

The Top Order: The Top Rule of Law to Prevent and Severely Punish Women Trafficking

Xiangdong Liu¹ & Zijian Yu¹

¹ School of Law, Guangdong University of Technology, Guangzhou, Guangdong 510520

Correspondence: Xiangdong Liu, School of Law, Guangdong University of Technology, Guangzhou, Guangdong 510520.

doi: 10.56397/LE.2022.08.01

Abstract

Preventing and severely punishing women trafficking is the core demand of women's rights and interests protection in the current and future periods. The rampant crime of women's trafficking is a direct destruction of people's good life, and more seriously infringes on basic human rights, which is incompatible with the construction of China under the rule of law in the new era. Currently, China has multiple legislative and law enforcement shortcomings in preventing and severely punishing the trafficking and buying of women and children, and has downplayed the social triggers that trigger trafficking. Thus, it is necessary to re-examine the mechanisms that generate the trafficking phenomenon. The National People's Congress and its Standing Committee represent the interests and will of the people and should respond to the major social concerns of women's rights and interests protection. For this reason, the National People's Congress and its Standing Committee should perform their duties in accordance with the law and make the top-level design at the highest level, which will help enforce the above orders and strengthen the protection of citizens' rights and interests. To this end, the National People's Congress and its Standing Committee can shape the rule of law to prevent and severely punish women's abduction and trafficking by issuing the National People's Congress decisions, improving the legal system, strengthening legal supervision and eradicating the soil of crime.

Keywords: women's trafficking, women's rights and interests, prior prevention, rule of law mechanism

1. Introduction

Since the reform and opening up, the crime of abduction and trafficking in women has continued to occur frequently in China, and has been a cancer on the development of our society. In recent years, China has continued to improve the coordination and protection mechanism of anti-trafficking and anti-trafficking work, and has achieved good results (National Bureau of Statistics, 2016). In April 2021, the State Council issued the "China's Action Plan Against Human Trafficking (2021-2030)", pointing out that in view of the current and next stage of the serious domestic and foreign human trafficking crime situation, it is necessary to build a long-term mechanism of anti-trafficking work integrating prevention, combat, rescue, resettlement and rehabilitation. However, it is undeniable that at present, there are still multiple deficiencies in legislation and law enforcement in preventing and severely punishing the criminal act of abduction and trafficking of women in China, and also belittling the social triggers that trigger the act of abduction and trafficking. The National People's Congress (hereinafter referred to as the NPC) is the highest organ of state power, representing the people to enjoy the highest legislative power, the right to decide, appoint, dismiss and supervise. At present, women trafficking has become the focus of people's desire to achieve a better life, and the NPC and its Standing Committee should take the initiative to respond to society's major concerns. Based on this, the NPC and its Standing Committee, by performing their duties in accordance with the law, will promote the prevention and punishment of trafficking and buying of women from the top down, which can effectively achieve the formation of a synergy of the whole

society, promote the construction of a national anti-trafficking, anti-trafficking and anti-trafficking system, and completely eradicate the crime of trafficking through the top down, thus enhancing the confidence of the people in the birth of three children and showing the international community that China is determined to The image of China as a great country to carry out anti-trafficking governance.

2. The Current Prevention and Strict Punishment of Women's Trafficking Rule of Law Issues Review

2.1 Existing Legal Norms Emphasize Post-Event Relief and Disregard Ex-Ante Prevention

The rule of law is not only to grasp the end, cure the disease, but also to grasp the front end, cure the disease. Post-event relief cannot change the tragic fate of abductees, and it is difficult to eliminate the adverse social impact caused, so strengthening prevention beforehand is the key to solving the problem. However, the current relevant decisions, the Criminal Law, the Law on the Protection of Women's Rights and Interests and other legal norms revolve around the severe punishment of abduction and trafficking-related criminals, with the main emphasis on post-facto relief and the absence of preventive norms, to some extent underestimating the important role of preventive legislation in avoiding hidden risks and dealing with uncertainty. The Criminal Code provides for the crimes of trafficking and buying women and children, as well as obstructing the rescue of trafficked women, but it is important to notice that criminal law is the bottom line of the entire legal system, and much of it plays the role of punishing crimes, a sectoral law with a strong ex post relief character. On the other hand, the ex-ante preventive role of criminal law is mostly only reflected in the warning nature of the crime. Hence, criminals have a psychological deterrent, and its warning effect is difficult to measure. The relevant provisions of the Law on the Protection of Women's Rights and Interests also emphasize ex post relief. In contrast, the regulation of ex ante prevention only remains in a series of promotional provisions, i.e., only at the level of strengthening the propaganda of the rule of law and enhancing legal awareness, which to a certain extent makes ex ante prevention formalized, and only raises the propaganda of the rule of law for women in a vulnerable position with regard to trafficking. Its effect is limited to raising women's awareness of remedies after the fact, and cannot achieve the effect of eradicating abduction and trafficking.

