HUMAN TRAFFICKING

Findings

- Multiple U.N. human rights bodies and experts expressed concern over the People's Republic of China's (PRC) government-sponsored forced labor in the Xinjiang Uyghur Autonomous Region (XUAR). U.N. bodies and experts expressed concern that such forced labor was systematic and policy-driven in nature and called on the PRC government to end forced labor programs in the XUAR.
- In December 2022, the U.S. Treasury Department "sanctioned two individuals, Li Zhenyu and Xinrong Zhuo, and the networks of entities they control, including Dalian Ocean Fishing Co., Ltd. and Pingtan Marine Enterprise, Ltd.," for their connection to serious human rights abuses.
- Political prisoners including **Lee Ming-cheh** and **Cheng Yuan** were forced to work while in detention. Both Lee and Cheng were convicted under broad and vaguely defined state security charges for their exercise of rights recognized under international law.
- Examples of cross-border trafficking during the Commission's 2023 reporting year included women and girls from Cambodia trafficked in China, Chinese nationals forced into international online scamming schemes in Cambodia, and Chinese nationals subjected to abusive practices in state-funded investment projects abroad.
- An international non-profit said that data involving human organs and tissues from the PRC would not be accepted for submission for its meetings or publications due to "the body of evidence that the [PRC] stands alone in continuing to systematically support the procurement of organs or tissue from executed prisoners."

Recommendations

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

- Fully implement the Uyghur Forced Labor Prevention Act (UFLPA) and regularly update and expand the lists of entities identified as complicit in forced labor, pursuant to this law. Congress should also increase funding to U.S. Customs and Border Protection (CBP) to bolster CBP enforcement of the UFLPA.
- Monitor and support the Tier 3 designation for China in the annual U.S. State Department Trafficking in Persons Report. 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 identified and sanctioned under Section 111 of the TVPA as amended (22 U.S.C. §7108).
- Consider actions, including through legislation as needed, that bolster supply chain transparency, including by requiring

supply chain mapping, disclosure, comprehensive human rights due diligence, and country of origin labels for goods purchased and sold online.

○ Provide humanitarian pathways for victims of human trafficking in the PRC, including protections for those seeking asylum to ensure they are not deported to the PRC and are resettled in countries that have no extradition agreement with China, including the United States.

HUMAN TRAFFICKING

China's Human Trafficking and Forced Labor Obligations under International Law

PALERMO PROTOCOL

As a State Party to the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol),[1] China is obligated to combat human trafficking and enact legislation criminalizing human trafficking as defined in the Palermo Protocol.[2] The Palermo Protocol definition of human trafficking comprises three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control; and
- the purpose of exploitation, including sexual exploitation, forced labor, or the forced removal of organs.[3]

Under the Palermo Protocol, crossing international borders is not required for an action to constitute human trafficking, such as in cases of government-sponsored forced labor.[4]

ILO FORCED LABOR CONVENTIONS AND ILO INDICATORS OF FORCED LABOR

In addition to its obligations under the Palermo Protocol, China has committed to obligations to combat forced labor under International Labour Organization (ILO) conventions. In 2022, the National People's Congress Standing Committee ratified the ILO's Forced Labour Convention of 1930 and Abolition of Forced Labour Convention of 1957.[5] The Forced Labour Convention defines forced labor as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."[6] The ILO's Abolition of Forced Labour Convention prohibits China from using forced labor "as a means of political coercion or education" or "as a means of racial, social, national or religious discrimination."[7]

The ILO provides eleven indicators of forced labor to help "identify persons who are possibly trapped in a forced labour situation."[8] The indicators include—

- abuse of vulnerability;
- deception;
- restriction of movement;
- isolation;
- physical and sexual violence;
- intimidation and threats;
- retention of identity documents;
- withholding of wages;
- debt bondage;
- abusive working and living conditions; and
- excessive overtime.[9]

In this chapter, these ILO indicators are used to identify possible cases of human trafficking and forced labor that occurred during the Commission's 2023 reporting year.[10]

