

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 (UN TIP Protocol),¹ China is obligated to enact legislation criminalizing human trafficking as defined by the UN TIP Protocol.² The definition of human trafficking under the PRC Criminal Law,³ however, remains inconsistent with UN TIP Protocol standards.⁴ The UN TIP Protocol definition of human trafficking involves three components: the action of recruiting, transporting, harboring, or receiving persons; the means of coercion, deception, or control;⁵ and “the purpose of exploitation,” including sexual exploitation or forced labor.⁶ Chinese law focuses on the act of selling a woman or child,⁷ rather than the purpose of exploitation.⁸ The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the UN TIP Protocol,⁹ including certain types of non-physical coercion;¹⁰ offenses against male victims;¹¹ and forced labor,¹² though forced labor is illegal under a separate provision of the law.¹³ In addition, the Chinese legal definition of trafficking includes the purchase or abduction of children for subsequent sale without specifying the purpose of these actions.¹⁴ Under the UN TIP Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.¹⁵ Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general;¹⁶ in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.¹⁷

Trends and Developments

CROSS-BORDER TRAFFICKING

China remains¹⁸ a destination country for human trafficking, particularly of women and children from Southeast Asia,¹⁹ and a source country for trafficking to the United States and Europe.²⁰ This past year, the Commission observed regional and international news media reports of the trafficking of women and girls to China for forced marriage from Burma (Myanmar),²¹ Cambodia,²² Laos,²³ and Vietnam;²⁴ and the trafficking of individuals to China from Burma, Cambodia, Indonesia, and Vietnam for the purpose of forced labor.²⁵ Chinese nationals were trafficked this past year to the United States for the purposes of sexual exploitation and forced labor.²⁶ In addition, in March 2018, the U.S. Department of Labor finalized settlements requiring four China-based companies operating in the U.S. territory of Saipan, Northern Mariana Islands, to pay nearly US\$14 million in wages and compensation to thousands of Chinese workers.²⁷ The China-based companies, including the state-owned enterprise MCC International, brought the Chinese construction workers to Saipan to build a casino under conditions one expert called a “classic trafficking and forced labor scenario.”²⁸

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DOMESTIC TRAFFICKING

According to UN Action for Cooperation against Trafficking in Persons (UN-ACT) and the U.S. Department of State, men, women, and children were trafficked within China's borders for forced labor, forced begging, and sexual exploitation.²⁹ During this reporting year, the Commission observed multiple cases of trafficking for the purpose of forced labor, including one case in which traffickers kidnapped homeless men and forced them to work in a factory,³⁰ and another in which traffickers abducted men with intellectual disabilities for the purpose of forced begging.³¹ Moreover, many of China's workers in construction and other industries reportedly worked in conditions that may constitute forced labor, facing frequent non-payment of wages.³² [For more information on the problem of wage arrears, see Section II—Worker Rights.]

GOVERNMENT-SPONSORED FORCED LABOR

This past year, the Chinese government continued³³ to subject individuals to forced labor during pretrial detention and in administrative detention centers. The International Labour Organization's (ILO) definition of forced labor makes an exception for labor performed "as a consequence of a conviction in a court of law . . .,"³⁴ yet the Commission observed reports this past year of individuals in China performing forced labor in detention before trial.³⁵ Moreover, authorities continued³⁶ to detain suspected drug users without trial or conviction and reportedly required them to perform labor in a form of administrative detention known as compulsory drug detoxification.³⁷ As the government does not convict compulsory detoxification detainees in court, the requirement to perform labor constitutes human trafficking under the UN TIP Protocol³⁸ for the purpose of forced labor as defined by the ILO.³⁹ Detention in compulsory drug detoxification centers is similar to reeducation through labor (RTL),⁴⁰ an administrative punishment in which detainees were subjected to forced labor⁴¹ without judicial process.⁴² After abolishing RTL in 2013,⁴³ authorities reportedly converted most RTL facilities to compulsory drug detoxification centers.⁴⁴ Authorities have continued⁴⁵ to detain individuals accused of prostitution for up to two years without due process and require them to perform labor in a form of administrative detention known as "custody and education."⁴⁶ In February and March 2018, several delegates to the Chinese People's Political Consultative Conference noted similarities between RTL and "custody and education" and called for abolishing or reforming the system.⁴⁷

