Cooperative guardian offenders and sentencing outcomes: Evidence from criminal sentencing documents of child trafficking crime in China

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A B S T R A C T

Background: Studies have revealed that guardians who sold their children for profit comprise the majority of child traffickers in China. Although sentencing disparity has been a focal topic in judicial studies, few scholars have investigated the influence of the guardian relationship on criminal sentencing for child trafficking.
Objective: The current study sought a better understanding of sentencing practices on child traffickers in China, focusing on the effects of the victim–offender relationship (VOR) and post-crime attitudes (PCAs) on sentencing outcomes.
Participants and setting: We retrieved all available sentencing documents related to "the trafficking of children" during the 2014–2016 period from China Judgments Online. The analytic dataset contained 844 child traffickers who were sentenced to a fixed term imprisonment.
Methods: A joint logistic and zero-truncated Poisson regression model was used to explore the main and interaction effects of VOR and PCAs on sentencing outcomes.
Results: Guardian offenders received sentences that were 12% shorter than those of non-guardians and were more likely to be given 60-month sentences, which is the minimum of the first statutory sentencing range. Guardian offenders who voluntarily surrendered also had a much higher chance of probation. The odds ratio of receiving probation for guardian offenders who surrendered was approximately three times higher than that of non-guardian offenders who did not surrender. Surrendering also reduced the sentence length of guardian offenders by 22%.
Conclusions: Shorter sentences and a higher chance of probation suggest that the Chinese judicial system considers child trafficking crimes involving guardians to be low harm offenses that pose little danger to society. However, this practice of leniency for cooperative guardian offenders offers offenders pragmatic ways to avoid incarceration, and does not help to solve the problems of guardian offenders who really want to give up custody of their children.

1. Introduction

Child trafficking constitutes a crime against humanity and has caught the attention of lawmakers, researchers, and the general

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public (Ren, 2004; Wang et al., 2018; Xia, 1989). Selling women and children as slaves has been a legal practice in Chinese history, such as during the Tang (AD 618–AD 907) and Song (AD 960–AD 1279) dynasties, but the trafficking of non-slaves by means of abduction, violence, coercion, and fraud was strictly prohibited and severely punished (Ma, 1997). The selling of a person was banned and criminalized in 1912, regardless of the means of effecting the sale (Yang, 2006). After the establishment of the People's Republic of China (PRC) in 1949, there was a period of almost three decades during which no trafficking crimes were recorded, partly due to the government's strict control of migration and population movements (Yang, 2006) and the severe punishments imposed on offenders (Chu, 1996). However, with the implementation of the one-child policy in the late 1970s, the crime of child trafficking reemerged and ran rampant (Li, 2000; Wang, 1992, 139–142; Yuan & Yang, 2001; Zhang, 2006), with victims taken away from their homes and sold for illegal adoption, forced begging, sexual abuse, or other exploitive purposes (Chen, 2000; Lin, 2015; Liu, 2010).

Due to very limited information availability, research findings on the magnitude of child trafficking in China have been mixed. For instance, based on information obtained from missing child websites, Li et al. (2018) estimated that the number of children trafficked each year increased from less than 50 in the early 1980s to nearly 400 in 1994, before decreasing to a stable level of around 250 after 2002 (Li et al., 2018). Drawing on official statistics from government reports and police records, Ren (2004) reported that there were 10,768 children trafficked nationwide from 1980 to 2000, which equates to approximately 500 children per year (Ren, 2004). These figures are quite consistent with a report released by the National Bureau of Statistics of China, which stated that there were 618 child trafficking cases detected in 2016 (National Bureau of Statistics of China, 2017). However, a nationwide 3-year (April 09, 2009 to March 14, 2011) police crackdown on child abduction and trafficking uncovered 7867 cases of child trafficking and rescued 13,284 children in China (State Council of the People's Republic of China, 2011). A likely reason for the huge discrepancy in estimates based on missing child websites or official statistics on the one hand and the number of uncovered cases on the other is that, compared to official statistics and the number of uncovered cases, the cases reported on missing child websites might be subject to self-selection bias because they include only children who have gone missing or been abducted (Li et al., 2018). Many cases uncovered by the police crackdown involved children sold by their parents, and would thus be absent from missing child websites and official statistics (Xin & Cai, 2018).

The scholarly literature on child trafficking has concentrated on criminal conduct and its patterns and consequences (Patterson & Zhuo, 2018; Wang et al., 2018) and on sentencing and circumstances (Xing et al., 2017). Scholars have explored the effects on sentencing of the severity of the crime, the damage caused, the means of criminal conduct, and extra-legal factors for multiple types of crime (Liebman, 2014; Lu & Kelly, 2008; Ulmer, 2012). However, the victim–offender relationship (VOR) and post-crime attitude (PCA) have been neglected in studies of sentencing for child trafficking offenders.

The pilot study reported on here used child trafficking sentencing documents to explore the effects of the VOR and PCA on criminal sentencing in China. Although the VOR has not been recognized as a potential influence on sentencing outcomes in many countries, several studies have reported that a pre-crime VOR, such as when a rape offender is a non-stranger or intimate partner of the victim, is associated with a higher chance of receiving a lenient punishment for a violent offense (Dawson, 2003; Miethe, 1987; Patrick & Marsh, 2011; Spohn et al., 2001). One hypothesis to explain this finding is that a pre-existing relationship, such as that between intimate partners, might compromise the credibility of the victim's testimony, especially when there is no witness or a lack of adequate evidence, and this can result in the decriminalization of the offenses of non-strangers (Rollwagen & Jacob, 2018; Spohn & Holleran, 2001). Non-stranger offenders also tend to be more cooperative than strangers, which indirectly contributes to lenient penalties. However, these speculations may not apply to crimes like child trafficking. Unlike victims of non-stranger offenders in other violent cases, a remarkable proportion of child trafficking victims are sold by their parents or guardians (Wang et al., 2018). The mechanism by which non-stranger offenders receive more lenient punishments in child trafficking cases may therefore differ from that of violent offenses. Moreover, in a child trafficking case, a cooperative guardian can gain a leniency that is disproportionate to that of cooperative offenders with other types of VOR, which may further reinforce the indirect effect of post-crime cooperation.

To fill the knowledge gap in this area, this study scrutinized the sentencing patterns of child trafficking cases from 2014 to 2016 with a focus on the effect of the perpetrator having been a guardian of the victim, which is not uncommon in China. The effect of PCA was also evaluated. The remainder of this paper is organized as follows. Section 2 introduces the statutes and judicial dispositions related to child trafficking and summarizes the relevant studies on VOR and PCA. Details of the coding and statistical models are given in Section 3, followed by the results and a discussion of the key findings in Section 4. The paper ends with a brief conclusion and possible avenues for implementation.

2. Background

2.1. One-child policy, child trafficking, and adoption in China

Many studies have noted that the flourishing market for child trafficking is fostered by the high demand for adoption that cannot be satisfied or is encumbered by the lengthy adoption process, coupled with the one-child policy and the traditional culture of son-preference (Chen et al., 2015; Johnson, 2002; Johnson et al., 1998; Lid et al., 2004; Xin & Cai, 2018). Family surnames are inherited from father to son in China's patrilineal system, and for almost three decades most Chinese couples were only allowed to have one child under the recently revoked one-child policy. Many Chinese couples want to have a son or at least a child to continue their lineage, which cultivates a large demand for adoption.

However, the bar for legal adoption in China is set relatively high: until 2014, for example, only healthy childless singles or couples over 30 years old with the capability to raise and educate the adoptee were eligible to be adopters (Article 6 of the 1998 Adoption Law; Article 1098 of the Civic Code). Although the requirements were amended and relaxed in 2014, legal adoption is still not a feasible

option for many prospective parents. Besides the lengthy process of legal adoption, a large proportion of the children taken in by state orphanages or foster care who are available for legal adoption are disabled (Johnson et al., 1998). Adoptive parents may consider themselves lucky to find a healthy child (especially a boy) available for adoption. In addition, the social welfare system is far from being effective to provide service for the needs of families with disabled children (Shang, 2008; Shang & Fisher, 2014). Prospective parents know they will have to rely on their own resources to care for a disabled child should they decide to adopt. Many prospective parents therefore turn to the black market to fulfill their needs (Shen et al., 2013).