Human Trafficking

Cross-Border Trafficking

During the Commission's 2023 reporting year, China remained[11] both a source and destination country for human trafficking across international borders. Examples of cross-border trafficking during this reporting year include the following:

- **Women and girls trafficked in China.** Reporting from the South China Morning Post found that women and girls from Cambodia were trafficked in China for forced marriage and sexual exploitation.[12] According to the reporting, these women and girls were often promised improved economic circumstances through marriage or employment before being forced into exploitative situations.[13] Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex ratio imbalance in China.[14] This imbalance has created a demand for marriageable women that may contribute to human trafficking for the purpose of forced marriage.[15]
- **Chinese nationals forced to conduct international online scams linked to Belt and Road Initiative (BRI) projects in Cambodia.** During the reporting year, Al Jazeera and other news outlets reported that Chinese nationals forced individuals from China and other parts of Asia to work in compounds in Cambodia to carry out scam operations targeting people around the world.[16] Individuals forced to work were often promised employment in Cambodia or elsewhere, but instead were forced to work in online scamming.[17] In addition to being deceived by traffickers, individuals were subjected to abusive practices including restriction of movement, confiscation of identity documents, physical violence, and debt bondage, which the ILO has identified as indicators of forced labor.[18] Multiple reports linked the increase in scamming in Cambodia to the influx of Chinese state-sponsored investment to Cambodia through the BRI.[19] For example, China Labor Watch (CLW) stated that Chinese and Cambodian officials bear responsibility for the human trafficking and scamming taking place in Sihanoukville, Cambodia, "because Sihanoukville is an economic zone created between China and Cambodia under the BRI."[20]
- **Presence of forced labor indicators in state-funded BRI investment projects abroad.** In November 2022, CLW and Axios reported that Chinese workers in PRC-funded BRI investment projects abroad were subjected to abusive practices that are indicators of forced labor, such as abuse of vulnerability, deception, physical violence, retention of identity documents, and withholding of wages.[21] These indicators were observed in projects located in countries including Serbia, Algeria, Indonesia, the Democratic Republic of the Congo, and Singapore.[22]

[For information on trafficking of North Koreans in China, see Chapter 15—North Korean Refugees in China.]

Chinese Fishing Companies Sanctioned for Human Rights Abuses

In December 2022, the U.S. Treasury Department "sanctioned two individuals, Li Zhenyu and Xinrong Zhuo, and the networks of entities they control, including Dalian Ocean Fishing Co., Ltd. and Pingtan Marine Enterprise, Ltd.," for their connection to serious human rights abuses.[23] Distant water fishing vessels owned by Dalian and Pingtan had previously been implicated in subjecting Indonesian crewmembers to forced labor.[24] In response to the April 2023 delisting of Pingtan Marine from the NASDAQ, an analyst at C4ADS stated that "[t]he ultimate perpetrators of the environmental and human rights violations committed by these vessels are those who own them and finance them, and it's these people who should be punished for these crimes."[25] Both Dalian and Pingtan received subsidies to expand their distant water fishing operations from the Chinese government,[26] and the Chinese distant water fishing fleet is heavily subsidized by the Chinese central and local governments.[27]

Chinese Companies, Cobalt Mining, and Child Labor in the Democratic Republic of the Congo

Reports highlighted poor working conditions and child labor[28] in cobalt[29] mines in the Democratic Republic of the Congo (DRC), some of which were connected directly to Chinese companies.[30] According to the United States Geological Survey and other sources, 70 percent of mined cobalt comes from the DRC, the majority of which is exported to China.[31] Under the U.N. Guiding Principles on Business and Human Rights, Chinese companies should seek to avoid "contributing to adverse human rights impacts through their own activities, and address such impacts when they occur." Global demand for cobalt mined in the DRC is expected to increase given growing global demand for electric vehicles.[32] According to the United States Geological Survey, U.S. domestic supply of cobalt is several times smaller than the top global producers of cobalt, and "[m]ost U.S. cobalt supply consisted of imports and secondary (scrap) materials."[33] [For more information on the role of businesses in human rights abuses, see Chapter 14—Business and Human Rights.]