Radio Free Asia (RFA) reported in October 2017 that authorities in Hotan prefecture, Xinjiang Uyghur Autonomous Region (XUAR), required some Uyghur women and children to perform forced labor.⁴⁸ An anonymous police officer told RFA that the local government sent hundreds of Uyghur women and children to labor in neighboring Aksu prefecture, XUAR.⁴⁹ Authorities had reportedly detained the Uyghurs' male relatives in "political reeducation" centers.⁵⁰ According to RFA, the police officer stated that if the women and children refused to perform labor, they could be sent to "political reeducation" centers.⁵¹ [For more information on "political reeducation" centers, see Section IV—Xinjiang.]

Risk Factors

This past year, Chinese workers migrating within China were at risk of human trafficking, and government restrictions on worker rights exacerbated this risk. Despite reforms,⁵² the government continues to use the household registration (*hukou*) system to restrict internal migration.⁵³ Migrants have limited access to housing and government benefits⁵⁴ and are more likely to work in informal employment.⁵⁵ The *hukou* system reportedly exacerbates these migrants' vulnerability to trafficking for the purpose of forced labor.⁵⁶ The Chinese government limits workers' right to freedom of association by restricting independent unions.⁵⁷ A September 2016 UN report noted that the failure to enforce workers' fundamental right to freedom of association "directly contributes" to human trafficking.⁵⁸ [For more information on restrictions on worker rights in China, see Section II—Worker Rights.]

In addition to domestic human trafficking, individuals from other Asian countries face the risk of human trafficking in China. A lack of economic opportunity in Southeast Asian countries contributes to human trafficking from that region.⁵⁹ Women and girls in these countries are particularly at risk of trafficking for the purpose of forced marriage.⁶⁰ The Chinese government continued to treat North Korean refugees as economic migrants and maintained a policy of repatriating undocumented North Koreans,⁶¹ leaving the refugees, who are predominantly women, vulnerable to trafficking for forced marriage.⁶² [For more information, see Section II—North Korean Refugees in China.]

Decades of government-imposed birth limits combined with a traditional preference for sons has led to a sex ratio imbalance in China.⁶³ In rural areas, this imbalance is more pronounced as many women have migrated to cities for work.⁶⁴ The sex ratio imbalance has created a demand for marriageable women that may contribute to human trafficking for forced marriage.⁶⁵ [For more information on China's population policies, see Section II—Population Control.]

The government of the Democratic People's Republic of Korea (DPRK) reportedly continued⁶⁶ to generate revenue by sending DPRK nationals to work in China under conditions that may constitute forced labor.⁶⁷ Reporting from this past year indicated that DPRK security personnel accompanied the workers to China, subjecting workers to constant monitoring.⁶⁸ The DPRK government reportedly withheld, on average, 70 percent of the workers' earnings.⁶⁹ While reports from October 2017 indicated that many of these workers had been or would be sent back to North Korea due to the Chinese government's enforcement of UN sanctions,⁷⁰ the DPRK reportedly began sending workers to China again in March 2018, possibly in violation of UN sanctions.⁷¹

Anti-Trafficking Efforts

During the Commission's 2018 reporting year, government figures indicated a decline in the number of criminal human trafficking cases opened by public security officials. According to the 2017 China Law Yearbook, public security officials opened 7,121 criminal cases involving the trafficking of women and children in

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2016.⁷² This was 22 percent fewer cases than the 9,150 cases opened in 2015.⁷³ The National Bureau of Statistics of China further reported that in 2016, authorities uncovered 618 cases of child trafficking,⁷⁴ down from 756 cases in 2015.⁷⁵ All figures likely include cases of illegal adoptions,⁷⁶ while excluding other cases such as offenses against male victims⁷⁷ and forced labor.⁷⁸

The Chinese government continued⁷⁹ to participate in multilateral anti-trafficking events and engaged in bilateral cooperation with neighboring countries to combat human trafficking. The Chinese government's involvement in multilateral efforts included participation in a September 2017 Coordinated Mekong Ministerial Initiative Against Trafficking⁸⁰ event to develop new guidelines for fair recruitment practices,⁸¹ and a March 2018 research seminar jointly organized by the Supreme People's Court, Supreme People's Procuratorate, and the International Organization for Migration.⁸² Additionally, regional media reported that the Chinese government expanded cooperation with the governments of Burma, Cambodia, and Laos to combat cross-border human trafficking.⁸³

