

# HUMAN TRAFFICKING

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## HUMAN TRAFFICKING

### *Findings*

- China remains a country of origin, transit, and destination for the trafficking of men, women, and children. The majority of human trafficking cases are domestic and involve trafficking for sexual exploitation, forced labor, and forced marriage.
- The Chinese government acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in December 2009. To date, the Chinese government has revised some, but not all, of its legislation to conform to the Palermo Protocol. For example, the Chinese government issued an amendment to the PRC Criminal Law, which included revisions that broaden the scope of prosecutable offenses for forced labor and increase penalties, but do not clearly define forced labor. The Chinese government's legal definition of trafficking does not conform to international standards.
- Using the definition of human trafficking under Chinese law—which conflates human smuggling, child abduction, and illegal adoption with human trafficking—the Supreme People's Court reportedly convicted 3,138 defendants in trafficking cases in 2010, up from 2,413 in 2009. Of these, courts reportedly handed down 2,216 prison sentences of five years or more. In addition, the Supreme People's Procuratorate reportedly convicted 4,422 individuals on trafficking-related crimes in 2010. In cooperation with non-governmental organizations and international organizations, Chinese authorities took steps to improve protection, services, and care for victims of trafficking but continued to focus efforts on women and children.
- The Chinese government does not offer legal alternatives to deportation for identified foreign victims of trafficking, and continues to deport North Korean refugees under the classification of “economic migrants,” regardless of whether or not they are victims of trafficking.

### *Recommendations*

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

- Urge the Chinese government to abide by its commitments under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; continue to revise the government's definition of trafficking; and enact comprehensive anti-trafficking legislation to align with international standards.
- Call on the Chinese government to provide more services for trafficking victims. Support expanding training programs for

law enforcement personnel and shelter managers that help raise awareness and improve processes for identifying, protecting, and assisting trafficking victims. Support legal assistance programs that advocate on behalf of both foreign and Chinese trafficking victims.

○ Object to the continued deportation of North Korean trafficking victims as “economic migrants.” Urge the Chinese government to abide by its international obligations with regard to North Korean trafficking victims and provide legal alternatives to repatriation.

### *Introduction*

The Chinese government took steps to combat human trafficking during the Commission's 2011 reporting year, but challenges remain. Multiple factors shape the context of the ongoing human trafficking problem in China, including the government's population planning policies and their exacerbation of China's skewed sex ratio; migrant mobility; uneven enforcement of anti-trafficking laws; lack of anti-trafficking training, education, and resources; and government corruption. In addition, officials in the past year continued to focus on the abduction and sale of women and children,<sup>1</sup> while giving proportionally less attention to other forms of trafficking. The government's limited capacity restricts the number of trafficking victims that can access official protection, services, and care. The National People's Congress Standing Committee passed amendments to the PRC Criminal Law in February 2011, including new language which, if implemented, may strengthen prosecution and punishment of forced labor cases. Authorities reported taking action to combat trafficking in the 2011 reporting year. Gaps between domestic legislation and international standards remain and continue to limit the scope and effectiveness of anti-trafficking efforts.

### *Anti-Trafficking Challenges*

The Chinese government acceded to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol) in December 2009,<sup>2</sup> but it has not revised current domestic legislation to come into full compliance. The PRC Criminal Law prohibits the trafficking of persons, which it defines as "abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim."<sup>3</sup> The law does not provide definitions for these concepts. The PRC Criminal Law separately prohibits forced prostitution,<sup>4</sup> but it does not make clear whether minors under 18 years of age who are engaged in prostitution may be considered victims of trafficking, regardless of the use of force. Chinese law does not clearly prohibit non-physical forms of coercion-including debt bondage and threats-or the recruitment, provision, or attainment of persons for forced prostitution,<sup>5</sup> which are covered under Article 3 of the Palermo Protocol.<sup>6</sup> The Chinese government's differing definition of human trafficking has negative implications for anti-trafficking work in China, including limiting the Chinese government's prosecution efforts, protection of victims, and victim services.<sup>7</sup> It is unclear whether the Chinese government's definition of human trafficking also has negative implications for program funding, as fiscal information on programs is not publicly available.