From the current stage of judicial practice in China, the post-event relief is mainly reflected in two aspects, the first is to combat the criminal elements of trafficking in women, and the second is to implement relief protection for the trafficked women themselves. After the completion of the crime of trafficking, criminals usually with the help of their criminal associates in advance planning, using various means of disguise and hiding, so as to counteract the detection of the public security organs, resulting in their not being caught in a short period of time, but to lay a security risk for society. After being trafficked, women are usually cut off from the outside world and even threatened physically, so that their identity cannot be confirmed and it is difficult to provide relief for them. On the other hand, at this stage, China's investigation and relief means are still imperfect, and there are technical bottlenecks in combating criminals and finding abducted women after the fact. Based on the basic investigation means, through the issuance of wanted notices, notices and other publicity methods to combat criminals. In April 2022, the two high authorities issued the Circular on Urging Suspects of Crimes Related to Trafficking in Women and Children to Surrender (2022), with the intention of encouraging criminals to actively surrender by providing "punishment preferences", which proves that it is very difficult to provide remedies after the fact for such crimes as trafficking. Obviously, at this stage, there are difficulties in combating trafficking after the fact. The sorrowful fact that the effect of ex post facto relief is not effective for a long time, and that abduction and trafficking continue unabated, shows that the prevention of such crimes cannot be missing in the fight against them.

2.2 The Low Cost of Trafficking Crimes, Resulting in Weak Law Enforcement Awareness at the Grassroots Level

The low cost of crime is an important incentive for grassroots law enforcement to take the fight against women's abduction and trafficking lightly. Data released by the Supreme People's Court show that from 2010-2014, courts at all levels nationwide concluded a total of 7,719 cases of crimes of trafficking in women and children. However, the total number of criminal cases of trafficking in women and children filed by public security organs from 2010-2015 was as high as 79,796 cases (NSO National Data, 2022), a disproportionate ratio to the number of cases concluded by courts at all levels, reflecting the weakness of grassroots law enforcement forces and law enforcement awareness. When grassroots law enforcement forces are confronted with a huge total number and variety of crime cases within a limited period of time, it is difficult to consciously consider the crime of trafficking as a major case, and negligence in detection is unavoidable, exacerbating the vicious circle. Compared with other crimes that also infringe on the personal rights of citizens, trafficking crimes have lower sentences and lenient treatment is very common, while the maximum sentence for the crime of buying is only three years, and in practice there are also a large number of light, mitigating or even exempt from punishment. The lenient sentences have also led to questions from all walks of life about the reasonableness of the law, and there is no shortage of social opinion that "buying pandas is sentenced to 10 years, buying parrots is sentenced to 5 years, and buying women is only sentenced to 3 years. In the practice of grassroots trials, judges in some areas

for the purchase of trafficked women's crimes trial even blatantly contrary to the provisions of the law, rejected the abducted person sued for divorce, the verdict does not grant the divorce or even in the judgment expressly affirm the act of trafficking, alarming.

