose of sexual exploitation and it encompasses other forms of forced labour, as the Palermo Protocol has stated. Therefore, like other researchers, we also had a hard time taking the abolitionist’s side on the matter, since they advocate that prostitution is the base of trafficking and eliminating this problem would eliminate trafficking itself (Barry, 1995; Outshoorn, 2005; Serrano and Navarrete, 2011; Alvarez and Alessi, 2012).

As said before, we do not agree with the feminist abolitionist, since they trace all forms of sexual labour and prostitution to situations of human trafficking. However, we can understand the concerns that prostitution arises within this field, and we agree to the extent of the fact that, engaging in prostitution does not come for women as a natural choice, free of contextual influences, such as poverty (Barry, 1995).

Quoting the writer Kathleen Barry regarding her concern on the matter. we can identify “prostitution as the model of the sexual exploitation of women” (Barry, 1995, p. 298). In fact, Barry’s concern is up-to-dated, since across different recent trafficking reports, the trafficking

for the purposes of sexual exploitation seems to be the most pressing issue. Nevertheless, it is important to mention that, *sexual exploitation* does not translate into prostitution, since it can be expressed in other forms, for example, pornography (Sun-Suon, 2015; US Department of State, 2016; May, 2017).

The regulationists perspective, presents itself as being a more moderated point of view of the feminist theories (Serrano and Navarrete, 2011; Usman, 2014). Therefore, it seems easier to support their understanding, especially if we take into consideration the economic disparities across the globe and what people subject themselves to escape denigrating life conditions, such as extreme poverty.

Unlike the previous feminist approach, this one admits prostitution as a legitimate way of labour and the difference between the two, abolitionist and regulationists, made by its supporters, lies within the spectrum of willingness to engage in such activity. In fact, the dichotomy between voluntary and forced prostitution, plays an important role in assessing if it should be admissible or not as a case of H.T. In fact, the second feminist perspective “outlines the right of women’s self-determination and sees prostitution as a ‘choice’ rather than a product of coercion.” (Serrano and Navarrete, 2011, p. 222; Usman, 2014).

In this sense, despite other purposes of trafficking in humans, it seems rational that most of our attention in this thesis is given to understand the context of sexual exploitation, as it comprises the larger percentage of people affected by the phenomenon of trafficking. In fact, our aim in the following chapter is to discuss the framework of sexual exploitation in China, as well as, to analyse another type of exploitation, namely forced marriage. The reason behind the future analysis of *forced marriages*, is due to the fact that, these situations can also comprise a sexual exploitation of the victim.

Despite the contributions from both perspectives, it is hard to fully adopt one side. Therefore, a hybrid solution or a perspective that would take the positive arguments of each side, seems to be the better way to conduct this paper.

The problem of having theoretical perspectives and discussions on the matter of trafficking in humans, and more precisely on trafficking in women, is the fact that when we have legal documents, such as the Protocol, what matters is what we can read from the letter of the law. However, the Palermo Protocol position does not give a clear view to which side of the discussion, in the *feminist* field, it was more influenced by (Outshoorn, 2005).

Nevertheless, if we stick to the letter of the Article 3 of the Protocol, it is possible to see that not only exploitation in the form of sexual exploitation was there considered. Therefore, we cannot simply state that prostitution equals to all forms of sexual exploitations or even that the presence of prostitution represents a circumstance of trafficking.

Another important argument to highlight is the fact that, despite the Trafficking Protocol does not explicitly expressed the existence of the dichotomy of voluntary and forced prostitution, the most pressing cases of trafficking with the purpose of sexual exploitation (in the form of prostitution), seems to be the ones where there is no consensual agreement to participate in such activity.

So, one should bear in mind that, despite the contribution of the different theories about trafficking, it is also very important to look closer at what we can read and interpret from the Protocol, which became an important milestone in the fight against trafficking. Hopefully, the different arguments from the feminist abolitionist and regulationists perspective, will pave the way to our understanding of the Chinese reality.

CHAPTER IV - The Analysis of Female Trafficking in China

This chapter will begin by giving an explanation on how the supply and demand and the feminist theories were used during the draft of this analysis. Subsequently, it will be provided a more specific analysis of the human and female trafficking in China, specially focusing on the sexual exploitation and the forced marriages purposes. Following, the main causes that led to the female trafficking in China and the factors that are keeping this phenomenon persistent, will be investigated. According to our view on the matter, we decided to divide our analysis by beginning with the exposition of what we consider being the *root causes* of human and female trafficking in China. These causes are the OCP, which led to a sex-ratio imbalance society that, together with a male gender preference and some social, cultural and economic features, paved the way to this problem.

On the other hand, this analysis will also focus, on what we consider to be the *secondary factors*, which can be understood as supplementary circumstances, that are fueling the issue of trafficking in China. Such factors can be identified as being gender, legal and political related. The three aspects will be respectively analysed. In the first case, the *leftover women* phenomenon will be introduced, in order to understand the changes that the women's status is undergoing. Secondly, some aspects of the Chinese legal system will be presented, so to explain the relation of this system in comparison to the one adopted by the international community, regarding the policies implemented to combat human trafficking and its implications. Finally, some political aspects related to the organization of power and consequences generated by its fragmentation, namely corruption, will be here considered, providing in addition some testimonies

4.1 The Framework Supporting the Analysis

In order to comprehend the further development of this chapter, it is necessary to introduce the economic and social theories used in this paper, that guide us through the entire structure of the analysis of the female trafficking in China.

Hence, as previously mentioned in chapter III, such theories are the supply and demand and the feminist perspective. Despite being two different approaches, namely, economic and social-gender based, it was decided to use them as guiding tools, since their different point of view, can help us in providing a whole and complete idea of the reasons behind the existence of human trafficking, and more in depth female trafficking in China.

Specifically talking, the supply and demand theory, provides an understanding of the two sides of females trafficking. Starting from the economic idea that a market is created when the demand and a supply of the certain product meet, also in the case of human and female trafficking, it is possible to state that this market has risen in China, after a series of circumstances that led to the creation of a demand and supply for trafficked females.

Secondly, the usage of the feminist perspective had the intention of understanding how the women status is perceived in the Chinese society, and how it changed over the years. Also, the comparison of two approaches of the feminist theories, helped us understanding their discussion of prostitution and how this issue is connected to human rights violation and human trafficking. Giving also useful insight of how the international community reached a consensus on the matter and how it influenced China to act.

Therefore, this two theories, *supply and demand* and *the feminist*, will help us analyse the factors behind this phenomenon. Despite the identification of some root causes and secondary factors, as reasons to explain the persistence of this transnational organized crime, it is important to keep in mind that, in specific cases, both types of circumstances can influence either the supply or the demand side of the problem.

Example of what just mentioned above can be found in the poverty factor, gender inequality, deficient law implementation or low level of knowledge of the problem. In fact, in these cases it is possible to see how, on one hand, they contribute to the supply side, drawing females into the networks of trafficking with the promises or ideas of economic improvements. On the other hand, the same factors, can contribute to the empower of men, creating the demand side.

4.2 Human and Female Trafficking a problem in the Chinese context

Before we start the analysis of females trafficking in China, for our understanding it is important to point out that China, like other parts of the world, is also affected by other problems, such as smuggling. This note, has its importance due to the fact that, it becomes an additional barrier to combat H.T, since these two phenomena share some common aspects. Therefore, combatting H.T and human smuggling is becoming more complex due to the wider

distances crossed by traffickers, smugglers and victims, which are making difficult to control and distinguish the two crimes (Chu, 2011).

Despite the clarification above presented, we will now shift our focus to our topic, namely female trafficking in China. Therefore, a first question that arises with such thematic, is the relevance that this phenomenon has in the Chinese society and why it presents itself as a persistent problem. The first remark that we can make is the fact that, the continuously modernization and economic expansion to the world did not impact equally every layer of the population, allowing old problems to still characterize the Chinese society. Such problems have led to the growth of the phenomenon of human trafficking in this country, which began to display both, a national and transnational aspect.

In fact, a United Nations Action for Cooperation against Trafficking in Persons Report from 2016, states that “some of the most extensive and diverse human trafficking patterns occur in and between the six countries of the Greater Mekong Sub-region (GMS)”, in which we can find China (UN-ATC, 2016, p. 1). Therefore, it seems that the improvement of life standards, in the case of China, did not prevent the ongoing trafficking flow to spread. Also, the trafficking phenomenon is, in part aggravated by the fact that, China’s neighbouring countries also present the same issue, which may pave the way to the criminal organizations to cooperate with each other.