Meanwhile, biological parents are not allowed to give up their child unless they are unable to raise the child due to unusual difficulties, and obtaining official recognition of such hardship is practically difficult because of its vague definition (Ministry of Civil Affairs, 2014; Zhang, 2014). A couple might choose to sell their child if they wanted a boy but their first child is a girl, or they cannot afford the heavy sanction to keep a second child born in breach of the one-child policy, or simply for profit (Shen et al., 2013). Thus, the black market for private adoption is mainly a result of the one-child policy, the traditional culture of son-preference, poverty, the barriers to legal adoption, and the insufficient supply of legal adoptees (Ren, 2004; Shen et al., 2013; Tao, 2017; Wang, 2015a, b; Xing et al., 2017).

In response to a public outcry for stricter law enforcement against child trafficking, the Chinese government has conducted multiple campaigns and police crackdowns since the 1990s (Xing et al., 2017). Although the number of uncovered cases and rescued victims has declined in recent years, the effectiveness of these initiatives for deterring the crime has been questioned (Xing, 2017). The Ministry of Public Security (MPS) established a DNA database of missing children in 2009 and in 2016 built an official channel—Tuanyuan, an emergency response system similar to AMBER Alert—for tip-offs and for the release of missing child information. At the beginning of 2021, the MPS launched the 10-year Reunion campaign, which aims to resolve cold cases and rescue abductees who have been reported missing as far back as 1978 (Li, 2021). Recently, a deputy of the National People's Congress proposed a series of measures to protect children from trafficking risks, such as raising the minimum sentence and building a traceable system for newborn babies with DNA information and fingerprints, which have won a large amount of support on the Internet (Yan, 2021).

Rescued children are usually placed in state orphanages while the authorities try to find their parents through reported missing cases and the DNA database (Wang, 2015a, 2015b). However, if no matches are found within 12 months, these children become eligible for adoption. Theoretically, the rescued children can be returned to the parents who sold them if the parents have not been arrested and prosecuted. The legal custody granted by the court or recognized governmental entity before the rescue can be kept by the adoptive parents if the victim was sold or purposely abandoned by his/her guardians (Li et al., 2013; Wang, 2015a, 2015b). In reality, many rescued children remain in state orphanages or foster care for many years because their parents who sold them often do not claim their own children to escape punishment or the burden of raising them (Lan, 2014).

2.2. Statutes and judicial disposition related to child trafficking offenses in China

As stipulated in Article 240 of the Chinese Criminal Law (CL), anyone who abducts or transports a child for the purpose of sale shall be convicted of child trafficking. The offense can be constituted by abducting, kidnapping, buying, transporting, or selling a child for gain. There are major differences between the definitions of child trafficking in international and Chinese legal frameworks, in their purpose, action, and age limit. For instance, the Palermo Protocols adopted by the United Nations protect anyone who is under 18 years old, whereas teenagers above 14 years old are excluded by Article 240 of the CL. More importantly, the purpose of selling is the focal point of Article 240 of the CL, with actions such as abduction and kidnapping constituting aggravating circumstances (Shen, 2016). In contrast, the Palermo Protocols focus on exploitation in a broader fashion, including sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, and the removal of organs (Gallagher, 2010).

In addition to the social campaigns targeting the trafficking of women and children, China's four major criminal justice organs—the Ministry of Public Security, Supreme People's Procuratorate, Supreme People's Court, and Ministry of Justice—have issued a series of judicial interpretations and regulations for the disposition of sentencing in child trafficking cases since the 1990s (SPC et al., 2010; SPC et al., 2011; SPC, 2016a). A joint interpretation issued by the four organs in 2010 emphasized that the crucial difference between child trafficking committed by parents and private adoption is that the former is characterized by intentionality: for example, when guardians sell their children for an unreasonably large "nutrition fee" or "appreciation" (SPC et al., 2010). Although neither the CL nor the judicial interpretations provide a clear quantification of an "unreasonably large amount," in practice, parents and other caregivers can be convicted of child trafficking if they have received ten thousand yuan (approximately USD 1500) or more and have not conducted a proper investigation of the prospective buyers (Jiang & Sánchez-Barricarte, 2013; Wang, 2015a, 2015b; Xin & Cai, 2018).

According to the CL, the basic punishment for a convicted offender can range from a 5- to 10-year fixed-term imprisonment (FTI) if there are fewer than three victims and no aggravating factors, such as leading a criminal group, trafficking more than three victims, kidnapping with violence or coercion, stealing a baby or infant, causing serious injury or death, and international trafficking. Any of these circumstances can elevate the punishment to an FTI of 10 to 15 years or life imprisonment. The death penalty is rarely applied unless the crime is extremely severe. General mitigating circumstances acknowledged by the CL, such as confession, surrender, remorse, meritorious service, or returning the proceeds of the crime, can reduce the level of severity, which in turn may result in a lenient punishment. During counter-trafficking campaigns, timely surrender is encouraged in exchange for lenient punishment (SPC et al., 2011). For example, a special notice was issued during the 2009 counter-trafficking campaign that urged child traffickers to surrender before March 2011 or to receive a harsher punishment once they were caught. Offenders who did not abuse or mistreat the victims and those who provide assistance in rescue operations may also receive leniency (SPC et al., 2010). If aggravating and mitigating factors coexist, besides a holistic evaluation of the offense, including the harmful consequences, means of commission, number of victims, subjective culpability, dangerousness, and risk of recidivism, the prevalence of the crime and the level of public

safety must also be taken into consideration when deciding on a sentence (SPC, 2010).

In addition to the CL and judicial interpretations, the SPC published the details of exemplary child trafficking cases after the 2009 campaign to regulate the sentencing practices of subordinate courts for judges facing irresolute circumstances that were not enumerated in judicial documents (SPC, 2010, 2011, 2012, 2015, 2017). Four of these published exemplary cases involved guardian traffickers, in which the primary determinant of sentence length appears to be the number of victims. Cases with one trafficking victim resulted in 3- and 5-year FTIs for the traffickers (see the cases of *Wu* and *Guan* and *Yu* for details), whereas a case with three victims led to 10 years of incarceration for the offender (see the offenses of *Xing*). However, the role of circumstances such as a confession, surrender, or remorse remains unclear. For instance, in the cases of *Wu* (2015) and *Yu* (2017), Wu confessed and Yu did not, but both received a 5-year FTI. In the case of *Wu* and *Guan* (2012), the judge granted a reprieved FTI because the offenders cooperated with the police during the rescue operation and did not cause serious physical harm to the victims. The lenient sentence given to the convicted couple in this case was probably due to their cooperation, as most of the victims in the four exemplary cases were voluntarily adopted by their buyers and physical injuries were rare. Nonetheless, very little scholarly attention has been paid to the effect on sentencing of post-crime cooperation, which ranges from confession to surrender and may substantially influence sentencing decisions for child traffickers.