Data from the National Bureau of Statistics show that the number of cases of trafficking in women and children filed nationwide from 1995 to 2020 went through a process of rising, then falling, then rising and falling again (NSO National Data, 2022). The two high points of the number of cases filed were in 2000 and 2013, reaching 23,163 and 20,735 cases, respectively (Statistical Bureau of the People's Republic of China, 2001). Until 2020, the number of criminal cases of trafficking in women and children dropped to 3035 cases nationwide (Statistical Bureau of the People's Republic of China, 2014). If the effect of the treatment of abduction and trafficking continues to be good, the number of cases should show a continuous downward trend, but the statistics reflect otherwise (Statistical Bureau of the People's Republic of China, 2021). In 2009, the Standing of the National People's Congress amended and promulgated the Decision on Severe Punishment of Criminals who Kidnap Women and Children, and in 2010, the Opinions on Punishing Crimes of Trafficking in Women and Children in accordance with the Law, issued by the Two High Courts and Two Ministries. There is no doubt that the state is determined to crack down on trafficking, and it has issued decisions and normative documents to raise awareness of law enforcement against trafficking crimes at the grassroots level. However, it is noteworthy that if we link the two fluctuations in the statistics of cases filed with the three promulgations of central regulations, it is not difficult to deduce that "if the central government does not legislate, the grassroots will not act". In the final analysis, the grassroots are not aware of the law enforcement against trafficking and are highly dependent on the pressure of higher authorities to combat trafficking before carrying out relevant actions, which provides a breeding ground for criminals who commit trafficking and encourages them to break the law.

2.3 Underestimating the Role of Economic and Policy Factors in the Facilitation of Trafficking

Without buying and selling, there is no harm. The social control theory of Western criminology argues that people commit crimes because the social forces that inhibit or control people from committing crimes are weak. In other words, social factors can directly influence the ideological dynamics of criminals and are the breeding ground for criminal behavior (Wu, Zong-Hsien, 2013). Trafficking is difficult to eliminate, and it is also necessary to examine the generation mechanism of the phenomenon at the social level and clarify the role of socioeconomic and policy factors in contributing to trafficking.

First, the economic disparity between urban and rural areas breeds the idea of abduction and trafficking. Most of the areas where women and children are bought are economically underdeveloped remote mountainous areas and rural areas, and many people in these areas rely on bought daughters-in-law for generations, and the traditional concept of women as commodities that can be traded based on mutual consent is misaligned with the legal objectives. as a matter of course". For cities, many women in remote mountainous areas and rural areas choose to go out to work because they are dissatisfied with the economic backwardness of their areas, and this phenomenon of women's outflow provides opportunities for the criminal act of abducting and selling women to cities to meet the demand of women's marriage migration (Wang Qiliang, 2007).

Second, the serious imbalance in the ratio of men to women has indirectly fostered trafficking. In the era of strict family planning, many female babies were aborted or abandoned due to the patriarchal ideology, and "over-born girls" became the target of sale and purchase. According to statistics, there are 34.9 million more men than women in 2020, 980,000 more than the 2010 figure (Statistical Bureau of the People's Republic of China, 2021). The long-term imbalance in the ratio of men to women has led to a prominent problem of marriage for some men. Under the effect of multiple pressures such as difficulties in marriage and the immediate need for marriage, "buying a daughter-in-law" seems to be the optimal solution, which in turn has given rise to the trafficking industry chain, even extending to the "international market". In 1994, the sex ratio of male and female population in Vietnam was 95.47 (Sun Xiaoying & Li Bihua, 2006), while the sex ratio of male and female population in China was 104.51 in the same period (Statistical Bureau of the People's Republic of China, 1995), the imbalance of male to female ratio has led to the emergence of a market for the sale of women across the border.

Thirdly, the indulgence of the sky-rocketing bride price has become a disguised population sale. The act of the man paying property to the woman in a marriage is usually based on the traditional local marriage custom. However, the excessive imbalance in the ratio of men to women has given rise to the farce of overpriced bride price. In addition, the social competition of "the upper class pull up - the middle class follow - the bottom class squeeze", which is mainly based on the family's ability to pay (Wang Xiangyang, 2021), has led to the bride price often becoming a necessity for marriage. In addition, the bride price is different from the general unconditional gift, and usually the marriage relationship is established as a condition for the bride price. In practice, the bride price is often tens of millions of dollars, and the phenomenon of human lives is often reported. Although the Civil Code clearly "prohibits the solicitation of property through marriage," it is an advocacy

clause that does not specify the upper limit of the bride price, and some women's families have a serious comparison mentality, linking the level of bride price with the depth of love, and the large wedding banquet has caused an alarming trend. The "ban" clause exists in name only. For those who buy women, giving an overpriced bride price is essentially an act of paying to buy a daughter-in-law, which is a disguised sale of marriages and contradicts the prohibition of the Civil Code, which prohibits the arrangement and sale of marriages. Some young men can't afford to pay a bride price, so the practice of "buying a daughter-in-law" at a lower price is rampant.