Domestic Trafficking

During this reporting year, the Commission continued[34] to observe reports concerning cases of domestic human trafficking in China:

- **Reported trafficking cases in Hebei province.** In September 2022, the Party-run media outlet Global Times reported that authorities "solved 22 cases of abducting and trafficking women and children, and recovered 17 missing and abducted women and children" in Hebei.[35] These figures likely include cases of illegal adoption.[36]
- **Chinese girl sold into marriage by parents in Sichuan province.** In February 2023, Chinese Central Television and

Sixth Tone reported that the parents of a sixteen-year-old girl in Sichuan attempted to force their daughter into marriage in exchange for 260,000 yuan (approximately US$38,000).[37] The girl subsequently fled to Guangdong province and found a job.[38] When relatives of the man she was sold to marry attempted to forcibly return her to Sichuan, the girl escaped in the Guangxi Zhuang Autonomous Region and informed local authorities that her parents had sold her into marriage.[39] Social media users criticized the fact that authorities eventually returned the girl to her family who had sold her, and according to Sixth Tone, representatives of the women's federation in Sichuan said that they would visit the girl monthly "to ensure her safety."[40]

• **Court judgments issued in case of chained woman in Jiangsu province.** In April 2023 a court in Xuzhou municipality, Jiangsu, sentenced a man to nine years in prison for domestic abuse and unlawful detention,[41] while five others received sentences of eight to thirteen years for their roles in trafficking a woman.[42] The defendants in the case were sentenced after a video showing the woman living in a shed with a chain around her neck went viral on China's social media platforms in early 2022.[43] Despite government censorship of online discussions of the case, many internet users expressed dissatisfaction with the sentencing and called for stricter punishments.[44] Observers also noted that the case did not include any rape charges and some accused authorities of using the verdict to obfuscate China's serious ongoing human trafficking problems.[45] [For more information on government censorship, see Chapter 1—Freedom of Expression.]

• **In Hong Kong, migrant domestic workers (MDWs) remained[46] at risk of exploitation.** Two regulations—one requiring MDWs to live with their employers (live-in rule)[47] and another requiring them to leave Hong Kong within two weeks of contract termination[48]—contributed to MDWs' risk of exploitation.[49] In November 2022, the U.N. Human Rights Committee expressed concerns that these two regulations continued "to put migrant domestic workers at high risk of abuse and exploitation by their employers" and "prevent them from reporting exploitative employment and abuse, owing to fears of losing their jobs and having to leave Hong Kong."[50]

Political Prisoners Forced to Labor in Hunan Province

Prior to and during the Commission's 2023 reporting year, nongovernmental organization volunteer **Lee Ming-cheh,**[51] Shi Minglei, wife of human rights advocate **Cheng Yuan,**[52] and another former prisoner reported that authorities forced political prisoners to work while they were detained at Chishan Prison, located in Yuanjiang city, Yiyang municipality, Hunan.[53] Lee was held at Chishan Prison until April 15, 2022, and as of June 30, 2023, Cheng was still held there.[54] According to Lee and another former prisoner, gloves made at Chishan Prison were exported to the United States.[55] The definition of forced labor under the International Labour Organization's (ILO) Forced Labour Convention makes an exception for labor performed "as a consequence of a conviction in a court of law."[56] Both Lee and Cheng, however, were convicted under broad and vaguely defined state security charges[57] for their exercise of rights recognized under international law—including the right to freedom of expression.[58] Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to subject someone to forced labor is a form of human trafficking,[59] and the ILO Abolition of Forced Labour Convention prohibits the use of forced labor "as punishment for the expression of political views."[60] [For more information, see Chapter 14—Business and Human Rights.]

