

HUMAN TRAFFICKING

Findings

- In its 2019 Trafficking in Persons Report, the U.S. State Department listed China as Tier III, which is a designation for governments who “do not fully meet the minimum standards [under the Trafficking Victims Protection Act] and are not making significant efforts to do so.”
- Chinese anti-trafficking law remains inconsistent with international standards in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), to which China is a State Party. Whereas the Palermo Protocol encompasses the exploitation of any individual, Chinese law addresses the selling of women and children, making it difficult to assess the scale of human trafficking in China as defined by international standards.
- Women and girls from countries including Burma (Myanmar), Cambodia, Indonesia, Laos, North Korea, Pakistan, and Vietnam were trafficked into China for forced marriage and sexual exploitation. The demand for such trafficking is due in part to the sex ratio imbalance in China, a result of decades of government-imposed birth limits and a traditional preference for sons, as well as a lack of economic opportunity in countries of origin.
- Chinese nationals were trafficked from China to other parts of the world, including the United States. Chinese sex workers were found working in illicit massage parlors across the United States. Because of their coercive nature, some of these cases may constitute human trafficking.
- Continued restrictions on movement imposed by the *hukou* system contributed to the risks that internal migrant workers face in human trafficking.
- The Chinese government continued to subject individuals to forced labor during pretrial detention and in administrative detention.
- Chinese authorities subjected Uyghur Muslim and other ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR) to forced labor in the production of food, textiles, and other goods. German scholar Adrian Zenz argues that cases of forced labor in the XUAR are part of a large-scale government-subsidized forced labor scheme. Supply chains of major companies including Adidas AG, C&A Campbell Soup, Esquel Group, Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co., and Gap Inc. may include products made by such forced labor.
- The government of the Democratic People’s Republic of Korea (DPRK) reportedly continued to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor and in possible violation of UN sanctions.
- Hong Kong remained a destination for the trafficking of migrant domestic workers from Indonesia and the Philippines who face exploitative working conditions. The Hong Kong government’s refusal to acknowledge the severity of the human

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trafficking problem has resulted in weak policy responses in addressing the issue.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Request the Department of Labor to use the latest reporting to update their 2019 “List of Goods Produced by Child Labor or Forced Labor” for China required by the Trafficking Victims Protection Reauthorization Act of 2005, paying particular attention to including products produced in or made with materials from the XUAR, and removing products that may no longer be made with forced labor.
- Support the passage of the Uyghur Human Rights Policy Act (H.R. 649/S. 178, 116th Cong., 1st Sess.) to respond to Chinese treatment of Uyghur Muslims, such as subjecting Uyghurs to forced labor and other human rights violations in mass internment camps.
- Support U.S. Government efforts to improve human trafficking data collection. Work with regional governments, multilateral institutions, and non-governmental organizations (NGOs) to improve the quality and accuracy of data and to monitor the effectiveness of anti-trafficking measures. Urge the Chinese government to collect and share relevant law enforcement data related to human trafficking. Incorporate language into bilateral and multilateral economic agreements requiring member countries to improve data collection on human trafficking and to take concrete steps toward eliminating human trafficking within their borders.
- Discuss with Chinese officials in appropriate bilateral and multilateral meetings the importance of protecting worker rights as a means of combating human trafficking for the purpose of forced labor. Stress that when workers are able to organize and advocate for their rights, they are less vulnerable to all forms of exploitation, including forced labor.
- Engage in regional cooperation to combat human trafficking through multilateral agreements and forums such as the Co-ordinated Mekong Ministerial Initiative Against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Such regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalances, and other risk factors that contribute to human trafficking.
- Pursue cooperation on anti-trafficking efforts through the U.S.-China Joint Liaison Group on Law Enforcement Cooperation. Support the work of the U.S. State Department’s International Law Enforcement Academy Program in Bangkok, Thailand, to build regional law enforcement capacity.
- Facilitate international exchanges among civil society groups and industry associations to raise awareness of best practices to identify and combat human trafficking in supply chains. Support NGOs working on anti-trafficking research, education, prevention, and victims’ services throughout Asia.