2.3. Influential factors in criminal sentencing

Examining the extra-legal factors that contribute to sentencing disparities has been a focal topic in the sentencing literature. Studies have demonstrated that criminal justice systems across the world are consistently biased against certain groups and communities: for instance, extensive studies have reported that the offender's gender (Gelb, 2010; Jeffries & Bond, 2010; Van Wingerden et al., 2014), age (Little & Karp, 2012; Steffensmeier et al., 1998), and race/ethnicity (Fishman et al., 2006; Johnson & Betsinger, 2009; Mitchell, 2005) contributes to judges' sentencing decisions. In the United States, African American and Hispanic defendants are given harsher sentences than Caucasian defendants, and female defendants receive significantly lesser sentences than male defendants (Kramer & Wang, 2019; Steffensmeier & Demuth, 2006; Ulmer et al., 2016). Furthermore, there are potential interactions among defendants' demographic and socio-economic variables (Spohn, 2000; Ulmer, 2012), such that young African American males are more harshly punished than any other groups (Steffensmeier et al., 1998) and limited economic resources lead to high rates of conviction and sentencing for racial minorities (Anderson & Heaton, 2012; Roach, 2014). Studies have also suggested that other extra-legal factors that influence criminal sentencing decision-making may include individual offender characteristics, judge characteristics, and courtroom norms (Johnson, 2006; Savelsberg, 1992; Ulmer & Kramer, 1996).

The victim–offender relationship has also been linked to sentencing outcomes. For instance, the role of the victim's participation in the genesis or development of an offense such as sexual assault is often evaluated in the sentencing decision-making process (Schultz, 1968; Ullman & Siegel, 1993). Studies have proposed several methods for operationalizing and measuring VORs but have yielded mixed findings on the effects of VOR on sentencing outcomes. Regarding the degree of closeness, scholars have categorized VOR into dichotomies, such as "stranger" or "acquaintance" (Miethe, 1987), or into groups, such as "stranger," "acquaintance," "friend/relative," or "family" (Tillyer et al., 2015), and have argued that offenders benefit from a closer VOR, which reduces their chances of entering the pretrial process. However, there is no consistent empirical evidence for a difference in the sentencing of acquaintance versus stranger offenders for violent or property offenses (Curry et al., 2004; Marier et al., 2018).

Regarding the intimacy of a VOR, such as "married" versus "other marital status" or "family" versus "friend," studies have reported that close relationships are associated with lenient penalties and, in extreme cases, non-stranger offenders can be exempted from punishment (Orloff, 2014; Spohn et al., 2001). These results may be partially explained by stereotypes of non-stranger victims, such as the low credibility of their testimonies, the unavailability of sufficient evidence, the lack of a third-party witness, or provocation by the victim (Dawson, 2003; Miethe, 1987). However, the effect of a close relationship is unstable and might diminish when core considerations for determining the level of severity are incorporated (Kim et al., 2018; Dawson, 2004; Rollwagen & Jacob, 2018).

Most of the empirical studies of the effect of the VOR on sentencing over the past few decades have been conducted in Western legal systems, with little research focused on Asia, especially China. One exception was Lu et al. (2013), who observed significant aggravating effects of a non-stranger relationship on three typical violent offenses, namely, robbery, intentional assault, and murder, but the significance of the effects vanished when probation was considered (Lu et al., 2013).

Few studies have explored the effects of a guardian relationship, which is common in child trafficking cases (Tao, 2017; Xin & Cai, 2018). Weinsheimer et al. (2017) found that sexual offenders who had closer relationships with the victimized children received longer terms of incarceration. In general child abuse cases, the significant difference in judicial disposition between offenders who have closer relationships with victims, such as parents or relatives, and others was not supported in the study of Eldred et al. (2016). In child trafficking cases, however, guardianship may play a mitigating role in sentencing, and the effect of a guardian VOR in China may be altered or amplified by other statutory situations, such as post-crime cooperation (SPC, 2016b). For instance, compared with victims sold by non-guardian offenders, victims of guardian offenders are more likely to be relocated within the extended family (e.g., someone with legal guardianship) for practical reasons. Judges may consider the victims' wellbeing and grant a mitigated punishment for cooperative guardian offenders within the immediate or extended family. However, the practice of granting mitigated punishments for guardian offenders has been inconsistent and arbitrary due to a lack of proper regulation. Depending on the outcome for the victims (e. g., adopted by other guardians or by the buyers), the discrepancy in the sentencing of cooperative guardian offenders can be substantial: one might be placed in community correction and another might be sent to prison (Zhang & Yang, 2019). Therefore, a comprehensive examination of VORs, especially cooperative guardian offenders, is needed. To fill this gap, the current study explored the effects of VORs and PCAs on two sentencing outcomes—probation and FTI—for child traffickers.

3. Data and methods

3.1. Data

First trial criminal sentencing documents for child trafficking crimes from 2014 to 2016 were retrieved from China Judgments Online (CJO), the official platform publishing judicial documents from all levels of courts in China. Before a sentencing document is publically available for viewing and downloading, all personally identifying information, such as first name, ID number, contact information, address, account number, property number, and health/medical records, are removed according to the requirements of the SPC (2013, 2016a). Written ethics approval for this study was obtained from the Research Ethics Committee of the University of Macau with reference # SSHRE21-APP056-FAH. After manually coding the legal and extra-legal factors, 1003 defendants were included in the original sample; those who committed multiple crimes or were convicted of other types of crimes, such as abandonment, were excluded. To maintain the consistency of sentence length measurement, we further restricted our scope to FTI, which excluded 29 offenders who had received impunity, public surveillance, criminal detention, life imprisonment, or the death penalty. Moreover, cases involving severe but rare circumstances, such as offenders who were minors, elderly, disabled, pregnant, lactating, or mentally ill, were excluded from modeling because of their low frequency. For the same practical reasons, factors such as compensation, forgiveness, and recidivism were also excluded. The final dataset contained 844 defendants who were sentenced to an FTI for child trafficking offenses for which complete information was available.

3.2. Measurements

The sentencing outcomes considered were sentence length in months, ranging from 6 to 180, and whether probation was granted to the convicted child trafficking offender. Consistent with previous studies, the sentence length contained non-zero integers and the distribution had multiple inflated points that necessitated the use of models beyond a traditional linear regression (or with natural logarithm) (Cai et al., 2021; Cai et al., 2021; Tang & Cai, 2020; Xin & Cai, 2020). Probation status was coded as a dummy variable, with 1 representing the granting of probation and 0 otherwise.

VOR was coded to indicate whether the offender had guardianship over the victim (*guardian* = 1, *others* = 0). Three types of PCAs—voluntarily surrendered, confessed, and showed remorse—were coded as dummy variables and included in the analyses.

Measures accounting for the severity of the crime, the characteristics of the criminal act, and the role of the offender were also coded. The number of victims trafficked by the offender and whether violence was used during trafficking were used to measure the severity of the crime. The variable *attempt* was dummy coded, with 1 representing incomplete criminal conduct. The variable *role* represented the relative importance of the offender in the criminal act in three categories: *principal*, *accomplice*, and *not mentioned* (reference). Two further dummies, *service* and *return* were coded as 1 if the offender engaged in meritorious service or returned the proceeds of the crime, respectively. The year of sentencing was also controlled in the analysis using three dummies: *2014* (reference), *2015*, and *2016*. In line with previous studies, we also controlled for the defendant's gender.[1]

3.3. Analytical strategies

Studies have indicated that the two sentencing outcomes of probation and FTI are correlated because probation can only be applied to an FTI of less than 36 months. Thus, the effect of a VOR should be evaluated using a joint logistic and zero-truncated Poisson (ZTP) model. As shown in Fig. 1, a high proportion of offenders received exactly a 36-month or 60-month FTI, which results in a phenomenon called "heaping" or "inflation." Thus, Zero-Truncated Generalized Inflated Poisson (ZTGIP) models were used to explore the potential mechanism of inflation (Xin & Cai, 2020). We added factors step-by-step for the inflation and interaction effects on the baseline model with VOR, PCAs, and other control variables. As a robustness check, estimates are reported with 95% bootstrapping confidence intervals (BCIs), which were obtained from 1000 bootstrapping replicates.

[Fig. 1 is about here].