INTERNATIONAL TRANSPLANT ORGANIZATION REFUSED ORGAN TRANSPLANT DATA FROM THE PRC

International experts continued[61] to raise concerns about forced organ removal in the PRC. In an October 2022 statement, the International Society for Heart and Lung Transplantation (ISHLT) said that data involving human organs and tissues from the PRC would not be accepted for ISHLT-sponsored meetings or publications.[62] ISHLT said it made this decision in response to what it called "the body of evidence that the government of the People's Republic of China stands alone in continuing to systematically support the procurement of organs or tissue from executed prisoners."[63] Previously, in a paper published in July 2022 in the American Journal of Transplantation, two researchers noted that "the inherently coercive circumstances in which condemned prisoners are held impairs their (or their families') capacity to give free and informed consent to donate organs upon death."[64] Under the Palermo Protocol, the "abuse of power or of a position of vulnerability" to achieve consent in the removal of organs is a form of human trafficking.[65]

U.N. Human Rights Bodies and Experts Expressed Concern over Forced Labor in the XUAR

PRC government-sponsored forced labor[66] contravenes international human rights standards and China's international obligations.[67] During this reporting year, multiple U.N. human rights bodies and experts expressed concern over the PRC government's sponsoring and using forced labor in the Xinjiang Uyghur Autonomous Region (XUAR).[68] In particular, certain U.N. human rights bodies and experts expressed concern that forced labor in the

XUAR was systematic and policy-driven in nature,[69] and there were multiple calls to end forced labor programs in the XUAR.[70]

In its August 2022 assessment of human rights concerns in the XUAR, the Office of the U.N. High Commissioner for Human Rights (OHCHR) stated that it shared concerns previously laid out by the ILO supervisory bodies regarding the treatment of religious and ethnic minorities in China, including "indicators suggesting measures severely restricting the free choice of employment" by Uyghurs and other Muslim minorities in China,[71] and that the employment schemes "appear to be discriminatory in nature or effect and to involve elements of coercion . . .."[72] [For more information on forced labor and other human rights abuses in the XUAR, see Chapter 18—Xinjiang. For more information on the risk of corporate complicity in forced labor in the XUAR, see Chapter 14—Business and Human Rights.]

Notes to Chapter 10—Human Trafficking

[1] United 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 June 21, 2023, art. 12.

[2] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 5.1, 9.1. See also U.N. 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] U.N. Office on Drugs and Crime, "The Crime," accessed January 25, 2023. 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. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. 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.

[4] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. 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 January 25, 2023; Human Rights Watch, "Smuggling and Trafficking Human Beings," July 7, 2015; Rebekah Kates Lemke, Catholic Relief Services, "7 Things You May Not Know about Human Trafficking, and 3 Ways to Help," January 5, 2020. 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, "2023 Trafficking in Persons Report," June 15, 2023, China; Congressional-Executive Commission on China, "Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region," March 2020, 9.

[5] International Labour Organization, "China Ratifies the Two ILO Fundamental Conventions on Forced Labour," August 12, 2022; Nadya Yeh, "China Ratifies Two International Treaties on Forced Labor," *SupChina,* April 20, 2022. See also International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930; International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959; Aaron Halegua and Katherine Zhang, "Opposing Forced Labor in Xinjiang," *USALI Perspectives 3,* no. 18 (February 28, 2023): 2–3.

[6] International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, arts. 1, 25. As a signatory to the ILO Forced Labour Convention, China is required to prohibit the use of forced labor and make the use of forced labor "punishable as a penal offence."

[7] International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, art. 1(a), (e). See also Phoebe Zhang, "China Ratifies Forced Labour Conventions Ahead of Visit by UN Rights Chief," *South China Morning Post,* April 21, 2022.

[8] International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012.

[9] International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012.

[10] One non-ILO metric that estimates the in-country prevalence of trafficking-related problems is Walk Free's 2023 Global Slavery Index. The Australia-based international human rights organization estimates that "5.8 million people were living in modern slavery in China on any given day in 2021." In Asia and the Pacific, eighteen countries have a higher "[e]stimated prevalence of modern slavery (per 1,000 of population)" than China, and eight countries have a lower estimated prevalence of modern slavery. Out of 160 countries globally, 108 countries have a higher estimated prevalence of modern slavery than China, and 51 countries have a lower estimated prevalence. In the context of its report on global slavery, Walk Free states that "modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, other slavery and slavery-like practices, and human trafficking." Walk Free,"Global Slavery Index/Country Study: Modern Slavery in China," accessed February 28, 2024; Walk Free, "Global Slavery Index," May 2023, 118; Walk Free,"Global Slavery Index: World Map," accessed February 28, 2024; Walk Free, "Global Slavery Index: Terminology," accessed February 28, 2024.