Chinese officials continue to conflate human trafficking with human smuggling and therefore treat some victims of trafficking as criminals, although recent law enforcement efforts have sought to reduce this.<sup>8</sup> According to the UN Office on Drugs and Crime, the main international body responsible for implementing the Palermo Protocol, human trafficking and migrant smuggling differ with respect to consent, exploitation, transnationality, and source of profit.<sup>9</sup> Commonly, human trafficking involves the exploitation of an

individual (either domestically or across borders) for forced labor or prostitution without the individual's consent, whereas migrant smuggling involves the cross-border transport of an individual with the individual's consent and for direct or indirect profit resulting from the transport.<sup>10</sup> In conflating the two, Chinese officials may consider an individual's illegal entry into China to be a crime of "human smuggling" and punish the individual accordingly, while giving less consideration to the role exploitation may have played in the border crossing.<sup>11</sup> The Chinese government continues to deport all undocumented North Koreans as illegal "economic migrants" and does not provide legal alternatives to repatriation for identified foreign victims of trafficking.<sup>12</sup> [For more information, see Section II—North Korean Refugees in China.] Reports from the 2011 reporting year indicate that official corruption and lack of resources in some areas also continue to deter or limit anti-trafficking efforts and exacerbate the trafficking problem.<sup>13</sup>

#### *Prevalence*

China remains a country of origin, transit, and destination for the trafficking of men, women, and children.<sup>14</sup> The majority of trafficking cases are domestic;<sup>15</sup> however, human traffickers continue to traffic Chinese women and children from China to countries around the world.<sup>16</sup> Women and girls from countries across Asia, as well as some countries in Europe and Africa, are also trafficked into China and forced into marriages, employment, and sexual exploitation.<sup>17</sup> Forced labor continues, and certain cases gained widespread media attention during this reporting year;<sup>18</sup> however, the full extent of the forced labor problem in China is unclear.<sup>19</sup> [See Section II—Worker Rights for more information on child labor.] According to the Palermo Protocol, forced labor of any person under 18 years of age constitutes "trafficking in persons."<sup>20</sup>

#### *Driving Factors*

Experts link the reported growth<sup>21</sup> of the trafficking market in China to several political, demographic, economic, and social factors. Reports indicate that China's skewed sex ratio,<sup>22</sup> which is increasing against the backdrop of China's population planning policies and Chinese families' preference for sons,<sup>23</sup> has increased the demand for trafficking for forced marriage and commercial sexual exploitation.<sup>24</sup> In recent years, domestic and international observers have also linked the growing trafficking market with the lack of awareness and education on trafficking prevention for vulnerable women and parents<sup>25</sup> and conditions in bordering countries such as instability in Burma and poverty in the Democratic People's Republic of Korea.<sup>26</sup> [For additional information on China's skewed sex ratio, see Section II—Population Planning.]

**Representative Human Trafficking Cases  
From the 2011 Reporting Year**

- In December 2010, authorities detained an official from a government-funded homeless shelter for his alleged involvement in a forced labor scheme.<sup>27</sup> The official allegedly sold 11 workers, 8 of whom reportedly had disabilities, to a building materials factory in the Xinjiang Uyghur Autonomous Region (XUAR), where they were held and forced to work for at least three years without pay or protective gear.<sup>28</sup>
- Also in December, authorities detained a brick kiln employer in Shaanxi province on charges of forced labor after he brought people in who were mentally ill, deaf, mute, disabled, or otherwise vulnerable to exploitation.<sup>29</sup> Authorities reportedly rescued 18 workers from the brick kiln.<sup>30</sup>
- Despite a 2008 XUAR Department of Education circular stating that students enrolled in elementary and junior high school would no longer participate in work-study activities to pick cotton, a number of Chinese media and government reports from the 2011 reporting year indicate that authorities in the XUAR continued to implement work-study programs in 2009 and 2010 that required school-age students to pick cotton and engage in other forms of labor.<sup>31</sup> [See Section IV—Xinjiang for more information on these programs.]
- Individuals continued to force children to work in exploitative conditions as child beggars.<sup>32</sup> In one incident reported in February 2011, a man in Henan province “rented out” his daughter for 5,000 yuan (US\$774) to an “acrobatic troupe” and discovered three years later that the eight-year-old had been made to beg and was physically abused.<sup>33</sup> In another incident reported in August, a man in the XUAR sold his 12-year-old daughter to a group who trained her to pickpocket. When she was “rescued and sent back home,” the man reportedly sold her again to a different pickpocketing group.<sup>34</sup>
- Authorities in the XUAR announced plans in April 2011 for a nationwide campaign to locate and retrieve children from the XUAR who are “strays” and in some cases “steal or beg for a living.”<sup>35</sup>