4. Results

4.1. Descriptive analyses

Table 1 reports the descriptive statistics for the variables used in the analysis. On average, the child traffickers received a 57-month FTI, and 24% of them were given probation. Of the defendants in the sample, approximately 51% confessed, 19% voluntarily surrendered to the authorities, and 23% were acknowledged by the court as showing remorse. Guardian traffickers comprised approximately 24% of the total sample. Compared with their non-guardian counterparts, guardian traffickers received lighter punishments, with a shorter average length of FTIs (49.29 vs. 59.60 months for non-guardians) and a higher rate of probation (28% vs. 22% for non-guardians). Guardian offenders also showed a higher level of cooperation: 31% of them had surrendered to the authorities vs. 15% of non-guardians.

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[1] We did not include ethnicity in our analysis due to missing values. Including ethnicity as a variable reduces the sample size to 602. The results with ethnicity included are consistent with those without, and are available upon request.
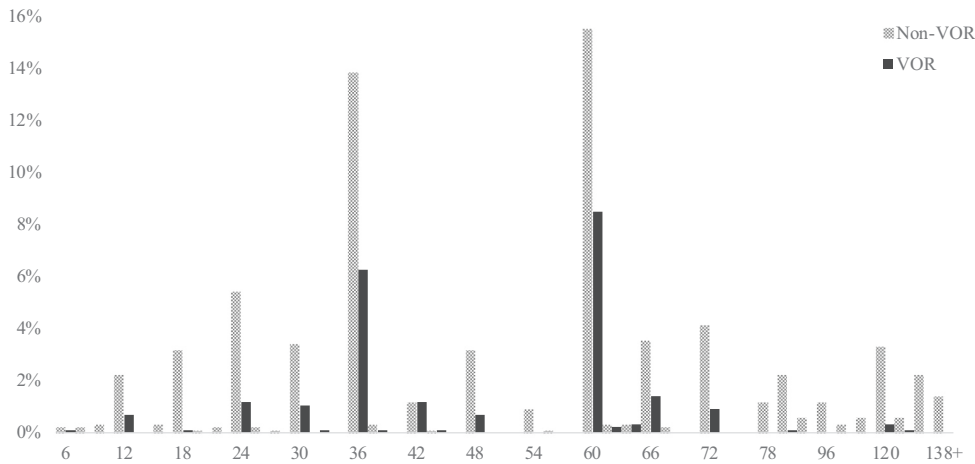
Fig. 1. The distribution of sentence length by VOR status.

Table 1
Descriptive analysis of variables in current study.

	All (N = 844)	Guardian (N = 201)	Non-Guardian (N = 643)	Difference t/z value
	Mean(SD)	Mean(SD)	Mean(SD)	
DVs				
Sentence length (month)	57.14 (33.27)	49.29 (18.69)	59.60 (36.32)	−10.30***
Probation	0.24(0.18)	0.28(0.20)	0.22(0.17)	0.06
IVs				
VOR	0.24(0.18)	–	–	–
Surrender	0.19(0.15)	0.31(0.21)	0.15(0.13)	0.16***
Confession	0.51(0.25)	0.49(0.25)	0.52(0.25)	−0.03
Remorse	0.23(0.18)	0.22(0.17)	0.24(0.18)	−0.02
Controls				
Female	0.45(0.25)	0.41(0.24)	0.47(0.25)	0.06*
# of Victim	1.50 (1.59)	1.09 (0.37)	1.63 (1.79)	−0.54***
Violence	0.14(0.12)	0.00(–)	0.19(0.15)	−0.19***
Attempted crime	0.04(0.04)	0.04(0.04)	0.04(0.04)	0.00
Role				
No role	0.48(0.25)	0.61(0.24)	0.44(0.25)	0.17***
Accomplice	0.34(0.22)	0.11(0.10)	0.41(0.24)	−0.30***
Principal	0.18(0.15)	0.28(0.20)	0.15(0.13)	0.13***
Meritorious service	0.04(0.04)	0.04(0.04)	0.05(0.05)	−0.01
Return gains	0.12(0.11)	0.07(0.07)	0.13(0.11)	−0.06*
Case year				
2014	0.48(0.25)	0.47(0.25)	0.48(0.25)	−0.01
2015	0.17(0.14)	0.19(0.15)	0.16(0.13)	0.03
2016	0.35(0.23)	0.34(0.22)	0.36(0.23)	0.02

Note: +$p < .1$, *$p < .05$, **$p < .01$, ***$p < .001$.

The average number of victims was 1.5, but this value was skewed by several extreme cases involving up to 24 victims, and most defendants trafficked only one victim (81.04%). Fourteen percent of the offenders used violence or other coercive means while trafficking, and none of these were guardians of the victim. Approximately 4% of the defendants failed to complete the trafficking of the victim. Child trafficking is a crime that requires coordination among multiple parties who may act as the head, seller, middleman, or transporter, among other roles. Of the defendants in our sample, 18% played a principal role and 34% were considered accomplices; the level of involvement of the remaining offenders was not specified in the sentencing documents. Many of the guardians initiated and organized the trafficking, with the guardian group containing a higher proportion of principals (0.28 vs. 0.15) and a lower percentage of accomplices when compared to non-guardians (0.11 vs. 0.41). Regarding the two mitigating factors, only 4% of the defendants were recognized as offering meritorious service and about 12% of the offenders had returned the proceeds of their crimes to the authorities. There was no difference in the meritorious service provided by the guardian and non-guardian defendants; however, non-guardians showed a higher percentage of returning the proceeds of their crimes (13% vs. 7%).

4.2. Effects of guardianship and post-crime attitudes on sentencing outcomes

Table 2 presents the results of the joint models of probation and FTI. Model 1 includes the VOR, measures of PCAs—*surrender*, *confession* and *remorse*—and control variables for the two outcomes—*probation* and *FTI*—in the joint model (Guo & Carlin, 2004). The joint model has two components: a logistic part for probation and a ZTP for the length of the FTI. Model 2, which was based on Model 1,

Table 2
Results of the joint model for the sentence outcomes of probation, sentence length, and inflations.

