

HUMAN TRAFFICKING

Findings

- Chinese government-sponsored forced labor is a form of human trafficking. The Chinese government continued to force individuals who have not been criminally convicted to perform labor—including in the Xinjiang Uyghur Autonomous Region (XUAR) and in forms of administrative detention throughout China. Under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), forced labor constitutes a form of human trafficking.
- Chinese authorities transferred Uyghurs and other ethnic minorities from the XUAR to work in factories in other parts of China for forced labor. These transfers were part of “Xinjiang Aid” programs that use ethnic minority forced labor and promote investment in the region by companies from other parts of China. Authorities placed transferred ethnic minorities in conditions of surveillance and indoctrination similar to those of ethnic minority workers in the XUAR.
- Women and girls were trafficked in China for forced marriage and sexual exploitation. Their countries of origin included Burma (Myanmar), Cambodia, Indonesia, Laos, Madagascar, Mongolia, Nepal, North Korea, Pakistan, Paraguay, Uganda, Ukraine, and Vietnam.
- Since 2017, the U.S. State Department has listed China as a Tier III country in its annual Trafficking in Persons Report. The tier placement reflects the State Department evaluation of a government’s actions to combat human trafficking according to the Trafficking Victims Protection Act (TVPA). Tier III is the lowest designation reserved for governments that “do not fully meet the minimum standards [under the TVPA] and are not making significant efforts to do so.”
- Chinese government policies that contributed to the risk of human trafficking include the following:
 - Restrictions on movement imposed by the household registration system;
 - Chinese workers’ limited rights to freedom of association;
 - China’s sex ratio imbalance created in part by restrictive population practices; and
 - Lack of legal status for North Korean refugees in the People’s Republic of China.

Recommendations

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

- Continue to designate the Chinese government as a “Tier 3” violator of human trafficking standards. As part of that designation, employ the actions described in Section 110 of the Trafficking Victims Protection Act of 2000 (TVPA) as amended (22 U.S.C. 7107) to address government-sponsored forced labor. Ensure that significant traffickers in persons in China are

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identified and sanctioned. Traffickers may be sanctioned under Section 111 of the TVPA as amended (22 U.S.C. 7108).

- Consider issuing a comprehensive import ban on all goods produced, wholly or in part, in the XUAR. This import ban should last until a determination can be made by U.S. Customs and Border Protection (CBP) that XUAR authorities and producers have ended the systematic use of forced labor by Uyghurs, Kazakhs, Kyrgyz, and members of other Muslim ethnic minorities. CBP has targeted entire product lines and regions for import bans in the past, including by issuing “Withhold Release Orders” for the cotton industry of Turkmenistan in 2018 and gold from artisanal small mines in eastern Democratic Republic of the Congo in 2019.

- 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 forums include the Coordinated Mekong Ministerial Initiative against Trafficking, Asia-Pacific Economic Cooperation, and the East Asia Summit. Regional cooperation should address migration and the flow of refugees, poverty, sex ratio imbalance, 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. These exchanges can 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 Furthermore, the definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking listed 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 involve but does not require crossing international borders.¹⁴

Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general;¹⁵ and the barriers to conducting due diligence in cases of government-sponsored forced labor,¹⁶ as well as inconsistencies in China between domestic law and international standards, further contribute to the difficulty of assessing the scale of human trafficking.¹⁷

Trends and Developments



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Since 2017, the U.S. State Department has listed China at Tier III, a designation for governments who “do not fully meet the [Trafficking Victims Protection Act’s] minimum standards and are not making significant efforts to do so.”¹⁸

CROSS-BORDER TRAFFICKING

China remains¹⁹ a destination country for human trafficking, particularly of women and children from Southeast Asia,²⁰ and a source country for trafficking throughout the world, including to the United States and Europe.²¹ Reporting indicated that forced labor occurred onboard distant water fishing vessels flying Chinese flags, over which China has jurisdiction under international law.²²

