



Home Office

# **Country Policy and Information Note**

## **China: Modern slavery**

**Version 1.0**

**January 2021**

# Preface

## Purpose

This note provides country of origin information (COI) and analysis of COI for use by Home Office decision makers handling particular types of protection and human rights claims (as set out in the [Introduction](#) section). It is not intended to be an exhaustive survey of a particular subject or theme.

It is split into two main sections: (1) analysis and assessment of COI and other evidence; and (2) COI. These are explained in more detail below.

## Assessment

This section analyses the evidence relevant to this note – i.e. the COI section; refugee/human rights laws and policies; and applicable caselaw – by describing this and its inter-relationships, and provides an assessment of, in general, whether one or more of the following applies:

- A person is reasonably likely to face a real risk of persecution or serious harm
- The general humanitarian situation is so severe as to breach Article 15(b) of European Council Directive 2004/83/EC (the Qualification Directive) / Article 3 of the European Convention on Human Rights as transposed in paragraph 339C and 339CA(iii) of the Immigration Rules
- The security situation presents a real risk to a civilian's life or person such that it would breach Article 15(c) of the Qualification Directive as transposed in paragraph 339C and 339CA(iv) of the Immigration Rules
- A person is able to obtain protection from the state (or quasi state bodies)
- A person is reasonably able to relocate within a country or territory
- A claim is likely to justify granting asylum, humanitarian protection or other form of leave, and
- If a claim is refused, it is likely or unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers **must**, however, still consider all claims on an individual basis, taking into account each case's specific facts.

## Country of origin information

The country information in this note has been carefully selected in accordance with the general principles of COI research as set out in the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual, 2013](#). Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

The structure and content of the country information section follows a [terms of reference](#) which sets out the general and specific topics relevant to this note.

All information included in the note was published or made publicly available on or before the 'cut-off' date(s) in the country information section. Any event taking place or report/article published after these date(s) is not included.

All information is publicly accessible or can be made publicly available, and is from generally reliable sources. Sources and the information they provide are carefully considered before inclusion. Factors relevant to the assessment of the reliability of sources and information include:

- the motivation, purpose, knowledge and experience of the source
- how the information was obtained, including specific methodologies used
- the currency and detail of information, and
- whether the COI is consistent with and/or corroborated by other sources.

Multiple sourcing is used to ensure that the information is accurate, balanced and corroborated, so that a comprehensive and up-to-date picture at the time of publication is provided of the issues relevant to this note.

Information is compared and contrasted, whenever possible, to provide a range of views and opinions. The inclusion of a source, however, is not an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a brief footnote; full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

## Feedback

Our goal is to continuously improve our material. Therefore, if you would like to comment on this note, please email the [Country Policy and Information Team](#).

## Independent Advisory Group on Country Information

The [Independent Advisory Group on Country Information](#) (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to support him in reviewing the efficiency, effectiveness and consistency of approach of COI produced by the Home Office.

The IAGCI welcomes feedback on the Home Office's COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. The IAGCI may be contacted at:

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Information about the IAGCI's work and a list of the documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector's pages of the [gov.uk website](#).

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# Assessment

Updated: 12 January 2021

## 1. Introduction

### 1.1 Basis of claim

- 1.1.1 Fear of persecution or serious harm from the state, traffickers or other non-state actors because the person is a (potential) victim of modern slavery including being at risk of re-trafficking.

### 1.2 Points to note

- 1.2.1 This note is about mainland China, not Hong Kong or Macao.
- 1.2.2 This note refers to victims of modern slavery which includes, but is not restricted to, cases where a person has been trafficked to the UK for forced labour and/or sexual exploitation.
- 1.2.3 Only expert decision makers in the UK's Single Competent Authority can decide whether or not there are reasonable grounds to accept the person as a victim of modern slavery. However, both Home Office decision makers and the courts are able to take factual matters into account when making their findings in an asylum claim. If it has not already been done, decision makers dealing with the asylum claim should use their professional judgement and consider making a referral into the National Referral Mechanism (NRM). The case will then be routed to the Single Competent Authority (see [Statutory Guidance for England and Wales and Non-Statutory Guidance for Scotland and N.Ireland](#)).
- 1.2.4 The outcome of the conclusive grounds decision will be included in any outstanding asylum decision made after the conclusive grounds decision as a finding of fact on whether the person was a victim of modern slavery or not, unless information comes to light at a later date that would alter the finding on modern slavery.
- 1.2.5 The outcome of the reasonable or conclusive grounds decision is not indicative of the outcome of any asylum claim. A positive or negative reasonable or conclusive grounds decision on modern slavery does not automatically result in asylum being granted or refused. This is because the criteria used to grant asylum are not the same as the criteria used to assess whether a person is a victim of modern slavery.
- 1.2.6 When the Single Competent Authority has issued a positive conclusive grounds decision in a case where the person has also claimed asylum, this should be afforded appropriate weight when considering future risk of persecution. Further, where there has been a negative finding by the Single Competent Authority, considerable weight can be placed on this. In these scenarios, because the Single Competent Authority's findings are subject to a higher standard of proof and are findings as to past treatment, it remains open to asylum decision makers to make different findings for the purpose of the asylum claim and future risk.
- 1.2.7 Guidance to help decision makers decide whether a person referred under the National Referral Mechanism (NRM) is a victim of modern slavery is

available in [Statutory Guidance for England and Wales and Non-Statutory Guidance for Scotland and N.Ireland](#).

- 1.2.8 In cases where a 'positive conclusive grounds' decision has been made, a grant of discretionary leave may be considered. For further information, see [Discretionary leave considerations for victims of modern slavery](#).

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## **2. Consideration of issues**

### **2.1 Credibility**

- 2.1.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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### **2.2 Exclusion**

- 2.2.1 Decision makers must consider whether there are serious reasons for considering whether one (or more) of the exclusion clauses is applicable. Each case must be considered on its individual facts and merits.
- 2.2.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection.
- 2.2.3 For further guidance on the exclusion clauses and restricted leave, see the Asylum Instructions on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and [Restricted Leave](#).