3. The Value Rationality of the NPC and its Standing Committee in Preventing and Severely Punishing Women Trafficking

According to the Constitution and relevant laws, the NPC and its Standing Committee enjoy the supreme power of legislation, decision making, supervision, appointment and dismissal. The top-level design work of the NPC and its Standing Committee around the four basic powers will help the top to order the bottom, prompt other state organs and local grassroots departments to form a coordinated governance mechanism to prevent and severely punish women abduction and trafficking. Besides, the diplomatic effect of the NPC and its Standing Committee shows China's image as a great nation firmly committed to anti-trafficking governance to the international community.

3.1 The NPC and its Standing Committee have the Leading Power of Top-Level Design

The Fourth Plenary Session of the 18th CPC Central Committee pointed out that it is necessary to improve the institutional mechanism for the NPC with legislative power to lead the legislative work, and to play the leading role of the NPC and its Standing Committee in the legislative work (People's Daily, 2014). Legislative power and the power to decide on important matters are the main manifestation of the rule of law power of the NPC and its Standing Committee at the highest level, directly grasping the general direction of the top-level design and vertical implementation of the rule of law in the country. The NPC and its Standing Committee must rely on the exercise of the legislative power and the power to decide on important matters in order to construct a rule of law path to prevent and severely punish women's abduction and trafficking.

In terms of China's current legislative system, local people's congresses and their standing committees, local governments at all levels and other local state organs carry the functions of refining and implementing the central government's decisions and deployments, and are also given the corresponding legislative powers. However, the NPC and its Standing Committee play a coordinating and harmonizing role in China's legislative system in order to avoid disputes over the interests of various departments and local legislation and to ensure the overall coordination and unity of the legal system. The NPC and its Standing Committee make laws of the highest level of validity, any administrative regulations, departmental regulations and other subordinate laws can not contradict it. Based on this, the legislative power of the NPC is different from that of other state organs, which emphasizes the unified leadership of the central government over various undertakings, and the laws it enacts also determine how the legislative power of other state organs is exercised, forming the effect of legislative supervision from top to bottom. Compared to the legislative power, the decision-making power of the NPC and its Standing Committee has a supplementary and complementary role of power. The decision of the NPC and its Standing Committee on important matters, usually to express the will of the people and respond to social concerns in a timely manner, can authorize the State Council to enact administrative regulations on some matters, and where necessary, the NPC and its Standing Committee can exercise legislative power to carry out the top-level legal design and regulation of such important matters.

Based on this, the NPC and its Standing Committee, by exercising the highest level of rule of law power to exercise legislative and decisive powers to prevent and severely punish abduction and trafficking, can provide clearer guidelines for other state organs and local departments at all levels to carry out further governance in the top-level design of the prevention and relief of abduction and trafficking in women, and promote other state organs and local governments at all levels, local people's congresses and their standing committees. The legal system for strictly punishing and preventing abduction and trafficking is constructed by formulating subordinate laws according to the differences in functions and practices.

3.2 The NPC and its Standing Committee Urge Other state Organs to Perform Their Duties and Responsibilities Through the Exercise of Their Powers and Functions

The scientific allocation of state power and the construction of a rationalized modern government are the core topics of China's national governance capacity building (Zhang Xiang, 2018). The relationship between the NPC and its Standing Committee and various state organs is an important relationship to be adjusted for the configuration of state power, and the supervisory power and the power of appointment and dismissal of the NPC and its Standing Committee are important powers to adjust this relationship.

The NPC and its Standing Committee regularly exercise their supervisory powers through inquiries and

questioning, reviewing the annual reports of various functional departments, and exercising their power of appointment and removal to make disciplinary decisions such as removal of staff members of state organs who are ineffective in governance. By exercising its power of supervision and power of appointment and removal, the NPC and its Standing Committee urge other state organs to perform their duties and responsibilities to ensure that the top-level design is put in place. Among them, the right of questioning is an exclusive form of supervision of the NPC and its Standing Committee, which implies the correction and reproach of the work of state organs and their staff, and is a rigid supervision method with “impeachment nature” (Hu Xiaohua & Xie Zhonghua, 2012). In terms of jurisprudence, the constitutional basis of this supervisory power stems from the people’s democratic system, i.e., the important constitutional power granted by the state to the people. Based on this, the NPC and its Standing Committee’s supervisory power entrusted to the people, it must be accountable to the people, otherwise it can be seen as the state’s public power to the people’s “inaction”, contrary to the credibility of the state power organs to the people. The NPC and its Standing Committee supervise the work of state organs through inquiries and questions, in fact, fully combine the people’s mastery and the comprehensive rule of law, highlighting the value of socialist democratic politics and democratic rule of law rationality.

