

HUMAN TRAFFICKING

Findings

- In April 2022, the Standing Committee of the National People’s Congress ratified the International Labour Organization’s (ILO) Forced Labor and Abolition of Forced Labour conventions. The People’s Republic of China’s (PRC) multiple violations of forced labor human rights standards diminish any meaningful expectations that the government will work in good faith to meet the newly ratified ILO forced labor conventions, according to a human rights advocate.
- In November 2021, scholar Adrian Zenz and the Victims of Communism Memorial Foundation published an analysis of leaked classified official documents that are known as the Xinjiang Papers. The analysis found that forced labor programs in the Xinjiang Uyghur Autonomous Region (XUAR) were implemented in order to comply with “explicit statements and demands” made by PRC officials, including Chinese leader Xi Jinping. Chinese government-sponsored forced labor in the XUAR is a form of human trafficking under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).
- In February 2022, the ILO released the annual report of the Committee of Experts on the Application of Conventions and Recommendations. The Committee requested that the Chinese government review, repeal, and revise its forced labor and detention policies in order to end discrimination against ethnic minorities in the XUAR.
- A 2022 article in the American Journal of Transplantation found 71 organ transplant cases between 1980 and 2015 in which the removal of organs was the likely cause of an individual’s death. 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.

Recommendations

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

- Fully implement the Uyghur Forced Labor Prevention Act (UFLPA) which was signed into law in December 2021 and went into effect in June 2022. Congress should consider increased funding to 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. Traffickers can be sanctioned under Section 111 of the TVPA as amended (22 U.S.C. 7108).

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- 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.

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Defining Human Trafficking under the Palermo Protocol

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 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

PRC Criminal Law and the Palermo Protocol

The definition of human trafficking under the PRC Criminal Law⁵ remains inconsistent with Palermo Protocol standards.⁶ Chinese law focuses on the act of selling a woman or child,⁷ rather than on the purpose of exploitation.⁸ Furthermore, while forced labor is illegal under the Criminal Law,⁹ its definition of trafficking does not clearly cover all forms of trafficking listed in the Palermo Protocol,¹⁰ including certain types of non-physical coercion,¹¹ offenses against male victims,¹² and forced labor.¹³

Cross-Border Trafficking

China is both a source and destination country for human trafficking across international borders. During the Commission's 2022 reporting year, China remained¹⁴ a destination country for trafficking, particularly of women and children from Southeast Asia.¹⁵ In addition, China was a source country for trafficking to Cambodia.¹⁶ Furthermore, the Commission observed reports that Indonesian and Filipino nationals on board Chinese-flagged distant-water fishing vessels were subjected to conditions that the ILO lists as indicators of forced labor.¹⁷

Domestic Trafficking

During this reporting year, the National Bureau of Statistics of China (NBS) reported anti-trafficking efforts by the PRC government, and the Commission continued to observe reports of domestic human trafficking. Citing statistics from 2020, the NBS reported a continued campaign against human trafficking of children and further revealed that 4,858 abducted children had been recovered since 2016.¹⁸ This figure likely includes cases of illegal adoption.¹⁹

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Individuals Likely Killed as a Result of Organ Removal in China

A January 2022 study in the American Journal of Transplantation highlighted evidence of unethical surgical activity with regard to organ donors' status and informed consent at the time of surgery. The study examined a total of 2,838 Chinese-language "transplant-related papers published in scientific journals" from 1980 to 2015 in order to determine whether or not the organs discussed in the papers were procured from living or brain-dead donors.²⁰ The authors found 71 cases of heart and lung transplants in which "the removal of the heart during organ procurement must have been the proximate cause of the donor's death."²¹ The reliance on organ procurement from prisoners sentenced in death penalty cases prior to 2015 sustains the authors' observation that almost all the organs discussed in the scientific papers examined in the article came from prisoners in China.²² Additionally, the authors 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."²³ The authors described their findings as consistent with previous "anecdotal and textual" accounts provided by Falun Gong-affiliated organizations that alleged organ harvesting from prisoners of conscience.²⁴ 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.²⁵