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### **2.3 Convention reason(s)**

- 2.3.1 Victims of modern slavery from China form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention because they share an innate characteristic, or a common background that cannot be changed (their past experience of being a victim of modern slavery) and have a distinct identity because it is perceived as being different by the surrounding society.
- 2.3.2 Establishing a convention reason alone is not sufficient to be recognised as a refugee. The question to be addressed in each case is whether the particular person has a well-founded fear of persecution on account of their membership of such a group.

- 2.3.3 For further guidance on Convention reasons see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.4 Risk

- 2.4.1 Young women and girls are trafficked from China to the UK having been lured by promises of a better life and higher wages but forced into labour or domestic servitude while some are also reportedly kidnapped and sold before being forced into the sex trade once in the UK. Some are trafficked by family members and others through the use of violent and coercive measures such as threats and direct force. Men are trafficked to the UK generally for forced labour, some in bonded labour in lieu of a smuggling debt. Chinese nationals are also affected internal trafficking ([Prevalence of trafficking](#) and [Profiles of modern slavery victims and traffickers](#)).
- 2.4.2 In the country guidance case of [HC & RC \(Trafficked women\) China CG \[2009\] UKAIT 00027](#) heard on 11 November 2008 and promulgated on 18 July 2009, considering the position of trafficked women only on return, the Upper Tribunal held that: 'Women and girls in China do not in general face a real risk of serious harm from traffickers...' (paragraph 82 [2]).
- 2.4.3 Modern slavery affects men, women and children with persons trafficked for forced labour, debt bondage and sexual exploitation. During the first 3 quarters of 2020 UK figures show there were a total of 235 Chinese potential victim referrals within the UK with the majority being for labour exploitation, with China in the top 5 most commonly referred nationalities. The Chinese government did not report the number of victims it identified during 2019 (see [Prevalence of trafficking](#), [Profiles of modern slavery victims and traffickers](#) and [Protection](#)).
- 2.4.4 There is some evidence to suggest that victims of modern slavery, particularly those who have been victims of sex trafficking, may experience discrimination and social stigma in their communities on return (see [Government and NGO assistance](#)).
- 2.4.5 However, in general, this is not sufficiently serious by its nature and repetition to reach the high threshold of persecution and/or serious harm.
- 2.4.6 Whilst the country guidance case of [HC & RC](#) was determined in 2009, the available information does not provide very strong grounds supported by cogent evidence which would warrant departing from the findings in that case. It is unlikely that a person – regardless of their gender – would be subject to forcible re-trafficking once returned to China, but they may choose voluntarily to use traffickers again to facilitate their entry to the UK. The onus is on the person to demonstrate that their profile and circumstances are such that on return they would be vulnerable to abuse or re-trafficking which would amount to serious harm or persecution.
- 2.4.7 Exploitation by gangs sometimes results in forced labour within China. Forced labour is also perpetrated by the government, primarily against Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups in Xinjiang (see [Modern slavery victims within China](#)).



- 2.4.8 There are also reports of Tibetan Buddhists being forced to work in monasteries repurposed as factories and religious and political activists subjected to forced labour during pre-trial detention (see [Modern slavery victims within China](#)).
- 2.4.9 If a person has been vulnerable to forced labour within China by gangs (those particularly at risk include those who are homeless and/or with disabilities or mental illness, or with lack of education) then these vulnerabilities may still exist, and the person may find it difficult to avoid being forced back into slavery. Where a person has previously been subject to forced labour it will be for them to show why they feel they would still be at risk of ill treatment on return. Each case must be considered on its facts.
- 2.4.10 Where a person has previously been in detention it will be for the person to show why they feel they would still be at risk of ill treatment on return. Decision makers will need to consider the reasons for their initial period of detention in order to assess whether there is a likelihood of adverse treatment on return. Decision makers may need to refer to additional [Country Policy and Information Notes on China](#) in order to establish risk. Each case must be considered on its facts.
- 2.4.11 For further information on treatment of Uyghurs and Tibetans, see the Country Policy and Information Note on [China: Opposition to the state](#)
- 2.4.12 For further guidance on assessing risk, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.5 Protection

- 2.5.1 Where the person has a well-founded fear of persecution from the state, they are unlikely to be able to avail themselves of the protection of the authorities.
- 2.5.2 Where the person has a well-founded fear of persecution from non-state actors, including 'rogue' state actors, decision makers must assess whether the state can provide effective protection.
- 2.5.3 In the country guidance case of [HC & RC \(Trafficked women\) China CG \[2009\] UKAIT 00027](#) heard on 11 November 2008 and promulgated on 18 July 2009, considering the position of trafficked women only on return, the Upper Tribunal held that: 'Although the Chinese authorities are intent upon rescuing and rehabilitating women and girls trafficked for the purposes of prostitution, there are deficiencies in the measures they have taken to combat the problem of trafficking. The principal deficiencies are the lack of a determined effort to deal with the complicity of corrupt law enforcement officers and state officials and the failure to penalise as trafficking acts of forced labour, debt bondage, coercion, involuntary servitude or offences committed against male victims (paragraph 82 [1]) ...the issue of whether she will be able to receive effective protection from the authorities will need careful consideration in the light of background evidence highlighting significant deficiencies in the system of protection for victims of trafficking. But each case, however, must be judged on its own facts.' (para 82 [2]).