Hong Kong

Hong Kong remained⁸⁴ a destination for human trafficking, with migrant domestic workers (MDWs) particularly at risk of exploitation for forced labor. The Hong Kong Census and Statistics Department's 2017 annual digest reported that in 2016, there were over 350,000 MDWs working for households in Hong Kong, the majority of whom came from the Philippines and Indonesia.⁸⁵ Non-governmental organizations (NGOs), advocates, and MDWs themselves reported that MDWs continue to face exploitative working conditions, including inadequate living conditions, little time off, restrictions on movement, and in some cases physical and emotional abuse.⁸⁶ Local NGOs report that MDWs are often in debt due to excessive fees paid to employment agencies both in their countries of origin and in Hong Kong.⁸⁷ Two regulations—requiring MDWs to live with their employers (live-in rule)⁸⁸ and to leave Hong Kong within two weeks of termination of a contract⁸⁹—reportedly contribute to MDWs' risk of exploitation for forced labor.⁹⁰ In February 2018, the High Court of the Hong Kong Special Administrative Region (High Court) ruled against an MDW who sought judicial review of the live-in rule.⁹¹ The judge opined that MDWs who dislike the live-in rule could choose to terminate their employment.⁹² An NGO representing migrant workers in Hong Kong argued the High Court was “complicit in maintaining the slave-like conditions of MDWs.”⁹³ In addition to facing abuse in Hong Kong, local media reported in November 2017 that Hong Kong employment agencies in recent years may have trafficked Filipino MDWs to other countries for the purpose of forced labor.⁹⁴

The Hong Kong government maintained that comprehensive anti-trafficking legislation was unnecessary and that human trafficking in Hong Kong was rare. The definition of human trafficking in Hong Kong's Crimes Ordinance covers only the cross-border movement of persons “for the purpose of prostitution” and not other forms of trafficking such as forced labor or trafficking that occurs solely within Hong Kong.⁹⁵ In December 2016, the High Court ruled that the Hong Kong government had an obligation under the

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Bill of Rights Ordinance “to enact measures to ensure the prohibition of forced or compulsory labour.”⁹⁶ The government argued in its appeal that current Hong Kong laws and policies were sufficient to protect potential victims of trafficking.⁹⁷ In March 2018, the government claimed that human trafficking “is neither widespread nor prevalent in Hong Kong,” and noted a new action plan aimed at improving protections for MDWs through increasing victim screening mechanisms and other administrative measures.⁹⁸ Advocates welcomed the plan, but argued that Hong Kong needed anti-trafficking legislation in order to effectively combat human trafficking.⁹⁹ In August 2018, the Court of Appeal ruled that the Bill of Rights Ordinance did not cover human trafficking and thus the Hong Kong government did not have an obligation to enact criminal legislation prohibiting human trafficking.¹⁰⁰ While China acceded to the UN TIP Protocol in 2010, the Chinese central government has not extended the Protocol to apply to Hong Kong.¹⁰¹

Notes to Section II—Human Trafficking

¹United Nations Treaty Collection, Chapter XVIII, Penal Matters, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, last visited 14 May 18.

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 15 November 00, entry into force 25 December 03, 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, 28 March 17, para. 14.

³PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240. For a discussion of the human trafficking related provisions of the PRC Criminal Law, see Laney Zhang, Library of Congress, “Training Related to Combating Human Trafficking: China,” February 2016.

⁴Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03. Topics that need to be addressed in domestic legislation to bring it into compliance with the UN TIP Protocol include the addition of non-physical forms of coercion into the legal definition of trafficking (see UN TIP Protocol, Article 3(a)), the trafficking of men (covered under the definition of “trafficking in persons” in Article 3(a) of the UN TIP Protocol), and providing the “purpose of exploitation” (see UN TIP Protocol, Article 3(a)). For an examination of the ways in which Chinese laws are inconsistent with the UN TIP Protocol, see Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 148–77.

⁵Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c), (d). Note that for children younger than 18 years old, the means described in Article 3(a) are not required for an action to constitute human trafficking.