The National People’s Congress and its Standing Committee to further improve the prevention and punishment of trafficking in relevant laws or normative documents, meaning that the prevention and punishment of trafficking in legal procedures to rise to the national will. Based on the supervision power of the NPC and its Standing Committee, all organs and departments from top to bottom of the country must effectively implement the top-level design of the NPC to become the focus of the work of state organs at all levels, to delineate specific areas of work, work powers and tasks, around the national will to carry out legislation, law enforcement and justice, naturally transformed into the next work plan of conscious action, thus forming a top-down prevention and the top-down formation of a concerted governance mechanism to prevent and severely punish abduction and trafficking.

3.3 Demonstrating to the International Community the Chinese Government’s Firm Stance in Combating Human Trafficking Crimes

Since the reform and opening up, the NPC news has carried the task of presenting the process of Chinese civilization and the image of modern China to the world, and is a hot spot for foreign media to report, forming a significant diplomatic effect (Chen Peng, 2010). Although China has long insisted on combating the crime of human trafficking and achieved certain results, the lack of top-level design of the rule of law and the lack of crackdown have easily aroused the international community’s public opinion and reproach on the construction of human rights protection in China. Since 2008, the General Office of the State Council has been issuing the “China Action Plan against Human Trafficking”, which is comprehensive but advocacy in nature, and is only a normative document of the State Council, not a law enacted by the National People’s Congress and its Standing Committee. since 1995, the number of criminal cases of trafficking in women and children in China has remained at over 2,000, or even tens of thousands, each year (NSO National Data, 2021), is even the most frequent country of human trafficking crimes in East Asia and the Pacific Rim.

For this reason, the NPC and its Standing Committee need to demonstrate to the international community, on behalf of the Chinese government, its firm stance and responsibility to uphold human rights and achieve justice. Specifically, the NPC and its Standing Committee need to address the problem of human trafficking to the maximum extent possible with a responsible attitude, sensitive early warning and effective response, and show the international community its determination to combat domestic human trafficking by improving its top-level design, so as to participate more firmly and forcefully in the international governance of human trafficking and fully demonstrate the credibility of China’s building a state and government based on the rule of law. In the opposite direction, if the NPC and its Standing Committee elevate the prevention and severe punishment of women trafficking into national will through legal procedures, and strengthen the coordination and improvement of the relevant legal system, it will undoubtedly demonstrate to the international community the Chinese government’s resolute position in developing the cause of human rights and protecting the basic rights of its citizens, and its responsibility to promote the building of a community of human destiny.

4. The National People’s Congress and Its Standing Committee to Construct the Rule of Law to Prevent and Severely Punish Women’s Abduction and Trafficking Progress

4.1 The introduction of the National People’s Congress Decision to Form a Roadmap to Combat Trafficking

The NPC and its Standing Committee not only embody the will of the state and the people, but also vertically grasp the lifeline of the construction of the rule of law mechanism, which is directly related to the process of modernization and rule of law of national governance. With its concise sessions and compact agenda, the NPC can introduce and structure the content of the NPC’s decision to prevent and severely punish abduction and trafficking at a macro level, thus providing overall guidance for the work of other state organs.

First, the decision should affirm China's basic position against trafficking. The NPC should respond positively and appropriately to the current stage of governance of the crime of trafficking in China, and make clear that the Chinese government will include opposition to trafficking in the normalization of the rule of law and become an important part of the work to promote the realization of the modernization of the national governance system and governance capacity.

Second, the main content of the decision should be fully integrated into the basic principles and concepts. The basic principles, spirit and philosophy of prevention beforehand, supervision after the fact, and severe punishment after the fact are fully reflected in the content of the decision. The decision should not only emphasize the severe punishment afterwards, but also emphasize the important elements of prevention and supervision beforehand, and fill the legal gaps in the prevention and supervision of combating and managing abduction and trafficking in China at the macro level.