- 2.5.4 The Tribunal also noted that: ‘It is not inevitable that a returned trafficked woman would be punished for having left China illegally. Punishment is unlikely for those who seek and obtain the assistance of the All-China Women's Federation and for those able to give information to the authorities about snakeheads.’ (Para 82 [6]). However evidence suggests that some victims of trafficking may still be reluctant to seek help from the authorities as they may be punished for secondary crimes committed during their exploitation (see [Prosecution](#) and [Return of modern slavery victims](#)).
- 2.5.5 According to the US State Department's Trafficking in Persons report for 2020 the Chinese authorities have decreased their efforts to protect victims of modern slavery and, for the third year in a row, have not reported the number of investigations into possible trafficking cases. However, available evidence indicates that the situation for trafficked women in China remains largely the same as that considered in [HC & RC](#) (see [Action to combat modern slavery and Protection](#) and [Prosecution](#)).
- 2.5.6 The criminal code in China criminalises some forms of sex and labour trafficking and prohibits forced and compulsory labour. Article 240 of the criminal law criminalises the abduction or sale of women and children however this does not explicitly link these acts to a purpose of exploitation. The definition of trafficking in China therefore does not fully correspond with the internationally accepted definition and fails to include certain types of non-physical coercion and offenses against male victims. China has not ratified the Forced Labour Convention and other relevant international legislation (see [Legal status](#)).
- 2.5.7 Whilst the authorities are implementing a campaign to investigate corrupt local officials and police, the government did not provide any statistics into investigations or prosecutions on this basis. In some cases, officials remain complicit with traffickers (see [Corruption](#)).
- 2.5.8 Because the government provides very little information on shelters, it is not possible to obtain a clear picture of what is available. However, in previous years, the government had reported that it was maintaining at least 10 shelters for Chinese nationals and a further 2,300 multi-purpose shelters nationwide that could accommodate trafficking victims. NGOs and women's groups may also provide assistance, although again little information is available. It is reported that their focus is to send victims home. However, it is unlikely that male victims will benefit, and little support is provided in the south of the country. Social stigma may prevent some persons from accessing services available to them (see [Government and NGO assistance](#)).
- 2.5.9 Overall there remains deficiencies in the government's efforts to combat trafficking with available protection lacking in some cases, particularly for men. Therefore, in general, the state is able but not always willing to offer effective protection. Each case however, must be considered on an individual basis.
- 2.5.10 For further information on the availability of state protection see also the country policy and information note of [China: Background information, including actors of protection and internal relocation](#)

- 2.5.11 For further guidance on assessing the availability of state protection, see the instruction on [Assessing Credibility and Refugee Status](#).

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## 2.6 Internal relocation

- 2.6.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation taking full account of the individual circumstances of the particular person.
- 2.6.2 The Upper Tribunal in [HC & RC](#) also held that: ‘China is a vast country and it may be, for example, that in a particular part of China the efforts to eliminate trafficking are determined and the level of complicity between state officials and traffickers is low. If an appellant comes from such an area, or if she can relocate to such an area, there may be no real risk to her (para 82 [2]).
- 2.6.3 China is a very large country of some 1.3 billion people with many large cities. Victims of modern slavery may be able to internally relocate to escape a localised threat of exploitation and to avoid threats and/or stigma and discrimination from family members; however, this would depend on their circumstances, the nature of the threat and how far the threat would extend. Returned victims of trafficking may be vulnerable to further exploitation.
- 2.6.4 In the case of [HC & RC](#) the Tribunal held that: ‘The Chinese state has an obligation to house the homeless and will not allow their citizens to starve. Therefore, a returned trafficked woman without family support will not be allowed by the authorities to fall into a state of destitution.’ (para 82 [3]).
- 2.6.5 The Tribunal also stated that: ‘Due to reforms of the Chinese household registration system known as the "hukou" system it is unlikely that a returned trafficked woman would be obliged to return to the place where she is registered. The reforms have made it relatively easy for ordinary migrant workers to get legal, albeit temporary, urban registration and there is no reason why this should not extend to returned trafficked women.’ (Para 82 [4])
- 2.6.6 Whilst reform of the hukou system has taken place as mentioned in the country guidance case of [HC & RC](#) there remains some limitations on the ability of migrant workers, rural inhabitants and minority groups to change their workplace/residence and the hukou system is reported to exacerbate migrants’ vulnerability to trafficking for the purpose of forced labour (see [Hukou registration](#)).
- 2.6.7 For further information and guidance on internal relocation see the country policy and information note of [China: Background information, including actors of protection and internal relocation](#)
- 2.6.8 For general guidance on considering internal relocation and factors to be taken into account, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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## 2.7 Certification

- 2.7.1 Where a claim is refused, it is unlikely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.
- 2.7.2 For further guidance on certification, see [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#).

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# Country information

Section 3 updated: 4 January 2021

## 3. Legal status

### 3.1 International legislation

3.1.1 China is signatory to, and has ratified, the following conventions:

- Convention against Torture and Other Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography (CRC-OP-SC)<sup>1</sup>.

3.1.2 The August 2020 report of the Independent Expert on the enjoyment of all human rights by older persons explained that:

‘China has not ratified the Forced Labour Convention, 1930 (No. 29); the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87); the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and the Abolition of Forced Labour Convention, 1957 (No. 105). It has also not ratified a number of other ILO instruments relevant to older persons, including the Domestic Workers Convention, 2011 (No. 189); the Labour Inspection Convention, 1947 (No. 81) and its Protocol of 1995; the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the Indigenous and Tribal Peoples Convention, 1989 (No. 169); the Social Security (Minimum Standards) Convention, 1952 (No. 102); the Invalidity, Old-Age and Survivors’ Benefits Convention, 1967 (No. 128); the Medical Care and Sickness Benefits Convention, 1969 (No. 130); the Paid Educational Leave Convention, 1974 (No. 140); the Rural Workers’ Organisations Convention, 1975 (No. 141); the Nursing Personnel Convention, 1977 (No. 149); the Maintenance of Social Security Rights Convention, 1982 (No. 157); the Labour Statistics Convention, 1985 (No. 160); the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168); the Protection of Workers’ Claims (Employer’s Insolvency) Convention, 1992 (No. 173); the Violence and Harassment Convention, 2019 (No. 190); and the Violence and Harassment Recommendation, 2019 (No. 206).’<sup>2</sup>

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### 3.2 Criminal law

3.2.1 Article 240 of the Criminal Law of the People's Republic of China, stated:

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<sup>1</sup> OHCHR, ‘[Ratification Status for China](#)’

<sup>2</sup> UN, ‘[Report of the Independent Expert...](#)’, 7 August 2020

‘A person who abducts a male or female under the age of twenty to leave his or her family or another who has the custody of the male or female shall be sentenced to imprisonment for not more than three years.