This past year, the Commission observed reports of the trafficking of women and girls in China for the purpose of forced marriage or sexual exploitation from **Burma** (Myanmar),²³ **Cambodia**,²⁴ **Indonesia**,²⁵ **Laos**,²⁶ **Madagascar**,²⁷ **Mongolia**,²⁸ **Nepal**,²⁹ **North Korea**,³⁰ **Pakistan**,³¹ **Paraguay**,³² **Uganda**,³³ **Ukraine**,³⁴ and **Vietnam**.³⁵ The Commission also observed the trafficking of individuals from **Burma, Cambodia, Madagascar, Mongolia, Nepal, North Korea, Paraguay, Uganda, Ukraine, and Vietnam** within China for the purpose of forced labor.³⁶

DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN–ACT) and the U.S. State Department, men, women, and children were trafficked within China’s borders for forced labor, forced begging, and sexual exploitation.³⁷ Moreover, many of China’s workers, including factory workers producing Apple iPhones, as well as individuals working in the healthcare and construction industries during the coronavirus disease 2019 (COVID–19) outbreak, reportedly worked in conditions that may constitute forced labor, facing non-payment of wages.³⁸

GOVERNMENT-SPONSORED FORCED LABOR

Chinese government-sponsored forced labor in the Xinjiang Uyghur Autonomous Region (XUAR) and in forms of administrative detention constitute forced labor under the International Labour Organization’s (ILO)³⁹ Forced Labour Convention and constitute human trafficking under the Palermo Protocol.⁴⁰ The ILO’s definition of forced labor makes an exception for labor performed “as a consequence of a conviction in a court of law . . .,”⁴¹ but this past year the Commission continued⁴² to observe reports of the government requiring unconvicted detainees in China to perform labor.⁴³ Chinese authorities continued⁴⁴ 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.⁴⁵ Compulsory drug detoxification centers are similar to the reeducation through labor (RTL) system,⁴⁶ under which detainees were subjected to forced labor⁴⁷ without judicial process.⁴⁸ After abolishing RTL in 2013,⁴⁹ authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.⁵⁰

**National People's Congress Standing Committee Repeals
"Custody and Education" for Sex Workers**

On December 28, 2019, the National People's Congress Standing Committee repealed the form of administrative detention known as "custody and education" (*shourong jiaoyu*) effective December 29, 2019.⁵¹ While in place, custody and education allowed authorities to detain sex workers accused of prostitution for up to two years without judicial process and require them to perform labor.⁵² Rights advocates and lawyers had previously called for the abolition of this practice.⁵³ One longtime advocate for the abolition of custody and education called the development a "rare victory for a vulnerable group in China."⁵⁴

FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION

As many as 1.8 million Uyghurs, Kazakhs, Kyrgyz, and members of other predominantly Muslim minorities are, or have been, arbitrarily detained in mass internment camps in the XUAR.⁵⁵ Satellite imagery, personal testimony, and official documents indicate that XUAR authorities are systematically forcing predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor in the XUAR.⁵⁶ In some cases, detainees performed forced labor in factories within internment camps.⁵⁷ In other cases, authorities released individuals from the camps to perform forced labor in factories elsewhere in the XUAR.⁵⁸ In still other cases, XUAR authorities reportedly assigned individuals from ethnic minority groups to forced labor directly, without first sending them to the camps.⁵⁹ Observers caution firms and others seeking to avoid complicity in forced labor against relying on auditing of supply chains in the XUAR given the impossibility of obtaining accurate information from the region.⁶⁰

The Commission has also observed reports of authorities sending Uyghurs and Kazakhs from the XUAR to other regions of China for forced labor.⁶¹ A March 2020 report by the Australian Strategic Policy Institute (ASPI) estimated that from 2017 to 2019 more than 80,000 ethnic minority individuals from the XUAR were transported to eastern and central China for labor.⁶² The report also found that companies participate in these "Xinjiang Aid" programs by hiring ethnic minorities from the XUAR in factories in eastern China, or by hiring them in satellite factories in the XUAR.⁶³ Workers transferred to other parts of China faced monitoring and political indoctrination similar to that faced by workers in the XUAR.⁶⁴ The ASPI report linked factories participating in "Xinjiang Aid" programs to the supply chains of international companies.⁶⁵ According to Shelly Han of the Fair Labor Association, "[i]n the context of forced labor in Xinjiang, or in other parts of China, Uyghurs are not able to speak up or speak out on their own behalf. That means that companies cannot engage with them in the detection or remediation of forced labor"⁶⁶

Reports have also indicated that authorities have transferred ethnic minority workers from the XUAR to replace Han workers during the COVID-19 pandemic. In and around March 2020, official media reports indicated that authorities transferred tens of thousands of ethnic minority workers to work in factories both

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within and outside of the XUAR.⁶⁷ The workers reportedly produced items such as masks and food, despite the shutdown of some factories due to concerns about the spread of COVID-19.⁶⁸ [For more information on forced labor and other human rights violations in the XUAR, see Section IV—Xinjiang. For more information on companies involved in forced labor in the XUAR, see Section II—Business and Human Rights.]