Human Trafficking and the Case of the Chained Woman

Mei Fong, Chief Communications Officer at Human Rights Watch and author of a book on China's one-child policy, testified at a March 2022 Commission hearing that "the one-child policy has created a huge shortage of women and hence a surge in bride trafficking in China as well as countries across the region."²⁶ She went on to discuss the case of the "chained woman" that emerged in early 2022, describing it as "a representation of some of the ongoing concerns with human trafficking."²⁷ In January 2022, a video went viral on the Chinese social media app Weibo, depicting a woman chained in a shed in Feng county, Xuzhou municipality, Jiangsu province.²⁸ Local officials initially claimed that the woman was not a victim of human trafficking.²⁹ After social media backlash, local officials issued another statement saying that she had been diagnosed with schizophrenia and that they were investigating her husband.³⁰

A provincial Party committee and government investigation team from Xuzhou determined that the woman was originally from Fugong county, Nujiang Lisu Autonomous Prefecture, Yunnan province.³¹ According to the investigation, in 1998 an individual brought her to Jiangsu on the pretext of helping her get medical treatment.³² In Jiangsu, she was sold multiple times before being sold to her husband.³³ Officials believed that her husband had kept her chained in the shed since 2017.³⁴ She had given birth to eight children, all of whom authorities identified as the children of her and her husband.³⁵ Public security officials criminally detained several individuals on suspicion of human trafficking, including her husband.³⁶ Officials suspected her husband of abuse for chaining her and denying her medical treatment.³⁷

**Human Trafficking and the Case of the Chained Woman—
Continued**

The case of the chained woman continued to attract widespread attention for some time on Chinese social media³⁸ despite domestic censorship. An NPR article described a February 2022 post by the investigation team as the “top trending topic on social media, exceeding public interest in the Winter Olympics that week.”³⁹ According to a February article in the Wall Street Journal, the social media account of the individual “who originally posted the video . . . on Douyin, China’s version of TikTok, could no longer be found,” and some discussions on Weibo about the woman were no longer accessible.⁴⁰ [For more information, see Section VI—Status of Women and Population Control, and Section VIII—Public Health.]

Forced Labor in the Xinjiang Uyghur Autonomous Region

FORCED LABOR LINKED TO STATEMENTS BY PRC LEADERSHIP

In November 2021, scholar Adrian Zenz and the Victims of Communism Memorial Foundation, a non-governmental organization in Washington, D.C., published an analysis of leaked classified official documents obtained by the London-based independent tribunal known as the Uyghur Tribunal. The new analysis uncovered a more prominent role by PRC leaders in the forced labor scheme than previously understood, linking government-sponsored forced labor to “explicit statements and demands by central government figures,” including Xi Jinping.⁴¹ The documents were part of the Xinjiang Papers, a cache of internal official documents which the New York Times reported on in 2019.⁴² While the 2019 analysis of the Xinjiang Papers showed the officially directed nature of the repression of ethnic minorities in the XUAR, it had not strongly linked the repression, including programs tied to forced labor, directly to Chinese Communist Party General Secretary Xi Jinping.⁴³

The Xinjiang Papers contained speeches made in May 2014 by Xi Jinping, Premier Li Keqiang, and then member of the Standing Committee of the Communist Party Central Committee Political Bureau Yu Zhengsheng at the Second Central Xinjiang Work Forum.⁴⁴ In their speeches, Xi Jinping, Li Keqiang, and Yu Zhengsheng all emphasized the need for officials to address unemployment as a key factor in the stability of the region, with Yu mentioning that “labor intensive industries,” and specifically the “textile and garment industry,” should be encouraged to move production to the XUAR in order to promote employment and stability.⁴⁵ In his speech, Xi said that such employment could cause ethnic minorities to “. . . imperceptibly study Chinese culture,” and that authorities should “. . . expand the scale of ethnic minorities going from Xinjiang to eastern parts of China for education, employment, and residence . . .” in order to “promote ethnic unity.”⁴⁶ Analysis by Zenz of publicly available evidence found that in 2016, local government officials perceived these speeches as “containing the ‘strategic deployment of the Party Central Committee for Xinjiang work.’”⁴⁷

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In this reporting year and in previous reporting years,⁴⁸ the Commission observed strong connections between PRC government-sponsored forced labor and (1) labor transfer programs within and from the XUAR;⁴⁹ (2) the “Xinjiang Aid” program (*duikou yuanjiang*);⁵⁰ and (3) work in the textile and garment industries in the XUAR.⁵¹ Labor transfer programs moved individuals who are from rural areas to factories and cotton fields.⁵² The “Xinjiang Aid” program has encouraged local governments and companies in other parts of China either to invest in factories and industrial parks in the XUAR or to recruit ethnic minority workers from the XUAR to work in factories in other parts of China.⁵³