‘A person who abducts a married male or female to leave their family shall be subject to the same punishment.

‘A person who for purpose of gain or for purpose of causing an abducted person to submit to an obscene act or to sexual intercourse commits the offense specified in one of the two preceding paragraphs shall be sentenced to imprisonment for not less than six months but not more than five years; a fine, in addition thereto, of not more than thirty thousand dollars may be imposed. An attempt to commit an offense specified in the three preceding paragraphs is punishable.’<sup>3</sup>

3.2.2 Article 358 of the Criminal Law of the Peoples Republic of China states:

‘Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property:

- (1) making arrangements for another person to engage in prostitution and the circumstances being serious;
- (2) forcing a girl under the age of 14 to engage in prostitution;
- (3) forcing a number of persons to engage in prostitution or repeatedly forcing another person to engage in prostitution;
- (4) forcing the victim to engage in prostitution after raping her; or
- (5) causing serious injury, death or other serious consequences to the person who is forced to engage in prostitution.

‘Whoever falls under any of the categories mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property. Whoever assists in arranging for another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.’<sup>4</sup>

3.2.3 Article 359 of the Criminal Law of the People's Republic of China, states:

‘Whoever lures other persons into or shelters prostitution or procures other persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and

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<sup>3</sup> PRC, Laws and Regulations Database-, ‘[Criminal Code...](#)’, Amended 15 January 2020

<sup>4</sup> International Labour Organization, ‘[Criminal Law Of The People's Republic Of China](#)’



shall also be fined. Whoever lures a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.’<sup>5</sup>

3.2.4 The US State Department, 2020 Trafficking in Persons Report: China, 25 June 2020 (USSD TiP report, 2020), stated:

‘The criminal code criminalized some forms of sex trafficking and labor trafficking. Various provisions of the criminal code could be used to prosecute sex trafficking offenses. Article 240 criminalized “the abduction and sale of women or children,” which included abduction by deceit, kidnapping, purchasing, selling, sending, receiving, and transferring for the purpose of sale; however, unlike the definition of trafficking in persons under international law, Article 240 did not explicitly link these acts to a purpose of exploitation. Article 240 prescribed penalties of five to 10 years’ imprisonment and fines for the abduction and sale of women and children. If an abducted woman was then forced into prostitution, the penalties increased to 10 years’ to life imprisonment, fines, and confiscation of property.

‘...Article 241 criminalized the purchase of abducted women or children and prescribed a maximum penalty of three years’ imprisonment, short-term detention, or controlled release; like Article 240, it did not require the purchase be for the purpose of exploitation. Penalties under this provision were not alone sufficiently stringent; however, Article 241 stipulated that if an individual purchased an abducted woman or child and then subjected them to “forcible sexual relations,” the individual would face additional penalties under the criminal code’s rape provisions.

‘Article 358 criminalized forced prostitution and prescribed penalties of five to 10 years’ imprisonment; if the offense involved a child under the age of 14, the penalties increased to 10 years’ to life imprisonment in addition to fines or confiscation of property. These penalties were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape.

‘Article 359 criminalized harboring prostitution or luring or introducing others into prostitution, and it prescribed a maximum of five years’ imprisonment and a fine; if the offense involved a girl under the age of 14, it prescribed a minimum of five years’ imprisonment and a fine. These penalties were sufficiently stringent; however, the penalties prescribed for offenses involving girls 14 to 17 years of age were not commensurate with the penalties prescribed for other serious crimes, such as rape.’<sup>6</sup>

3.2.5 The CECC Annual Report 2019, noted that as a State Party to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), China is obligated to enact legislation criminalizing human trafficking as defined by the Palermo Protocol. However:

‘The definition of human trafficking under the PRC [People's Republic of China] Criminal Law, ...remains inconsistent with Palermo Protocol

<sup>5</sup> International Labour Organization, ‘[Criminal Law Of The People's Republic Of China](#)’

<sup>6</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

standards. The Palermo Protocol definition of human trafficking involves three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control; and
- “the purpose of exploitation,” including sexual exploitation or forced labor.’<sup>7</sup>

3.2.6 The CECC report considered the PRC’s adoption of this protocol:

‘In contrast, Chinese law focuses on the act of selling a woman or child, rather than the purpose of exploitation. The definition of trafficking in the PRC Criminal Law does not clearly cover all forms of trafficking in the Palermo Protocol, including certain types of non-physical coercion; offenses against male victims; and forced labor, though forced labor is illegal under a separate provision of the law. As defined by the Palermo Protocol, human trafficking can but does not always involve crossing international borders... 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. Under the Palermo Protocol, illegal adoptions constitute trafficking only if the purpose is exploitation.’<sup>8</sup>

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### 3.3 Labour law

3.3.1 The USSD TiP report, 2020 stated: ‘Labor trafficking offenses could be prosecuted under Article 244, which criminalized forcing a person “to work by violence, threat, or restriction of personal freedom” and recruiting, transporting, or otherwise assisting in forcing others to labor, and prescribed three to 10 years’ imprisonment and a fine. These penalties were sufficiently stringent.’<sup>9</sup>

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Section 4 updated: 4 January 2021