*Anti-Trafficking Efforts*

The Chinese government, non-governmental organizations, and individuals continued efforts to combat human trafficking during the Commission’s 2011 reporting year. As reported in the Commission’s 2010 Annual Report, in December 2009, the National People’s Congress Standing Committee (NPCSC) approved China’s accession to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).<sup>36</sup> On February 25, 2011, the NPCSC revised the PRC Criminal Law, making amendments to provisions on forced labor<sup>37</sup>—a crime that constitutes human trafficking under the Palermo Protocol.<sup>38</sup> The revised legislation broadens the scope of activity considered punishable for forced labor and strengthens punishments for “serious” crimes of forced labor; however, the legislation still does not clearly define what constitutes forced labor.<sup>39</sup> [See box titled Strengthened Legislation on Forced Labor below.] The Commission did not observe changes to other areas in which China’s do-

mestic legislation does not comply with the Palermo Protocol during the 2011 reporting year.<sup>40</sup>

#### **Strengthened Legislation on Forced Labor**

The National People's Congress Standing Committee passed amendments to the PRC Criminal Law in February 2011, which included additions to provisions on trafficking in Article 244.<sup>41</sup> The revised provisions, if properly implemented, may strengthen prosecution and punishment of forced labor cases:

- **Widened scope of punishable persons.** The new provision expands the scope of responsibility from “employer” to “whoever forces another to work . . . .” In addition, the new provision adds language that provides a basis for punishing anyone who is “aware of a person committing the crime . . . and recruits or transports personnel for him, or otherwise aids forced labor.”<sup>42</sup> This added language, if implemented, may strengthen prosecution and punishment of middlemen, transporters, and recruiters.
- **Lengthened prison sentences.** The revised provision provides for a maximum three-year imprisonment for forced labor situations that are not considered “serious.” This period of time was unclear prior to revisions. The new provision also provides for longer prison sentences (three to seven years, an increase from the former maximum of three years) for forced labor crimes that are considered “serious.”<sup>43</sup> While the term “serious” is not clearly defined, this revised language, if implemented, may result in harsher punishments for those convicted of forced labor crimes.

Chinese authorities, in cooperation with non-governmental organizations and international organizations, took steps to improve protection, services, and care for victims of trafficking but continued to focus such efforts only on women and children identified as victims through the government's definition of trafficking. The International Organization on Migration and the Ministry of Civil Affairs conducted two training sessions during the Commission's 2011 reporting year that reportedly addressed issues including victim identification, protection, and assistance.<sup>44</sup> According to the U.S. State Department, the All-China Women's Federation (ACWF) is in the process of starting a network of shelters for women. At these shelters, women reportedly may access referrals for legal aid, report human trafficking violations, and seek assistance from social workers.<sup>45</sup> In addition, in September 2010, Minister of Public Security Meng Jianzhu and Vietnamese Minister of Public Security Le Hong Anh signed a cooperative agreement to work together on trafficking prevention and control.<sup>46</sup>

The Chinese government continued outreach and education campaigns in concert with the ACWF and international organizations. The government continued trafficking education campaigns in areas with high numbers of migrant workers, including train and bus stations, and through television, cell phones, and the Internet, informing workers of their rights.<sup>47</sup> Chinese authorities established nationwide and local hotlines for reporting suspected trafficking cases,<sup>48</sup> although there appears to be limited public data on their use.

As the Chinese government continues to conflate human smuggling, illegal adoption, and child abduction with human trafficking, accurate statistics on the number of trafficking cases the government investigated and prosecuted during the past reporting year are not available.<sup>49</sup> Using the definition of human trafficking under Chinese law, the Supreme People's Court reportedly convicted 3,138 defendants in trafficking cases in 2010,<sup>50</sup> up from 2,413 in 2009,<sup>51</sup> and of those convicted, authorities reportedly handed down 2,216 prison sentences for terms of five years or more.<sup>52</sup> In addition, the Supreme People's Procuratorate prosecuted 4,422 individuals for trafficking offenses,<sup>53</sup> up from 4,017 in 2009.<sup>54</sup>

