

## CECC Annual Report 2021

### KEY FINDINGS

#### HUMAN TRAFFICKING

- Chinese government-sponsored forced labor is a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol). A March 2021 Jamestown Foundation report showed how authorities carried out forced labor programs not only for the economic benefit of participating companies, but also for the purpose of diluting the cultural and religious practices of ethnic minority residents of the Xinjiang Uyghur Autonomous Region (XUAR), as well as reducing their population density.
- Since 2017, the U.S. State Department has listed the Chinese government as one of the worst human trafficking offenders in the world. This year, for the second consecutive year, China was also listed as one of 11 countries that had a “government policy or pattern” of human trafficking.
- In June 2021, 12 UN human rights experts expressed concern over “credible information” that indicated that “specific ethnic, linguistic or religious minorities held in detention” in China were targeted for forced organ removal.
- Government policies that contributed to the risk of human trafficking included the following:
  - Government poverty alleviation programs;
  - “Xinjiang Aid” programs;
  - Restrictions on movement imposed by the household registration system;
  - Chinese workers’ limited right to freedom of association;
  - Population control policies;
  - Repatriation of North Korean refugees in China to the Democratic People’s Republic of Korea; and
  - Hong Kong government policies toward migrant domestic workers.

## HUMAN TRAFFICKING

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  - Hong Kong government policies toward migrant domestic workers.

### *Recommendations*

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

- 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. Traffickers may be sanctioned under Section 111 of the TVPA as amended (22 U.S.C. 7108).
- Support the Uyghur Forced Labor Prevention Act (S. 65/ H.R. 1155) prohibiting the importation of goods made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. Customs and Border Protection (CBP) has already issued Withhold Release Orders (WROs) on goods from the XUAR (including all cotton and tomato products), and has

targeted entire product lines and regions for import bans in the past, including by issuing WROs for the cotton industry of Turkmenistan in 2018 and gold from artisanal small mines in eastern Democratic Republic of the Congo in 2019. Additionally, Congress should consider increasing funding to CBP to bolster CBP enforcement of such WROs.

- Consider legislation that bolsters supply chain transparency, including requiring country of origin labels for goods purchased and sold online.

- Facilitate the immigration of refugees who have been victims of human trafficking in the People's Republic of China to safe countries, including the United States, that have no extradition agreement with China. Avenues could include urging the U.S. Department of Homeland Security to streamline applications for the Victims of Trafficking in Persons (T) non-immigrant visa, or passing new legislation that includes provisions providing refuge for individuals made to partake in Chinese government programs forcing individuals to work in factories and elsewhere, such as poverty alleviation programs (including "labor transfer" programs) in areas populated by ethnic minorities, as well as "Xinjiang Aid" programs.

- 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.

## HUMAN TRAFFICKING

### *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),<sup>1</sup> China is obligated to enact legislation criminalizing human trafficking as defined by the Palermo Protocol.<sup>2</sup> The definition of human trafficking under the PRC Criminal Law,<sup>3</sup> however, remains inconsistent with Palermo Protocol standards.<sup>4</sup> 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; and
- the purpose of exploitation, including sexual exploitation or forced labor.<sup>5</sup>

In contrast, Chinese law focuses on the act of selling a woman or child,<sup>6</sup> rather than the purpose of exploitation.<sup>7</sup> Furthermore, while forced labor is illegal under the PRC Criminal Law,<sup>8</sup> the definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking listed in the Palermo Protocol,<sup>9</sup> including certain types of non-physical coercion,<sup>10</sup> offenses against male victims,<sup>11</sup> and forced labor.<sup>12</sup> Under the Palermo Protocol, crossing international borders is not required to constitute human trafficking, such as in cases of government-sponsored forced labor.<sup>13</sup>

The barriers to conducting due diligence in cases of government-sponsored forced labor,<sup>14</sup> as well as inconsistencies between domestic law and international standards, contribute to the difficulty of assessing the scale of human trafficking in China.<sup>15</sup>

### *Trends and Developments*

Since 2017, the U.S. State Department Office to Monitor and Combat Human Trafficking (J/TIP office) has listed China at the lowest possible status designation of Tier 3, a designation for governments that “do not fully meet the [Trafficking Victims Protection Act’s] minimum standards and are not making significant efforts to do so.”<sup>16</sup> The J/TIP office also listed China as 1 of 11 countries that had a “government policy or pattern” of human trafficking.<sup>17</sup>