## 4. Prevalence of trafficking

4.1.1 The 2019 DFAT report noted that: ‘Modern slavery remains unregulated in China and people can be trafficked into bonded labour overseas.... There is no reliable data on the abduction and trafficking of children in China; however, media estimates around 20,000 to 70,000 children are kidnapped and sold on the black market every year, and around 200,000 disappear annually.’<sup>10</sup>

4.1.2 According to the 2019 Global Slavery Index an estimated 3,864,000 people in China are ‘living in modern slavery’.<sup>11</sup>

<sup>7</sup> CECC, ‘[Annual Report, 2019](#)’, (Human Trafficking), 18 November 2019,

<sup>8</sup> CECC, ‘[Annual Report, 2019](#)’, (Human Trafficking), 18 November 2019,

<sup>9</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>10</sup> DFAT, ‘[Country Information Report China](#)’ (paragraph 3.230), 3 October 2019

<sup>11</sup> Walk Free Foundation, ‘[2019 Global Slavery Index, China data](#)’, undated



- 4.1.3 The Congressional Executive Commission on China (a US government agency which monitors human rights and the development of the rule of law in China<sup>12</sup>) (CECC) in its Annual Report on China, 2019, stated: ‘Human trafficking experts note a dearth of reliable statistics on the scale of human trafficking in Asia in general; in China, inconsistencies between domestic law and international standards further contribute to the difficulty of assessing the scale of human trafficking.’<sup>13</sup>
- 4.1.4 The 2018 UK Home Office’s Annual Report on Modern Slavery stated that China was the fourth most common country of origin of UK National Referral Mechanism (NRM) referrals for adult exploitation with 149 male and 122 female referrals plus 22 child referrals with the majority of known reason referrals (12) being boys for labour exploitation<sup>14</sup>. The 2019 report was less detailed, but the figures appeared to show there were approximately 500 Chinese referrals to the NRM and was the fourth most common nationality<sup>15</sup>. The 2020 report provided less information about foreign referrals, though stated that China was in the top 5 most commonly referred nationalities<sup>16</sup>.
- 4.1.5 The 2018 report noted that among potential adult victims generally (not country specific), the most common reported exploitation type was labour exploitation (44%) followed by sexual exploitation (39%). This pattern was broadly similar to 2017 and 2016<sup>17</sup>.
- 4.1.6 The UK Home Office’s National Referral Mechanism (NRM) statistics, cite that for quarters 1,2 and 3 of 2020 there were a total of 235 Chinese potential victims of modern slavery referred to the NRM. Of the 235 referrals 105 related to labour exploitation<sup>18</sup>. It should be noted that the referrals fell considerably in the second and third quarters of the year which could be due to the lack of trafficking opportunities because of Covid-19.

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Section 5 updated: 4 January 2021

## 5. Profiles of modern slavery victims and traffickers

### 5.1 Modern slavery victims trafficked abroad

- 5.1.1 The United Nations Action for Cooperation Against Trafficking in Persons article on National Trafficking Trends, undated, stated: ‘The trafficking situation in China has evolved in recent years, with men, women and children trafficked both domestically and across borders for the purposes of forced labor and sexual exploitation.’<sup>19</sup>

<sup>12</sup> CECC, [About](#), nd

<sup>13</sup> CECC, [‘Annual Report, 2019’](#) (Human trafficking), 18 November 2019

<sup>14</sup> UK Home Office, [‘2018 UK Annual Report on Modern Slavery’](#) (paras 1.24 and 1.26), October 2018

<sup>15</sup> UK Home Office, [‘2019 UK Annual Report on Modern Slavery’](#), October 2019

<sup>16</sup> UK Home Office, [‘2020 UK Annual Report on Modern Slavery’](#), October 2020

<sup>17</sup> UK Home Office, [‘2018 UK Annual Report on Modern Slavery’](#) (para 1.19), October 2018

<sup>18</sup> UK Home Office, [‘National Referral Mechanism statistics’](#), last updated 5 November 2020

<sup>19</sup> UN-ACT, [‘National Trafficking Trends’](#), undated

- 5.1.2 The Walk Free Foundation, an Australian think tank/research outfit who produced the 2018 Global Slavery Index, noted in the findings on China, that:

‘The United Kingdom has a substantial undocumented Chinese diaspora. Many of these Chinese individuals, once they are successfully smuggled into the country, are desperate to pay off their smuggling fees and are thus more likely to end up in exploitative living arrangements. This has created a profitable and mostly locally operated industry in the UK that provides illegal Chinese migrants with services that in turn generate further profits for employers in the legal and illegal economy.’<sup>20</sup>

- 5.1.3 A Daily Mail article from October 2019 noted that:

‘Chinese, particularly those with lower education levels, continue to be drawn to Europe and North America by the promise of much higher wages than they can earn at home, despite the considerable risks involved. The victims would flee home hoping for a better life in the UK - but their journey to Britain would be miserable and dangerous, spending up to a month in the back of lorries in dangerous and squalid conditions. Most would be flown from China to Serbia and then transported by road through Hungary, Austria, France before a boat to Britain from Belgium or Holland.’<sup>21</sup>

- 5.1.4 The USSD TiP report, 2020 stated:

‘As reported over the past five years, human traffickers ...subject Chinese individuals to trafficking abroad.