Third, establish a sound incentive mechanism for the birth of girls. The National People's Congress (NPC) should explicitly reverse the preference for men over women in legislation, advocate a social culture of equality between men and women, encourage and protect childbirth, and actively reverse the current trend of difficulty in marriage due to the large number of men and few women. Fourth, the establishment of an annual report system for the protection of the rights and interests of women, children and other vulnerable groups, the NPC Social Construction Committee to collate the relevant information submitted by the "one government and two chambers" and then report, and accept the NPC and its Standing Committee to raise questions and queries. Five is to clarify the object and matter of authorization. The decision should leave sufficient room for authorization, the NPC Standing Committee and other state organs can be based on the guiding spirit of the decision to formulate and improve relevant laws and regulations, to ensure that each state organ can formulate the lower law according to the working practice, so that the top-down formation of a collaborative governance situation.

4.2 Further Improve the Legal System to Prevent and Severely Punish Abduction and Trafficking

The complete legal system is a systematic organism formed by the classification and combination of legal departments. Within each legal department, a tight structure composed of basic laws and their supporting series of regulations and implementation rules should be formed (Zhang Wenxian, 2018). The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and other relevant state organs can, according to the top-level design of the NPC and its Standing Committee, formulate special legislation and supporting implementation rules to further improve the legal system for preventing and severely punishing abduction and trafficking.

First, specifically enact laws to prevent and severely punish abduction and trafficking. Specialized legislation to reflect the strong will and firm determination of the State to protect the rights and interests of women and children, and to enhance the attention of local authorities and all sectors of society. The Law of the People's Republic of China Against Human Trafficking and Trafficking in Persons shall be specially enacted by the Standing Committee of the National People's Congress, and the Ministry of Public Security, the Supreme People's Procuratorate and other authorities shall jointly formulate implementation rules to guide local authorities in law enforcement practices and provide clear guidance and direction to various departments and local legislation. For example, authorities at all levels are required to investigate violations of women's and children's rights and interests and report them to the public security authorities in a timely manner, taking advantage of the different functions of each authority. In this regard, it is required to pass different sectoral legislation to form a set of multi-sectoral collaborative governance legal system, to distinguish the role of different functional organs in the prevention of trafficking in women beforehand and relief afterwards, and to clarify the legal responsibility for inaction, and to make anti-trafficking measures such as mandatory investigation and reporting a legal obligation of different organs.

Second, increase the prison terms for trafficking and buying, clearly stipulate that the same crime and punishment for buying and selling and the prudent use of probation. In the social ecology of "women are worse than pandas and parrots", it has become a national consensus to increase penalties. The act of buying trafficked women and children essentially plays the role of "selling" the criminal act of trafficking in women and children, which is comparable to the degree of harm to society in the case of trafficking in women and children (Tong Yanshi, 2016). After buying women and children, the buyer will illegally detain them, rape them, force them to engage in prostitution and other illegal activities, and give great physical and mental destruction to women and children, obviously the maximum sentence of three years of imprisonment is contrary to the principle of adaptation of crime and punishment, and in practice, the boundary between one crime and several crimes for this type of behavior is unclear, which can easily lead to misjudgment. Based on this, to increase the sentence in order to achieve the same punishment for the same crime, become the way to punish criminals after the fact, in the whole society to produce a better deterrent effect.

4.3 Strengthen Legal Supervision to Enhance Grassroots Law Enforcement

After the NPC and its Standing Committee to improve the top-level design to prevent and severely punish abduction and trafficking, its role in the local people's congresses and their standing committees at all levels is the legal supervision function, thus affecting the grassroots law enforcement efforts on abduction and trafficking. In other words, whether the NPC and its Standing Committee can strengthen grassroots governance from the top-level design, and whether local people's congresses and their standing committees at all levels can efficiently implement the top-level design of the NPC and its Standing Committee is an important criterion for the strength of grassroots law enforcement.