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Defining Human Trafficking

As a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),¹ China is obligated to enact legislation criminalizing human trafficking as defined by the Palermo Protocol.² The definition of human trafficking under the PRC Criminal Law,³ however, remains inconsistent with Palermo Protocol standards.⁴ The Palermo Protocol definition of human trafficking involves three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control;⁵ and
- “the purpose of exploitation,” including sexual exploitation or forced labor.⁶

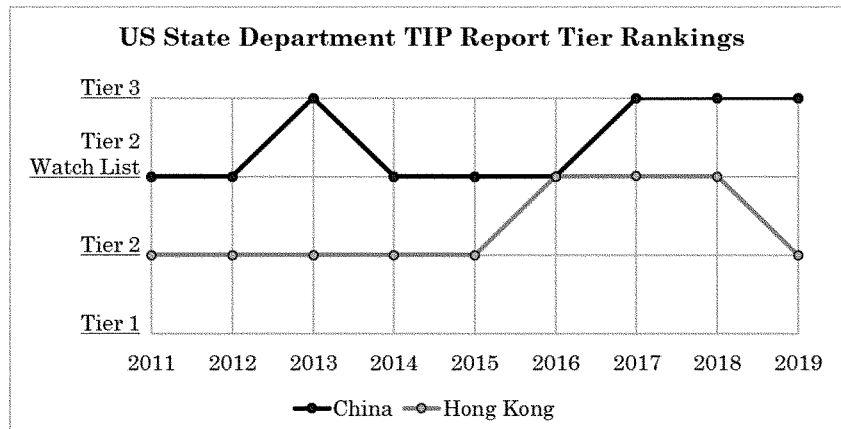
In contrast, Chinese law focuses on the act of selling a woman or child,⁷ rather than the purpose of exploitation.⁸ The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the Palermo Protocol,⁹ including certain types of non-physical coercion;¹⁰ offenses against male victims;¹¹ and forced labor,¹² though forced labor is illegal under a separate provision of the law.¹³ As defined by the Palermo Protocol, human trafficking can but does not always involve crossing international borders,¹⁴ such as in the examples of Chinese government-sponsored forced labor described in this section. In addition, the Chinese legal definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the purpose of these actions.¹⁵ Under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.¹⁶

Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general;¹⁷ in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.¹⁸

Trends and Developments

In 2019, the U.S. State Department listed China as Tier III, a designation for governments who “do not fully meet the minimum standards [Under the Trafficking Victims Protection Act] and are not making significant efforts to do so.”¹⁹

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CROSS-BORDER TRAFFICKING

China remains²⁰ a destination country for human trafficking, particularly of women and children from Southeast Asia,²¹ and a source country for trafficking to the **United States, Europe, and Latin America.**²² This past year, the Commission observed regional and international news media reports of the trafficking of women and girls to China for forced marriage and sexual exploitation from **Burma (Myanmar),²³ Cambodia,²⁴ Indonesia,²⁵ North Korea,²⁶ Pakistan,²⁷ and Vietnam;²⁸** and the trafficking of individuals to China from **Burma, Nepal, and North Korea** for the purpose of forced labor.²⁹

The commission further observed multiple reports of Chinese nationals working in the U.S. sex industry³⁰ through illicit massage parlors.³¹ The managers of these illicit massage parlors in some cases subjected women to poor living conditions and restricted their freedom of movement.³² The coercive nature of these cases may constitute human trafficking.³³

In addition, in March 2019, a federal jury in New York found Dan Zhong, a former Chinese diplomat to the United States and former head of a U.S. affiliate of **China Rilin Construction Group**, guilty of forced labor charges.³⁴ Prosecutors alleged that Dan Zhong and his former employer, Wang Landong, also a former Chinese diplomat, forced Chinese construction workers to work on construction for diplomatic and commercial projects.³⁵ The security deposits that the workers gave the former diplomats to secure employment in the United States for higher wages would be forfeited if the workers escaped.³⁶

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN-ACT) and the U.S. Department of State, men, women, and children were trafficked within China's borders for forced labor, forced begging, and sexual exploitation.³⁷ During this reporting year, the Commission observed cases of trafficking for the purpose of forced labor, including one case in Hunan province where traffickers abducted at least 10 men—many with physical or intel-

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lectual disabilities—from several provinces, and held them for years, forcing them to do various physically demanding work and beating them for disobeying.³⁸ Moreover, many of China’s workers in construction and other industries reportedly worked in conditions that may constitute forced labor, facing frequent non-payment of wages.³⁹ [For more information on the problem of wage arrears, see Section II—Worker Rights.]