Risk Factors

The Commission observed the following risk factors that contributed to human trafficking in China during this reporting year:

- **Restrictions on Movement Created by the Hukou System.** This past year, Chinese workers migrating within China were at risk of human trafficking; government restrictions on freedom of residence and movement imposed by the *hukou* system, as well as violations of 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.⁶⁹ Migrant workers have limited access to housing and government benefits due to the lack of official status in their new places of residence and thus are more likely to work in informal employment sectors.⁷⁰ Such marginalization to the informal sector increases the vulnerability of migrant workers to exploitative working practices.⁷¹
- **Chinese Workers' Limited Right to Freedom of Association.** The Chinese government also limited workers' right to freedom of association by not permitting the formation of independent unions.⁷² A September 2016 UN report noted that the failure to enforce workers' fundamental right to freedom of association disenfranchises workers and therefore "directly contributes" to human trafficking.⁷³ In addition, observers have noted that informal labor contracting practices in China increase the vulnerability to human trafficking of Chinese workers including individuals in the healthcare and construction industries engaged in work related to the COVID-19 outbreak.⁷⁴ [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]
- **China's Sex Ratio Imbalance.** Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China.⁷⁵ This imbalance has created a demand for marriageable women that may contribute to human trafficking for the purpose of forced marriage.⁷⁶ A lack of economic opportunity in parts of developing countries in Asia, especially among ethnic and religious minority communities,⁷⁷ also contributes to human trafficking of women and girls from that region for the purpose of forced marriage.⁷⁸ [For more information on China's population policies, see Section II—Population Control.]
- **Chinese Government Treatment of North Korean Refugees.** The Chinese government continued to treat refugees from the Democratic People's Republic of Korea (DPRK) as illegal economic migrants and maintained a practice of repa-

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triating undocumented North Koreans.⁷⁹ These actions left the refugees, who are predominantly women, vulnerable to trafficking for forced marriage⁸⁰ and sexual exploitation.⁸¹ [For more information on Chinese government treatment of North Korean refugees, see Section II—North Korean Refugees in China.]

• **North Korean Government Use of Dispatched North Korean Workers in China to Generate Revenue.** Reports indicated that the DPRK government continued⁸² to send DPRK nationals to work in China to generate revenue for the DPRK government. A 2017 UN resolution required countries, including China, to repatriate such DPRK nationals by December 2019 under penalty of sanctions.⁸³ The resolution makes an exception for North Koreans protected under international refugee law.⁸⁴ Reports continued to indicate that dispatched North Korean workers in China work under conditions that may constitute forced labor.⁸⁵

Anti-Trafficking Efforts

The National Bureau of Statistics of China reported that in 2018, authorities uncovered 606 cases of child trafficking,⁸⁶ up from 546 cases in 2017.⁸⁷ All such figures likely include cases of illegal adoption.⁸⁸ Chinese state media reported cooperation with countries along the Mekong River to combat cross-border human trafficking in the region.⁸⁹ However, in addition to “a government policy or pattern of widespread forced labor,” the U.S. State Department noted “decreased law enforcement efforts” against human trafficking, “decreased efforts to protect victims” of human trafficking, and “decreased efforts to prevent trafficking.”⁹⁰

Hong Kong

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.⁹¹ In Hong Kong, migrant domestic workers (MDWs) remained⁹² particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department’s 2019 annual digest reported that in 2018, there were over 385,000 MDWs working for households in Hong Kong, the majority (close to 98 percent) of whom came from the Philippines or Indonesia.⁹³ Advocates for MDWs and MDWs themselves reported that MDWs continued to face exploitative working conditions, including inadequate living conditions, little time off, and in some cases physical and emotional abuse.⁹⁴ Two regulations—one requiring MDWs to live with their employers (live-in rule)⁹⁵ and another requiring them to leave Hong Kong within two weeks of contract termination⁹⁶—contribute to MDWs’ risk of exploitation.⁹⁷

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 March 17, 2020.