## CROSS-BORDER TRAFFICKING

China remains<sup>18</sup> a destination country for human trafficking, particularly of women and children from Southeast Asia,<sup>19</sup> and was a source country for trafficking throughout the world, including to the United States, the United Kingdom, and the Asia-Pacific.<sup>20</sup> In addition, the Commission observed reports highlighting indicators of forced labor among Chinese nationals working overseas,<sup>21</sup> as well as local workers for Chinese mining companies in Zimbabwe.<sup>22</sup>

The Commission observed reports of the trafficking of women and girls in China this past year and in recent years for the purpose of forced marriage and/or sexual exploitation from **Burma** (Myanmar),<sup>23</sup> **Cambodia**,<sup>24</sup> **Colombia**,<sup>25</sup> **Laos**,<sup>26</sup> **Nepal**,<sup>27</sup> **North Korea**,<sup>28</sup> and **Vietnam**.<sup>29</sup> In addition, a report by the Guardian

found that North Korean dispatch workers in China continued to work under conditions that may amount to forced labor.<sup>30</sup>

#### **Forced Labor onboard Chinese-Flagged Distant-Water Fishing Vessels**

The Commission observed reports of likely forced labor, which is a form of human trafficking, onboard distant-water fishing vessels flying Chinese flags.<sup>31</sup> The International Labour Organization (ILO) provides 11 indicators of forced labor to help “identify persons who are possibly trapped in a forced labour situation.”<sup>32</sup> During the 2021 reporting year, the Commission observed reports that provided evidence for all 11 ILO forced labor indicators<sup>33</sup> onboard distant-water fishing vessels flying Chinese flags. These indicators are:

- Abuse of vulnerability,<sup>34</sup>
- Deception,<sup>35</sup>
- Restriction of movement,<sup>36</sup>
- Isolation,<sup>37</sup>
- Physical violence,<sup>38</sup>
- Intimidation and threats,<sup>39</sup>
- Retention of identity documents,<sup>40</sup>
- Withholding of wages,<sup>41</sup>
- Debt bondage,<sup>42</sup>
- Abusive working and living conditions,<sup>43</sup> and
- Excessive overtime.<sup>44</sup>

In one case reported by the Guardian, a captain and his officers onboard vessels owned by **Dalian Ocean Fishing Co. Ltd.**, subjected 24 Indonesian crewmembers to 18-hour work days, deprivation of adequate food and water, as well as beatings and threats of beatings.<sup>45</sup> After working under such conditions, several crewmembers fell sick and four crewmembers died from what was likely pneumonia.<sup>46</sup> A doctor diagnosed a crewmember who returned to Indonesia with malnutrition and vitamin B1 deficiency.<sup>47</sup> Under international law, China has jurisdiction over distant-water fishing vessels flying Chinese flags.<sup>48</sup> 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.”<sup>49</sup> In addition to Dalian Ocean Fishing, a report by Greenpeace and Serikat Buruh Migran Indonesia found evidence that the crews of 16 Chinese companies subjected Indonesian crewmembers to forced labor.<sup>50</sup>

#### DOMESTIC TRAFFICKING

The Commission observed cases involving Chinese workers who suffered mistreatment that the ILO identifies as indicators of forced labor,<sup>51</sup> including withholding of wages,<sup>52</sup> excessive overtime,<sup>53</sup> restriction of movement,<sup>54</sup> and intimidation and threats.<sup>55</sup>

A November 2020 article from the Chinese media outlet the Paper, reported that in July 2020 the Bengbu Municipality Intermediate People’s Court in Anhui province sentenced six individuals, including four doctors, to between 10 and 28 months in prison for “intentionally destroying a corpse.”<sup>56</sup> Between 2017 and 2018, the individuals orchestrated the removal of kidneys and livers of 11

deceased individuals.<sup>57</sup> The doctors falsified the Red Cross documents necessary for legitimate organ donation and provided family members of the deceased falsified consent forms.<sup>58</sup> Under the Palermo Protocol, the use of fraud or deception in the removal of organs is a form of human trafficking.<sup>59</sup> In addition, in June 2021, 12 UN human rights experts expressed concern over “credible information” that indicated that “specific ethnic, linguistic or religious minorities held in detention” in China were targeted for forced organ removal.<sup>60</sup>