	Model 1-base		Model 2-inflation		Model 3-interaction	
	Probation	Sentence length	Probation	Sentence length	Probation	Sentence length
Parameter	Beta[2.5th,97.5th BICs]	Beta[2.5th,97.5th BICs]	Beta[2.5th,97.5th BICs]	Beta[2.5th,97.5th BICs]	Beta[2.5th,97.5th BICs]	Beta[2.5th,97.5th BICs]
Intercept	−2.71[−3.44, −2.04]***#	4.10[3.95,4.16]***#	−2.71[−3.50, −2.07]***#	4.26[4.07, 4.34]***#	−2.69[−3.46, −2.05]***#	4.26[4.07, 4.34]***#
VOR: guardian	0.76[0.37, 1.14]**#	−0.13[−0.16, −0.06]***#	0.73[0.38, 1.16]**#	−0.19[−0.26, −0.09]***#	0.26[−0.39, 0.86]	−0.17[−0.27, −0.04]***#
Surrender	2.07[1.69, 2.67]***#	−0.41[−0.47, −0.35]***#	2.08[1.69, 2.63]***#	−0.52[−0.62, −0.43]***#	1.51[1.02, 2.15]***#	−0.46[−0.57, −0.36]***#
Confession	−0.09[−0.43, 0.33]	−0.08[−0.12, −0.02]***#	−0.093[−0.44, 0.29]	−0.12[−0.17, −0.03]***#	−0.12[−0.47, 0.27]	−0.13[−0.19, −0.03]***#
Remorse	1.96[1.68, 2.31]***#	0.04[−0.01, 0.08]***	1.96[1.68, 2.31]***#	0.06[−0.02, 0.12]**	1.98[1.63, 2.45]***#	0.06[−0.03, 0.13]**
Female	0.60[0.31, 0.93]**#	−0.04[−0.07, 0.01]***	0.64[0.31, 0.92]**#	−0.03[−0.08, 0.02]*	0.670[0.36, 0.98]**#	−0.03[−0.08, 0.02]*
# of Victim	−0.96[−1.48, −0.66]***#	0.10[0.07, 0.15]***#	−0.96[−1.41, −0.66]***#	0.09[0.07, 0.14]***#	−0.95[−1.37, −0.67]***#	0.09[0.07, 0.14]***#
Means	−3.21[−4.41, −2.58]***#	0.28[0.23, 0.37]***#	−3.16[−4.43, −2.57]***#	0.25[0.19, 0.38]***#	−3.02[−4.33, −2.39]***#	0.25[0.19, 0.37]***#
Attempted crime	0.77[0.05, 1.48]#	−0.56[−0.68, −0.43]***#	0.76[0.02, 1.54]#	−0.71[−0.85, −0.52]***#	0.87[0.08, 1.72]+#	−0.25[−0.86, −0.54]***#
Role: accomplice	2.53[2.18, 2.95]***#	−0.58[−0.63, −0.52]***#	2.51[2.22, 2.99]***#	−0.74[−0.82, −0.63]***#	2.54[2.24, 3.01]***#	−0.75[−0.83, −0.64]***#
Principal	−0.44[−1.10, 0.03]	0.00[−0.04, 0.07]	−0.45[−1.04, 0.02]	0.01[−0.06, 0.09]	−0.66[−1.30, −0.15]#	0.01[−0.06, 0.10]
No role	–	–	–	–	–	–
Meritorious service	0.40[−0.53, 1.06]	−0.30[−0.43, −0.12]***#	0.38[−0.56, 1.20]	−0.33[−0.51, −0.13]***#	0.42[−0.58, 1.23]	−0.33[−0.50, −0.13]***#
Return gains	−0.04[−0.62, 0.37]	−0.07[−0.13, −0.02]***#	−0.06[−0.54, 0.41]	−0.03[−0.14, 0.05]	0.01[−0.49, 0.47]	−0.04[−0.15, 0.05]
Probation		−0.36[−0.42, −0.29]***#	−0.68[−0.80, −0.547]***#	−0.67[−0.79, −0.54]***#		−0.36[−0.42, −0.29]***#
Year 2015	0.13[−0.33, 0.52]	−0.02[−0.07, 0.02]	0.11[−0.28, 0.53]	0.00[−0.08, 0.07]	0.19[−0.21, 0.62]	0.00[−0.08, 0.06]
2016	0.19[−0.12, 0.57]	0.06[0.00, 0.09]***#	0.19[−0.11, 0.56]	0.04[−0.02, 0.09]**	0.25[−0.07, 0.60]	0.04[−0.02, 0.09]**
2014	–	–	–	–	–	–
Interactions						
Surrender * VOR					1.44[0.68, 2.25]*#	−0.25[−0.43, −0.07]***#
Confession * VOR					0.04[−0.72, 0.77]	0.10[−0.06, 0.24]*
Remorse * VOR					−0.05[−0.76, 0.65]	−0.04[−0.18, 0.12]
Inflations			36-month	60-month	36-month	60-month
Intercept			−3.03[−3.43, −2.73]***#	−1.25[−1.46, −1.08]***#	−3.03[−3.44, −2.76]***#	−1.27[−1.47, −1.09]***#
VOR: guardian			0.068[−0.20, 0.38]	0.97[0.75, 1.23]***#	0.04[−0.25, 0.35]	1.02[0.79, 1.26]***#
Surrender			1.32[0.93, 1.70]***#	−3.12[−4.42, −2.40]***#	1.23[0.88, 1.68]***#	−3.17[−4.65, −2.45]***#
Confession			0.056[−0.30,0.44]	0.31[0.06, 0.57]+#	0.03[−0.33, 0.42]	0.33[0.07, 0.57]+#
Remorse			0.168[−0.17, 0.47]	−0.38[−0.68, −0.09]+#	0.18[−0.15, 0.48]	−0.39[−0.68, −0.11]+#
Probation			2.341[2.05, 2.72]***#		2.37[2.07, 2.76]***#	
−2 LL		10,937.68		8866.53		8817.34
AIC		10,999.68		8950.53		8913.34
BIC		11,146.57		9149.53		9140.77
N		844		844		844

Notes. Coefficients were estimated from the whole sample, while BCIs were obtained from 1000 Bootstrapping replicates; # indicates the 95% BCIs do not include zero; and Model-based *p* values were indicated by: +*p* < .1, *p* < .05, **p* < .01, ***p* < .001.

considered the two inflation points of 36 and 60 months with a logistic link. The sentence length followed a mixed distribution that was a weighted combination of binary (logistic) and Poisson distributions. For example, when an observation reports a 36-month FTI, this may have been generated by a binary process (a sentence of 36 months) or by a ZTP process that produced integers, some of which might be 36. The last model further explored the interaction between VOR and the measures of PCAs.

According to Model 1, after holding the other effects constant, the guardian offenders received 12% (1-exp(−0.13)) shorter sentences than their non-guardian counterparts. After adjusting for other factors in the model, voluntarily surrendering and confessing both had negative effects on sentence length, of 34% (1-exp(−0.41)) and 8% (1-exp(−0.08)), respectively. Remorse was associated with a slightly longer sentence length, which is inconsistent with our expectations and requires further investigation.

[Table 2 is about here].

Regarding probation, guardian offenders and defendants who surrendered or showed remorse were 6.92 (exp(2.07)-1) and 6.10 (exp(1.96)-1) times more likely to receive probation, respectively, than those who did not.

In line with legal regulations, aggravating factors, such as the number of victims and the use of violence or other coercive means, were associated with heavier punishments, such as a longer FTI and a lower chance of probation. Being an accomplice, engaging in meritorious service, returning the proceeds of crime, or not completing the crime also played mitigating roles in sentencing.

The effects of guardianship and PCAs on the inflation of sentence length at 36 and 60 months were examined in Model 2. Significant coefficients and model fit indices indicated that the model fit was substantially improved in Model 2 with components for inflation. Voluntary surrender significantly contributed to the inflation at 36 months: defendants who surrendered were 2.74 times (exp(1.32)-1) more likely than those who did not to be sentenced to exactly 36 months, which is the upper bound of eligibility for probation. Guardianship positively contributed to 60-month inflation, which is the lower bound of the first statutory sentencing range. Compared with non-guardian offenders, guardian offenders were 1.63 times (exp(0.97)-1) more likely to be given a 60-month sentence.

To evaluate whether the mitigating effect of post-crime attitudes was amplified among guardian offenders, a set of interactions between post-crime attitudes and guardianship was added to Model 3. Guardian offenders who voluntarily surrendered to the authorities had a much higher chance of receiving probation. The odds ratio of receiving probation for surrendered guardian offenders was approximately three times (exp(1.44)-1) higher than that of non-guardian offenders who did not surrender. Surrendering also reduced the sentence length of guardian offenders, by 22% (1-exp(−0.25)).

5. Discussion and conclusion

This study examined the influences of post-crime factors and the VOR on criminal sentencing in China, using child trafficking judicial documents from 2014 to 2016. Previous studies have established that the VOR influences criminal punishments for sexual offenses. Scholars have explored the potential mechanisms underlying this effect, with their tentative explanations emphasizing stereotypes of non-stranger victims. However, these theories cannot explain why guardian offenders received lenient punishments in the sentencing of child trafficking offenses. This study extended the literature on the VOR by addressing the effects of guardianship on sentencing and evaluating conditions that might amplify this effect, such as PCAs. The analysis of sentencing documents on child trafficking offenses in China showed that guardian traffickers received considerable leniency between 2014 and 2016, as indicated by a higher chance of probation and shorter length of sentence relative to their non-guardian counterparts. The results of the joint model for probation and FTIs indicated that guardian offenders tended to receive shorter sentences, and that the sentence length tended to be concentrated at 60 months, which is the lower bound of the first statutory sentencing range. Additional leniency tended to be granted to guardian offenders who voluntarily surrendered to the authorities, which made them much more likely to receive probation. Thus, the effect of post-crime cooperation was amplified. The probability of receiving probation was roughly three times higher for guardian offenders who surrendered than for other offenders.