As it can be understood, the issue of trafficking within China, is a very complex and alarming situation to analyse, not only because it is an internal and transnational problem, but also because it affects, both, males and females, from a young age to adulthood (Tiefenbrun, 2008). In fact, according to the Trafficking in Persons Report of the Department of States of the United States of America, “China is a source, destination, and transit country for men, women, and children subjected to forced labor and sex trafficking.” (US Department of State, 2017, p. 128).

Indeed, the ongoing problem of trafficking in humans and the case of China has been analysed by the U.S.A over the years, through their Traffic in Persons Report. Through this report it was shown that, in the case of human trafficking in China the situation has never presented great prospects of improvement, keeping uncertain the promises for the future. Sadly, China’s position in that report has shifted in some occasions from Tier 2 to the Tier 2 Watch List and lastly to Tier 3 in 2017. (Tarbert, 2014; US Department of State, 2017). Such report has a significant importance, due to the fact that, it not only shows the current state of trafficking in

humans in China, but also how little the government's efforts have worked towards tackling the problem in an efficient way.

We understand the current situation as a mix of different factors that keep placing China in the lower tiers of the report. One of the main reasons for this to happen, is the fact that, while the international community tried to move to a common identification of what trafficking in humans means, this was not reflected in the national context of China. In fact, was not until 2010 that the country ratified the Trafficking Protocol, contrary to most of the signatory countries (China C.E.C, 2010; United Nations, 2018).

In our view, the Chinese postponement of the ratification of the Protocol can mean that, such matter did not play a central focus on the government's policy and that trafficking issues were not as pressing as for the UN. In fact, ever since the Protocol was drafted and later ratified by China, its current national law still does not meet the interests of the international communities (UNODC, n/a; Gallagher, 2001).

Bearing in mind what was previously said, such legal discrepancies can be one of the factors preventing a true understanding of the Chinese human and female trafficking frameworks. Therefore, finding accurate data on the matter, has become more difficult due to the lack of precise and reliable sources of information. However, the issue of collecting trustworthy data is also caused by the fact that, the evidence available may not reflect the true dimension of the problem. In fact, as Bonny Ling asserts in her paper for the Asia Pacific Journal on Human Rights and the Law, the Chinese criminal law excludes from its protection male victims. As asserted by the previous writer: "the widely cited statistic released by the Ministry of Public Security in 2012, asserting that 15,458 trafficked women and 8,660 trafficked children were rescued country- wide in 2011". Therefore, this lack of incorporation of statistics regarding male victims, may provide inaccurate information on the matter (Ling, 2016, p. 167).

Despite the focus of this paper being on the trafficking of females, we find important to underline how the exclusion of male victims from the issue of data, can demonstrate how the Chinese reality has not been able to keep up with the international agenda, in providing protection to all. Therefore, the statistics available may be influenced by this gap in the Chinese law as well as by the fact that, trafficking in humans in China depicts a very complex situation, that involves also the "international and domestic migration" flux. In addition to this scenario, the existing data also lacks of incorporating the "number of irregular domestic migrant

workers”, which can reach millions of people, with the majority being males. As such, males are also exposed to situations of vulnerability, making them easy targets for trafficking networks (Ling, 2016, p. 157,167).

Such remarks find their place and importance in this paper due to the fact that, trafficking in humans still remains a phenomenon with a gender dimension. However, the less investigated and documented perspective in this matter, appears to be the males one. Despite this circumstance, we decided to focus on the female side of the problem.

Bearing in mind what just described, it is possible to assume that, the gender dimension of trafficking in humans is a significant marker and plays an important role in understanding the trafficking flows and the different purposes to which people are trafficked. This consideration is also essential to the case here analysed of trafficking in females in China.

Following this line, China’s reality, like in many other countries, presents a very complex trafficking system. As previously mentioned and supported by the U.S.A Report⁷ “China’s internal migrant population, estimated to exceed 180 million people, is vulnerable to trafficking, with Chinese men, women, and children subjected to forced labor in brick kilns, coal mines and factories” (US Department of State, 2017, p. 128).

However, the trafficking problem in China does not stop in such labour activities, but there is a wide variety of exploitive situations in which Chinese and foreign citizens find themselves in. In fact, it is possible to outline that, on one hand, the trend of human trafficking in China involves the “purchase of women for brides, the purchase of a male son, or the sale of unwanted female children.” (Tiefenbrun and Edwards, 2008, p. 733). On the other, the “promises of good jobs in the urban areas, alluring people from the rural areas and instead, deceiving them, forcing them to work in “commercial sex”, begging, “conduct telephone scams”, and so on. (Global Slavery Index Organisation, 2016; US Department of State, 2017, p. 128).

Despite the variety of purposes females are trafficked, in the following chapter we decided to analyse only two types of human trafficking that affect especially females, namely forced marriage and prostitution.

⁷ Trafficking in Persons Report of the Department of States of the United States of America.

4.2.1 Sexual Exploitation for Prostitution and Forced Marriage

Analysing the context of human trafficking in China and the fact that, females still represent the weakest part of the society, in this paper we decided to focus our attention on just two of the forms of exploitation females are nowadays exposed to, namely, forced marriages and sexual exploitation, specifically for prostitution.

The choice of going through the connection that forced marriage and sexual exploitation have within the Chinese culture and society, may seem biased by the fact that, in its law and literature, female victims seem to have a bigger share of the concern, when compared to the male counterpart. However, it is still important to discuss and give attention to how females are treated in China, by the fact that their supply and demand, still persists nowadays.

4.2.1.1 Prostitution

Prostitution, as form of sexual exploitation persists as a global concern, affecting a wide range of people, no matter if they are still children or if they have reached the adult age. In this section talking about prostitution in China, seems logic for two reasons. First, the human trafficking phenomenon began to have more attention from the different theoretical groups, like the feminist perspective. As seen before in this paper, their concern on trafficking was introduced by discussing prostitution. Second, because China has tried to deal also with the problem of commercial sex in its society (Liu and Finckenauer, 2010).

If we take into consideration only what is stated in the Chinese law, it would be expected that, prostitution as a societal problem, would be something from the past. The section 8 of the Chinese Criminal Law, deals with issues related to this crime, condemning those who subject people to such situations, stating what would happen when such events affect people under the age of 14 years old, etc (China, n/a). At first sight, seems that having a law that dedicates a section⁸ on the problematic, would have achieved some outstanding effects, namely reducing

⁸ “Article 358: Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property: (1) making arrangements for another person to engage in prostitution and the circumstances being serious; (2) forcing a girl under the age of 14 to engage in prostitution; (3) forcing a number of persons to engage in prostitution or repeatedly forcing another person to engage in prostitution; (4) forcing the victim to engage in prostitution after raping her; or (5) causing serious injury, death or other serious consequences to the person who is forced to engage in prostitution. Whoever falls under any of the categories mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property. Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall

drastically prostitution or its demand. Despite the existence of such law, and the continued appearance of such phenomenon, we cannot predict that the aimed results of eliminating prostitution would have happened in the scenario of total inexistence of regulation.

In this sense, it is possible to analyse prostitution in China in two different dimensions. The first, if we admit the existence of *voluntary* prostitution, it can appear as a labour activity and mean to escape from some situations, like poverty. This dimension can be seen as an independent phenomenon from trafficking. The second dimension instead, considers prostitution in the realm of *slavery*, becoming in this way a reflection of H.T. (Liu and Finckenauer, 2010; Ling, 2016).

In the late 70s, the changes that China underwent and its openness to the world can be our marker in time when it comes to discussing prostitution and female trafficking. In fact, before the new economic approach taken by China, the act of selling sex was one of the major concerns the government was trying to tackle. It is not possible to affirm that the measures adopted by the Chinese government, managed to fully abolish one of the oldest practices in the world. According to the literature, a possible reason behind this unresolved problem, may be linked to the shift of the government's attention to other major problems, such as the economic openness of the country. However, in the data collected, it is possible to see that, the revival of prostitution is somehow linked to the economic transformation that China went through during the past (Jeffreys, 2004; Liu and Finckenauer, 2010).