‘...Traffickers subject PRC [People’s Republic of China] national men, women, and children to forced labor and sex trafficking in at least 60 other countries. They force PRC national men, women, and girls to work in restaurants, shops, agricultural operations, and factories in overseas Chinese communities. Some are promised jobs abroad and confined to private homes upon arrival overseas, held in conditions indicative of forced labor, and compelled to conduct telephone scams...Traffickers subject PRC national women and girls to sex trafficking throughout the world, including in major cities, construction sites, ..., and areas with high concentrations of PRC national migrant workers.’<sup>22</sup>

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## 5.2 Modern slavery victims within China

- 5.2.1 The 2019 DFAT report noted ‘Trafficking of young girls, smuggling activity and illegal adoption catering to the child-bride market are common in Fujian, particularly from, between, and to Changle District, Putian City and Zhenping Village (also reported as ‘Child Bride Village’) in Donghai Town.’<sup>23</sup>

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<sup>20</sup> Walk Free Foundation, ‘[2018 Global Slavery Index- Country Studies – China](#)’, undated

<sup>21</sup> The Daily Mail, ‘[Mastermind in misery: Brutal rise and fall of ‘Snakehead’ ...](#)’, 25 October 2019

<sup>22</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>23</sup> DFAT, ‘[Country Information Report China](#)’, (para 3.20), 3 October 2019

- 5.2.2 The 2019 CECC Report stated: 'Chinese workers migrating within China were at risk of human trafficking, and government restrictions on freedom of residence and movement and worker rights exacerbated this risk.'<sup>24</sup>
- 5.2.3 The South China Morning Post reported on 19 January 2019 about four syndicates which lured men into work at places such as construction sites, fertiliser plants, grain warehouses, logging operations and dairy farms in Inner Mongolia and Heilongjiang province:
- 'After being locked up and forced to work in harsh conditions in northeast China for up to six years, 52 men were freed in April last year when one of them finally escaped and reported the case to police.
- 'The 13 men who ran the four syndicates that lured them into slavery were sentenced to jail terms of one to six years by a Harbin court...
- 'The men are from provinces across China but they all had one thing in common – they were struggling to find work because of physical disabilities, mental illness, a lack of education or homelessness.
- 'The syndicates preyed on them as they looked for jobs in train stations or at labour markets, where rural migrant workers usually go to find employment in the city...
- 'They were taken to the northeast of the country, where they were locked up when they were not working and guarded by syndicate members around the clock. Their ID cards, mobile phones and money were taken away and the victims said if they tried to escape, they would be beaten with shovels and other tools.'<sup>25</sup>
- 5.2.4 The Borgen Project, a non-profit organisation addressing poverty and hunger, noted in a 2019 article about human trafficking in China:
- 'Foxconn, a Chinese electronics manufacturer that produces parts for Apple's iPhone, reportedly utilizes exploitative working conditions. The company forces students to work in the manufacturing sector by threatening to fail them and limit their ability to graduate. While job postings often list these as internships, they usually are just production line jobs in dangerous factories. Similar cases of forced labor have occurred in electronics factories supplying major brands such as Apple, Acer, HP, and even Sony, according to The Wallstreet Journal.'<sup>26</sup>
- 5.2.5 The USSD Report 2019, noted:
- '... During the year [2019] there were reports of children working, often unpaid, in small manufacturing workshops, on farms, and as acrobats.
- 'In April media reported that student interns from Changchun University of Science and Technology were forced to sign contracts, often without reading them, with electronics factories in Hebei and Jilin. The students reportedly worked 12 hours a day with no breaks, no holidays, no sick leave, and minimal pay. One male student was taken to the hospital after being beaten

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<sup>24</sup> CECC, '[Annual Report, 2019](#)', (Human Trafficking), 18 November 2019

<sup>25</sup> South China Morning Post, '[... modern slavery case in China](#)', 19 January 2019

<sup>26</sup> The Borgen Project, '[10 Facts about Human Trafficking in China](#)', 25 October 2019

by another employee, and one female student reported being sexually harassed on the job.’<sup>27</sup>

5.2.6 The USSD TiP report 2020 stated:

‘State-sponsored forced labor continued under the government’s mass detention and political indoctrination campaign against more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and members of other Muslim minority groups in Xinjiang. The government expanded this campaign through the transfer of more than 80,000 detainees into forced labor in as many as 19 other provinces during the reporting period, according to NGO estimates and media reports.’<sup>28</sup>

‘The government reportedly subjects some Tibetans to arbitrary detention featuring similar political indoctrination and forced prison labor practices in the Tibet Autonomous Region (Tibet) and neighboring provinces. Authorities also reportedly subject some Buddhist clerics to political indoctrination activities and forced labor in monasteries repurposed as factories. The government’s forced urban resettlement programs reportedly require Tibetans to bear a large portion of resettlement costs, placing many of them in debt and consequently at higher risk of forced labor.’<sup>29</sup>

5.2.7 Human Right Watch reported in October 2020 that:

‘The Better Cotton Initiative (BCI), an independent organization that promotes sustainably grown and responsibly harvested cotton, announced last week it would cease all its activities in Xinjiang, the region of northwest China where millions of Turkic Muslims are subjected to serious human rights violations, including significant risk of forced labor. ...

In September, apparel giant H&M cut ties to an indirect supplier in Xinjiang out of concerns about “forced labour and discrimination of ethnoreligious minorities.” Days later, five firms that had been hired by companies to assess the integrity of their Xinjiang supply chains —Sumerra LLC, Bureau Veritas SA, TÜV SÜD, RINA SpA, and Worldwide Responsible Accredited Production—said they would no longer provide that service in that region.’<sup>30</sup>

5.2.8 The Global Centre for the Responsibility to Protect (GCR2P) noted that:

‘During March [2020] ASPI [Australian Strategic Policy Institute] reported that over 80,000 Uyghurs are also working under “conditions that strongly suggest forced labor,” with many transferred directly from detention camps to factories across China. These factories are part of supply chains that provide goods for 83 global brands, including Apple, BMW, Nike and Samsung. The New York Times has also identified companies in China using forced Uyghur labor to make face masks and other medical supplies that have been sold globally during the COVID-19 pandemic.’<sup>31</sup>

<sup>27</sup> USSD, ‘[Country Report on Human Rights Practices 2019 – China](#)’, (Section. 7.), 11 March 2020

<sup>28</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>29</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>30</sup> HRW, ‘[China’s “Untenable Operating Environment” for Business in Xinjiang](#)’, 25 October 2020