The U.S. State Department placed China on its Tier 2 Watch List for the seventh consecutive year in 2011,<sup>55</sup> listing several areas in which anti-trafficking efforts were insufficient, including that the Chinese government “does not fully comply with the minimum standards for the elimination of trafficking” and “did not demonstrate evidence of significant efforts to address all forms of trafficking or effectively protect victims.”<sup>56</sup>

#### CIVIL SOCIETY EFFORTS

Individual citizens have also been active in the effort to combat human trafficking. One individual's anti-trafficking efforts on an Internet blog launched during the 2011 reporting year have received widespread attention.<sup>57</sup> While the combined efforts of the individual, the blog's photograph contributors, and a number of government agencies have resulted in the “rescue” of at least six abducted children,<sup>58</sup> the online campaign has also raised concerns regarding the privacy of the children being photographed,<sup>59</sup> potential for publicly misidentifying children as abducted,<sup>60</sup> and the risk that traffickers might inflict further harm on their victims if they find pictures of them posted publicly.<sup>61</sup>

## Endnotes

<sup>1</sup>The specific phrase used to describe the concept of trafficking in Chinese government documents, including the National Plan of Action on Combating Trafficking in Women and Children (2008–2012), as well as related regulations, circulars, and opinions, is *guaimai funu ertong*, which literally means “the abduction and sale of women and children.” See, for example, State Council General Office, “Circular on the State Council General Office’s Issuance of China’s National Plan of Action on Combating Trafficking in Women and Children (2008–2012)” [Guowuyuan bangongting guanyu yinfa zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian) de tongzhi], 13 December 07; See also Ministry of Public Security, “Qinghai Province Implementing Rules and Regulations for the Plan of Action on Combating Trafficking in Women and Children (2008–2012)” [Qinghai sheng fandui guaimai funu ertong xingdong jihua shishi xize (2008–2012 nian)], 22 December 09; Ministry of Public Security, Zhuzhou Municipal People’s Government, “Zhuzhou Municipal People’s Government Office Circular Regarding the Issuance of Zhuzhou Municipality’s Action Plan on Combating Trafficking in Women and Children” [Zhuzhou shi renmin zhengfu bangongshi guanyu yinfa zhuzhou shi fandui guaimai funu ertong xingdong jihua de tongzhi], 31 December 09; Bazhong Municipal People’s Government, “Opinion of Bazhong Municipal People’s Government Office Regarding the Implementation of the China National Action Plan on Combating Trafficking in Women and Children (2008–2012)” [Bazhong shi renmin zhengfu bangongshi guanyu guanche guowuyuan “zhongguo fandui guaimai funu ertong xingdong jihua (2008–2012 nian)” de shishi yijian], 30 September 09.

<sup>2</sup>“China’s Top Legislature Ends Bimonthly Session, Adopts Tort Law,” Xinhua, 26 December 09; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, adopted 15 November 00, entered into force 25 December 03. This protocol is commonly referred to as the Palermo Protocol because it was adopted in Palermo, Italy, in 2000.

<sup>3</sup>PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, effective 1 October 97, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 240.

<sup>4</sup>Ibid., art. 358.

<sup>5</sup>See also Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 122.

<sup>6</sup>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (Palermo Protocol), adopted 15 November 00, entered into force 25 December 03, art. 3(a). Article 3(a) of the Palermo Protocol states: “Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

<sup>7</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 122. According to this report, “Male victims of trafficking and victims of forced labor—either male or female—did not receive regular protection services, but some were sent to hospitals for treatment of their medical needs and at least two victims received legal aid to gain financial compensation.” CECC, 2009 Annual Report, 10 October 09, 175.

<sup>8</sup>CECC, 2009 Annual Report, 10 October 09, 175; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 124. According to this report, “The Ministry of Public Security issued orders to police departments to treat all women arrested for prostitution as victims of trafficking. It was not clear during the reporting period to what extent local police units complied with the order.”

<sup>9</sup>United Nations Office on Drugs and Crime, “Human Trafficking FAQs,” last visited 28 June 11.

<sup>10</sup>Ibid.

<sup>11</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 122.

<sup>12</sup>Ibid., 124. Human Rights Watch, “World Report 2011—North Korea,” 24 January 11.