The literature consulted uses the division in time of pre and post openness to the exterior of China, to create a clear division in the topic of prostitution, explaining who engages in it and why they do it. (Jeffreys, 2004; Liu and Finckenauer, 2010).

As such, in Elaine Jeffreys' book "China, Sex and Prostitution", outlines that it is possible to find different Chinese scholars, who give arguments to why prostitution existed before the new economic approach and after. In this scenario, for the purposes of our analysis, it seems that understanding the context of the "after" is what matters. By reading Jeffrey's book chapter on

be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine. *Article 359*: Whoever lures other persons into or shelters prostitution or procures other persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined. Whoever lures a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined." (China, n/a)

prostitution, we cannot agree with the distinction given by the scholars there mentioned, who affirm that in the past, prostitution was a crime imposed to the victims, contrary to what happens nowadays, where it happens as a free choice of the person (Jeffreys, 2004).

In our view, China is still experiencing the problem of prostitution which it cannot be described or analysed by the dichotomy of past/forced and present/voluntary, as mentioned above. This would force us to assume that every case of female prostitution was indeed the product of the free will of the person, in the period after the economic reforms. However, we do not view the situation in that perspective, since this would easily lead to the confusion of two, possible, separate events. Moreover, by following the situations above described it can be noticed that, people involved in prostitution by the networks of human trafficking, are not accounted in this kind of crime.

Another interesting aspect that is possible to notice in Jeffrey's writings, is the Chinese "perception" of the issue of human trafficking. According to the authors' view, quoted by Jeffrey, this phenomenon has shifted from a condition of the past where women were "literally forced into prostitution in order to survive", to nowadays, where girls voluntarily decide to sell their bodies, to so to achieve a "high consumption life-style." (Jeffreys, 2004, p. 98).

Indeed, it is impossible to report every case of prostitution and the reasons behind it; however, we can admit that in a world of billions of people, some will engage in certain activities because they are forced to, others because it is a way of escaping from worse scenarios and some, may find in those activities an easier path to access to commodities, that they would not be able to access in other ways.

However, our perspective becomes a combination of the feminist perspectives studied on chapter III of this paper. In the sense that we agree on the idea that females are free to engage in the world of prostitution as a way to avoid certain life conditions; yet, this is probably a consequence and would not happen if the economic development that happened in China had reached every layer of society and if better labour options would be available for females (Zhang, 2018).

Therefore, it is possible to see how the problems of prostitution and human trafficking have become interconnected. Nevertheless, even though sexual labour of females can be seen as an isolated issue, it becomes a pressing concern only when it happens without the person's will and within the context of human trafficking.

It is very hard to find up-to-date data stating the number of females that are trapped in the network of prostitution. Also, from that number, is even more difficult to identify the victims who found themselves in those kind of situations, by any of the means described in the Article 3 of the Trafficking Protocol (United Nations General Assembly, 2000).

With the analysis above it was developed an overview regarding the one of the pressing concerns in the context of female trafficking in China, namely the existence of prostitution and what it represents. Following this analysis, we will proceed with the study of the second form female trafficking, forced marriages.

4.2.1.2 Forced Marriages

Like the problem of sexual exploitation in the form of prostitution and its connection to our main problem, namely trafficking in females, it is possible to admit the existence of common points between *prostitution* and *forced marriages*, which are by now, two issues deeply rooted in the Chinese society. Regarding the problem of forced marriage, even though China went through some changes in the end of the 70's, these reforms did not affect the marriage context, as they had begun almost two decades before (Zhao, 2003).

In fact, China's concerns related to marriage practices started in the 50's when the government passed The Marriage Law and it became a step forward to leave the old patriarchal system of arranged marriages, in which one or even the two parties ought to marry the partner that their family found. The measure aimed at stopping the "arbitrary and compulsory feudal marriage system... (...)" and proclaimed that "marriage shall be based upon the complete willingness of the two parties." (Xu and Whyte, 1990, p. 714). Such measure was not the only policy implemented by the Chinese government in this field, since in the 90's, the Article 257 of the Law Safeguarding Women's Rights and Interests of the People's Republic of China, aimed to prohibit forced marriages and punish with two years in prison, people guilty of committing such a crime (UNHCR,2017).

To assert that *forced marriages* are deeply rooted in the Chinese society and culture, may be a mistake at a conceptual level. However, finding a true system of requisites to identify what is a *forced marriage* may sometimes come across with other type of marriages, such as the *arranged marriage*. The truth is that, the line between the two can be very thin and we can find in one, characteristics of the other.

It is important to bear in mind that by forced marriages, we understand them as absence of “free and full consent of the intending spouses”, opposing in that way to the traditional arranged marriages as situations where “ the full and free consent of both parties to the marriage is sought and obtained prior to confirming the marriage” (States, 1988; Gillett *et al.*, 2010, p. 13). However, like previously said, the line that divides the two can be very thin and easy to cross. For the purposes of our analysis, forced marriages are the ones being here scrutinized, together with their relation to trafficking in females.

Despite the conceptual difference, between forced and arranged marriage, and the fact that both might had occurred in the past; to the present analysis only matters the cases in which both or one of the parties entered in the matrimonial relationship without *full and free consent*. However, such differentiation seems irrelevant for the Chinese context, since in its law and amendments, both of the practices appear to be covered. In fact, in the Article 3 of the Chinese Marriage Law, it can be read the following: “Marriage upon arbitrary decision by any third party, mercenary marriage and any other acts of interference in the freedom of marriage shall be prohibited. (...)”. If we focus our attention, either on, the Chinese Law which regulates the institution of marriage or U.N *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages*, it is possible to affirm that both of the regulations, aimed at providing a legal umbrella in order to protect people from marrying without free and full consent (States, 1988; Committee, 2006; Zebari, 2013).

Despite the existence of the above mentioned regulations and laws regarding forced marriage, this kind of problem cannot prevent itself to happen and ensure that the measures to tackle, it are efficient. The reason behind such statement, is due to the fact that, the existence of different matters are not the only contribution to the existence or not of a problem. In fact, the context in which a phenomenon develops, should always be taken into consideration, namely social, political and economic factors.

Therefore, in our case it is possible to see an intersection of trafficking in females with the problematic of *forced marriages*. As will be further developed, regarding the OCP and gender preferences, it is possible to note that the occurrence of *forced marriages* appears to be “most common in countries where the male to female ratio has been artificially altered” (Gillett *et al.*, 2010, p. 11). In fact, the female ratio materializes itself as an important factor to the issue, in the sense that China is experiencing the presence of a gender imbalanced society, which contributes to a further aggravation of the problem.

Bearing this scenario in mind, the problem of female trafficking began to assume two dimensions, namely humanist and economic. The humanistic dimension, is related to the fact that trafficking has been a long concern regarding the violation of human rights. From the economic perspective instead, the issue of trafficking in persons has evolved into a market, which is composed by one part who makes profits from the exploitation of the other. Like any other economic activity, the existence of a niche also in this sector, requires that the supply meets the requests of the demand-side.

China's past political choices regarding society, have laid the foundation to one of the causes of the problem of trafficking. The sex-ratio imbalance that China is experiencing, has created a special vulnerability for females, that draw them to the networks of trafficking, especially, for the purpose of forced marriage. Such ratio and the existence of a surplus of men led the Chinese bachelors to resort to different methods to find their spouses, namely "engage in bride buying, trafficking and kidnapping, and in violent behavior especially towards women" (Srinivasan and Li, 2018, p. 8). From our point a view and from what is possible to see in the literature, China's decisions are not only affecting Chinese females but also foreigners, since the market has expanded to other countries (Tiefenbrun and Edwards, 2008; UN-ATC, 2016).

Also, in this case, finding reliable data on the problem of *forced marriages* in China is very hard to find, probably due to the nature of the crime. However, it is possible to come across some information affirming that, "by 2020 there will be at least 30 million more men of marrying age than women." in China (Chow, 2017). Bearing this in mind, it is possible to create assumptions on how females may become a scarce commodity. The pressure to find someone to marry, may aggravate females' vulnerability to trafficking. As previously mentioned, trafficking in females has become a problem without borders; and the fact that Chinese bachelors are becoming more desperate to find a partner, can lead to increasing the cases, such as the one reported be the The Diplomat ⁹, in which a "12-year-old Vietnamese girl" was discovered in Chinese hospital about to give birth to a baby. In that case, "(t)he authorities were alerted, and police discovered that she was a victim of human trafficking. She had been kidnapped, taken to China, and sold to a 35-year-old man for \$4,400." (Chow, 2017).