⁶UN Office on Drugs and Crime, “What Is Human Trafficking?” last visited 14 May 18; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c), (d). For information on how international standards regarding forced labor fit into the framework of the UN TIP 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 Office, International Labour Organization, “Hard To See, Harder To Count: Survey Guidelines To Estimate Forced Labour of Adults and Children,” Second Edition, 2012, 12, 19; International Labour Organization, “Questions and Answers on Forced Labour,” 1 June 12.

⁷PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240. The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].”

⁸Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 159.

⁹*Ibid.*, 151, 166; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). See also UN Office on Drugs and Crime, “What Is Human Trafficking?” last visited 14 May 18.

¹⁰Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 159; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a).

¹¹Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 160, 166; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution

55/25 of 15 November 00, entry into force 25 December 03, 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 Supreme People’s Court Information Center and Judicial Cases Research Institute, “Judicial Big Data Special Report on Crimes Involving Trafficking” [Sifa da shuju zhuanli baogao she guai fazui], 22 December 16, 11.

¹²Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 159; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a).

¹³PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 244. See also Laney Zhang, Library of Congress, “Training Related to Combating Human Trafficking: China,” February 2016.

¹⁴Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 139; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 166–67, 170–71; PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, 4 November 17, art. 240; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a). The PRC Criminal Law defines trafficking as “swindling, kidnapping, buying, trafficking in, receiving, sending, or transferring a woman or child, for the purpose of selling [the victim].” In contrast, the purpose of exploitation is a key element of the UN TIP Protocol definition of human trafficking. For reports from the 2018 reporting year that describe the sale of children as human trafficking without specifying the purpose of the sale, see, e.g., Zhao Junxi, “China Intensifies Crackdown on Child Trafficking,” *Global Times*, 27 October 17; Mao Yizhu and Zhan Yijia, “Guangdong: First-Instance Judgment Issued, 26 Criminally Sentenced in Major Child Trafficking Case” [Guangdong: yi qi teda guaimai ertong an yishen xuanpan 26 ren bei panxing], *Xinhua*, 1 February 18.

¹⁵Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (UN TIP Protocol), adopted by UN General Assembly resolution 55/25 of 15 November 00, entry into force 25 December 03, art. 3(a), (c). The purpose of exploitation is one of the required elements of a trafficking case under Article 3 of the UN TIP Protocol. See also UN General Assembly, Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the Work of Its First to Eleventh Sessions, Addendum, Interpretive Notes for the Official Records (*Travaux Préparatoires*) of the Negotiation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, A/55/383/Add.1, 3 November 00, para. 66; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 171.

¹⁶Heidi Stöckl et al., “Trafficking of Vietnamese Women and Girls for Marriage in China,” *Global Health Research and Policy*, Vol. 2, No. 28 (9 October 17); Mi Ki Kyaw Myint, “Can Myanmar’s Libraries Help Combat Human Trafficking?” *Asia Foundation*, 28 March 18; Jay Song, “Labour Migration as Complementary Pathways for Refugees in the Asia-Pacific,” *Lowy Institute for International Policy, Migration and Border Policy Project Working Paper Number 9*, April 2018, 2.

¹⁷Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 139; Bonny Ling, “Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation,” *Asia-Pacific Journal on Human Rights and the Law*, Vol. 17, Issue 1 (2016), 177.

¹⁸For information on cross-border trafficking to and from China in previous reporting years, see CECC, 2017 Annual Report, 5 October 17, 186; CECC, 2016 Annual Report, 6 October 16, 186; CECC, 2015 Annual Report, 8 October 15, 184.

¹⁹See, e.g., “Crackdown on Human Traffickers Reveals ‘Vietnamese Bride’ Trade,” *Global Times*, 19 February 18; Nick Baker, “The Child Bride Trade Is Booming in Myanmar as the Gender Gap Bites in China,” *ABC*, 7 October 17; Liberty Asia, “ASEAN & ACTIP: Using a Regional Legal Framework To Fight a Global Crime,” September 2017, 26, 134.

²⁰See, e.g., Katherine Fung, “‘Sisters’ Help Women Sex Trafficked From China Flee U.S. Massage Parlors,” *Reuters*, 12 March 18; EU-China Dialogue on Migration and Mobility Support Project, International Organization for Migration and International Labour Organization, “Seminar for Facilitating Network Building Among Anti-Trafficking Criminal Investigation Experts, 16–17 January 2018, Sanya, Summary Report,” last visited 14 May 18, 2, 4; Suzanne L.J. Kragten-Heerdink et al., “More Than Just ‘Pushing and Pulling’: Conceptualizing Identified Human Trafficking in the Netherlands,” *Crime & Delinquency*, 5 September 17.

