

FINAL RECOMMENDATIONS

China National Practitioners' Forum for VOT Reintegration Assistance

October 2010,
China Hotel, Shijiazhuang, Hebei, China

OVERVIEW

1. Introduction of Victim Protection in China
2. Background of Phase II Reintegration Practitioner Forum in China
3. Recommendations from Phase III Reintegration Practitioner Forum in China

PART I: INTRODUCTION OF VICTIM PROTECTION IN CHINA

1. Trafficking Situation in China

Human trafficking has been a serious social problem in past years in China. While MPS has made extensive efforts to combat the crime and strengthened international cooperation, the situation is still of great concern. From April 2009 until December 7th 2011, 16,137 cases of trafficking in women, 11,777 cases of trafficking in children have been cracked, 7,025 trafficking organizations busted, 9,007 suspects arrested, rescuing 18,518 children and 34,813 women. All of the 30 most-wanted trafficker suspects on MPS' Most-Wanted list have been arrested. 34,000 women and more than 18,000 children have been rescued, from which over 1,400 children have been reunited with their biological parents through the use of the DNA database.

2. Victim Protection in China

Policies and procedures for victim identification

In China, only women and children can be legally recognized as trafficked victims. Victims are generally found through police raids or via information provided by members of the public or shelter staff, though there are some victims who self-report to police. Victim identification is carried out by police officers, applying Articles 240 and 241 of the Criminal Law of the People's Republic of China (1997). Police also apply domestic victim identification guidelines.

Policies and procedures for shelters

With the support of other ministries and NGOs, the Ministry of Public Security (MPS) and Ministry of Civil Affairs (MCA) provide temporary relief, return and reintegration assistance to victims of trafficking. China has a total of 1,372 administration and relief shelters and over 200 Child Protection Centres located in cities across the country, which provide temporary support to trafficking victims. Shelter staff operate according to guidelines developed by the MCA which relate to receipt and care for trafficked victims and others in need, such as vagrants. In 2009, shelters across the country have provided relief services to over 12,000 trafficked women and children, some referred by police, while others were self-report.

Post-harm assistance

The government departments lead the reintegration and repatriation of trafficked victims. The rescue is led by the Ministry of Public Security, while the repatriation is led by the Ministry of Civil Affairs and the All China Women's

Federation. The Local Women's Federation and International non-government organizations also play important roles in their repatriation. Services such as education, medical treatment, livelihood training and psychological assistance are provided to victims of trafficking. In some areas, International NGOs and grassroots NGOs also provide skills training and microfinance opportunities.

Statistics on the number of victims repatriated from China are not widely available. One media report suggests that in 2009, 272 victims were repatriated from China to Myanmar.

Part II: BACKGROUND OF PHASE II REINTEGRATION PRACTITIONER FORUM – CHINA

The National Phase II Practitioner Forum for VOT (re)integration Phase II was held in Beijing in September 2010. This was facilitated and led by the All China Women's Federation. Approximately 40 members of the following departments attended the 2 day forum: ACWF, MCA, MPS, other government agencies, IOM, Unicef, Unifem, ILO, UNIAP, SC, WV, local shelter staff, social workers, the Local Women's Federation and researchers. The speakers included: MPS, ACWF, IOM and Unicef.

During the forum the main objectives were to generate a better understanding on the needs of victims of trafficking for effective (re)integration back into society. A review was conducted of the reintegration services provided to victims upon voluntary return by Government agencies, IOs, NGOs and community groups. Practical challenges and obstacles that prevented effective voluntary return and reintegration were identified and prioritized. Furthermore, a review of implementation of minimum standards & guidelines in (re)integration work were looked at, and strengths were identified, as well as areas for improvement. All relevant government policies, procedures, and practices, both formal and informal, and their effectiveness and impact on (re)integration of victims of trafficking were looked at. Finally, target populations for Phase III Research of COMMIT PPC-5 Regional Activity, "Region-wide Assessment of (Re)integration Assistance," were identified.