⁹ *The Diplomat* is the premier international current-affairs magazine for the Asia-Pacific region. Since its launch in 2002, The Diplomat has been dedicated to quality analysis and commentary on events occurring in Asia and around the world. *The Diplomat* reaches an influential audience of commentators, policymakers and academics with its in-depth treatment of regional issues.

With the information collected and analysed so far, we can affirm that female trafficking presents different dimensions that make this kind of problem more complicated to tackle. This aspect, in addition to the lack of reliable data to consult, can present itself as an obstacle to fully understand this issue. Nevertheless, through the available quantitative data, we tried to provide a sample of the flow of trafficking in China, in order to explain its complexity.

4.2.2 Flow variations of Trafficking

Across the literature, data regarding human and female trafficking, demonstrates that the Chinese efforts did not abolish this issue, having however influenced it in some time periods. According to the data collected, it is possible to see that women and children are the most affected victims of the problem. In fact, the “total number of young women and children sold in China from 2000–2013 was 92,851”. Despite that, between the time period previously mentioned, it was possible to see a decay “from 21,814 in 2000 to 2,500-5,000 between 2003 and 2008, allegedly due to the government crack-down on the trafficking issue”. Such improvement, did not prevent the number to rise again in 2009 to 2013 from “13,723 sold children and 19,782 sold women” (Zheng, 2018, p.187,188). One of the issues that rises questions is the fact that the data available may not fully demonstrates the context that the Chinese society experiencing in the last years and more specifically in 2018.

Therefore, the absence of reliable and recent data on the matter, drives us to focus on the dimension and the contexts in which the Chinese population is living. Situations, such as poverty may push a great number of people into the networks of trafficking in humans. As such, we can try to provide another example on data through what we may call the “vulnerability indicator”. In order to use such indicator, we can take advantage of the discoveries provided by the Global Slavery Index, in which it is said that, closely to 235 million of people in China are vulnerable to trafficking, depending if they are in a rural or urban area (Global Slavery Index Organisation, 2016).

However, despite the lack of useful data we can still try to predict that, with the amount of people vulnerable to trafficking, the chances of someone of finding themselves in that situation is likely to happen. The vulnerability above mentioned brings out important aspects, such as the “gender-based differences and attitudes” which “play important roles in promoting both supply and demand of trafficking.” (Levitt, 2018, p. 15). This gender-based issue, is only one part of the phenomenon of female trafficking in China. Understanding it requires an analysis

in depth of the causes that fomented and are helping female trafficking to be a reality in the Chinese society. Therefore, the following subparagraphs will be dedicated to it.

4.3 Root Causes Leading to Female Trafficking

4.3.1 One Child Policy and Gender Imbalanced Society

An old Chinese proverb says, “more children, more happiness”. However, this Chinese saying had to be reconsidered, when in 1979, under the government of Deng Xiaoping it was approved the One Child Policy. In fact, during that period, China experienced a series of social and economic reforms which aimed at increasing the domestic productivity of the country.

At that time, the Chinese population had already reached one billion people. If this number had continued increasing, the entire economy and social aspect of the country would have been negatively affected by it, since more people meant more food to provide, health assistance to ensure, more difficulty in maintaining the control and satisfy everybody’s needs. In order to prevent this situation, at the end of 1970’s, the policy, also known as “the family planning” was approved (Chen, 2015; Hahn and Elshult, 2016). This policy, consisted in a birth-control program that aimed at curbing the Chinese population’s growth and which did not consent people to have more than one child (Pletcher, 2018). In order to achieve this goal, the government imposed some benefits for those couples who conformed to the law and applied penalties for those who did not. Also, some one-child certificates were issued which, together with the help of the local government, played the role of monitor, providing the number of children allowed to be born in a specific area. Basically, families were not allowed to have children without the government’s permission and in some cases where people had more than one baby, severe methods, such as, forced abortion for women and sterilization for men, were adopted (Sullivan, 2013; Pletcher, 2018).

Over the years, this policy not only had the effect of decreasing the number of the Chinese population, but also, determined a significant sex-ratio imbalance between men and women¹⁰, which was defined by the State of Council as “a threat to social stability” (Fincher, 2016). However, the shortage of women generated by the OCP, was also accentuated by the Chinese cultural preference for the male gender. In fact, since the past time, China has always based its

¹⁰ The gender imbalance generated, corresponded to 117 boys to 100 girls (UNHCR, 2017).

society on a patriarchal system, where boys: were allowed to work, were seen as the strong ring of the family, the ones who could continue the family's name, who could take care of their parents once they get older and as those able to deal with responsibilities. Women instead had to stay home, taking care of the offspring and the family's lands; they were considered as weaker, therefore, when the firstborn was a girl usually families resort to extreme actions, such as, abortions, secret adoptions or the abandonment of their baby girls, leaving them to die or hoping that someone else would find them and take care of them (Tso, 2011). Another option available to the families, to deceive the system was by not registering the new born in the hukou system. If a child was not in this registration list, meant that he/she did not exist for the society and, as a consequence, had no access to any of the services provided (B.College and Monte, 2016).

Bearing this scenario in mind, it is easier for girls to be doomed into the network of trafficking. In fact, the situations above mentioned, tend to occur especially in families from the rural areas, in which they are more likely to be living in poor conditions. To cope with such circumstances, Chinese families sometimes feel forced to send their children to work, either inside of China or abroad. What usually happens is that, once in contact with the families, traffickers deceive parents, promising a better future for their children, a job, more money and a happier life. However, once the transition is made, very different is the kind of lifestyle encountered by these vulnerable victims. Girls are usually sold to areas where the percentage of single men and boys is higher, coercing them in some case into forced marriages and prostitution, like in the beauty salons. Boys¹¹ instead, who are sold at higher price on the black market, are commonly exploited for begging or forced labour (Custer and Li, 2013).

In 2010, the Chinese government reported that every year, almost 10.000 children are kidnapped in China, in contrast to what claimed by the U.S department, which estimated that the numbers were at least double. Generally speaking, is very difficult to have an estimate of the number of the children kidnapped, since most of the time, trafficking happens through unofficial channels. An example of what just mentioned can be given by those families that, for adopting a child, use to recur to illegal methods due, on one hand to the restrictions imposed

¹¹ In the Chinese market children can be sold for \$ 500. Abroad instead, parents are willing to pay \$ 3.000 (Custer and Li, 2013)

by the OCP, and on the other, because these procedures are always quicker than by the ordinary bureaucracy (Custer and Li, 2013).

In 2016, under the government of Xi Jinping, the OCP was abolished, allowing Chinese families to have two children. The decision was taken in order to increase the economic situation of the country and to increase the percentage of natality in China. However, it is impossible to predict the consequences that the abolishment of this policy will have in the future of China and on the female trafficking issue. Despite the possible and positive outcome that the law reform may have for the country domestically speaking, we cannot forget that this problem has already extrapolated China's borders, since we can see that the flux of people trapped in the networks of trafficking comes from the bordering countries as well.

Summarizing, still nowadays China is suffering a shortage of women, with 100 girls born for every 117 boys and with a higher imbalance in rural villages, where, due to the lack of controls and "tricks" adopted by the families, the numbers can amount to 130 boys to every 100 girls. If one subtracts from this frame, the number of girls that will die from abortions, abuse and other kind of violence, the numbers critically decrease (UNHCR, 2017).

As a result, with a shortage of women that is looking more severe every passing year, some men are finding harder to find a wife to marry. As a consequence, to fill the gap between men and women and to fulfil the demand for brides and prostitutes, in the market of human trafficking has arisen. This market, sheltered by the level of corruption widespread within the police at local level and the lack of controls and imposition of severe punishments, led this tremendous crime still be present in the nowadays society, with difficult chances to solve it, unless a strong commitment by the government, together with the help of the international organizations will be put in act.

4.3.2 Poverty and Inequality

As mentioned during this paper, China has undergone through several reforms, which marked an era of globalization, that aimed at fomenting different sections of society and specially the growth of the economic sector. One of the aspects that matter to our analysis is the fact that, China has come a long way in order to reduce its "absolute poverty". In relation to this aspect, when it comes to the income growth and the contribution to it in the Chinese society, it is possible to state that, there was an unequal distribution, between and within regions. Even

though, on one hand the economic reforms adopted by the government managed to decrease the income gap between the population and increase productivity. On the other hand, these reforms determined the rise of poverty as well (Dorn, Fuest and Potrafke, 2018).