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, amended and effective 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 the following to the legal definition of trafficking: 1) non-physical forms of coercion; 2) the trafficking of men; and 3) 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 July 7, 2020; 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, amended and effective 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].” In contrast, the purpose of exploitation is a key element of the Palermo Protocol definition of human trafficking. For reports from the Commission’s 2020 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Colin Drury, “Spectre of Child Trafficking Looms Behind Abduction of Nine-Year-Old in Murder-Suicide that Gripped China,” *Independent*, July 21, 2019; Zhang Liutao, “Nuhai zao ‘jiabao’ qiuzhu yiqing jianchadian, qianchu yi qi 7 nian qian guaimai ertong an” [Girl facing “domestic violence” calls for help from epidemic inspection office, uncovering a trafficking case from 7 years before], *The Paper*, March 5, 2020; Wang Yanying, “Bang weihun pengyou songyang haizi shouqu 4 wan yuan ‘yingyangfei’ Hangzhou yi nanzi huoxing 5 nian” [He helped an unmarried friend find a home for her child, and received 40 thousand yuan for “nutrition fees”: Hangzhou man sentenced to 5 years in prison], *Hangzhou Net*, March 9, 2020; “Yi ci DNA jianing qianchu yangai 17 nian de guaimai ertong an” [DNA test uncovers a 17-year-old child trafficking case], *Legal Daily*, September 5, 2019. See also Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2020, 153; 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.

⁸Protocol 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); 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): 159. See also UN Human Rights Council, Report of the Working Group on the Universal Periodic Review—China, A/HRC/40/6, December 26, 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, 166–67; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective November 4, 2017, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the

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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 July 7, 2020.

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, 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).

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; *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, 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). 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 fanzui” [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, 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).

¹³*Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended and effective 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 March 25, 2020; 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, July 19, 2019. For examples of human trafficking reports that list 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,” June 2020, 10, 153–57; CECC, “Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region,” March 2020, 9.

¹⁵See, 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.

¹⁶Amy K. Lehr and Mariefaye Bechrakis, “Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains,” Center for Strategic and International Studies, October 2019, 11–14; Ryan Aherin, “Xinjiang Supply Chain Risks Intensify and Extend Beyond China,” *Verisk Maplecroft*, September 9, 2019; Fair Labor Association, “Forced Labor Risk in Xinjiang, China,” January 2020, 3; Adrian Zenz, “Beyond the Camps: Beijing’s Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang,” *Journal of Political Risk* 7, no. 12 (December 10, 2019); CECC, “Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region,” March 2020, 7.

¹⁷Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2020, 153–54; 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.

¹⁸Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2020, 40–41, 55, 153. See also Trafficking Victims Protection Act of 2000, 22 U.S.C. 7102. For U.S. State Department Tier Rankings from 2011 through 2020, see Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2019, 35–37, 141, 227. Tier 1 is a designation for “countries whose governments fully meet the TVPA’s minimum standards for the elimination of trafficking”; Tier 2 is a designation for “countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards”; and the Tier 2 Watch List is a designation for “countries whose governments do not fully meet the TVPA’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which: a) the estimated number of victims of severe forms of trafficking is very significant or is significantly increasing and the country is not taking proportional concrete actions; b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials.”

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¹⁹For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2019 Annual Report*, November 18, 2019, 160; 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.

²⁰See, e.g., Heather Barr, “China’s Bride Trafficking Problem,” *The Diplomat*, October 30, 2019; Hannah Beech, “Teenage Brides Trafficked to China Reveal Ordeal: ‘Ma, I’ve Been Sold,’” *New York Times*, August 17, 2019; “Family of 25-Year-Old Lao Woman Married Off in China Seeks Help Getting Home,” *Radio Free Asia*, October 4, 2019; Desmond Ng, Ikhwan Rivai, and Melissa Chi, “Raped, Beaten and Sold in China: Vietnam’s Kidnapped Young Brides,” *Channel News Asia*, August 3, 2019.