GOVERNMENT-SPONSORED FORCED LABOR

This past year, the Chinese government continued⁴⁰ to subject individuals to forced labor during pretrial detention and in administrative detention centers. The International Labour Organization’s (ILO) definition of forced labor makes an exception for labor performed “as a consequence of a conviction in a court of law . . .,”⁴¹ but the Commission observed reports this past year of individuals in China performing forced labor in detention before trial.⁴² The Financial Times published an investigative report in August 2018 indicating that garlic peeled by unconvicted Chinese detainees awaiting trial entered the United States.⁴³ This is in violation of U.S. law.⁴⁴ Moreover, Chinese authorities continued⁴⁵ to require suspected drug users to perform labor after detaining them in compulsory drug detoxification centers, a form of administrative detention that bypasses the judicial process.⁴⁶ As the Chinese government does not convict compulsory detoxification detainees in court, the requirement to perform labor constitutes human trafficking under the Palermo Protocol⁴⁷ for the purpose of forced labor as defined by the ILO.⁴⁸ Compulsory drug detoxification centers are similar to the reeducation through labor (RTL) system,⁴⁹ under which detainees were subjected to forced labor⁵⁰ without judicial process.⁵¹ After abolishing RTL in 2013,⁵² authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.⁵³

Authorities continued⁵⁴ to detain sex workers accused of prostitution for up to two years without judicial process and require them to perform labor in a form of administrative detention known as “custody and education” (*shourong jiaoyu*).⁵⁵ In March 2019, one member of the Chinese People’s Political Consultative Conference renewed his call to abolish the practice of “custody and education,”⁵⁶ and a U.S.-based human rights expert observed that while the intention of “custody and education” may be to educate those detained, in reality “the system puts people into forced labor.”⁵⁷

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Forced Labor in the Xinjiang Uyghur Autonomous Region

This past year, authorities in the Xinjiang Uyghur Autonomous Region (XUAR) expanded a system of extrajudicial mass internment camps.⁵⁸ German scholar Adrian Zenz estimated that “up to 1.5 million ethnic minorities . . . are or have been interned.”⁵⁹ Satellite imagery, personal testimonies, and official documents indicate that the XUAR authorities required current and former detainees of these mass internment camps to perform forced labor in factories inside or near the camps.⁶⁰ International media reported that the XUAR authorities have forced detainees to work in food, textile, and other manufacturing jobs,⁶¹ and in some cases in government subsidized factories after authorities release them from the camps.⁶² Some observers have compared work in mass internment camps to previous forced labor practices including the now abolished reeducation through labor (RTL) system.⁶³ [For more information on mass internment camps, see Section IV—Xinjiang.]

In mid-December 2018, international media reported that Badger Sportswear,⁶⁴ an American sportswear company, received shipments from **Hetian Taida Apparel Co. Ltd.** that included clothing made by forced labor.⁶⁵ Soon after the reports were released, Badger Sportswear ended its relationship with Hetian Taida.⁶⁶ Hetian Taida, based in the XUAR, had a cluster of 10 workshops within a mass internment camp.⁶⁷ Its workshops were featured in a 15-minute government broadcasted video report that highlighted “a vocational skills education and training center” in Hotan (Hetian) city, Hotan prefecture, XUAR.⁶⁸ The chairman of Hetian Taida, Wu Hongbo, confirmed that the company had a factory inside the camp, saying that Hetian Taida provided employment to trainees who were deemed unproblematic by the government as part of their “contribution to eradicating poverty.”⁶⁹