Therefore, according to what was stated by the literature consulted, it seems necessary to stress the evident relation between globalization and inequality (Dorn, Fuest and Potrafke, 2018). With the transition into a more capitalist economic system in the late '70s, China aimed at achieving better economic and productivity results, which have led to some inevitable domestic consequences, such as, a stronger gap within the Chinese social layers. In that sense, it is possible to note that the reforms also reflected how the urban vs. rural areas started to develop. Respectively speaking, the former started to be known as being the center of modernization, where a variety of job opportunities could be found, due to a strong and fast industrial development. The latter instead, remained in an underdeveloped condition, where the most developed activity was agriculture and the population suffered from the lack of interest from the central government (Lu et al., 2013; Dorn, Fuest and Potrafke, 2018).

Hence, this evident inequality between the two areas, translated into a migrant flux from the rural side to the urban side, generated by the fact that that part of the population was in the constant search for better life conditions (Lu et al., 2013). Bearing this scenario in mind, it is easy to understand how poverty can influence people migrations and how they become vulnerable to the networks of human trafficking. In fact, poverty and inequality factors, can be used as tools from the traffickers' side, as a way of exploiting the vulnerability of people, especially in the rural areas (Dorn, Fuest and Potrafke, 2018).

Taking a closer look into the economic aspect of the country, it can be stated that the poverty rate in China evolved during the time. In fact, it is possible to demonstrate a drastic decrease in the number of people living in poverty, with numbers, ranging from 878 million in 1981 to 409 million in 2002 (Liu, 2017). According to a more recent report on poverty, released by the World Bank, the number of poor people ranged from 25.2 million in 2013 with minimum income per day of US\$1.90, to 43.4 million by the end of 2016 (Group T. W. B., 2017).

Bearing this data in mind, we can state that poverty has been functioning as a root factor that is fuelling the demand and supply of trafficked females within and beyond China's borders,

due to the fact that in most cases, victims are in vulnerable positions that lead them to the world trafficking.

4.4 Secondary Factors

4.4.1 Shengnü: The Leftover women Phenomenon

The condition of Chinese women in the society have always been undervalued. Forced by cultural tradition to obey their families and conform to society's rules, women have always had little autonomy and chance to express themselves. It seems like their lives had already been written by someone else. In the past, their goal was to find a husband, taking care of him, their children and the house. With the evolution of time, women's condition evolved, and they started to emancipate themselves, aspiring to a studying and professional career. Especially during Mao's leadership (1949-1976), the role of women was highlighted, and the expression used by the Chairman: "women hold up half of the sky", was widespread, for stressing the importance of women in society. Theoretical talking, during this era, important steps towards gender equality were taken. In fact, with the establishment of the Chinese constitution in 1954, the gender equality's policy was enacted, which gave men and women equal rights and the same legal status in terms of job, salary, health care, educational opportunities and so on (Chen, 2015; Hahn and Elshult, 2016). In practice, women's status continued being underestimated, such as in the labour right's field, in which women continued to be less compensated by their work, in comparison to men. As a consequence of this emancipation process, in 1949, the Communist party established the All- China Women's Federation to safeguard Chinese women's rights (Fincher, 2014)

The reason driving the Chinese president's strong interest in this gender policy, was the belief that through equal opportunities and cooperation, China's productivity could have been boosted. In order to achieve this aim, the first state-owned-enterprises were established, and many women were hired for reaching a common goal. However, with the end of Mao's era and the transition to the open market-economy with Deng Xiaoping, the state-owned-enterprises start closing and many women lost their jobs. As a consequence of the reduction of the number of jobs available, women had to go back home and even if they were employed again, they could have found themselves in the situation working at lower ranks than men (Hahn and Elshult, 2016).

From this moment on, women's conditions retroceded, and in 2007 it was the All- China Women's Federation itself that promulgated the term "leftover woman", creating a stereotype for women in their late twenties, who are working and are still unmarried. Consequently, the conditions of this new generation of women, started being criticized by the rest of the society and the media, which targeted and portrayed them as women who could not find a husband (Fincher, 2014). Despite the fact that both, men and women, experience cultural and societal pressures for getting married before the age of 30; it seems like only women are those who receive the effects of this negative publicity. In fact, the term "leftover men", does exist, however it is not used or publicized as for women (Hahn and Elshult, 2016).

The Chinese writer Hong Fincher, assumes in her book "*Leftover Women: The Resurgence of Gender Inequality in China*", that those women identified with the adjective "leftover", do not exist. Hence, all the rumours created by the Chinese society are a propaganda of the Chinese values, which is in contrast with the women's will of today (Fincher, 2014).

In fact, supporting Finchers' line of thinking, it can also be seen that, in the Chinese newspapers a pro-marriage campaign is highlighted. Such campaigns are based on the fact that, in a gender imbalanced-society that characterizes China nowadays, woman should have no problem in finding a husband. Suggesting also, that they should start creating their own family, rather than focusing in their studying and working career (Fincher, 2014).

Despite what was described so far, there are some women who are willing to take control of their own destiny and manage to follow their dreams even if these are in contrast with the Chinese society's values. Usually, these conditions are especially met by women living in the urban areas, while those living in the rural parts of China keep being slaves of traditions. Today, women's situation is still critical, however, a new generation seems to be taking step, characterized by those women who managed to rebel the tradition and chose to live their own life, pursuing a job or educational career. According to our understanding of the Chinese context, taken from our research for this paper, it seems that in order to prevent this state of mind to overspread and with the fear that this "phenomenon" would jeopardize the country's productivity, the government launched through media a negative campaign against these independent women. In those campaigns, the aim is to criticize women's lifestyle choices with the hope to restore the old order, since families are seen as those able to rebuild the social and economic part of the country. However, if we add to the skew-ratio gender created by the OCP, the fact that, today more women are renouncing to get married, it may be possible to affirm

that, this phenomenon will affect even more the number of families and the natality rate. If we look at this situation in the long-term perspective, it is likely that this circumstance will influence both, the human trafficking network and the economic capacity of China. In fact, the lack of young working labour may have a negative impact on the Chinese production, with possible implications on the poverty indicators, pushing more people into the networks of trafficking, due to their status of vulnerability.

In addition to the vulnerability issues like, poverty, gender and economic features, we can find other aspects that assume a clear importance in understanding China's context of human trafficking. Therefore, it is important to analyse how the Chinese governmental policies are also contributing factors to the phenomenon of female trafficking within China

4.4.2 Chinese Legal Framework

The first remark regarding the action of the Chinese government in the context of human and female trafficking, is the fact that there is a law regarding that specific issue, that however, is characterized by some gaps and some discussions related to its application.

Starting from the analysis of the Chinese criminal law, it is possible to read, in similarity to the Trafficking Protocol, the existence of requisites for a case to fall under the scope of H.T. Therefore, the Chinese Criminal Law also provides an article which describes, the people that should be considered the *victims*, the *acts*, the types of *means* employed by the traffickers and the *purposes* for a crime, to be considered as H.T (UNODC, n/a). So, to some extent it would seem that the Chinese legal framework could be comparable to the Trafficking Protocol, since it also provides a structure to understand H.T and sets the requisites for the identification of a case of H.T (United Nations General Assembly, 2000; Shoaps, 2013). However, the situation is more complicated that it seems, due the inclusion from the Chinese context of one major setback that was not provided by the Trafficking Protocol (Shoaps, 2013).

In fact, such Protocol tried to avoid the exclusion of any parties in its Article 3. Therefore, it seems that to some extent, the UN legal framework appears to be more complete and more inclusive than the Chinese perception of the problem. If we compare the articles 240 and 241 of the Chinese Criminal Law with the Article 3 of the Protocol, it seems that some interesting issues arise. The fact that the Trafficking Protocol refers to *traffic in persons*, in the Article 3, appear to give a sense of relieve, neutrality and inclusiveness, aiming at protecting all the victims, females and males, in both their adulthood and young age. Unlike the U.N vision, the

Chinese perspective, still focuses entirely on women and children victims, therefore, this contradictory scenario, presents itself as a fail from the Chinese authorities to incorporate in its system the international view regarding trafficking. Through this fundamental aspect, it is possible to support what we have previously mentioned, regarding the importance of the gender dimension of human trafficking. China's exclusion of male victims builds a wrong scenario regarding H.T, which may be contributing to the lack of an efficient approach to tackle this crime.