Consistent with previous findings on PCAs, surrender mitigated both sentencing outcomes (Lu et al., 2013; Lu & Drass, 2002; Xia, Cai, & Zhong, 2019) whereas confession significantly reduced the length of FTI only. Our results indicate that voluntary surrender, which is the highest level of cooperation, exerted the strongest effect on receiving probation (6.9 times higher) and reducing the length of FTI (34% lower). Furthermore, offenders who surrendered were more likely to be sentenced to exactly 36 months, which alludes to an indirect tendency to reduce punishment to three years when the probation status was controlled in the inflated models. Confession contributed to a reduction in sentence length (Tang & Cai, 2020; Xia, Zhou, Du, & Cai, 2020; Xin & Cai, 2020), suggesting that a judicial evaluation of low-level cooperation, such as a confession, depends on the crime.

Showing remorse was positively associated with the likelihood of receiving probation. However, this does not necessarily mean that remorse led to leniency, as the positive correlation could be artificial. Xin and Cai (2020) pointed out that according to Article 72 of the CL, offenders who are eligible for probation should show remorse to the authorities. For a judge to grant probation, showing remorse must be specifically acknowledged in the judicial judgment (Xin & Cai, 2020). In this study of 844 defendants, 12.2% were granted probation without an acknowledgment of remorse in the judicial documents and 11.9% of those who were recorded as remorseful did not receive probation. Some judges might have forgotten to indicate the offenders' remorse in their judgments, but this seems unlikely given the high proportion (0.12) of judgments that neglected to mention remorse. China's requirements for probation beyond showing remorse were therefore not always met. Further studies on the effect of showing remorse are needed to clarify the possible mechanisms of this finding.

Since the 1990s, there have been frequent portrayals in the mass media of child traffickers as criminals who abduct, kidnap, or steal children from other families (Shen et al., 2013). The Chinese government has launched multiple rounds of campaigns against child trafficking in the past few decades (Luo, 2015; Wang, 2015a, 2015b), but it is hard to say whether police crackdowns have deterred child trafficking because although the number of trafficking cases involving violence or coercion has gradually declined (Li, 2021), the

proportion of non-violent and guardian-involved cases has increased. The perceived harmfulness of a guardian offender might be lower than that of a stranger offender. In some cases, parents claimed that they sold their children to improve the children's quality of life and justified this conduct as "private adoption" or "for the good of their children." Such justification does not decriminalize the guardian offenders' conduct, but it might affect judges' evaluations of the harm caused by the transaction and the danger posed to society. The shorter sentence lengths and higher chance of probation suggest that the Chinese judicial system considers child trafficking crimes committed by guardians as low harm offenses that are less dangerous to society. Given that many returned victims are relocated within the extended family of a guardian offender, a mitigated punishment for the guardian offenders increases the chance of them reuniting with their children and may help to reduce the potential negative effects on the children of parental incarceration. However, this practice of leniency to cooperative guardian offenders offers pragmatic ways (e.g., showing remorse or being cooperative) for offenders to avoid or minimize incarceration and does not help to solve the problems of guardian offenders who really want to give up custody of their children. For instance, among the guardian offenders ($N = 201$) in our analysis, a substantial number of sales were associated with economic/policy issues, such as "Financial hardship" (8%), "Unable to raise" (2.5%), "Too many children" (10%), and "Violation of the one-child policy" (3.5%); their relationship with partner/spouse, such as "Domestic violence" (0.5%), "Divorce" (2%), "Dissolving/unstable non-marital relationship" (5.5%), "Born from an extramarital affair" (3.5%), and "Born out of wedlock" (14.9%); or even "Voluntarily giving up custody" (3.5%). Therefore, anti-trafficking efforts should be placed on policies that address the necessity of legal adoption and provide support for the rescued children, regardless of whether they remain in the state welfare system or are reunited with their original family, and especially for the guardians who sold them.

This study has several limitations that should be acknowledged. First, our results were based on judicial documents retrieved from China Judgments Online, which might present selection issues due to selective uploading or purposeful deletion. Although the bootstrapping technique was applied to evaluate the estimates to ensure robustness, non-uploaded cases may have distorted the initial pool used for bootstrapping, which might have led to unknown biases. Second, given the high proportion of missing offender demographics, such as race (45% missing), age (37% missing), and education (48% missing), these characteristics were excluded from the analysis, which may point to a risk of omitted variable bias. Including these variables would have led to a large amount of attrition. As these variables have been frequently examined in previous studies, we hope to collect more cases and update our results after controlling age, gender, race, education level, and other extra-legal factors. In addition, the potential confounding variable of the degree of organization involved in child trafficking was not included in the study, which may conceal important heterogeneity regarding the effects of guardianship on sentencing. It is plausible that the guardian offenders were parents giving their children away due to poverty and that the non-guardian offenders were more likely to have been involved in organized trafficking. Unfortunately, the sentencing documents provided little information on the degree of organization involved or the specific role of the defendant in trafficking. Scattered information about the offender's role in trafficking, such as intermediary, transporter, or provider, was available for some cases, but this is not a constitutive element of a child trafficking crime. In the future, we hope to expand our analysis of this issue as more cases become available.

References

Anderson, J. M., & Heaton, P. S. (2012). How much difference does the lawyer make? The effect of defense counsel on murder case outcomes. *Yale Law Journal, 122* (1), 154–217.

Cai, T., Xia, Y., & Zhou, Y. (2021). Generalized inflated discrete models: A strategy to work with multimodal discrete distributions. *Sociological Methods & Research, 50* (1), 356–400. https://doi.org/10.1177/0049124118782535

Chen, S. (2000). The situation and countermeasures of combating crimes of woman and child trafficking. *Policing Studies, 04*, 37–40.

Chen, Y., Ebenstein, A., Edlund, L., & Li, H. (2015). Girl adoption in China—A less-known side of son preference. *Population Studies, 69*(2), 161–178. https://doi.org/10.1080/00324728.2015.1009253

Chu, H. (1996). *Theory of governance of "six forms of social harms"*. China Procurational Press.

Curry, T. R., Lee, G., & Rodriguez, S. F. (2004). Does victim gender increase sentence severity? Further explorations of gender dynamics and sentencing outcomes. *Crime & Delinquency, 50*(3), 319–343. https://doi.org/10.1177/0011128703256265

Dawson, M. (2003). The cost of 'lost' intimacy: The effect of relationship state on criminal justice decision making. *The British Journal of Criminology, 43*(4), 689–709. https://doi.org/10.1093/bjc/43.4.689

Dawson, M. (2004). Rethinking the boundaries of intimacy at the end of the century: The role of victim-defendant relationship in criminal justice decision-making over time. *Law & Society Review, 38*(1), 105–138. https://doi.org/10.1111/j.0023-9216.2004.03801004.x

Eldred, L. M., Gifford, E. J., McCutchan, S. A., & Sloan, F. A. (2016). Factors predicting prosecution of child maltreatment cases. *Children and Youth Services Review, 70*, 201–205. https://doi.org/10.1016/j.childyouth.2016.09.025

Fishman, G., Rattner, A., & Turjeman, H. (2006). Sentencing outcomes in a multinational society: When judges, defendants and victims can be either Arabs or Jews. *European Journal of Criminology, 3*(1), 69–84. https://doi.org/10.1177/1477370806059081

Gallagher, A. T. (2010). *The international law of human trafficking*. Cambridge University Press.

Gelb, K. (2010). *Gender differences in sentencing outcomes*. Sentencing Advisory Council. https://researchdirect.westernsydney.edu.au/islandora/object/uws%3A27188/.

Jeffries, S., & Bond, C. (2010). Sex and sentencing disparity in South Australia's higher courts. *Current Issues in Criminal Justice, 22*, 81–97.