In May 2019, the Wall Street Journal linked supply chains of Adidas AG, C&A Campbell Soup, Esquel Group,⁷⁰ Hennes & Mauritz AB, Kraft Heinz Co., Coca-Cola Co., and Gap Inc. to forced labor in the XUAR.⁷¹ Additionally, according to a July 2019 report by ABC Australia, many Australian companies source cotton from the XUAR.⁷² German scholar Adrian Zenz argued that forced labor in the XUAR is part of a large government-subsidized forced labor scheme that affects current and former detainees of mass internment camps in the XUAR as well as individuals not held in the camps.⁷³ Zenz warned that “[s]oon, many or most products made in China that rely at least in part on low-skilled, labor-intensive manufacturing, could contain elements of involuntary ethnic minority labor from Xinjiang.”⁷⁴

Risk Factors

This past year, Chinese workers migrating within China were at risk of human trafficking, and government restrictions on freedom of residence and movement and worker rights exacerbated this risk. Although the central government promoted *hukou* system reforms to move millions of rural Chinese to cities, the *hukou* system continued to disadvantage and marginalize internal migrants.⁷⁵ Migrant workers have limited access to housing and government benefits due to the lack of official status in their new places of residence,⁷⁶ and they are more likely to work in informal employment

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sectors.⁷⁷ The *hukou* system reportedly exacerbates these migrants' vulnerability to trafficking for the purpose of forced labor.⁷⁸ [For more information on the marginalization of internal migrants in China, see Section II—Special Topic: Migrant Neighborhoods a Target of Anti-Crime and Vice Campaign.]

The Chinese government also limited workers' freedom of association by not permitting the formation of independent unions.⁷⁹ A September 2016 UN report noted that the failure to enforce workers' fundamental right to freedom of association "directly contributes" to human trafficking.⁸⁰ Observers have noted that informal labor contracting practices in China increase the vulnerability to human trafficking of Chinese workers involved in Chinese infrastructure projects at home and abroad, including China's Belt and Road Initiative.⁸¹ [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China.⁸² In rural areas, this imbalance is more pronounced as many women have migrated to cities for work.⁸³ The sex ratio imbalance has created a demand for marriageable women that may contribute to human trafficking for forced marriage.⁸⁴ [For more information on China's population policies, see Section II—Population Control.]

In addition to domestic human trafficking, individuals from other Asian countries are at risk for human trafficking in China.⁸⁵ A lack of economic opportunity in developing countries in Asia, especially among ethnic minority communities,⁸⁶ contributes to human trafficking from that region.⁸⁷ Women and girls in these countries are particularly at risk of trafficking for the purpose of forced marriage.⁸⁸ The Chinese government continued to treat refugees from the **Democratic People's Republic of Korea** (DPRK) as illegal economic migrants and maintained a policy of repatriating undocumented North Koreans,⁸⁹ leaving the refugees, who are predominantly women, vulnerable to trafficking for forced marriage⁹⁰ and sexual exploitation.⁹¹ [For more information, see Section II—North Korean Refugees in China.]

While reports from March 2019 indicated that many workers from the DPRK had been repatriated due to the Chinese government's enforcement of UN sanctions,⁹² the DPRK government reportedly continued⁹³ to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor.⁹⁴ The DPRK government reportedly withheld approximately 67 percent of the workers' earnings.⁹⁵

Anti-Trafficking Efforts

During the Commission's 2019 reporting year, government figures indicated a decline in the number of criminal human trafficking cases opened by public security officials. According to the 2018 China Law Yearbook, public security officials opened 6,668 criminal cases involving the trafficking of women and children in 2017.⁹⁶ This was 6 percent fewer cases than the 7,121 cases opened in 2016.⁹⁷ The National Bureau of Statistics of China further reported that in 2017, authorities uncovered 546 cases of child trafficking,⁹⁸ down from 618 cases in 2016.⁹⁹ All figures likely include

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cases of illegal adoption,¹⁰⁰ while excluding other cases such as offenses against male victims¹⁰¹ and forced labor.¹⁰² In June 2019, the Ministry of Public Security reported it rescued over one thousand trafficking victims from July to December 2018 in coordination with five Southeast Asian countries.¹⁰³