#### FORCED LABOR IN THE XINJIANG UYGHUR AUTONOMOUS REGION

Satellite imagery, personal testimony, official documents, and media reports indicate that authorities in the Xinjiang Uyghur Autonomous Region (XUAR) systematically compelled predominantly Muslim ethnic minorities, including Uyghurs and others, to engage in forced labor.<sup>61</sup> Individuals forced to labor faced high levels of surveillance; political indoctrination; and various forms of coercion, such as surveillance by security personnel, threats to family members, and the threat of detention.<sup>62</sup> Chinese government-sponsored forced labor in the XUAR constitutes forced labor under the International Labour Organization’s Forced Labour Convention<sup>63</sup> and constitutes human trafficking under the Palermo Protocol.<sup>64</sup>

Since forced labor in association with the XUAR’s mass internment camp detention system was first reported in 2018,<sup>65</sup> reports have continued to emerge showing that authorities have:

- forced individuals to work in factories within mass internment camps.<sup>66</sup> According to a BuzzFeed report, authorities continued to build factories within the camps during this reporting year;<sup>67</sup>
- forced individuals released from the camps to work outside the camps in the XUAR and elsewhere;<sup>68</sup> and
- forced individuals from ethnic minority groups to perform labor directly—inside and outside the XUAR—without first sending them to the camps.<sup>69</sup> Based on academic and official sources, a March 2021 Jamestown Foundation report showed that authorities carried out labor transfers not only for the economic benefit of participating companies, but also for the purpose of diluting the cultural and religious practices of ethnic minority residents of the XUAR, as well as reducing their population density.<sup>70</sup>

[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 III—Business and Human Rights.]

#### *Government Policies and the Risk of Human Trafficking*

The Commission observed the following Chinese government policies that contributed to the risk of human trafficking in China during this reporting year:

- **Government Poverty Alleviation Programs in Ethnic Minority Areas:** Government “poverty alleviation” programs move individuals who are from rural areas to factories as well as cotton fields.<sup>71</sup> Reporting has highlighted the coercive na-

ture of these “labor transfers” of ethnic minorities in the XUAR, and possibly in the Tibet Autonomous Region (TAR), by pointing to government reports that share “‘success stories’ of village work teams who ceaselessly visit resistant families until they ‘agree’ to work.”<sup>72</sup> Ethnic minority workers in poverty alleviation programs are under close monitoring and control.<sup>73</sup> Ethnic minority individuals in the XUAR who are assigned to work under such programs may be detained for refusing.<sup>74</sup>

- **Xinjiang Aid Program:** The “Xinjiang Aid” (*duikou yuanjiang*)<sup>75</sup> program encourages governments and companies in other parts of China to either invest in factories and industrial parks in the XUAR or recruit ethnic minority workers from the XUAR to work in factories in other parts of China.<sup>76</sup> In a July 2020 document entitled “Xinjiang Supply Chain Business Advisory,” four U.S. Government agencies warned that some companies or factories involved in “Xinjiang Aid” programs may make “use of internment camp labor” or workers who “are part of abusive labor programs that require parents to leave children as young as 18 months old in state-run orphanages and other facilities, while the parents are forced or coerced to work full-time under constant surveillance.”<sup>77</sup>

- **Restrictions on Movement Created by the *Hukou* System:** Government restrictions on freedom of residence and movement imposed by the *hukou* system increased the vulnerability of migrant workers throughout China. While the National Development and Reform Commission lifted some restrictions on migrant workers,<sup>78</sup> migrant workers continue to have limited access to housing and government benefits because of the lack of official status in their new places of residence which can make them more vulnerable to low wages and poorer working conditions.<sup>79</sup> One longtime China journalist observed that “[a]t its most basic [the *hukou* system] became a mechanism that would ensure China continued to have very low wages. It did that by ensuring that these migrants could never fully integrate themselves into the cities, putting them in a very poor bargaining position when it came to demanding wage rises and better working conditions.”<sup>80</sup>

- **Chinese Workers’ Limited Freedom of Association:** The Chinese government also limited workers’ right to freedom of association by not permitting the formation of independent unions.<sup>81</sup> A September 2016 UN report noted that the failure to protect workers’ fundamental right to freedom of association disenfranchises workers and therefore “directly contributes” to human trafficking.<sup>82</sup> [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

- **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 repatriating undocumented North Koreans.<sup>83</sup> A July 2020 UN report found that “the risk of forced repatriation renders people more vulnerable to trafficking and other forms of exploitation.”<sup>84</sup> According to the report, many North Korean refu-

gees in China “find themselves trafficked for the purposes of forced marriages, sexual exploitation, or cheap bonded labour.”<sup>85</sup> [For more information on Chinese government treatment of North Korean refugees, see Section II—North Korean Refugees in China.]