<sup>13</sup>“Supreme People’s Court Procuratorate Requests In-Depth Investigation of the Abduction and Sale of Children and Corruption” [Zuigaojian yaoqiu shenjiu she guaimai ertong duzhi fubai], China Net, reprinted in China Daily, 4 June 11; Zhang Yan and He Dan, “Trafficking of Chinese Women on the Rise,” China Daily, 24 January 11. An official cited in this article reported that insufficient finances and manpower restrict police capacity to fight trafficking. For specific examples of official corruption reported during the Commission’s 2011 reporting year, see “Official Detained in ‘Slavery’ Scandal,” Shanghai Daily, reprinted in China Information Center, 23 December 10; “Ringleaders in Anhui Ordered To Surrender,” South China Morning Post, 10 February 11.

<sup>14</sup>CECC, 2008 Annual Report, 31 October 08, 118. As documented and defined internationally, major forms of human trafficking include forced labor, bonded labor, involuntary domestic servitude, child soldiers, forced prostitution, children exploited for commercial sex, child sex tourism, and debt bondage and involuntary servitude among migrant laborers. Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2008—Major Forms of Trafficking in Persons,” 4 June 08, 19–25.

<sup>15</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 121.

<sup>16</sup>Zhang Yan and He Dan, “Trafficking of Chinese Women on the Rise,” *China Daily*, 24 January 11; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 121. See also, for example, Mandy Zuo, “Gang Busted for Trafficking Women to Congo,” *South China Morning Post*, 4 December 10; U.S. Department of Justice, “California Woman Sentenced to More Than Three Years in Prison for Human Trafficking Charges,” 17 November 10.

<sup>17</sup>See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 121. See also, for example, “Women Tricked, Trafficked Into China,” *Radio Free Asia*, 4 March 11; Palaung Women’s Organization, “Stolen Lives: Human Trafficking From Palaung Areas of Burma to China,” 9 June 11.

<sup>18</sup>See, e.g., “Mentally Disabled Individuals Sold by Orphanage as ‘Indentured Laborers,’ Ate From the Same Bowls as Dogs” [Zhizhangzhe bei shouyangsuo maiwei “baoshengong” yu gou tong shi yigou mian], *China Economic Net*, reprinted in QQ News, 13 December 10; Zhang Xuanchen, “Former Homeless Shelter Official Detained on Human Trafficking Allegations,” *Shanghai Daily*, 22 December 10; Du Guangli, “Mentally Disabled Workers in Shaanxi Illicit Brick Kiln Face Aid Puzzle” [Shanxi hei zhuan Yao zhizhang gong mianlin jiuzhu miju], *Phoenix Net*, 28 January 11.

<sup>19</sup>See, e.g., Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 123. According to this report, “[T]he Chinese government did not release statistics related to forced labor of men.”

<sup>20</sup>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, adopted 15 November 00, entered into force 25 December 03, art. 3.

<sup>21</sup>Zhang Yan and He Dan, “Trafficking of Chinese Women on the Rise,” *China Daily*, 24 January 11.

<sup>22</sup>Chinese Academy of Social Sciences, “Difficulty Finding a Wife in 10 Years: 1 Out of Every 5 Men To Be a Bare Branch” [10 nian zhihou quqi nan, 5 ge nanren zhong jiu you 1 ge guanggun], 27 January 10. According to the January 2010 Chinese Academy of Social Sciences study, by 2020, the number of Chinese males of marriageable age may exceed the number of Chinese females of marriageable age by 30 to 40 million.

<sup>23</sup>Mikhail Lipatov et al., “Economics, Cultural Transmission, and the Dynamics of the Sex Ratio at Birth in China,” *Proceedings of the National Academy of Sciences of the United States of America*, Vol. 105, No. 49 (December 2008), 19171. According to this study, “The root of the [sex ratio] problem lies in a 2,500-year-old culture of son preference.” Wei Xing Zhu et al., “China’s Excess Males, Sex Selective Abortion and One Child Policy: Analysis of Data From 2005 National Intercensus Survey,” *British Medical Journal*, 9 April 09, 4–5.

<sup>24</sup>Kathleen E. McLaughlin, “Borderland: Sex Trafficking on the China-Myanmar Border,” *Global Post*, 26 October 10; “China’s Gender Imbalance,” *World Press*, 11 January 11; “China Gender Gap Fueling Human Trafficking: Report,” *Agence France-Presse*, reprinted in *China Post*, 22 September 10; Elizabeth Lee, “Rights Activists Say China’s Gender Ratio Contributes to Human Trafficking,” *Voice of America*, 24 January 11; “Police Rescue Hundreds of Women, Children Kidnapped in SW China,” *People’s Daily*, 22 December 10.