Jiang, Q., & Sánchez-Barricarte, J. J. (2013). Child trafficking in China. *China Report, 49*(3), 317–335. https://doi.org/10.1177/0009445513502268

Johnson, K. (2002). Politics of international and domestic adoption in China. *Law & Society Review, 36*(2), 379–396. https://doi.org/10.2307/1512181

Johnson, B. D. (2006). The multilevel context of criminal sentencing: Integrating judge- and county-level influences. *Criminology, 44*(2), 259–298. https://doi.org/10.1111/j.1745-9125.2006.00049.x

Johnson, B. D., & Betsinger, S. (2009). Punishing the "model minority": Asian-American criminal sentencing outcomes in federal district courts. *Criminology, 47*(4), 1045–1090. https://doi.org/10.1111/j.1745-9125.2009.00169.x

Johnson, K., Banghan, H., & Liyao, W. (1998). Infant abandonment and adoption in China. *Population and Development Review, 24*(3), 469–510. https://doi.org/10.2307/2808152

Kim, B., Gerber, J., & Kim, Y. (2018). Does the victim–offender relationship matter? Exploring the sentencing of female homicide offenders. *International Journal of Offender Therapy and Comparative Criminology, 62*(4), 898–914. https://doi.org/10.1177/0306624X16667573

Kramer, K. L., & Wang, X. (2019). Assessing cumulative disadvantage against minority female defendants in state courts. *Justice Quarterly*, 1–30. https://doi.org/10.1080/07418825.2019.1685122

Lan, L. (2014). The protection and rescue system for child victim of human trafficking in China. *Issues on Juvenile Crimes and Delinquency, 04*, 48–56.

Li, J. (2000). Analysis on the present situation, causes, harm and countermeasures of the crime of human trafficking in the Zhenxiong County. *The Journal of Yunnan Police College, 02*, 36–39.

Li, M. (2021). *The "reunion" activity launched by the Ministry of Public Security*. June 8. The PRC Government Website http://www.gov.cn/xinwen/2021-06/08/content_5616287.htm.

Li, C., Ren, R., & Zhang, X. (2013). Research on the status quo and countermeasures for the rescue and protection of trafficked children in China: Analysis based on 133 reported cases in recent years. *Journal of People's Public Security University of China (Social Science Edition), 29*(06), 16–25.

Li, G., Tan, R., Wang, H., Lin, Y., & Liang, Y. (2018). Spatio-temporal change and influencing factors of trafficking in children in China. *Human Geography, 02*, 26–34.

Lid, J., Larsen, U., & Wyshak, G. (2004). Factors affecting adoption in China, 1950–87. *Population Studies, 58*(1), 21–36. https://doi.org/10.1080/0032472032000167698

Liebman, B. L. (2014). *Leniency in Chinese criminal law? Everyday justice in Henan. Columbia Public Law Research Paper, No. 14-406*. https://papers.ssrn.com/abstract=2491889.

Lin, J. (2015). Child trafficking crime analysis from a penal perspective. *Legality Vision, 03*, 99–100.

Little, H., & Karp, T. (2012). *Sentencing children and young people in Victoria*. Sentencing Advisory Council.

Liu, G. (2010). Review and development thinking on Chinese law on anti-trafficking in persons: An international law perspective. *Journal of Gansu University of Political Science and Law, 05*, 74–85.

Lu, H., & Kelly, B. (2008). Courts and sentencing research on contemporary China. *Crime, Law and Social Change, 50*(3), 229. https://doi.org/10.1007/s10611-008-9132-6

Lu, H., Liang, B., & Liu, S. (2013). Serious violent offenses and sentencing decisions in China—Are there any gender disparities? *Asian Journal of Criminology, 8*(3), 159–177. https://doi.org/10.1007/s11417-012-9155-x

Lu, Hong, & Drass, Kriss (2002). Transience and the disposition of theft cases in China, Justice Quarterly. *Justice Quarterly, 19*(1), 69–96. https://doi.org/10.1080/07418820200095171

Luo, S. (2015). *The Supreme People's Court reports situations on counter-trafficking campaign [Official website]*. February 28. The Supreme People's Court of the People's Republic of China http://www.court.gov.cn/zixun-xiangqing-13550.html.

Ma, Y. (Ed.). (1997). *The trade of people in ancient China*. The Commercial Press International Co., Ltd.

Marier, C. J., Cochran, J. K., Smith, M. D., Fogel, S. J., & Bjerregaard, B. (2018). Victim age and capital sentencing outcomes in North Carolina (1977–2009). *Criminal Justice Studies, 31*(1), 62–79. https://doi.org/10.1080/1478601X.2017.1404464

Miethe, T. D. (1987). Stereotypical conceptions and criminal processing: The case of the victim-offender relationship. *Justice Quarterly, 4*, 571–594.

Ministry of Civil Affairs. (2014). Suggestions on the adoption of child without guardian or whose biological parents have special difficulty in raising from the Ministry of Civil Affairs. http://www.mca.gov.cn/article/gk/jd/rtfl/201410/20141015718497.shtml.

Mitchell, O. (2005). A meta-analysis of race and sentencing research: Explaining the inconsistencies. *Journal of Quantitative Criminology, 21*(4), 439–466. https://doi.org/10.1007/s10940-005-7362-7

Orloff, N. M. (2014). *Domestic violence offenses: The influence of victim-offender relationship on prosecutorial and judicial decision making*. Boston College. PhD Thesis.

Patrick, S., & Marsh, R. (2011). Sentencing outcomes of convicted child sex offenders. *Journal of Child Sexual Abuse, 20*(1), 94–108. https://doi.org/10.1080/10538712.2011.541356

Patterson, O., & Zhuo, X. (2018). Modern trafficking, slavery, and other forms of servitude. *Annual Review of Sociology, 44*(1), 407–439. https://doi.org/10.1146/annurev-soc-073117-041147

Ren, X. (2004). Trafficking in children: China and Asian perspective. Making children's rights work: National & international perspectives international bureau for children's rights, Montreal, Canada. October 20 http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.549.2780&rep=rep1&type=pdf.

Roach, M. A. (2014). Indigent defense counsel, attorney quality, and defendant outcomes. *American Law and Economics Review, 16*(2), 577–619. https://doi.org/10.1093/aler/ahu003

Rollwagen, H., & Jacob, J. C. (2018). The victim–offender relationship and police charging decisions for juvenile delinquents: How does social distance moderate the impact of legal and extralegal factors? *Youth Violence and Juvenile Justice, 16*(4), 378–394. https://doi.org/10.1177/1541204017710315

Savelsberg, J. J. (1992). Law that does not fit society: Sentencing guidelines as a neoclassical reaction to the dilemmas of substantivized law. *American Journal of Sociology, 97*(5), 1346–1381. https://doi.org/10.1086/229904

Schultz, L. G. (1968). The victim-offender relationship. *Crime & Delinquency, 14*(2), 135–141. https://doi.org/10.1177/001112876801400208

Shang, X. (2008). *China's system of social support to vulnerable children*. Beijing: China Social Sciences Academic Press.

Shang, X., & Fisher, K. R. (2014). Social support for mothers of children with disabilities in China. *Journal of Social Service Research*, 537–586.

Shen, A. (2016). Female perpetrators in internal child trafficking in China: An empirical study. *Journal of Human Trafficking, 2*(1), 63–77. https://doi.org/10.1080/23322705.2016.1136537

Shen, A., Antonopoulos, G. A., & Papanicolaou, G. (2013). China's stolen children: Internal child trafficking in the People's Republic of China. *Trends in Organized Crime, 16*(1), 31–48. https://doi.org/10.1007/s12117-012-9167-z

Spohn, C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice, 3*, 427–501.