The differences between the UN protocol and the Chinese Law are not limited to *who* is worth of protection, but it also affects other requisites regarding the definition of the Article 3 of the Palermo Protocol. Therefore, the Chinese approach to human trafficking, by its article 240, does not present a clear and well-structured definition of the crime, since it “focuses on the act of selling a woman or child, rather than the purpose of exploitation.”. Additionally, and sadly, the Chinese perspective “does not clearly cover all forms of trafficking in the UN TIP Protocol, including certain types of non-physical coercion; offenses against male victims; and forced labor (...)”, including also the “purchase or abduction of children for subsequent sale without specifying the purpose of these actions.” (China, 2017, p. 186). With such gaps, it is possible to see that the Chinese Criminal Law presents important and evident differences when compared the Trafficking Protocol visions. Therefore, we can conclude that the main problems in China's Law, are the exclusion of male victims from this kind of crime, the absence of a clear and more extensive enumeration of the purposes to which people are exploited and finally, the confusion of trafficking with other crimes.

Despite the presence of an incomplete law preventing H.T to spread and not being able to eliminate the problem of female trafficking; such law also faces additional challenges, related to the distribution of power and the lack of control by the central government of the local areas in the Chinese society. Therefore, it is also important to analyse the nature of corruption in China.

4.4.3 Corruption

Following on the list of the factors that fuel trafficking, there is corruption. Very often were reported cases denouncing the local governments and police involvement in the crime of human trafficking. Testimonies denounced circumstances in which, the police officers were those responsible for placing children in the networks of trafficking. Reported cases, even mention

that, children who had already escaped from slavery conditions, were afterwards betrayed by the police, that in exchange for money, sold them back to their traffickers. Moreover, it was denounced the orphanages' situation, where the children's adoption criteria were falsified, in order to sell kidnapped children into the international adoption market, so to earn more money¹²(Custer and Li, 2013).

The reason behind these circumstances is due to the fact that, the central government cannot control the entire Chinese territory. Therefore, if we adopt what scholars have named as *fragmented authoritarianism*¹³, it is possible to understand how the division of power has been contributing the widespread of the problem of corruption. Since the lack of the direct control of the local areas, allowed the authorities to pursue their interests, hiding from the central government their misconduct, in order to continue receiving money and not being relieved from one's job position.

4.4.4 Corruption Cases: Testimonies of Mistrust and Authority Inefficiency

In this section, it will be provided the testimonies of three Chinese families whose children have been kidnapped for the possible aim of human trafficking. The testimonies here described have been taken from the documentary-film *Living with Dead Hearts*, released in 2013 by the authors Charlie Custer and Leia Li. This documentary was shoot with the aim of denouncing the hidden reality of human trafficking in China and its connection to the local authorities, who foster this crime, selling victims in exchange of money. Even though this thesis focuses its attention on the female gender dimension, in the following lines will be reported the cases of both genders, since the aim of this section is to stress the authorities' inefficiency and corruption as an important factor that helps maintaining human trafficking in China.

The first case to be reported is the one of Lei Xiaoxia, a 12 years old, Chinese girl who lived in the Shanxi province with her family. Lei disappeared on May 24th, 2011. Like every

¹² In contrast to the prices of the Chinese market, where the purchase of a child is around \$500; in the international market, families can pay \$ 3000 for adopting a child (Custer and Li, 2013)

¹³ In the end of the 80's, a group of important scholars who had their attention in China, developed the "Fragmented Authoritarianism", which is a view of the Chinese political system. Such concept, translates into the fact that they see the division of the Chinese authority as being "vertically fragmented (stove-piped), reaching down from Beijing to various levels near the bottom. These separate functional vertical organizations, such as various ministries, have equal rank according to China's bureaucratic ranking" (Gilli, Li and Qian, 2014, p. 11).

morning, she went to school, but that day she never came back. Apparently, one of her classmate affirmed to have seen her in the courtyard of the school. However, her teacher stated that in that day she did not attend class. The family appealed for the help of the police, which despite patrolling the area next to the school, never put much effort in finding the young girl. In fact, any of surveillance tapes of the school nor the nearby areas have ever been checked by the officers, nor classmate have been interrogated. This disinterest from the local authorities, pushed Lei's family to take control of the investigation, going to their neighbourhoods and friends, asking if they have seen their daughter. Lei's parents also tried to collect further help by reaching out to the media in order to spread their word and to increase the possibilities of their daughter to receive their message.

There is no logical explanation behind Lei's disappearance. A 12 years old girl is too old to be sold for the purpose of adoption, therefore, the horrible possibility of her to have been abducted in the world of prostitution or forced marriages, is very high.

The next case reported regards Yuen Xueyu. He was 15 years old when disappeared. He used to live in a village in the northern part of Beijing, together with his father, his mother and his sister. Yuen did not go to school since it was too far away from home, therefore in 2007, he introduced his parents the possibility to go to work with some of his friends to Zhengzhou, in the Henan province. His parents thought, that could have turned into a nice opportunity for their son to see the world and learn some skills, so they decided to let him go. Once arrived in the city, Yuen started working on the construction of a new building in the town. It was during one of his working days that he disappeared. Apparently, that day he was asked to bring one tool to the building next to the place he was working, by the time this request was fulfilled, the boy had already disappeared. His absence was noticed only at the end of the day. None of his friends seemed to have seen him. At that period, it was well known the presence of kidnappers in that area. Young people, according to the video, were usually tricked and the kidnappers used to sell them to factories and kilns, in order to make profit. Hence, Yuen's father believes his son might have been a victim of this crime as well.

When Yuen's parents appealed for the police's help, the officers told them that, due to the situation, there was nothing that could be done for their son and they should continue to look for him on their own. Since then, Yuen's father is travelling around China, looking for his missing child. During his journey to find his son, he met many other parents who were also fighting for the same purpose and were trying to infiltrate into the illegal network of trafficking,

aiming at rescuing the victims trapped in it. Between 2007 and 2008, they managed to rescue almost 100 children from their vulnerable conditions.

The last case described is the one of Mr. Shi and Miss Wang's daughter. In this case, the police blamed the mother for her daughter's kidnap and for not taking care of her. "The children of other families are not missing, why is yours?" A police officer said. According to these parents, the police are not interested in providing their help, because they do not receive any compensation in return.

Theoretically speaking, Chinese citizens have the right to petition and to express their discontent to the governmental organs. In practice, few are the people who succeed in doing it, because most of these cases are blocked or detained by the police officers.

From these testimonies is clear how, the lack of interest in helping Chinese citizens with their problems and the involvement of the local authorities in the crime of human trafficking is having a double effect. On one hand, it is fuelling phenomenon of H.T to overspread; on the other hand, it is incrementing the feelings of malcontent and mistrust in justice, pushing the Chinese families, to find alternatives to fill the gap of the police intervention; resorting in many cases, to a self-made justice.

4.5 Initiatives Implemented to Tackle Trafficking in Persons

4.5.1 Chinese Governmental Responses to Female and Human Trafficking

Annabell Monte and Mary Baldwin College, in their paper "The lost girls: Human trafficking as a consequence of the One Child Policy" affirm that, female trafficking is a relatively new phenomenon, which appeared in China during the economic reform era, at the beginning of 1980's. In order to tackle this crime, the central government embraced different options in order to prevent this issue to overspread, such as law enforcement, local security training and knowledge implementation within citizens, cooperation agreements with international organizations and foreign governments (Monte and College, 2016).

Starting from the law enforcement, in 1991 it was approved the article 240 of the criminal law, which implemented the punishment of 10 years in jail, for both, criminals and people who appealed to the crime of human trafficking. In relation to this article, in 2016, the Supreme People's Court, reinterpreted the letter of the law, affirming that "selling and buying human

beings is banned for any reason”. Shifting in this way, from a gender biased perspective of the article, to a more inclusive view of the problem (UNCHR, 2017).