<sup>25</sup>“Chinese Women Taught To Avoid People-Traffickers,” *Xinhua*, reprinted in *China Daily*, 8 March 10.

<sup>26</sup>Kathleen E. McLaughlin, “Borderland: Sex Trafficking on the China-Myanmar Border,” *Global Post*, 26 October 10; “Women Tricked, Trafficked Into China,” *Radio Free Asia*, 4 March 11.

<sup>27</sup>Zhang Xuanchen, “Former Homeless Shelter Official Detained on Human Trafficking Allegations,” *Shanghai Daily*, 22 December 10.

<sup>28</sup>“Sweatshop Allegedly Abuses Mentally Ill,” *Global Times*, 14 December 10. “Mentally Disabled Individuals Sold by Orphanage as Indentured Laborers” [Zhizhangzhe bei shouyangsuo maiwei “baoshengong” yu gou tong shi yigou mian], *China Economic Net*, 13 December 10.

<sup>29</sup>Du Guangli, “Mentally Disabled Workers in Shaanxi Illicit Brick Kiln Face Aid Puzzle” [Shanxi hei zhuan Yao zhizhang gong mianlin jiuzhu miju], *Phoenix Net*, 28 January 11.

<sup>30</sup>*Ibid.*

<sup>31</sup>“Response to: ‘Students With 9 Years of Compulsory Education Still Pick Cotton?’” [Huifu neirong: “jiunian yiwu jiaoyu xuesheng hai zai shi mianhua ma?”], *Xinhe (Toqsu) County Message Board*, reprinted in *Xinhe (Toqsu) County People’s Government*, 18 September 10; “Second Agricultural Division 29th Regiment’s Legal Office Strengthens Legal and Safety Education During Period Students Pick Cotton” [Nong er shi ershijiu tuan sifasuo jiaqiang xuesheng shi mian qijian fazhi anquan jiaoyu], *Xinjiang Agricultural Information Portal*, 4 October 10; Xu Jiang, *Xinjiang Uyghur Autonomous Region Government*, “Wusu, Xinjiang No. 5 Central School Students Help Pick Cotton at 134 Regiment” [Wusushi wu zhong xuesheng dao yisansi tuan zhiyuan shi hua], 2 October 10. For recent Commission analyses on Xinjiang’s work-study programs, see “Underage Students Continue To Pick Cotton in Xinjiang Work-Study Program,” *Congressional-Executive Commission on China*, 8 December 10.

<sup>32</sup>Cui Jia et al., “Saving Kidnapped Kids From Streets of Crime,” *China Daily*, 26 May 11; “Parents Blamed for Begging, Performing,” *Asia One News*, 15 February 11; *China Internet Information Center*, “Gov’t Campaign Against Child Begging,” 9 March 11; “Blog Fights Child Trafficking,” *Xinhua*, 9 February 11.

<sup>33</sup>“Child Rented Out by Parents To Beg Was Forced To Eat Faeces,” *Asia One News*, 27 February 11; Hu Zhanfen and Yang Jiang, “The Real Situation of China’s Child Beggars: 10,000 Yuan To Resolve Unforeseen Circumstances” [Zhongguo tonggai zhenxiang: chu shenme yiwai dou 1 wan yuan jie jue], *Xinmin Weekly*, reprinted in QQ News, 23 February 11.

<sup>34</sup>“Region Sentences Eight for Felonies,” *Xinhua*, reprinted in *China Daily*, 17 August 11.

<sup>35</sup>Shao Wei, “China’s Xinjiang Region Aims To Get Stray Kids Back Home,” *China Daily*, 23 April 11.

<sup>36</sup>“China’s Top Legislature Ends Bimonthly Session, Adopts Tort Law,” Xinhua, 26 December 09; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, adopted 15 November 00, entered into force 25 December 03, art. 3(a).

<sup>37</sup>PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, effective 1 October 97, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 244; Eighth Amendment to the Criminal Law of the People’s Republic of China [Zhonghua renmin gongheguo xingfa xiuzheng’an (ba)], issued 25 February 11, provision 38.

<sup>38</sup>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, adopted 15 November 00, entered into force 25 December 03, art. 3(a).

<sup>39</sup>PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, effective 1 October 97, art. 244; PRC Criminal Law, passed 1 July 79, effective 1 October 97, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, art. 244.