²¹Nick Baker, “The Child Bride Trade Is Booming in Myanmar as the Gender Gap Bites in China,” *ABC*, 7 October 17; Su Myat Mon, “Women Targeted by Rampant Human Trafficking

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in Kachin,” *Frontier Myanmar*, 11 December 17; Nay Myo Win, “61 Human Trafficking Cases Recorded in Three Months,” *Eleven*, 8 April 18.

²²Niem Chheng and Daphne Chen, “Woman Gets 7 Years for China Bride Scam,” *Phnom Penh Post*, 8 January 18. See also Liberty Asia, “ASEAN & ACTIP: Using a Regional Legal Framework To Fight a Global Crime,” September 2017.

²³Ron Corben, “UN Expert Calls on Laos To Boost Support for Child Sex Abuse Victims, Voice of America, 27 November 17; “Do Not Marry for Money,” *Radio Free Asia*, 17 April 18.

²⁴“Crackdown on Human Traffickers Reveals ‘Vietnamese Bride’ Trade,” *Global Times*, 19 February 18; “Demand for Wives in China Endangers Women Who Live on Its Borders,” *Economist*, 4 November 17; “Human Traffickers Sentenced, Vietnamese Mail-Order Brides Rescued,” *Global Times*, 22 November 17. See also Heidi Stöckl et al., “Trafficking of Vietnamese Women and Girls for Marriage in China,” *Global Health Research and Policy*, Vol. 2, No. 28 (9 October 17).

²⁵Zarni Mann, “Two Men Arrested in Mandalay Over Foiled Attempt To Send 52 Illegal Workers to China,” *Irrawaddy*, 23 February 18; “Myanmar Steps Up Combating Human Trafficking,” *Xinhua*, 8 December 17; “Police Uncover Alleged Human Trafficking of Indonesians Into China,” *Jakarta Post*, 24 November 17. See also Liberty Asia, “ASEAN & ACTIP: Using a Regional Legal Framework To Fight a Global Crime,” September 2017, 26, 134.

²⁶Katherine Fung, “‘Sisters’ Help Women Sex Trafficked From China Flee U.S. Massage Parlors,” *Reuters*, 12 March 18; Kristin Hoppa and Tommy Witherspoon, “Authorities Raid Vegas Buffet in Labor Trafficking Investigation,” *Waco Tribune-Herald*, 1 June 18.

²⁷U.S. Department of Labor, “U.S. Department of Labor Investigation Finds \$13.9 Million Due to Thousands of Chinese Employees Working on Saipan Casino and Hotel,” 5 March 18.

²⁸Sophia Yan, “Chinese Workers Tricked Into Illegal Work on Saipan,” *Associated Press*, 15 March 18. See also Liu Ruili, *China Metallurgical Group Corporation and Metallurgical Corporation of China Ltd.*, “MCC Group Forms MCC International Engineering Group Ltd. and Announces Leadership Appointments” [Zhongye jituan zujian zhongye guoji gongcheng jituan youxian gongsi bing xuanbu lingdao banzi renming jue ding], 25 March 13; *China Metallurgical Group Corporation and Metallurgical Corporation of China Ltd.*, “About Us,” last visited 30 May 18.

²⁹UN Action for Cooperation against Trafficking in Persons (UN-ACT), “China,” last visited 14 May 18; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2018, 141.

³⁰Guo Shuhe and Liu Zhuoqun, “Capturing the Homeless To Labor for Free, Four in Shandong Sentenced for Forcing Others Into Labor” [Zhua liulanghan zuo mianfei laodongli shandong si ren yin qiangpo taren laodong huo xing], *Procuratorial Daily*, 26 February 18.

³¹Yujing Liu, “Chinese Father and Son Accused of Enslaving Mentally Ill Men and Forcing Them To Work as Beggars,” *South China Morning Post*, 5 April 18.