[11] For information on cross-border trafficking to and from China in previous reporting years, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 199; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 164; Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 177; Congressional-Executive Commission on China, *2019 Annual Report* (Washington: November 18, 2019), 160.

[12] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate," *South China Morning Post,* August 21, 2022.

[13] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate,"*South China Morning Post,* August 21, 2022.

[14] Marta Kasztelan, "'I Was Screaming for Help': Sold as Brides in China, Few Cambodian Women Escape Their Fate,"*South China Morning Post,* August 21, 2022; Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 8, 2022.

[15] Eleanor Olcott, "China's Chained Woman Exposes Horror of Beijing's One-Child Policy," *Financial Times,* March 8, 2022; Kelley E. Currie, John Cotton Richmond, and Samuel D. Brownback, "How China's 'Missing Women' Problem Fuels Trafficking, Forced Marriage," *South China Morning Post,* January 13, 2021.

[16] See, e.g., Al Jazeera, "Forced to Scam: Cambodia's Cyber Slaves" [Video file], YouTube, July 15, 2022; David Pierson, "'I Was a Slave': Up to 100,000 Held Captive by Chinese Cybercriminals in Cambodia," *Los Angeles Times,* November 1, 2022; "Cambodian Police Raid Alleged Cybercrime Trafficking Compounds," *Reuters,* September 21, 2022.

[17] Al Jazeera, "Forced to Scam: Cambodia's Cyber Slaves" [Video file], YouTube, July 15, 2022; David Pierson, "'I Was a Slave': Up to 100,000 Held Captive by Chinese Cybercriminals in Cambodia," *Los Angeles Times,* November 1, 2022.

[18] Al Jazeera, "Forced to Scam: Cambodia's Cyber Slaves" [Video file], YouTube, July 15, 2022; David Pierson, "'I Was a Slave': Up to 100,000 Held Captive by Chinese Cybercriminals in Cambodia," *Los Angeles Times,* November 1, 2022.

[19] China Labor Watch, "The Aftermath of the Belt and Road Initiative: Human Trafficking in Cambodia," August 19, 2022; Tessa Wong, Bui Thu, and Lok Lee, "Cambodia Scams: Lured and Trapped into Slavery in South East Asia," *BBC,* September 21, 2022.

[20] China Labor Watch, "The Aftermath of the Belt and Road Initiative: Human Trafficking in Cambodia," August 19, 2022.

[21] Han Chen, "Report: Chinese Workers Overseas Trapped in State-Backed Projects," *Axios*, November 29, 2022; China Labor Watch, "Trapped: The Belt and Road Initiative's Chinese Workers," November 2022, 31–34, 45–47, 50–51, 57, 59, 64, 65, 83–86; International Labour Organization, "ILO Indicators of Forced Labor," October 1, 2012.

[22] China Labor Watch, "Trapped: The Belt and Road Initiative's Chinese Workers," November 2022, 45–47, 50–51, 64–65, 75–76, 83–84.

[23] U.S. Department of the Treasury, "Treasury Targets Serious Human Rights Abuse aboard Distant Water Fishing Vessels Based in the People's Republic of China," December 9, 2022. In May 2021, U.S. Customs and Border Protection (CBP) issued a Withhold Release Order requiring "CBP personnel at all U.S. ports of entry to begin detaining tuna, swordfish, and other seafood harvested by vessels owned or operated by the Dalian Ocean Fishing Co., Ltd." U.S. Customs and Border Protection, "CBP Issues Withhold Release Order on Chinese Fishing Fleet," May 28, 2021. In April 2023, NASDAQ delisted Chinese fishing company Pingtan Marine. NASDAQ, "Delisting of Securities of Pingtan Marine Enterprise Ltd.; SRAX, Inc.; SVB Financial Group; Signature Bank; Codiak BioSciences, Inc.; PLx Pharma Inc.; Virgin Orbit Holdings, Inc.; Kalera Public Limited Company; Pear Therapeutics, Inc.; and Intelligent Med," April 28, 2023.