<sup>40</sup>Topics that need to be addressed in domestic legislation to bring it into compliance with the Palermo Protocol, include protection and rehabilitation of victims of trafficking (see Palermo Protocol art. 6.3), non-physical forms of coercion into the legal definition of trafficking (see Palermo Protocol art. 3(a)), commercial sexual exploitation of minors (see Palermo Protocol art. 3(c and d)), and trafficking of men (see Palermo Protocol art. 3(a)). See UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime (Palermo Protocol), adopted 15 November 00, entered into force 25 December 03; Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 122.

<sup>41</sup>PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, effective 1 October 97, amended 14 March 97, 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11. The previous language for Article 244 appeared in the 2002 amendment and stated, “Where an employer, in violation of the laws and regulations on labour administration, compels its employees to work by restricting their personal freedom, if the circumstances are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.” The revised language of Art. 244 states, “Whoever forces another to work by violence, threats or restriction of personal freedom shall be sentenced to not more than three years fixed-term imprisonment or criminal detention, and shall also, or shall only, be fined. If the circumstances are serious, he shall be sentenced to not less than three years and not more than seven years fixed-term imprisonment and shall also be fined. Whoever is aware of a person committing the crime in the previous paragraph and recruits or transports personnel for him, or otherwise aids forced labour shall be punished according to the preceding paragraph. Where a unit commits the crimes in the two preceding paragraphs, it shall be fined, and the persons who are directly responsible for the crime shall be punished according to provisions in paragraph one.”

<sup>42</sup>Ibid., art. 240.

<sup>43</sup>Ibid., art 244.

<sup>44</sup>International Organization for Migration, “IOM, China Improve Support to Victims of Human Trafficking,” 10 December 10; International Organization for Migration, “IOM and China Work To Protect, Assist Victims of Trafficking,” 15 March 11.

<sup>45</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 124.

<sup>46</sup>“Vietnam and China Sign Pack [sic] on Human Trafficking,” Viet Nam News, 16 September 10.

<sup>47</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 125.

<sup>48</sup>Ibid., 121,124.

<sup>49</sup>Ibid., 122.

<sup>50</sup>Ibid.

<sup>51</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2010—China,” 14 June 10, 113.

<sup>52</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 122.

<sup>53</sup>“Highlights of Work Report of China’s Supreme People’s Procuratorate,” Xinhua, 11 March 11.

<sup>54</sup>“Highlights of Work Report of China’s Supreme People’s Procuratorate,” Xinhua, 11 March 10.

<sup>55</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 121. For information on the significance of the tier placements see, Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—Tier Placements,” 27 June 11. According to the U.S. Department of State, countries placed on the Tier 2 Watch List are “countries whose governments do not fully comply with the [Trafficking Victim Protection Act’s] minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND: a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; b)There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.”

<sup>56</sup>Office To Monitor and Combat Trafficking in Persons, U.S. Department of State, “Trafficking in Persons Report 2011—China,” 27 June 11, 121.

<sup>57</sup>Huang Jingjing, “Blog Fights Child Trafficking,” *Global Times*, 9 February 11.

<sup>58</sup>Xu Chi, “Six Children Rescued in Beggar Campaign,” *Shanghai Daily*, 10 February 11; “Microblogs Save Abducted Children,” *China Daily*, reprinted in *Xinhua*, 15 February 11. According to the *China Daily* report, “Various government agencies have gotten involved. The police went on the micro blog, followed the campaign and rescued the six children. Civil affairs authorities arranged children’s DNA tests to aid in identification. Several non-governmental organizations have also launched projects to help begging children.”

<sup>59</sup>Ng Tze-wei, “Beggar Children Rescued in Net Drive, Online Campaign Raises Privacy Issues,” *South China Morning Post*, 10 February 11; “Yu Jianrong’s Anti-trafficking Stirs Debate—The People Call for Public Clarification” [Yu jianrong daguai yin zhengyi, minzhong yuqing gongkai chengqing], *Radio Free Asia*, 9 February 11.

<sup>60</sup>“Child Beggar Raid Raises Doubts About Campaign,” *Shanghai Daily*, 8 February 11.

<sup>61</sup>*Ibid.*; “Online Effort To Save China’s Kidnapped Children Is Flawed,” *CNN*, 14 February 11; “Six Children Rescued in Beggar Campaign,” *Shanghai Daily*, 10 February 11.