²¹Colin Warren-Hicks, “Pensacola Massage Parlor Operator Pleads Guilty to Human Trafficking Charges,” *Pensacola News Journal*, November 14, 2019; Diane Taylor and Lily Kuo, “China-UK People Trafficking Often Driven by Debt, Experts Say,” *Guardian*, October 24, 2019; UK Modern Slavery Unit, Home Office, “2019 UK Annual Report on Modern Slavery,” October 2019; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2020, 68, 119, 178, 186, 222, 228, 276, 281, 286, 300, 339, 356, 394, 396, 400, 422, 452, 460, 471, 476, 489, 529.

²²Greenpeace and Serikat Buruh Migran Indonesia, “Seabound: The Journey to Modern Slavery on the High Seas,” December 2019, 28–29; Irina Bukharin, C4ADS, “Who Can Combat Forced Labor at Sea?,” 2020; United Nations Convention on the Law of the Sea, adopted by the Third UN Conference on the Law of the Sea on December 10, 1982, entry into force November 16, 1994, art. 94(2)(b), (3)(b), (6); United Nations Treaty Collection, Chapter XXI, Law of the Sea, United Nations Convention on the Law of the Sea, accessed March 24, 2020. China signed the Convention on the Law of the Sea on December 10, 1982, and ratified it on June 7, 1996.

²³Hannah Beech, “Teenage Brides Trafficked to China Reveal Ordeal: ‘Ma, I’ve Been Sold,’” *New York Times*, August 17, 2019; Zaw Zaw Htwe, “Most Myanmar Trafficking Cases Involve Forced Marriage in China: Police,” *Irrawaddy*, January 3, 2020. See also W. Courtland Robinson and Casey Branchini, John’s 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.

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⁸³ David Brunnstrom, “China Fails to Repatriate North Korea Workers Despite U.N. Sanctions: U.S. Official,” *Reuters*, January 22, 2020; Edward White, Henry Foy, and Christian Shepherd, “N Korean Workers in China and Russia Look Set to Defy Sanctions,” *Financial Times*, December 18, 2019; UN Security Council, Department of Political Affairs, Resolution 2397, adopted at its 8151st Session, SC/13141, December 22, 2017, para. 8; “Rights Monitor Group Tracking 60,000 North Korean Workers in Northeastern China,” *Radio Free Asia*, December 23, 2019.

⁸⁴ UN Security Council, Department of Political Affairs, Resolution 2397, adopted at its 8151st Session, SC/13141, December 22, 2017. See also UN High Commissioner for Refugees, “UNHCR, Refugee Protection and International Migration,” January 17, 2007, paras. 20–21; Human Rights Watch, “China: Protect 7 North Koreans Fleeing Oppression,” May 14, 2019; Roberta Cohen, “Legal Grounds for Protection of North Korean Refugees,” Brookings Institution, September 13, 2010.

⁸⁵ Min Joo Kim and Simon Denyer, “A U.N. Deadline Is Forcing North Korea’s Global Workers to Go Home. Some Never Will.,” *Washington Post*, December 21, 2019; “North Korean Workers in China Forced to Work Overtime before Sanctions Deadline,” *Radio Free Asia*, October 23, 2019. See also Jason Arterburn, C4ADS, “Dispatched: Mapping Overseas Forced Labor in North Korea’s Proliferation Finance System,” 2018.

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⁸⁶National Bureau of Statistics of China, “2018 nian ‘Zhongguo ertong fazhan gangyao (2011–2020 nian)’ tongji jiance baogao” [2018 “Chinese children’s development summary (2011–2020)” statistical monitoring report], December 6, 2019, sec. 1(5)(2).

⁸⁷Ibid.

⁸⁸The 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, revised March 14, 1997, 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,” 2020, 154; 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.

⁸⁹“Lancang-Mekong Countries Launch Joint Crackdown on Human Trafficking,” *Xinhua*, September 3, 2019. See also Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2020, 127, 533.

⁹⁰Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2020, 153–55.