Part III: RECOMMENDATIONS

Final Recommendations from Forum practitioners and Policy Makers

Reintegration Services

- ❖ **Specific and targeted services for the protection for victims** should be emphasized more and elaborated on in the National Plan of Action
- ❖ The following **basic services** are necessary to ensure the needs of rescued women and children: (1) physiological assistance and rehabilitation, (2) repatriation within society and family, (3) education, vocational training and employment opportunities, (4) medical treatment, (5) financial support (6) follow up care and (7) privacy
- ❖ **Targeted services** should be provided to meet the physical, psychological and psycho-social needs of all victims, especially those who have been involved in forced prostitution or trafficked to a place without a legal identity or status
- ❖ **Good practices** of the reintegration of victims should be developed to provide better examples for implementation of services in the future

- ❖ Legal education should be provided to victims and their families
- ❖ Privacy for victims and their families should be guaranteed. Moreover, targeted services should be developed to protect the rights of the range of the diverse range of victims' identities, to protect their rights.
- ❖ Vocational training and education is essential and needs to be addressed
- ❖ More funding is required to provide sufficient reintegration assistance for rescued victims, especially for psychological professionals, consultancy and medical treatment.
- ❖ **More effective delivery and services** and should be provided in the shelters such as: specialized human resources should be employed such as social workers and psychologists, (1) instant action after receiving appeals for help from victims of trafficking, (2) basic services for victims while action is being taken, (3) ensuring that there is a domestic violence sector, (4) providing assistance for victims of forced labor and (4) improving the management of services to enable migrant children access to schools and kindergartens
- ❖ **More effective systems** need to be developed to discover trafficking cases and also to follow-up with victims rescued by the Bureau of Public Security, transited and returned to their home community by the Bureau of Civil Affairs.

Monitoring of Reintegration Services

- ❖ **Follow-up mechanisms should be developed**, especially victims who have been repatriated
- ❖ At a local level, **policies need to be put into practice**
- ❖ There needs to be more **standardized and systematic procedures** and guidelines to assist victims more efficiently
- ❖ **Interim guardianship administrative regulations and mechanisms** should be established. Procedures and support services should be developed and implemented
- ❖ **An obligatory reporting system should be built**, regulating delivery of trafficked children's guardianship services and transfers. Organizations and individuals should report immediately once cases of trafficking children are discovered. Interim guardianship mechanisms, procedures and support services should be developed and implemented

Inter-Agency Partnership during Reintegration

- ❖ **Local government agencies should work together** to ensure effective measures to strengthen anti-trafficking relief and reintegration assistance to victims of trafficking
- ❖ **An inter-ministry mechanism for supervision and monitoring should be developed** according to the National Anti-trafficking Action Plan.
- ❖ To provide **appropriate repatriation and reintegration services**, a consensus needs to be made among all departments, supported by further legislation.

- ❖ The **interdepartmental ministries should develop cohesive assessments** to gauge the needs of different types of victims and their families to ensure their protection prior to reintegration. For example, the Local Women's Federation could carry out an assessment to ensure its appropriate to return victims to their family, as well as identifying their psychological and medical needs, and subsequent vocational training according to assessed requirements

- ❖ Close **relationships should be established between different departments and agencies**, to put the following processes and systems into place:
 - Issue a comprehensive policy for establishing a cooperating system.
 - Clarify duties of leading department and other departments.
 - Establish cooperation and coordination mechanism.
 - Establish standardized and systematic assistance procedures
 - Establish individual files system.

- ❖ **Duties and services should be defined within each department** , such as:
 - All-China Women's Federation should (1) provide research, (2) be instrumental in relevant policy making, and (3) provide a receptive environment for rescued victims. The Local Women's Federation should carry out (1) promotion on anti-trafficking, (2) awareness raising campaigns (3) physiological direction, (4) relief, (5) application of minimum guarantee, (6) vocational training for the victims and (6) information regarding trafficking for families of the victims,
 - The national government should share information regarding rescued victims of trafficking and provide temporary protection and care
 - Within the local government, there should be (1) research on criminal motions and methods of trafficking, (2) more identification and prosecution of cases of trafficking and child labor, and (3) provision of shelter, accommodation and vocational training for victims of trafficking
 - The Research Centre should provide (1) legal aid, (2) medical consultancy, (3) litigations, (4) carry out relevant research and (5) provide suggestions on policy making

- ❖ A **joint notice should be issued in partnership** with the All-China Women's Federation, so that they inform the public security department of information for trafficking cases, and so that the public security department informs the Women's Federation of information of rescued women and children (achieved)