³²Peter Bengsten, “Hidden in Plain Sight: Forced Labour Constructing China,” *OpenDemocracy*, 22 March 18; “Tis the Season for Protests Over Unpaid Wages in China,” *Economist*, 14 December 17; *China Labour Bulletin*, “As Wage Arrears Escalate in the Run Up to the Lunar New Year, the Trade Union Needs To Act,” 21 November 17; *International Labour Organization*, “Questions and Answers on Forced Labour,” 1 June 12. The *International Labour Organization* lists “withholding of wages” as an indicator of forced labor.

³³For information from previous years on forced labor in pretrial and administrative detention, see CECC, 2017 Annual Report, 5 October 17, 187; CECC, 2016 Annual Report, 6 October 16, 187; CECC, 2015 Annual Report, 8 October 15, 186.

³⁴*International Labour Organization*, ILO Convention (No. 29) Concerning Forced or Compulsory Labour, 28 June 30, art. 2.1, 2.2(c); *International Labour Organization*, “Ratifications of CO29—Forced Labour Convention, 1930 (No. 29),” last visited 10 July 18. Article 2.1 defines forced or compulsory 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.” China has not ratified this convention.

³⁵Xu Yingyan et al., “SPP Launches Special Activities To Supervise and Protect Detainees’ Legal Rights and Interests” [Zuigaojian bushu kaizhan jiandu wei hu zaiya renyuan hefa quanyi zhuanxiang huodong], *Procuratorial Daily*, 27 April 18; “Fushun Municipality Detention Center” [Fushun shi kanshousuo], *Clear Wisdom*, 25 June 18. See also PRC Public Security Bureau Detention Center Regulations [Zhonghua renmin gongheguo kanshousuo tiaoli], issued and effective 17 March 90, arts. 2, 33, 34; “Zhang Lin: Communist China’s Detention Center System—Extorting Confessions Through Torture” [Zhang lin: zhonggong guo kanshousuo zhidu—xingxun bigong], *Epoch Times*, 1 May 18; Zhang Peihong, “100 Facts About China’s Detention Centers (Full Version)” [Zhongguo kanshousuo bai tai (wanzheng ban)], Weibo, reprinted in *Ifeng*, 16 November 17.

³⁶For information on compulsory drug detoxification centers from previous reporting years, see CECC, 2017 Annual Report, 5 October 17, 187; CECC, 2016 Annual Report, 6 October 16, 187; CECC, 2015 Annual Report, 8 October 15, 186.

³⁷Beijing Municipality Drug Detoxification Management Bureau, *Regulations on Management of Compulsory Drug Detainees’ Production* [Beijing shi jiedu guanli ju qiangzhi geli jiedu renyuan shengchan laodong guanli guiding], issued 1 February 18, effective 1 March 18; *Jinhua Municipal Bureau of Justice*, “Inspector Chen Zhong Visits Jiaxing Municipality Compulsory Drug Detoxification Center” [Chen zhong xunshiyuan dao jiaxing shi qiangzhi geli jiedu suo], 26 January 18; Wang Jian, “Visiting Shaanxi Women’s Compulsory Drug Detoxification Center: 80 Percent of Guards Are Female, Say They Are Made of ‘Cement’” [Tanfang shaanxi nu qiangzhi geli jiedu suo] nu ganjing zhan ba cheng, zi cheng “shuini” zuo del, *The Paper*, 8 March 18. For relevant legal provisions, see PRC Narcotics Law [Zhonghua renmin gongheguo jindu fa], passed 29 December 07, effective 1 June 08, arts. 38, 41, 43, 47; State Council, *Drug Detoxification Regulations* [Jiedu tiaoli], issued 26 June 11; Ministry of Justice, *Judicial and Administrative Bureaus Compulsory Drug Detoxification Work Regulations* [Sifa xingzheng jiguan

qiangzhi geli jiedu gongzuo guiding], issued 3 April 13, effective 1 June 13, art. 34. See also Human Rights Watch, “Where Darkness Knows No Limits: Incarceration, Ill-Treatment, and Forced Labor as Drug Rehabilitation in China,” January 2010, 27–31.

³⁸ 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 15 November 00, entry into force 25 December 03, art. 3(a). Compulsory drug detoxification center detainee labor can be viewed as constituting trafficking under Article 3(a) of the UN TIP Protocol, as authorities engage in the “harbouring” and “receipt of persons, by means of the threat or use of force . . . for the purpose of exploitation.” According to Article 3(a), exploitation includes “forced labour.” See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report,” June 2017, 126, 128.

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