[24] In addition to Dalian Ocean Fishing and Pingtan Marine, a 2021 report by Greenpeace and Serikat Buruh Migran Indonesia found evidence that the crews of 15 Chinese companies subjected Indonesian crewmembers to forced labor. The companies are China Aquatic Products, CNFC Overseas Fishery, Fujian Pingtan County Ocean, Guangdong Zhanhai Pelagic, Haimen Changtai Pelagic, Ocean Star Fujian Pelagic Fish, Rizhao Jingchang Fishery, Shandong Lanyue Sea-Fishing, Shandong Lidao Oceanic, Shandong Shawodao Ocean Fishery Co., Ltd, Zhangzhou Wushui Ocean Fishing, Zhejiang Hairong Ocean, Zhoushan Hongrun Ocean, Zhoushan Mingxiang Marine Fish, Zhoushan Ningtai Ocean Fish, and Zhoushan Xinhai Fishery Co. Ltd. Greenpeace and Serikat Buruh Migran Indonesia, "Forced Labour at Sea: The Case of Indonesian Migrant Fishers" May 31, 2021, 8–9, 14–21; Karen McVeigh and Febriana Firdaus, 'Hold On Brother': Final Days of Doomed Crew on Chinese Shark Finning Boat," *Guardian,* July 7, 2020; Congressional-Executive Commission on China, *2021 Annual Report* (Washington: March 2022), 165.

[25] Anna Wheeler, C4ADS, "NASDAQ Delists Pingtan Marine Enterprise Ltd," May 9, 2023.

[26] U.S. Department of the Treasury, "Treasury Targets Serious Human Rights Abuse aboard Distant Water Fishing Vessels Based in the People's Republic of China," December 9, 2022.

[27] Mark Godfrey, "China's Coastal Cities Competing for Distant-Water Catch with Generous Subsidies," *SeafoodSource,* January 26, 2022; Sally Yozell and Amanda Shaver, Stimson Center, "Shining a Light: The Need for Transparency across Distant Water Fishing," November 1, 2019; Ian Urbina, "Subsidizing China's Fishing Fleet," Outlaw Ocean Project, accessed March 31, 2023; Organisation for Economic Co-operation and Development, "Fisheries Support Estimate," accessed March 31, 2023. For a case in which government officials promoted consumption of distant water catches, see Mark Godfrey, "China Promoting Consumption of Distant-Water Catch to Tame Inflation, Conserve Local Fisheries," *SeafoodSource,* February 2, 2023.

[28] According to the International Labour Organization, "[t]he term 'child labour' is often defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development." International Labour Organization, "What Is Child Labour," accessed April 4, 2023. See also International Labour Organization, ILO Convention (No. 182) Worst Forms of Child Labour, June 17, 1999, art. 3; International Labour Organization, ILO Recommendation (No. 190) Worst Forms of Child Labour, June 17, 1999 art. 3; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3.

[29] Cobalt is primarily used to create lithium-ion batteries, which are used in smartphones, computers, and electric vehicles. U.S. Department of Labor, "2022 List of Goods Produced by Child Labor or Forced Labor," September 2022, 45; United States Geological Survey, U.S. Department of the Interior, "Cobalt," January 2023; Jennifer Smith, "Devastating Photos of Cobalt Mines in Democratic Republic of Congo That Power Apple," *Daily Mail,* January 30, 2023.

[30] U.S. Department of Labor, "2022 List of Goods Produced by Child Labor or Forced Labor," September 2022, 45; Zelda Caldwell, "Testimony: China-Backed Cobalt Mines in Congo Exploit 40,000 Child Workers," *Catholic News Agency,* July 16, 2022; Pete Pattisson, "'Like Slave and Master': DRC Miners Toil for 30p an Hour to Fuel Electric Cars," *Guardian,* November 8, 2021.