Hong Kong

Hong Kong remained a destination for human trafficking,¹⁰⁴ with migrant domestic workers (MDWs) particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2018 annual digest reported that in 2017, there were over 360,000 MDWs working for households in Hong Kong, the majority (approximately 97 percent) of whom came from the **Philippines** and **Indonesia**.¹⁰⁵ Non-governmental organizations (NGOs), advocates, and MDWs themselves reported that MDWs continued to face exploitative working conditions, including inadequate living conditions, little time off, unpaid wages, and in some cases physical and emotional abuse.¹⁰⁶ Two regulations—one requiring MDWs to live with their employers (live-in rule)¹⁰⁷ and another requiring them to leave Hong Kong within two weeks of contract termination¹⁰⁸—contribute to MDWs' risk of exploitation for forced labor.¹⁰⁹

The definition of human trafficking in Hong Kong's Crimes Ordinance covers only the cross-border movement of persons "for the purpose of prostitution" and not other forms of trafficking such as forced labor or trafficking that occurs within Hong Kong.¹¹⁰ A 2018 Court of Appeal ruled in favor of the Hong Kong government when the government appealed a 2016 ruling, saying the Hong Kong government is not "[obligated under the Hong Kong Bill of Rights] to enact specific legislation to combat forced labour."¹¹¹ In March 2019 Matthew Cheung, Chief Secretary for Administration of the Hong Kong government, listed various measures Hong Kong was taking to combat trafficking and said it is "unfair and groundless for some critics to accuse the government of lacking the determination in tackling people trafficking simply because there is no composite law here."¹¹² But critics said there was no one single law against trafficking and existing laws do not cover all forms of trafficking present in Hong Kong.¹¹³ While China acceded to the Palermo Protocol in 2010, the central government has not extended the Protocol to apply to Hong Kong.¹¹⁴

Notes to Section II—Human Trafficking

¹United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed May 17, 2019; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2019, 526. See also CECC, *2018 Annual Report*, October 10, 2018, 178; CECC, *2017 Annual Report*, October 5, 2017, 186; CECC, *2016 Annual Report*, October 6, 2016, 186; CECC, *2015 Annual Report*, October 8, 2015, 184. In previous years, the Commission has used the acronym “UN TIP Protocol” for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.

²Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 5.1. See also UN Human Rights Council, Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children, Maria Grazia Giammarinaro, A/HRC/35/37, March 28, 2017, para. 14.

³*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, “Training Related to Combating Human Trafficking: China,” Library of Congress, February 2016.

⁴Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). Topics that need to be addressed in domestic human trafficking legislation to bring Chinese law into compliance with the Palermo Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking, the trafficking of men, and providing the “purpose of exploitation.” For an examination of the ways in which Chinese laws are inconsistent with the Palermo Protocol, see Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 148–77.

⁵Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking.

⁶UN Office on Drugs and Crime, “What Is Human Trafficking?,” accessed April 27, 2019; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the Palermo Protocol, see International Labour Office, International Labour Organization, “Human Trafficking and Forced Labour Exploitation: Guidelines for Legislation and Law Enforcement,” 2005, 7–15; International Labour Organization, “Questions and Answers on Forced Labour,” June 1, 2012. The International Labour Organization lists “withholding of wages” as an indicator of forced labor. See also Peter Bengsten, “Hidden in Plain Sight: Forced Labour Constructing China,” *openDemocracy*, February 16, 2018.

⁷*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240. The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].”

⁸Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/25/5, November 6, 2018, para. 28.173; Report of the Working Group on the Universal Periodic Review—China (Addendum), A/HRC/40/6/Add.1, February 15, 2019, para. 2(28.173). In response to a recommendation from Ukraine at China’s Universal Periodic Review requesting that China “[e]laborate comprehensive anti-trafficking legislation that provides for the criminalization of all forms of trafficking,” the Chinese government stated that the recommendation was “[a]ccepted and already implemented.”

⁹Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 151, 166; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN Office on Drugs and Crime, “What Is Human Trafficking?,” accessed April 27, 2019.

¹⁰Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

¹¹Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 160, 166;

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Zhonghua Renmin Gongheguo Xing Fa [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].” See also “Sifa da shuju zhuanti baogao zhi she guai fazui” [Judicial big data special report on crimes involving trafficking], Supreme People’s Court Information Center and Judicial Cases Research Institute, December 22, 2016, 11.

¹²Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 159; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a).

¹³*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 244. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, “Training Related to Combating Human Trafficking: China,” Library of Congress, February 2016.