⁹¹*Crimes Ordinance (Cap. 200)* sec. 129(1). See also Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., “Joint Submission of NGOs for the Universal Periodic Review (3rd Cycle) Hong Kong Special Administrative Region (HKSAR) China,” March 2018, para. 49; Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—Hong Kong,” June 2020, 243; Elise Mak, “Human Trafficking in Hong Kong,” *Harbour Times*, March 19, 2019. China made the following declaration regarding the application of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) to Hong Kong: “Unless otherwise notified by the Government, the Protocol shall not apply to the Hong Kong Special Administrative Region of the People’s Republic of China.” United Nations Treaty Collection, Chapter XVIII, Penal Matters, 12.a. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, accessed April 1, 2020. See also UN Committee on the Elimination of Discrimination against Women, Concluding Observations on the Combined Seventh and Eighth Periodic Reports of China, adopted by the Committee at its 59th Session (October 20–November 7, 2014), CEDAW/C/CHN/CO/7-8, November 14, 2014, para. 56.

⁹²For information on human trafficking in Hong Kong from previous reporting years, see CECC, *2019 Annual Report*, November 18, 2019, 164; CECC, *2018 Annual Report*, October 10, 2018, 181–82; CECC, *2017 Annual Report*, October 5, 2017, 189–90; CECC, *2016 Annual Report*, October 6, 2016, 189–90; CECC, *2015 Annual Report*, October 8, 2015, 187–88.

⁹³Census and Statistics Department, Hong Kong Special Administrative Region, “Xianggang tongji niankan” [Hong Kong annual digest of statistics], October 2019, 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 March 26, 2020; International Labour Organization, “Migrant Domestic Workers,” accessed March 26, 2020.

⁹⁴Fiona Sun, “Coronavirus: ‘Live-in’ Rule Carries Real Risk for Domestic Workers Sharing Flats with Quarantined Employers, Workers Group Says,” *South China Morning Post*, March 22, 2020; Betsy Joles and Jaime Chu, “Domestic Workers Search for Rights amid Pro-Democracy Protests,” *Al Jazeera*, October 20, 2019. See also International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by General Assembly resolution 45/158, December 18, 1990, arts. 7, 25; Alan Wong, “Inkstone Index: Hong Kong’s Foreign Domestic Workers,” *Inkstone*, *South China Morning Post*, March 4, 2019.

⁹⁵Immigration Department, Hong Kong Special Administrative Region Government, “Cong wai guo shou pin lai gang jiating yong gong qian zheng/yanchang dou liu qixian shenqing biao” [Visa/extension of stay application form for domestic helper in Hong Kong from abroad], accessed April 1, 2020, 6(ii); Immigration Department, Hong Kong Special Administrative Region Government, “Employment Contract for a Domestic Helper Recruited from Outside Hong Kong,” accessed April 1, 2020, item 3; Immigration Department, Hong Kong Special Administrative Region Government, “Foreign Domestic Helpers,” accessed July 7, 2020, question 31; Fiona Sun, “Coronavirus: ‘Live-in’ Rule Carries Real Risk for Domestic Workers Sharing Flats with Quarantined Employers, Workers Group Says,” *South China Morning Post*, March 22, 2020.

⁹⁶Immigration Department, Hong Kong Special Administrative Region Government, “Cong wai guo shou pin lai gang jiating yong gong qian zheng/yanchang dou liu qixian shenqing biao” [Visa/extension of stay application form for domestic helper in Hong Kong from abroad], accessed April 1, 2020, 6(vi); Immigration Department, Hong Kong Special Administrative Region Government, “Conditions of Employment for Foreign Domestic Helpers: A General Guide to the Helper,” accessed April 1, 2020, item 3; Immigration Department, Hong Kong Special Administrative Region Government, “Foreign Domestic Helpers,” accessed July 7, 2020, question 34.

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⁹⁷ Jason Hung, “What Hong Kong Can Do to Stop Abuse of Domestic Helpers,” *South China Morning Post*, September 29, 2019; Katie McQue, “How Hong Kong Maids Became Caught in a ‘Humanitarian Tsunami,’” *Guardian*, July 22, 2019. See also Centre for Comparative and Public Law, Faculty of Law, University of Hong Kong et al., “Joint Submission of NGOs for the Universal Periodic Review (3rd Cycle) Hong Kong Special Administrative Region (HKSAR) China,” March 2018, paras. 45–46, 48, 50.