<sup>31</sup> GCR2P, ‘[R2P Monitor, Issue 54](#)’, 15 November 2020

## 5.3 Traffickers

- 5.3.1 The United Nations Action for Cooperation Against Trafficking in Persons article on National Trafficking Trends, undated, stated:

‘Criminal organizations operating in the region are also becoming more organized, professional and diverse. The Ministry of Public Security has recently observed that, with enhanced public awareness of human trafficking, it has become increasingly difficult for traffickers to succeed through traditional modes such as deception and fraud. Consequently, they are now using more violent and coercive measures such as threats, direct force and kidnapping.’<sup>32</sup>

- 5.3.2 According to the 2018 journal article “Human trafficking in China”: ‘Traffickers were often family members, friends, neighbors and lovers, situated in a social milieu that accepted the notion that people could be bought and sold as monetary properties. Household heads, who were the patriarchal decision makers, possessed the authoritarian power to buy and sell their children, concubines, servants, wives and slaves as properties, hence perpetuating the trafficking practice.’<sup>33</sup>

- 5.3.3 The 2019 DFAT report noted ‘media reports nearly half of all cases of children who are sold have involved the consent of their biological family, particularly in the case of daughters who are sold for economic purposes.’<sup>34</sup>

- 5.3.4 A Daily Mail article from October 2019 noted that

‘Fujian is also the “home” of the notorious Snakeheads, an off-shoot of the Triads. The Snakeheads, who specialise in people smuggling, are so-called because those who wish to get out of China illegally need guidance as they “twist and turn” to find ways around border controls – “a sophisticated travel service in human misery”... Back in the 1990s, their activities were focused on Hong Kong, providing black market labour mostly to the kitchens of restaurants run by Hong Kong’s long-established Chinese community. In the intervening years, the Snakeheads have branched out supplying young women, who are often kidnapped and forced into the sex trade in Britain. Some, as young as 11, have arrived in that country without passports or visas and claim asylum. Once there, they vanish from hostels or foster care to which they have been assigned by the immigration authorities.’<sup>35</sup>

- 5.3.5 The Palgrave International Handbook of Human Trafficking, Human Trafficking in China, 2019, noted:

‘Research has shown that undocumented, illegal Chinese migrants abroad had sought out traffickers or “snakeheads” as their helpful facilitators to help them migrate out of China for a better living and a new livelihood. These snakeheads are not mafia figures but friends of friends, neighbors, or even family members. Research has shown that sponsors, who are the relatives

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<sup>32</sup> UN-ACT, ‘[National Trafficking Trends](#)’, undated

<sup>33</sup> MedCrave, ‘[Human trafficking in China, Volume 3 Issue 2](#)’, 15 March 2018

<sup>34</sup> DFAT, ‘[Country Information Report China](#)’, (para 3.20), 3 October 2019

<sup>35</sup> The Daily Mail, ‘[Mastermind in misery: Brutal rise and fall of ‘Snakehead’ ...](#)’, 25 October 2019



and friends of the migrants, will pay off their debts as soon as the migrants arrive in the destination country, or within a few months. Some local officials also contract with snakeheads to smuggle their own family members out of China for a discounted price.’<sup>36</sup>

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Section 6 updated: 4 January 2021

## 6. Action to combat modern slavery

General information regarding policing in China can be found in the country policy and information note on [China: background information including actors of protection and internal relocation](#).

### 6.1 Prevention

#### 6.1.1 The 2020 USSD TiP report for China stated:

‘The government decreased efforts to prevent trafficking, including by expanding the implementation of discriminatory policies designed to subjugate and exploit minority populations in forced labor.

‘For the third consecutive year, the government did not report the extent to which it funded anti-trafficking activities in furtherance of the action plan, compared to more than 55 million renminbi (\$7.9 million) [£5.9 million] in 2016. It used traditional and social media and distributed posters and other materials at transportation and community centers to increase general understanding of the issue, including among vulnerable rural communities, but much of the content focused on child abduction. Academics and experts noted the gender imbalance created by the previous One-Child Policy and provisions of its successor, the Two-Child Policy, likely continued to contribute to trafficking crimes in the PRC.’<sup>37</sup>

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### 6.2 Raising awareness

#### 6.2.1 The 2018 UK Annual Report on Modern Slavery noted that the Home Office’s Immigration Enforcement has a number of community engagement leads who work with community and faith groups in China to raise awareness of modern slavery issues<sup>38</sup>.

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### 6.3 Police training

#### 6.3.1 The 2020 USSD TiP report for China stated: ‘For the second consecutive year, the government did not provide data on specific law enforcement trainings, unlike in prior years. However, according to an international organization, the government continued to allocate funding to co-host capacity-building training for law enforcement and judicial officials on investigating and prosecuting trafficking cases.’<sup>39</sup>

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<sup>36</sup> The Palgrave International Handbook of Human Trafficking, ‘[Human Trafficking in...](#)’, (p7), 2019

<sup>37</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>38</sup> UK Home Office, ‘2018 [UK Annual Report on Modern Slavery](#)’, (para 2.42) October 2018

<sup>39</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

## 6.4 Protection

### 6.4.1 The 2020 USSD TiP report for China stated:

‘The government decreased efforts to protect victims. For the third consecutive year, the government did not report the number of victims it identified, although media reports indicated authorities continued to remove some victims from their exploitative situations. Based on court data and media reports, authorities did not identify any male victims during the reporting period. Authorities claimed to have tracked and rescued more than 4,000 missing children through the use of an app-based system, including as many as 120 trafficking victims, but they did not provide any information on formal identification or referral measures for these children.