In relation to the measures above mentioned, adopted by the Chinese government, it is possible to see that, its concern related to the issue of human trafficking, is also reflected in the implementation of the article 236 and 244 in the Criminal Law. The former, aims at preserving women’s safety, condemning people guilty of rape and of provoking severe injuries to their victims. The latter instead, condemns the “violence, threat or restriction of personal freedom” and people recruiting, transporting or assisting to this heinous crime, without denounce it (UNCHR, 2017).

Bearing this framework in mind, it is also important to stress that, specific measures were implemented by the Chinese C.L. regarding the two kinds of female trafficking here analysed, namely prostitution and forced marriages. Regarding forced marriages, the Chinese government implemented some policies like, the Marriage Law in the 50’s and the Law Safeguarding Women’s Rights and Interests of the People’s Republic of China in 90’s, which aimed at tackling the existence of coercive marriages. In the field of forced prostitution, the article 358 was issued to implement severe punishments to those who force people to prostitute, punishing them with 3 to 10 years of prison (UNCHR, 2017).

Apart from these implementations, the government also focused on the Chinese educational programmes so to let increase the awareness of human trafficking between citizens. A special attention was given to all women, especially focusing on those living in the rural areas, through which they aimed at providing education in the field of recognition and defence from such crime; as well as preventing those women from becoming future victims of female trafficking (Monte and College, 2016).

Another action pursued by the government was the establishment of cooperation with foreign governments and international organizations. This section will be further analysed in the following paragraph. However, the implementation of the cooperation with other governments is very important in order to increase the security control at both countries’ borders. An example of these cooperations are given by the partnership of China with the Vietnamese government and UNICEF in 2004. In this cooperation the government of the ‘Middle Kingdom’ committed itself, through the share of videos and pamphlets showing the reality hidden behind human trafficking, so to warn people of the existence of this illegal network.

These programmes were especially run in those areas where the percentage of cases of human trafficking was higher, such as the rural areas of Yunnan province or Guangzhou. Also, these initiatives were extended to local forces and police, so to train and prepare them on how to act when facing these kinds of situations (Monte and College, 2016).

In 2007, the government announced a five-years plan which aimed at tackling human trafficking. This long-term plan, in addition to a campaign on human trafficking, included also the implementation of security in some specific areas of the cities such as, bus, train stations or airports, where the traffic of people is more common, and rapes and kidnappings are more frequent (Monte and College, 2016). Continuing this battle, in 2010 China signed the Trafficking Protocol of the U.N Convention against Organized Transnational Crime, which presents a series of punishments, actions and global cooperation to adopt in order to tackle and prevent human trafficking. In addition, in 2013, it was issued the 2013-2010 National Action Plan to Fight Human Trafficking, in which significant steps to take and goals to achieve, were reported, in order to combat the transnational dimension of human trafficking (Jiang, 2016).

In 2016, “China had signed 121 criminal, civil judicial assistance and extradition treaties with 67 countries. By September 2014, the Ministry of Public Security had established bilateral police cooperation mechanisms with 83 countries and regions to investigate and collect evidence in human trafficking cases, as well as extradite criminal suspects” (Yanhua, 2017).

Generally speaking, every year, the government commits itself running anti-trafficking meetings, so to find practical solutions with other Chinese ministries, expressing zero-tolerance regarding the domestic issue. At the same time, the Ministry of Public Security, is investing money ¹⁴ into conferences, trainings, anti-trafficking funds and networks, with the object of spreading relevant information on the matter of human trafficking (UNCHR, 2017). In addition, in 2016, it was issued the 2016-2020 National Human Rights Action Plan of China, in which significant actions to adopt in order to preserve human rights and contrast human trafficking were introduced (Xinhua, 2016).

Despite all these efforts, China’s attempt to tackle the problem of human trafficking, has resulted to be inefficient. In fact, according to what stated by the TIP Report released by the

¹⁴ In 2016 the MPS invested \$720.250 for building a strong network for communication and \$7.2 million into funds for local law enforcement (UNCHR, 2017)

U.S. Government in 2017, China was downgraded from Tier 2 to Tier 3, in the global rank for the countries' commitment to fight human trafficking. The reason for this retrogression is related to many factors. First of all, China has adopted a suspicious behaviour regarding the provision of the numbers of victims rescued from human trafficking or the criminals punished. Also, comparing the reports of cases denounced in 2015 with those of 2016, it resulted a decrease of investigations ¹⁵. Other reasons that explain China's bad evaluation on the TIP Report, are also related to the fact that the Chinese Criminal Law does not meet the definition of H.T. given by the international law (UNCHR, 2017).

Another aggravating circumstance, is the involvement of the Chinese government or local authorities in different forms of human trafficking, such as forced labour or sex exploitation. As previously mentioned, many have been the cases that reported a relation between the local authorities and the illegal organizations of human trafficking, in which both cooperate in order to generate money from the selling of victims. Despite the approaches the Chinese government is willing to adopt, there are no significant efforts that show China's serious commitment in punishing criminals and protect their victims and the lack of reliable data on this issue prevents a true assessment of the work developed by the Chinese government. Besides the measures adopted by China, it is possible to note that some other approaches have been implemented by other entities, which also play a key role in the fight against human and female trafficking. As such, the following section will be dedicated to it.

4.5.2 The work of external actors

In the presence of a phenomenon that has no borders, the actions sustained by the Chinese government, seem to be just one of the necessary fronts to fight the problem of trafficking. Without forgetting the measures implemented by China, it appears that the Chinese government understood the importance of cooperation and joint-tasks as another step to fight the crime of H.T. In this sense, it seems logical that cases of cooperation were achieved in the Great Mekong Area, where is possible to register an outstanding flux of trafficking in humans. *The Coordinated Mekong Ministerial Initiative against Trafficking*, also known as COMMIT started in 2004 and had the aim to "create a sustained and effective system of cross-border

¹⁵ In 2016, the Chinese government reported investigating 1,004 trafficking cases and convicting 1,756 traffickers, while in 2015 the number of cases reported were 1,414 and the criminals convicted 2,076. Out of these numbers, in 2016, 435 were the sex traffickers convicted, in contrast to 642 from the previous year (UNCHR, 2017).

cooperation and collaboration to combat human trafficking”. This coalition is composed by the countries in the Greater Mekong Sub-region, Viet Nam, Cambodia, Lao PDR, Myanmar, China and Thailand. Other measures that may be developed in this region are most likely to assist COMMIT; and they are “designed and implemented through innovative partnerships between numerous GMS government ministries and development partners.” (COMMIT, 2015 p.2).

With pressing concerns regarding the Mekong region, 10 years after the creation of the COMMIT, was possible to see the strengthening of the action in this area through the creation of *The United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT)* in 2014 and was the replacement of the *United Nations Inter-Agency Project on Human Trafficking* (UNIAP, 2000-2014). The aim of the project by the UN-ACT, is to help combating the phenomenon of trafficking in the GMS. The UN-ACT “is positioned at the strategic intersection of trafficking patterns, policy, research, governance, coordination and direct interventions, as a facilitator, expert and innovator in the region’s anti-trafficking efforts” (Arsovska *et al.*, 2009; UNDP, 2015; Boll, 2017)

Being a multifaceted problem, trafficking in persons, requires different approaches and methods to work towards its end. As previously mentioned, knowledge has a special place in this problem, whether is in the sense of knowing the true dimension of trafficking or even just understanding its existence. As such, organizations like UNICEF have worked in China, with the aim of increasing such awareness (UNICEF, 2009).

Such initiatives are expected to reach individuals that may present or are in situations of vulnerability to trafficking. The goal of the training provided by UNICEF, is to produce “protection messages and practical tips” and enhancing “girls’ self-protection skills” teaching “them how to safely look for jobs. It also alerts girls to local or common trafficking schemes and offers them guidance on safely entering the labour market and responding to suspicious situations. From 2005 to 2007, more than 40,000 middle school girls were trained in Sichuan” (UNICEF, 2009, p. 52).

Despite the cooperation with the UN organizations and the creation of joint forces with other states, China’s problem of trafficking in persons has been addressed throughout the years by other actors, such as the All China Women’s Federation (ACWF) (UN-ACT, n/a). Different projects were launched by ACWF, namely the ones in cooperation with the International Labour Organization (ILO); for example, in the Yunnan Province (Chu, 2011).