- **Government Population Control Policies:** Decades of government-imposed birth limits combined with a traditional preference for sons have led to a sex-ratio imbalance in China.<sup>86</sup> This imbalance has created a demand for marriageable women that may contribute to human trafficking for the purpose of forced marriage.<sup>87</sup> [For more information on China’s population policies, see Section II—Population Control.]

- **Hong Kong Policies toward Migrant Domestic Workers:** In addition, migrant domestic workers (MDWs) in the Hong Kong Special Administrative Region (Hong Kong) remained<sup>88</sup> particularly at risk of exploitation for forced labor.<sup>89</sup> Two regulations—one requiring MDWs to live with their employers (live-in rule)<sup>90</sup> and another requiring them to leave Hong Kong within 2 weeks of contract termination<sup>91</sup>—contributed to MDWs’ risk of exploitation.<sup>92</sup> The live-in rule further exacerbated MDWs’ risk of exploitation during the COVID-19 pandemic due to decreased ability for MDWs to leave their place of employment.<sup>93</sup>

#### *Anti-Trafficking Efforts*

The National Bureau of Statistics of China reported in December 2020 that in 2019, authorities uncovered 413 cases of child trafficking,<sup>94</sup> down from 606 cases in 2018.<sup>95</sup> All such figures likely include cases of illegal adoption.<sup>96</sup> Chinese State media reported Chinese government cooperation with international governments on combatting human trafficking, as well as anti-trafficking work with UN agencies.<sup>97</sup> In April 2021, the State Council General Office of China’s State Council released a ten-year plan to combat human trafficking.<sup>98</sup> The plan called for local governments and ministries to implement sound criminal prevention mechanisms; to combat trafficking and rescue victims of human trafficking; to strengthen the rescue, resettlement, and rehabilitation of trafficking victims; to improve mechanisms for human trafficking legislation and policy; to increase publicity and education in order to combat human trafficking; and to strengthen international cooperation on human trafficking.<sup>99</sup>



## Notes to Section II—Human Trafficking

<sup>1</sup>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, 2021.

<sup>2</sup>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. 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.

<sup>3</sup>*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. 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 16, 2016.

<sup>4</sup>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). 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 (June 15, 2016): 148–77.

<sup>5</sup>UN Office on Drugs and Crime, “What Is Human Trafficking?,” accessed July 7, 2021. 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 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.

<sup>6</sup>*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 “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 2021 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale as exploitation, see, e.g., Gao Yuyang, “Gonganbu: jinnian quanli zhenpo guaimai ertong ji’an” [MPS: Full effort this Year to Solve Long-Standing Child Trafficking Cases], *Beijing Youth Daily*, March 16, 2021; Pham Du, “Vietnamese Police Rescue Four Newborns from China Baby Trafficking Ring,” *VnExpress International*, February 27, 2021. 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 (June 15, 2016): 166–67, 170–71.

<sup>7</sup>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); Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 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.”

<sup>8</sup>*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. 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.

<sup>9</sup>Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 151, 166–7; *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; 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 July 7, 2020.

<sup>10</sup>Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159; *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; 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).

<sup>11</sup>Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 160, 166; *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; 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.

<sup>12</sup>Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 159; *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; 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).

<sup>13</sup>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); 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, 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, “Trafficking in Persons Report,” June 2020, 10, 153–57; CECC, “Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region,” March 2020, 9.

<sup>14</sup>See, e.g., Eva Xiao, “Auditors to Stop Inspecting Factories in China’s Xinjiang Despite Forced-Labor Concerns,” *Wall Street Journal*, September 21, 2020.

<sup>15</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report—China,” June 2021, 176; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 166, 177.

<sup>16</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2021, 53–54, 174. See also Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102.

<sup>17</sup>Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2021, 46, 47. The 2021 report’s individual country narratives also listed Afghanistan, Burma (Myanmar), Cuba, Eritrea, Iran, Democratic People’s Republic of Korea, Russia, South Sudan, Syria, and Turkmenistan as having a “government policy or pattern” of human trafficking.