AUTHORITIES CONTINUED TO PLACE INDIVIDUALS INTO FORCED LABOR

According to subsequent research published by Zenz in June 2022, XUAR authorities intensified and institutionalized the placement of Turkic Muslims into forced labor situations, likely forcing hundreds of thousands of mass internment camp detainees to work within the XUAR and transferring millions of “rural surplus laborers” within and outside of the XUAR.⁵⁴ Zenz’s research indicates that authorities increased “the scope and scale” of forced labor transfers in 2021 and published plans to move increasing numbers of rural laborers into industrial work, as well as to train workers in coercive labor programs in higher skilled labor.⁵⁵

GOVERNMENT-SPONSORED FORCED LABOR CONTRAVENES CHINA’S INTERNATIONAL OBLIGATIONS

PRC government-sponsored forced labor contravenes international human rights standards and China’s international obligations. Government-sponsored forced labor programs in the XUAR⁵⁶ constitute human trafficking under the Palermo Protocol⁵⁷ and a crime against humanity under the Rome Statute.⁵⁸ In February 2022, the International Labour Organization (ILO) released the annual report of the Committee of Experts on the Application of Conventions and Recommendations.⁵⁹ The Committee expressed its “. . . deep concern in respect of the policy directions expressed in numerous national and regional policy and regulatory documents . . .” with regard to the government’s detention and labor policies among ethnic minorities from the XUAR.⁶⁰ The Committee requested that the Chinese government review, repeal, and revise its policies in order to serve ethnic minority individuals in the XUAR rather than discriminate against them.⁶¹ According to the report, as a signatory to the ILO’s Discrimination (Employment and Occupation) Convention (C111), China is obligated to create a “. . . national policy to promote equality of opportunity and treatment and eliminate discrimination in respect of employment and occupation,” and “. . . to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with such policy.”⁶² In April 2022, the National People’s Congress Standing Committee ratified the ILO’s Forced Labour Convention of 1930 (C029) and Abolition of Forced Labour Convention of 1957 (C105).⁶³ C029 requires countries to prohibit the use of forced labor and make the use of forced labor “punishable as a penal offence.”⁶⁴

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Countries that ratify C105 are prohibited from using forced labor “as a means of political coercion or education” or “as a means of racial, social, national or religious discrimination.”⁶⁵ According to a human rights advocate, the PRC’s multiple violations of international human rights standards on forced labor diminished meaningful expectations that the government will work in good faith to meet the ILO forced labor conventions.⁶⁶ [For more information on forced labor and other human rights violations in the XUAR, see Section X—Xinjiang. For more information on corporate involvement in forced labor in the XUAR, see Section VIII—Business and Human Rights.]

Notes to Section VI—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 June 10, 2022, art. 12.

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, arts. 5.1, 9.1. 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.

³UN Office on Drugs and Crime, “The Crime,” accessed July 21, 2022. 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.

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); Anti-Slavery International, “What Is Human Trafficking?,” accessed July 21, 2022; 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; “Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region,” Congressional-Executive Commission on China, March 2020, 9.

⁵*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.

⁶Protocol 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. See also CECC, *2020 Annual Report*, December 2020, 176.

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. 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 determinant of the Palermo Protocol definition of human trafficking. For reports from the Commission’s 2022 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale as exploitation, see, e.g., “Man from C. China Reunites with Son Abducted 14 Years Ago by Efforts of Police via DNA Analysis,” *Global Times*, December 6, 2021; Mandy Zuo, “Man in China Jailed after Selling His 5 Children to Human Traffickers,” *South China Morning Post*, December 15, 2021.

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 (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. 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.”

⁹*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 16, 2016.

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¹⁰Bonny 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, “The Crime,” accessed July 21, 2022.

¹¹Bonny 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).

¹²Bonny 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.

¹³Bonny 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).

¹⁴For information on cross-border trafficking to and from China in previous reporting years, see CECC, *2021 Annual Report*, March 2022, 164; CECC, *2020 Annual Report*, December 2020, 177; CECC, *2019 Annual Report*, November 18, 2019, 160; CECC, *2018 Annual Report*, October 10, 2018, 178–79.

¹⁵See, e.g., “COVID-19 Drives New Surge in Trafficking of Women from Laos to China,” *Radio Free Asia*, July 3, 2021; Sen Nguyen, “Young Members of Ethnic Minority Groups Most at Risk in Vietnam-China Human Trafficking Trade: Report,” *South China Morning Post*, July 8, 2021.