Other examples of ACWF's initiatives were for example, the launch of "a training project for young rural girls in a bid to prevent human trafficking in southwest China's Sichuan Province.". This project was developed together with ILO and the Pengzhou Women's Federation, in 2008, with the aim of improving "labor rights of women and children in China with the goal of reducing trafficking for labor exploitation.". Those goals, were putted into practice through education programs that focus on providing "life skills and knowledge that helps" victims to avoid being trafficked" (Yanhong, 2013).

4.6 Social Responses

The following information is obtained from the documentary-film "*Living With Dead Hearts*" released in 2013, by Charlie Custer and Leia Li. With this section we aim at proving the reader with the knowledge of the existence of alternatives to the governmental action, the fight of human trafficking.

In order to front the problem of human trafficking and to overcome the inefficiency of the local authorities, some families, whose children have been kidnapped for fulfilling the heinous market of human trafficking, have decided to seek justice by their own, in order to search for their children. Some of methods used are the reference to specific internet pages or resort to the media. Specifically talking, in internet are becoming popular, websites such as, baobeihuija- 宝贝回家 baby come home or baidushengren 百度 生人 Internet portal for people, which support the cause of these families who have lost their children. Here, families post the picture of their babies, with the hope that someone saw them and can recognize them.

In 2011, a Chinese professor, Yijie Rong, start using microblogs in which the pictures of children seen in the street were posted, with the hope their families would recognised them and take them home. However, this method was criticized by many newspapers, which claimed that, this kind of issues should only be addressed by the police and that most of those children begging on the street were victims of poverty, rather than from a criminal organization.

Another way of increasing the awareness of human trafficking and looking for its victims, is through the public denounce via television. The mistrust in the government's help, has pushed nowadays, both, families and victims to find alternative channels to find their relatives. To do so, people are starting to reach out to the local televisions, with the hope that their message arrive to the person of interest. Finally, another method that is becoming popular within

families, is the public gathering in squares or during public manifestations, by delivering pamphlets or showing posters with the pictures of their missing children and the dates they disappeared. Obviously, this kind of approach is very often interrupted by the arrival of the police, which suggest families to go away before serious measures are taken.

The resort to the alternative solutions adopted by the families, represent a clear discontent and mistrust in the efficiency of the measures taken by the central government and the help provided by the local authorities in order to tackle the more general problem of human trafficking. Therefore, in this section we tried to find other evidences to support our problem formulation and to explain the general context of China. In fact, these last paragraphs stress the importance of having a unified and strong reaction by the different actors involved in solving this phenomenon. Hence, in the specific case of China, it is possible to affirm that this problem, has not only been caused by a combination of *root causes and secondary factors*, but also by the lack of a powerful social response. Indeed, by the previous statement it cannot be predicted that the presence of a population free from constraints, the outcome regarding the solution of this issue would have been different. However, this presence may have determined a more active response by the government on the matter.

CHAPTER V - Conclusions and Recommendations

In a vast territory like the Chinese one, where the population reaches almost 1,5 billion people, some issues like human trafficking are more commonly to happen. In fact, due to its big territorial extension, it is impossible for the government to have a full control of what happens inside the country. As a consequence of this aspect, in addition to gender, economic and social inequalities, created over the years, problems such human trafficking, managed to develop inside the Chinese society.

The past economic and social reforms did not reach equally every layer of the society, accentuating even more the gaps between the rich and the poor. Starting from the economic reform era, in the late '70s, China tried to put in action strategic measures that aimed at developing its domestic capabilities, reaching a higher level of productivity and opening the country to the international market; starting its path to a more modernized and western-like practices, in the economic field. However, the economic reforms adopted by the country, had as a side effect also the accentuation of the gap between the rural and the urban areas. This difference, led the growth of flux of migrants, who moved from the countryside to the city, looking for better life perspectives. The migration dimension, in addition to the features of the Chinese population and territory, have not allow the government to have a full control of their movement, determining in part, the spread of the human trafficking problem within the country.

Keeping this scenario in mind, this thesis was draft having as guideline the question “*Why is female trafficking still persistent in the modern Chinese society?*”. Therefore, in order to answer our problem formulation, this paper was drafted through the adoption of two specific theoretical perspectives, namely supply and demand and feminist theory; and the identification of some circumstances, which were divided in *root causes and secondary factors*.

Through the economic theory of supply and demand, it was possible to understand that, some of the factors are not merely responsible for the *supply* or the *demand*, as they can be found in both sides of the problem. The feminist perspective instead, was used to understand that human trafficking in China is also characterized by a gender dimension. Moreover, the dichotomy of two feminist perspectives, introduced in chapter III, served as foundation in understanding the presence of prostitution in society and the importance of the person's will, as a possibility to exclude some situations from the realm of human trafficking.

It is important to mention that the root causes, were identified as being: the OCP, the gender imbalanced society, poverty and inequality. The secondary factors instead, were characterized by the rise of the leftover women phenomenon, the division of power of the central government, a weak rule of law, corruption and a lack of a unitary response from both, the Chinese government and from external actors.

The points mentioned above, helped us understanding how the female trafficking in China is characterized. More precisely, the theories and the factors identified, were used as guiding lines to explore two types of exploitation, namely forced marriages and prostitution. Keeping in mind that, female trafficking is a branch of human trafficking and that the two issues cannot be seen as separated, when it comes to find a resolution for the problem, a unitary approach has to be adapted.

Despite the difficult task in eradicating these crimes, we understand that the measures taken by the different actors can be further developed. In fact, if we take a look at the demand side of female trafficking, we believe that a strong approach is necessary to be adopted, especially in the case of China. Therefore, China should adopt some of the following *recommendations*: For instance, when talking about situations of sexual exploitation as a form of prostitution and forced marriages, the buyers should be held accountable, in a stricter way. Another measure, could be the improvement of the Chinese legal system on the matter. The present law seems to incorporate different crimes under the spectrum of human trafficking. In this sense, China should develop a more elaborated and specific law regarding human trafficking, without incorporating other crimes such as abduction, kidnapping, purchasing, selling etc... The phenomenon of human trafficking is already a complex and sensitive topic to begin with, therefore it should have a clear and specific regulation.

Also, the cooperation in this field between China and other states, should be strengthened, so to have a higher control of the flux of people that every year are trafficked from one country to another. In order to achieve this goal, a specific security control should be put to the countries' borders, together with the sharing of the numbers of victims founded in the respectively territories. The different countries, also, should cooperate together with the aim of stopping the links that the networks of traffickers may have, from one country to another.

In relation to the work developed by the international organizations, it was possible to identify that there is a wide number of entities that focus on different aspects of human trafficking, such

as ILO for labour issues and UNICEF, which focuses more on children, among others. However, the diversified and disperse approaches provided by these actors, may also result in the difficulty of finding an effective solution to combat human trafficking. Therefore, a unified answer to the problem, should be sought.

Finally, if we focus on the sex exploitation purpose to which women are trafficked and taking into consideration what the feminist perspective taught us; improvements in relation to protect sex workers should be developed. In fact, if females are experiencing degrading life conditions and if they believe that prostitution can help them to escape such realities, more conditions to protect them should be implemented. Of course, we only agree with such option when it is not presented in a trafficking scenario, since in that case represents a violation of human rights and it does not consider the women's will.

Bearing in mind the information collected in order to draft this thesis and the remarks mentioned above, it is possible to assert that China has come a long way in order to develop and improve its policies to combat the human and female trafficking phenomenon. Nevertheless, still many are the efforts and improvements that have to be taken in to action according to our research. One of the main reasons that can be to blame is the fact that, China's fragmented authoritarianism led to a status of corruption that is preventing the governmental and the external actors measures to be efficiently implemented. The previous aspect, in addition to China's traditional male preference and economic gaps, still maintain this issue alive. In addition, another aspect that needs to be take in consideration is the females status. Indeed, Chinese women need to be empowered, in order to feel free from old practices and social stigmas. Hopefully, these conditions will help them to become more independent, breaking also the chains of their vulnerability to trafficking and society. In summary, considering everything that was described and later on analysed in this paper, we can assert that the phenomenon of female trafficking in China has a very deeply rooted gender dimension. From our perspective, the main factors that have contributed to this problem have been analysed in order to understand why in fact, female trafficking still remains a persistent problem in the country. Therefore, to conclude our paper we understand that this situation may not have an ending in the near future, but improvements can definitely be achieved by a serious commitment by the actors involved.

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