¹⁴Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a); Anti-Slavery International, “What Is Human Trafficking?” accessed May 6, 2019; Human Rights Watch, “Smuggling and Trafficking Human Beings,” July 7, 2015; Rebekah Kates Lemke, “7 Things You May Not Know About Human Trafficking, and 3 Ways to Help,” Catholic Relief Services, March 19, 2019. For an example of human trafficking report that lists government sponsored forced labor in China as part of human trafficking, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2019, 3, 140–44.

¹⁵Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2019, 141; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 166–67, 170–71; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, effective October 1, 1997, amended November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].” In contrast, the purpose of exploitation is a key element of the Palermo Protocol definition of human trafficking. For reports from the Commission’s 2019 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Chen Yikai and You Tianyi, “9 ming ertong bei guai an liang renfan bei pan sixing” [In the case of 9 trafficked children, two traffickers sentenced to death], *Beijing News*, December 29, 2018; Wuzhou Procuratorate (@wuzhoujiancha), “Wuzhou shi jiancha jiguan pizhun daibu yidui shexian fanmai ziji duo ming haizi de fuqi” [Wuzhou municipal procuratorate approved the arrest of a married couple suspected of selling several of their own children], Weibo post, March 11, 2019, 18:55:53; “Baby-Selling Couple Arrested for Trafficking,” *Sixth Tone*, March 12, 2019.

¹⁶Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c). The purpose of exploitation is one of the required elements of a trafficking case under Article 3 of the Palermo Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, November 3, 2000, para. 66; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 171.

¹⁷See, e.g., W. Courtland Robinson and Casey Branchini, Johns Hopkins Bloomberg School of Public Health, and the Kachin Women’s Association Thailand, “Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China,” December 2018, ix; Matt Blomberg and Kong Meta, “Wedlocked: Tangled Webs Trap Cambodian ‘Brides’ in China,” *Thomson Reuters Foundation*, March 11, 2019; Jenny Vaughan and Tran Thi Minh Ha, “Mothers of the Missing: Anguished Search for Vietnam’s Kidnapped Brides,” *Agence France-Presse*, December 12, 2012.

¹⁸Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2019; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 166, 177.

¹⁹Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2019, 37, 48. See also Trafficking Victims Protection Act of 2000, 22 U.S.C. 7102. For U.S. State Department Tier Rankings from 2011 through 2019, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons

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Report,” June 2019, 35–37, 141, 227; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 139, 215.

²⁰For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2018 Annual Report*, October 10, 2018, 178–79; CECC, *2017 Annual Report*, October 5, 2017, 186; CECC, *2016 Annual Report*, October 6, 2016, 186; CECC, *2015 Annual Report*, October 8, 2015, 184.

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⁹⁶*2018 Zhongguo falu nianjian* [2018 China law yearbook] (Beijing: China Law Yearbook Press, 2018), 1191, table 1.

⁹⁷*2017 Zhongguo falu nianjian* [2017 China law yearbook] (Beijing: China Law Yearbook Press, 2017), 1168, table 1.

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⁹⁸National Bureau of Statistics of China, “2017 nian ‘Zhongguo ertong fazhan gangyao (2011–2020 nian)’ tongji jiance baogao” [2017 “Chinese children’s development summary (2011–2020)” statistical monitoring report], October 2018, sec. 1(5)2.

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¹⁰⁰The PRC Criminal Law defines trafficking as “abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling [the victim].” The illegal sale of children for adoption thus can be considered trafficking under Chinese law. In contrast, under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation. *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, amended and effective November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, November 3, 2000, para. 66; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2019; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 166–67, 170–71.

¹⁰¹*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, amended and effective November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (2016): 160, 166–70.

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¹⁰⁵Census and Statistics Department, Hong Kong Special Administrative Region, “Xianggang tongji niankan” [Hong Kong annual digest of statistics], October 2018, 44, table 2.12. The Hong Kong government refers to migrant domestic workers as “foreign domestic helpers.” For general information on migrant domestic workers, see International Labour Organization, “Who Are Domestic Workers?,” accessed April 24, 2019; International Labour Organization, “Migrant Domestic Workers,” accessed April 24, 2019.

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