[31] Alan Neuhauser, "EVs Will Continue to Run on Child Labor," *Axios,* July 12, 2022; United States Geological Survey, U.S. Department of the Interior, "Cobalt," January 2023. See also Luiza Ch. Savage, "How America Got Outmaneuvered in a Critical Mining Race," *Politico,* December 2, 2020.

[32] Office of the U.N. High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework, HR/PUB/11/04, June 16, 2011, principle 13.

[33] Cobalt Institute, "Cobalt Market Report 2022," May 2023, 3, 39, 40.

[34] United States Geological Survey, U.S. Department of the Interior, "Cobalt," January 2023.

[35] Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 199–201.

[36] "27,600 Criminal Suspects Arrested in N. China's Hebei during 100-Day Crackdown on Crimes Threatening Social Security: Ministry of Public Security," *Global Times,* September 1, 2022.

[37] *Zhonghua Renmin Gongheguo Xing Fa* [PRC Criminal Law], passed July 1, 1979, revised March 14, 1997, amended December 26, 2020, effective March 1, 2021, art. 240. The 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. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a). See also U.N. 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.

[38] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023; CCTV (@yangshiwang), "16 sui taohun shaonü bei song hui, wangyou que zai danxin . . . " [16-year-old girl who escaped from marriage sent back home, but netizens are still concerned], WeChat post, February 20, 2023, 8:07 p.m.

[39] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023.

[40] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023; CCTV (@yangshiwang), "16 sui taohun shaonü bei song hui, wangyou que zai danxin . . . " [16-year-old girl who escaped from marriage sent back home, but netizens are still concerned], WeChat post, February 20, 2023, 8:07 p.m.

[41] Li Xin, "Cops Rescued Minor Forced into Marriage, Then Sent Her Back Home," *Sixth Tone,* February 21, 2023.

[42] "A Court in East China Sentences 6 Criminals to 8–13 Ys in Prison for the Controversial and Tragic Case of Fengxian Chained Woman," *Global Times,* April 7, 2023.

[43] "A Court in East China Sentences 6 Criminals to 8–13 Ys in Prison for the Controversial and Tragic Case of Fengxian Chained Woman," *Global Times,* April 7, 2023.

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[55] Rui Di, "Tai NGO huodong renshi Li Mingzhe Zhongguo dalu wu nian xingman fanhui Taiwan" [Taiwan NGO activist Lee Ming-cheh returns to Taiwan after completing five-year sentence in mainland China], *Radio France Internationale,* April 15, 2022; Bochen Han, "Chinese Rights: Ex-NBA Player Enes Kanter Freedom and Wife of Jailed Activist Cheng Yuan Speak on US 'Corporate Complicity,'" *South China Morning Post,* July 13, 2023.

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[60] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, arts. 3, 5.1, 9.1; United 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 June 10, 2023, art. 12.

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[66] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3.

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[68] PRC government-sponsored forced labor constitutes human trafficking under the Palermo Protocol, a crime against humanity under the Rome Statute, and contravenes China's obligations under the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the ILO's Forced Labour and Abolition of Forced Labour conventions. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted by U.N. General Assembly resolution 55/25 of November 15, 2000, entry into force December 25, 2003, art. 3(a), (c), (d); Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7; Universal Declaration of Human Rights, adopted and proclaimed by U.N. General Assembly resolution 217A (III) of December 10, 1948, art. 23. Article 23 states, "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment." International Covenant on Civil and Political Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 8; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed February 22, 2023; International Covenant on Economic, Social and Cultural Rights, adopted by U.N. General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force January 3, 1976, art. 6; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Economic, Social and Cultural Rights, accessed May 15, 2023; International Labour Organization, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, June 28, 1930, arts. 1, 2, 25; International Labour Organization, ILO Convention (No. 105) Concerning the Abolition of Forced Labour, January 17, 1959, art. 1.

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