First, the "anti-trafficking" governance into the performance assessment of grassroots cadres. "Therefore, it is suggested that the assessment system of multiple indicators should include combating abduction and trafficking crimes as an important work indicator, so as to guide grassroots cadres to establish the focus of combating, consciously establish the awareness of anti-trafficking, and pay attention to the prevention and relief of abduction and trafficking crimes. Prevention beforehand and relief afterwards. At the same time, the commendation of the fight against trafficking crimes can be increased and used as an important reference for the promotion of cadres. Grass-roots cadres are an important subject in the source management of abduction and trafficking, and they should give full play to the effect of their work on the prior prevention of abduction and trafficking, form a grass-roots community-based group prevention and treatment system and a network to prevent abduction and trafficking crimes, give full play to the advantages of big data information technology, deepen the grid management of women and children, especially those left behind, and make the "anti-trafficking" level as the national civilized city evaluation index. Similarly, for women and children who have been abducted and rescued, grassroots cadres should fully implement their rescue and rehabilitation and provide them with the necessary social security'."

Second, the establishment of a special accountability mechanism for grassroots governance. Provincial governments are responsible for coordinating the "anti-trafficking" law enforcement in their jurisdictions, and set reasonable deadlines based on the actual jurisdictions, requiring cities, counties, townships and towns to rectify and clean up human trafficking incidents, so that the responsibility is implemented to the person, the rectification is completed and exempt from accountability, and if there is a reoccurrence of human trafficking incidents before the investigation is strictly accountable. Grassroots governance requires not only top-down supervision and accountability, but also bottom-up supervision and feedback. The grassroots people should have the feedback channel of anti-trafficking, both to provide the necessary information about the abduction and trafficking in society, play the role of citizen participation in anti-trafficking governance, but also to report and feedback on whether the grassroots cadres are inactive and disorderly, from the perspective of the masses to eliminate the formalization and bureaucratization of grassroots anti-trafficking governance.

4.4 Eradicate the Social Soil of Abduction and Trafficking

From a social and cultural perspective, it is easy to see that the phenomenon of "buying wives", the economic disparity between urban and rural areas, the gender imbalance of external factors and distorted ideology internal factors, and the formation of rampant trafficking in social soil. The top-level design of the NPC and its Standing Committee is implemented at the grassroots level through the top order, and it is necessary to eradicate the social soil of trafficking and create a clean social atmosphere, so as to provide social security for the NPC and its Standing Committee to implement the top order.

First, broaden the channels of marriage and match, and solve the immediate needs of marriage and childbirth. Local governments should consider solving the problem of "difficulty in marrying a wife" in rural areas as an important task of the rural revitalization strategy, and put the overall solution of "difficulty in marrying a wife" on the same footing as economic and social development issues. Local governments should allocate annual special funds to enable labor, youth and women's organizations to cooperate with dating platforms such as JenAi to provide free emotional counseling and training services for older young men in remote mountainous areas and low incomes, and to promote grassroots governance by considering the establishment of dating platforms between communities, villages (dwellings) and villages (dwellings), townships and counties to broaden communication channels between marriageable men and women and facilitate normal marriage and reduce the "buyer demand" for trafficking.

Second, to promote the change of customs and curb the corrupt bride price culture. Based on the different marriage customs in different regions, it is obvious that it is not feasible to curb the problem of corrupt bride price from the advocative provisions of top-level legislation. So it is suggested that the Standing Committee of the National People's Congress authorize provinces and cities with prominent problems of corrupt bride price to conduct pilot projects. For example, if the woman is a rural resident and claims that the bride price exceeds four times the per capita disposable income of rural residents in the local prefecture-level city, or if the woman is an urban resident and claims that the bride price exceeds four times the per capita disposable income of urban residents in the local prefecture-level city, it can be considered as a high bride price or even as a sale of marriage

and be punished as such.

Third, strengthen the popularization of law education in remote mountainous areas and reverse the concept of “buying a wife for a reason”. Labor, youth and women, other party organizations, and professional organizations such as lawyers’ associations and social work associations are important legal education subjects in remote mountainous areas. Legal aid teams should be allowed to reach out to mountainous areas to jointly promote the concept of marriage in line with core socialist values. Compulsory legal literacy can be carried out according to local conditions, for example, newlywed couples must receive legal literacy education on the protection of women’s and children’s rights and interests before registering their marriage, which can also create a rule-of-law atmosphere in the area by leading from the point of view while improving the rule-of-law concept of both spouses.