<sup>18</sup>For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2020 Annual Report*, December 2020, 177; 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.

<sup>19</sup>See, e.g., “17 Women Trafficked in August,” *Eleven*, September 3, 2020; Both Reaksmeey Kongkea, “Five on Trial for Selling Three Women into Sex Slavery in China,” *Khmer Times*, July 28, 2020; Nguyen Hai, “Woman Trafficked to China Returns to Vietnam, Repeats Crime,” *VnExpress International*, August 4, 2020.

<sup>20</sup>Abigail Abrams, “‘I Thought I Was Going to Die.’ How Donald Trump’s Immigration Agenda Set Back the Clock on Fighting Human Trafficking,” *Time*, October 30, 2020; Mahendra Chaudhry, “Human Trafficking,” *Fiji Times*, October 10, 2020; “Massage Parlour Operator and Accountants Penalised,” *Mirage News*, November 3, 2020; Bethany Dawson, “Couple Found Guilty of Human Trafficking after Chinese Woman Forced into Sex Work,” *Independent*, November 27, 2020.

<sup>21</sup>See, e.g., Ivan Franceschini, “Building the New Macau: A Portrait of Chinese Construction Workers in Sihanoukville,” *Made in China Journal* 5, no. 3 (September–December 2020): 66–73; Sasa Dragojlo, “‘Like Prisoners’: Chinese Workers in Serbia Complain of Exploitation,” *Balkan Insight*, January 26, 2021; China Labor Watch, “Silent Victims of Labor Trafficking: China’s Belt and Road Workers Stranded Overseas amid Covid-19 Pandemic,” April 30, 2021; International Labour Organization, “ILO Indicators of Forced Labor,” October 1, 2012, 2.

<sup>22</sup>“Rights, Peace, Gender Commissions Petitioned to Deal with Abusive Chinese Employers,” *New Zimbabwe*, January 23, 2021; Silas Nkala, “Union Petitions Chinese-Owned Mine over Poor Working Conditions,” *MSN*, February 6, 2021.

<sup>23</sup>“17 Women Trafficked in August,” *Eleven*, September 3, 2020. See also W. Courtland Robinson and Casey Branchini, “Estimating Trafficking of Myanmar Women for Forced Marriage and Childbearing in China,” John’s Hopkins Bloomberg School of Public Health, and the Kachin Women’s Association Thailand, December 2018.

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<sup>82</sup>UN General Assembly, Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Maina Kiai, A/71/385, September 14, 2016, paras. 2, 4, 11, 74.

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<sup>88</sup>For information on human trafficking in Hong Kong from previous reporting years, see CECC, *2020 Annual Report*, December 2020, 180; 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.

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<sup>94</sup> National Bureau of Statistics of China, “2019 nian ‘Zhongguo Ertong Fazhan Gangyao (2011–2020 nian)’ tongji jiance baogao” [2019 “Chinese Children’s Development Summary (2011–2020)” statistical monitoring report], December 18, 2020, sec. 1(5)(2).

<sup>95</sup> National 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).

<sup>96</sup> 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. *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; 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; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law* 17, no. 1 (June 15, 2016): 166–67, 170–71.

<sup>97</sup> “Zongshu: Zhongguo Renquan Yanjiu Hui duoming zhuanjia zai Lianheguo Renquan Lishi Hui fayan” [Summary: Several experts from the Chinese Society for Human Rights gave speeches at the United Nations Human Rights Council], *Xinhua*, July 18, 2020; “Full Text of Vientiane Declaration of the Third Mekong-Lancang Cooperation (MLC) Leaders’ Meeting,” *Global Times*, August 24, 2020.

<sup>98</sup> State Council General Office, “Guowuyuan bangongting guanyu yinfa Zhongguo Fandui Guaimai Renkou Xingdong Jihua (2021–2030 nian) de tongzhi” [State Council General Office publishes notice concerning China Anti-Trafficking Action Plan (2021–2030)], April 28, 2021; “China Issues Action Plan to Fight Human Trafficking,” *Xinhua*, April 28, 2021.

<sup>99</sup> State Council General Office, “Guowuyuan bangongting guanyu yinfa Zhongguo Fandui Guaimai Renkou Xingdong Jihua (2021–2030 nian) de tongzhi” [State Council General Office publishes notice concerning China Anti-Trafficking Action Plan (2021–2030)], April 28, 2021.