Spohn, C., & Holleran, D. (2001). Prosecuting sexual assault: A comparison of charging decisions in sexual assault cases involving strangers, acquaintances, and intimate partners. *Justice Quarterly, 18*(3), 651–688. https://doi.org/10.1080/07418820100095051

Spohn, C., Beichner, D., & Davis-Frenzel, E. (2001). Prosecutorial justifications for sexual assault case rejection: Guarding the "gateway to justice". *Social Problems, 48*(2), 206–235. https://doi.org/10.1525/sp.2001.48.2.206

Steffensmeier, D., & Demuth, S. (2006). Does gender modify the effects of race–ethnicity on criminal sanctioning? Sentences for male and female White, Black, and Hispanic defendants. *Journal of Quantitative Criminology, 22*(3), 241–261. https://doi.org/10.1007/s10940-006-9010-2

Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology, 36*(4), 763–798. https://doi.org/10.1111/j.1745-9125.1998.tb01265.x

Supreme People's Court. (2010). *Opinions on several specific issues concerning the handling of voluntary surrender and meritorious behaviors*.

Supreme People's Court. (2011). *Three model cases on the crimes of abducting and trafficking in women and children*.

Supreme People's Court. (2012). *Three model cases on the crimes involving abduction and trafficking in children [in Chinese]*.

Supreme People's Court. (2015). *Model cases involving punishment for crimes of women and child trafficking [in Chinese]*.

Supreme People's Court. (2016). *Several issues concerning the application of law in the trial of cases regarding crimes of the trafficking in women and children [in Chinese]*.

Supreme People's Court. (2016). *The provisions of the Supreme People's Court on the issuance of judgments on the Internet [in Chinese]*. August 1.

Supreme People's Court. (2017). *Model cases on the crimes victimizing minors [in Chinese]*.

Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice. (2010). *Opinions on legally punishing the crimes of abducting and trafficking in women and children [in Chinese]*.

Supreme People's Court, Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice. (2011). *Ordering criminals guilty of abducting and trafficking in women and children to surrender themselves [in Chinese]*.

Supreme People's Court. (2013). *Provisions of the Supreme People's Court on the publication of judgment documents by people's courts on the Internet [in Chinese]*.

Tang, R., & Cai, T. (2020). Smuggling of drugs by body packing: Evidence from Chinese sentencing documents. *International Journal of Drug Policy, 78*, Article 102732. https://doi.org/10.1016/j.drugpo.2020.102732

Tao, L. (2017). Characteristics and preventions on child trafficking. *Youth and Adolescent Studies, 05*, 19–24.

Tillyer, M. S., Tillyer, R., & Kelsay, J. (2015). The nature and influence of the victim-offender relationship in kidnapping incidents. *Journal of Criminal Justice, 43*(5), 377–385. https://doi.org/10.1016/j.jcrimjus.2015.07.002

Ullman, S. E., & Siegel, J. M. (1993). Victim-offender relationship and sexual assault. *Violence and Victims, 8*(2), 121–134.

Ulmer, J. (2012). Recent developments and new directions in sentencing research. *Justice Quarterly, 29*(1), 1–40. https://doi.org/10.1080/07418825.2011.624115

Ulmer, J. T., & Kramer, J. H. (1996). Court communities under sentencing guidelines: Dilemmas of formal rationality and sentencing disparity. *Criminology, 34*(3), 383–408. https://doi.org/10.1111/j.1745-9125.1996.tb01212.x

Ulmer, J., Painter-Davis, N., & Tinik, L. (2016). Disproportional imprisonment of Black and Hispanic males: Sentencing discretion, processing outcomes, and policy structures. *Justice Quarterly, 33*(4), 642–681. https://doi.org/10.1080/07418825.2014.958186

Van Wingerden, S., Van Wilsem, J., & Moerings, M. (2014). Pre-sentence reports and punishment: A quasi-experiment assessing the effects of risk-based pre-sentence reports on sentencing. *European Journal of Criminology, 11*(6), 723–744. https://doi.org/10.1177/1477370814525937

Wang, L. (1992). *The lost sun: A documentary of child trafficking [in Chinese]*. China Writers Publishing House.

Wang, B. (2015). Adoption of children rescued from child trafficking [in Chinese]. *China Youth Study, 01*, 91–96.

Wang, X. (2015). Child trafficking and policies: Empirical study on F province in China [in Chinese]. *Journal of People's Public Security University of China (Social Sciences Edition), 05*, 21–31.

Wang, Z., Wei, L., Peng, S., Deng, L., & Niu, B. (2018). Child-trafficking networks of illegal adoption in China. *Nature Sustainability, 1*(5), 254–260. https://doi.org/10.1038/s41893-018-0065-5

Weinsheimer, C. C., Woiwod, D. M., Coburn, P. I., Chong, K., & Connolly, D. A. (2017). The unusual suspects: Female versus male accused in child sexual abuse cases. *Child Abuse & Neglect, 72*, 446–455. https://doi.org/10.1016/j.chiabu.2017.09.003

Xia, C. (1989). Characteristics, reasons, and policy suggestions for child trafficking crimes in Sichuan, China. *Modern Law Science, 03*, 67–71.

Xia, Yiwei, Cai, Tianji, & Zhong, Hua (2019). Effect of Judges' Gender on Rape Sentencing: A Data Mining Approach to Analyze Judgment Documents. *China Review, 19*(2), 125–149.

Xia, Yiwei, Zhou, Yisu, Du, Li, & Cai, Tianji (2020). Mapping Trafficking of Women in China: Evidence from Court Sentences. *Journal of Contemporary China, 29*(122), 238–252. https://doi.org/10.1080/10670564.2019.1637564

Xin, Y., & Cai, T. (2018). Child trafficking in China: Evidence from sentencing documents. *International Journal of Population Studies, 4*(2), 1–11. https://doi.org/10.18063/ijps.v4i2.817.

Xin, Y., & Cai, T. (2020). Paying money for freedom: Effects of monetary compensation on sentencing for criminal traffic offenses in China. *Journal of Quantitative Criminology, 36*, 1–28. https://doi.org/10.1007/s10940-019-09409-w

Xing, H. (2017). Child trafficking offenses conducted by parental offenders. *Journal of People's Public Security University of China (Social Sciences Edition), 33*(04), 17–24.

Xing, H., Chen, R., & Xu, F. (2017). Developmental characteristics of child trafficking: Analysis on 447 judgement documents. *Juvenile Delinquency Prevention Research, 01*, 38–43.

Yan, Z. (2021). *Proposal from the National People's Congress: Raising mandatory minimum sentencing to 10 years of imprisonment for child traffickers*. March 6. The Paper https://www.thepaper.cn/newsDetail_forward_11586804.

Yang, H. (2006). *An analysis of the crime of abudcting and trafficking of women and children*. Master thesis. China University of Political Science and Law https://chn.oversea.cnki.net/KCMS/detail/detail.aspx?dbcode=CMFD&dbname=CMFD0506&filename=2006080180.nh&uniplatform=NZKPT&v=6tShdrqRwebzqA9KX03NkDKvr337W7SVS9tbEUoiKHsCu91IxVC2cvWDGqPJ4JLs.

Yuan, E., & Yang, Z. (2001). An analysis of the crime of woman and child trafficking in frontier ethnic areas in China: A case study of Wenshan Zhuang and Miao autonomous prefecture in Yunnan province. *Journal of Chinese Women's Studies, 02*, 17–22.

Zhang, B. (2006). How can China break the puzzle of crackdown human trafficking. *People's Police, 02*, 18–21.

Zhang, L. (2014). Regulating two types of child adoption and the protection of children's welfare. *Social Welfare, 11*, 11–12.

Zhang, C., & Yang, S. (2019). An empirical study on the characterization and sentencing of child trafficking offense in China. *Journal of Zhengzhou University of Aeronautics(Social Science Edition), 38*(05), 42–49.

State Council of the People's Republic of China. (2011) Security publicized the ten typical cases of the special action against the crime of "abduction and trafficking" [in Chinese], retrieved from http://www.gov.cn/jrzg/2011-04/01/content_1836777.htm, accessed on 24/10/2021.