¹⁶Cindy Liu and Marta Kasztelan, “Online Fraud: How Chinese Nationals Forced to Run Internet Scams in Cambodia Earn Millions for Their Captors, Sometimes Paying with Their Lives,” *South China Morning Post*, January 30, 2022; Alice Yan, “‘Blood Slave’ Kidnapped by Chinese Crime Gang in Cambodia Drained for Months and Threatened with Organ Harvesting,” *South China Morning Post*, February 17, 2022.

¹⁷These indicators are debt bondage, physical violence, excessive overtime, and abusive living conditions. Mongabay, Tansa, and the Environmental Reporting Collective, “Worked to Death: How a Chinese Tuna Juggernaut Crushed Its Indonesian Workers,” September 13, 2021; International Labour Organization, “ILO Indicators of Forced Labor,” October 1, 2012, 1, 2. Under international law, China has jurisdiction over Chinese-flagged distant water fishing vessels. UN 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, UN Convention on the Law of the Sea, accessed March 24, 2022. See also CECC *2021 Annual Report*, March 2022, 165.

¹⁸National Bureau of Statistics of China, “Zhongguo Ertong Fazhan Gangyao (2011–2020 nian) zhongqi tongji jiance baogao” [“Chinese Children’s Development Summary (2011–2020)” final statistical monitoring report], December 21, 2021, sec. 1(5)(2).

¹⁹*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 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.

²⁰The determination of brain-death—called the “dead donor rule”—is a prerequisite for the ethical procurement of organs. Matthew P. Robertson and Jacob Lavee, “Execution by Organ Procurement: Breaching the Dead Donor Rule in China,” *American Journal of Transplantation*, (January 19, 2022): 1–3.

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²¹Matthew P. Robertson and Jacob Lavee, “Execution by Organ Procurement: Breaching the Dead Donor Rule in China,” *American Journal of Transplantation*, (January 19, 2022): 1, 3, 6.

²²Olivia Geng and Laurie Burkitt, “China to Halt Harvesting of Organs from Executed Prisoners for Transplant,” *Wall Street Journal*, December 14, 2014; Matthew P. Robertson and Jacob Lavee, “Execution by Organ Procurement: Breaching the Dead Donor Rule in China,” *American Journal of Transplantation*, (January 19, 2022): 2.

²³Matthew P. Robertson and Jacob Lavee, “Execution by Organ Procurement: Breaching the Dead Donor Rule in China,” *American Journal of Transplantation*, (January 19, 2022): 6.

²⁴Matthew P. Robertson and Jacob Lavee, “Execution by Organ Procurement: Breaching the Dead Donor Rule in China,” *American Journal of Transplantation*, April 4, 2022, 1, 4, 6–7. While the latest date of sources that comprise the dataset used by the researchers was in 2015, they state that “if prisoners—of whatever sort—are indeed still being used as an organ source, we think it is most rational to believe that the procurement of their organs continues to occasion violations of the DDR.” For prior anecdotal and textual claims, see World Organization to Investigate the Persecution of Falun Gong, “Zhongguo dalu yixue zhuan ye lun wen zhong you guan Zhonggong huoti zhai qu Falun Gong xueyuan qiguan de zhengju” [Evidence of the CCP harvesting of organs from Falun Gong practitioners in medical papers in mainland China], September 24, 2014.

²⁵Protocol 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.

²⁶*The Future of Women in China: #MeToo, Censorship, and Gender Inequality, Hearing of the Congressional-Executive Commission on China*, 117th Cong. (2022) (testimony of Mei Fong, Chief Communications Officer, Human Rights Watch), 22:57, 39:36.

²⁷*The Future of Women in China: #MeToo, Censorship, and Gender Inequality, Hearing of the Congressional-Executive Commission on China*, 117th Cong. (2022) (testimony of Mei Fong, Chief Communications Officer, Human Rights Watch), 39:36. See also Aowen Cao and Emily Feng, “The Mystery of the Chained Woman in China” *NPR*, February 17, 2022.

²⁸Liyan Qi, “In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry,” *Wall Street Journal*, February 1, 2022.