5. Conclusion

The NPC and its Standing Committee have the highest legal authority in China and play the legal responsibility of top-level design, which can play the effect of the rule of law from above. The NPC and its Standing Committee at the highest level to design, coordinate and promote the prevention and severe punishment of trafficking in women, can produce positive results across the country, strengthening the legitimate rights and interests of citizens to protect the rule of law. In depth, the increasingly rampant criminal activities of women abduction and trafficking not only cause the tragic fate of the abductees, but also create a bad social impact, directly stabbing the public nerve, causing major social concerns. The NPC and its Standing Committee must respond to the general consensus and constant desire of all people, and better promote the development of human rights in China in grasping the national mechanism for the operation of the rule of law. The top-level design of the NPC and its Standing Committee will help build a top-down rule of law path of “NPC - state organs - grassroots departments - society as a whole” in preventing and severely punishing women’s abduction and trafficking, forming the institutional synergy of legislation, law enforcement, justice and law-abiding to completely eradicate the crime of abduction and trafficking.

Fund Project

This paper is the result of the research project of the Ministry of Justice for Rule of Law Construction and Legal Theory Research in 2021, “Administrative Regulations for Local Practice of Social Credit System Construction” (Project No. 21SFB4029)

References

- National Bureau of Statistics. (2016). Mid-term statistical monitoring report of the China Women’s Development Program (2011-2020). China Information News, (002).
- Notice of the General Office of the State Council on the Issuance of China’s Action Plan Against Human Trafficking (2021-2030). Bulletin of the State Council of the People’s Republic of China, 2021(14), pp. 16-26.
- Supreme People’s Court informs about punishing crimes of trafficking in women and children. <https://www.court.gov.cn/zixun-xiangqing-13550.html>. [2015-02-28/2022-05-01].
- NSO National Data. <https://data.stats.gov.cn/easyquery.htm?cn=C01&zbs=A0S0B&sj=2021>. [2022-05-01].
- Statistical Bureau of the People’s Republic of China. (2001). *China Statistical Yearbook*. Beijing: China Statistics Press.
- Statistical Bureau of the People’s Republic of China. (2014). *China Statistical Yearbook*. Beijing: China Statistics Press.
- Statistical Bureau of the People’s Republic of China. (2021). *China Statistical Yearbook*. Beijing: China Statistics Press.
- Wu, Zong-Hsien. (2013). A review of Hirsch’s social control theory. *Juvenile Crime Prevention Research*, (06), pp. 76-88.
- Wang Qiliang. (2007). Why does formal social control fail?—A field investigation of women trafficking in Ping County, Yunnan. *Journal of China Agricultural University (Social Science Edition)*, 02, pp. 78-90.
- Sun Xiaoying, Li Bihua. (2006). Research report on opposition to cross-border trafficking of Vietnamese women and children. *Southeast Asia*, 12, pp. 28-39.
- Statistical Bureau of the People’s Republic of China. (1995). *China Statistical Yearbook*. Beijing: China Statistics Press.
- Wang Xiangyang. (2021). The mechanism of the current “sky-high bride price” in rural areas of China and its

- governance. *Journal of Southwestern University (Social Science Edition)*, 47(05), pp. 37-46+223-224.
- What powers the NPC and its Standing Committee have. Retrieved from http://www.npc.gov.cn/zgrdw/npc/sjb/2012-03/06/content_1701291.htm. [2012-03-06/2022-05-01].
- The Fourth Plenary Session of the 18th CPC Central Committee held in Beijing. *People's Daily*, 2014-10-24(001).
- Zhang Xiang. (2018). A functionalist interpretation of the principle of state power allocation in China. *Chinese and Foreign Law*, 30(02), pp. 281-303.
- Hu Xiaohua, Xie Zhonghua. (2012). The reflection on the improvement of the legal regulation of the right of questioning by the NPC in China. *Hunan Forum*, 25(01), pp. 101-108.
- Chen Peng. (2010). On the international communication of NPC News. *Journal of Sichuan University (Philosophy and Social Science Edition)*, 03, pp. 16-20.
- Zhang Wenxian. (2018). *Jurisprudence Fifth Edition*. Beijing: Higher Education Press, 07, p. 100.
- Tong Yanshi. (2016). *Research on the crime of trafficking in women and children*. University of International Business and Economics.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).