²⁹Chinese Communist Party Feng County Propaganda Department, “Guanyu wangmin fanying ‘shengyu ba hai nuzi’ de qingkuang shuoming” [Statement regarding the situation of online reports of the “Woman who gave birth to eight children”], QQ, January 28, 2022; Liyan Qi, “In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry,” *Wall Street Journal*, February 1, 2022.

³⁰Xuzhou Municipal Party Committee and Government Joint Investigation Team, “Fengxian shengyu ba hai nuzi diaocha jin zhan qingkuang” [Investigation progress regarding the situation of “The Feng County woman who gave birth to eight children”], QQ, February 7, 2022; Liyan Qi, “In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry,” *Wall Street Journal*, February 1, 2022.

³¹“Fengxian shengyu ba hai nuzi’ shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren” [13 questions on the case of “The Feng County woman who gave birth to eight children”—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua*, February 23, 2022; Aowen Cao and Emily Feng, “The Mystery of the Chained Woman in China” *NPR*, February 17, 2022.

³²“Fengxian shengyu ba hai nuzi’ shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren” [13 questions on the case of “The Feng County woman who gave birth to eight children”—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua*, February 23, 2022.

³³“Fengxian shengyu ba hai nuzi’ shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren” [13 questions on the case of “The Feng County woman who gave birth to eight children”—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua*, February 23, 2022.

³⁴“Fengxian shengyu ba hai nuzi’ shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren” [13 questions on the case of “The Feng County woman who gave birth to eight children”—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua*, February 23, 2022.

³⁵“Fengxian shengyu ba hai nuzi’ shijian shisan wen—Xinhuashe jizhe fang Jiangsu Shengwei Sheng Zhengfu diaocha zu fuzeren” [13 questions on the case of “The Feng County woman who gave birth to eight children”—Xinhua News Agency reporter interviews the head of the investigation team of the Jiangsu Provincial Party Committee and Provincial Government], *Xinhua*, February 23, 2022.

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⁴⁰Liyan Qi, “In China, Footage of a Chained-Up Rural Mother of Eight Draws Outcry,” *Wall Street Journal*, February 1, 2022.

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⁴⁸For more information on the connections between forced labor and the “Xinjiang Aid” program, labor transfers, and textile and garment industries, see CECC, *2021 Annual Report*, March 2022, 166–67, 213–4, 278–79; CECC, *2020 Annual Report*, December 2020, 178–9, 237–41, 302–3; CECC, *2019 Annual Report*, November 2019, 162, 205–7, 272.

⁴⁹“‘To Make Us Slowly Disappear’: The Chinese Government’s Assault on the Uyghurs,” *Simon-Skjoldt Center for the Prevention of Genocide, United States Holocaust Memorial Museum*, November 2021, 32.

⁵⁰This program is also translated as “Pairing Assistance,” “Mutual Pairing Assistance,” or “Pairing Program.” Vicky Xiuzhong Xu, Danielle Cave, James Leibold, et al., “Uyghurs for Sale: ‘Reeducation,’ Forced Labour and Surveillance beyond Xinjiang,” International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020; Amy K. Lehr and Mariefaye Bechrakis, “Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains,” Center for Strategic and International Studies, October 2019, 9–10, Annex 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). See also “Xi Jinping zai di’er ci Zhongyang Xinjiang Gongzuo Zuotanhui shang fabiao zhongyao jianghua” [Xi Jinping delivers important speech at second Central Xinjiang Summit], *People’s Daily*, May 30, 2014.

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⁵⁷Protocol 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

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December 25, 2003, art. 3(a), (c), (d); “To Make Us Slowly Disappear’: The Chinese Government’s Assault on the Uyghurs,” *Simon-Skjoldt Center for the Prevention of Genocide, United States Holocaust Memorial Museum*, November 2021, 38, 39.

⁵⁸Rome 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; “To Make Us Slowly Disappear’: The Chinese Government’s Assault on the Uyghurs,” *Simon-Skjoldt Center for the Prevention of Genocide, United States Holocaust Memorial Museum*, November 2021, 38, 39.

⁵⁹International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 3.

⁶⁰International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 515, 516, 519–21.

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⁶²International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 110th Session, February 9, 2022, 519; International Labour Organization, Convention C111—Discrimination (Employment and Occupation) Convention, International Labour Conference, 42nd Session, June 25, 1958.

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⁶⁴International Labour Organization, ILO Convention (No. 029) Concerning Forced Labour, May 1, 1932, arts. 1, 25.

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