‘...The government did not report investigating or prosecuting any Chinese citizens for child sex tourism, despite widespread reports of the crime.’<sup>40</sup>

### 6.4.2 According to the 2019 Global Slavery Index, there is a hotline where modern slavery crimes can be reported but there is ‘no single hotline for men to report exploitation’.<sup>41</sup>

## 6.5 Prosecution

### 6.5.1 The Walk Free Foundation, an Australian think tank/research outfit who produced the 2018 Global Slavery Index, noted in the findings on China, that:

‘... various factors deter victims from seeking help, such as the possibility that they will be punished for crimes committed while enslaved. The government’s National Action Plan to Combat Human Trafficking states that the penalties for victims who are deceived or coerced into engaging in criminal activity are to be reduced or exempted. However, victims of commercial sexual exploitation are reportedly punished for engaging in prostitution, an activity that is illegal in China.’<sup>42</sup>

### 6.5.2 Similarly the CECC Report stated: ‘Authorities continued to detain sex workers accused of prostitution for up to two years without judicial process and require them to perform labor in a form of administrative detention known as “custody and education” (shourong jiaoyu)’.<sup>43</sup>

### 6.5.3 The USSD TiP report, 2020 stated:

‘The central government did not capture or report comprehensive law enforcement data, and it continued to report statistics for crimes outside the definition of trafficking according to international law (including migrant smuggling, child abduction, forced marriage, and fraudulent adoption), making it difficult to assess progress. Some courts reportedly continued to prosecute trafficking crimes under laws pertaining to domestic violence, labor contract violations, and child abuse, all of which prescribed lesser

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<sup>40</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>41</sup> Walk Free Foundation, ‘[2019 Global Slavery Index, China data](#)’, undated

<sup>42</sup> Walk Free Foundation, ‘[2018 Global Slavery Index- Country Studies – China](#)’, undated

<sup>43</sup> CECC, ‘[Annual Report, 2019](#)’, (Human Trafficking), 18 November 2019

penalties. For the third consecutive year, the Ministry of Public Security (MPS) did not report the number of investigations initiated into possible trafficking cases, compared to 1,004 in 2016. Media reports, however, suggested authorities continued to investigate some cases. Data published by the Supreme People's Court (SPC) indicated it prosecuted 638 cases of "women trafficking and child abduction" along with 538 cases of "forced prostitution" and 38 cases of forced labor, each involving an unknown number of total defendants, compared to at least 634 trafficking cases in 2018; 1,146 in 2017.

'Authorities did not condition access to victim care on cooperation with law enforcement, but they did require victims to provide information to police...Some forced marriage cases, many of which continued to demonstrate corollary indicators of sex trafficking and forced labor, were mediated at the village collective-level; these proceedings rarely culminated in a guilty verdict through which victims were granted restitution. The judicial system did not require victims to testify against their traffickers in court and allowed prosecutors to submit previously recorded statements as evidence; however, authorities required some foreign victims to stay in the PRC to assist in police investigations until their conclusion.'<sup>44</sup>

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## 6.6 Corruption

### 6.6.1 The 2020 USSD TiP report for China stated:

'The PRC continued to implement a nationwide campaign initiated during the previous reporting period to investigate corrupt local officials and police officers allegedly using their influence to shield or profit from criminal organizations engaged in commercial sex rings; this included efforts to address sex trafficking. In previous years, officials found guilty through this process reportedly faced expulsion from the Chinese Communist Party, termination of their official positions, fines, and referral to the judicial system. However, authorities did not provide statistics on the number of investigations, prosecutions, or convictions resulting from this campaign. Despite continued reports of law enforcement officials benefiting from, permitting, or directly facilitating sex trafficking and forced labor, the government did not report any investigations, prosecutions, or convictions of law enforcement officials allegedly involved in the crime. PRC authorities at times intervened in foreign governments' attempts to investigate wealthy or government-connected PRC nationals suspected of trafficking crimes abroad.'<sup>45</sup>

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## 6.7 Avenues of redress

### 6.7.1 The 2020 USSD TiP report for China stated: 'The law entitled victims to request criminal prosecution and claim compensation through civil lawsuits

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<sup>44</sup> USSD, '[2020 Trafficking in Persons Report: China](#)', 25 June 2020

<sup>45</sup> USSD, '[2020 Trafficking in Persons Report: China](#)', 25 June 2020



against their traffickers; the government did not report whether any victims benefited from this provision.<sup>46</sup>

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Section 7 updated: 12 January 2021

## 7. Government and NGO assistance

### 7.1 Shelters and services

7.1.1 The 2019 DFAT report noted ‘The All China Women’s Federation is responsible for the care of victims of trafficking (VoT) if returned from overseas; however, their focus is often to send the VoT home. There are no specialist shelters for VoTs and VoTs are often placed in homeless shelters.’<sup>47</sup>

7.1.2 The USSD TiP report, 2020, stated:

‘In prior years, the government reported maintaining at least 10 shelters specifically dedicated to care for PRC trafficking victims, as well as eight shelters for foreign trafficking victims and more than 2,300 multi-purpose shelters nationwide that could accommodate trafficking victims; it did not provide information on these shelters in 2019. The Ministry of Civil Affairs, a nationwide women’s organization, and grassroots NGOs could provide victims with shelter, medical care, counseling, legal aid, and social services, as well as rehabilitation services in some cases. Access to specialized care depended heavily on victims’ location and gender; experts noted ad hoc referral procedures and an acute lack of protection services in the south, and male victims were far less likely to receive care nationwide. The government did not report how many victims benefited from these services, and widespread stigma against victims of sex trafficking likely continued to discourage many from accessing protection services. Implementation of a law placing foreign NGOs in the PRC under MPS supervision continued to impose burdensome requirements and restrictions on the activities of civil society organizations, including those able to provide services for trafficking victims and communities vulnerable to the crime. Foreign embassies in the PRC reportedly provided shelter or other protective services to victims.’<sup>48</sup>

7.1.3 The ILO noted in an undated article: ‘Chinese authorities at various levels have implemented measures to ensure that children of internal migrant workers have access to social services, especially compulsory education and quality education programme. There are no official statistics.’<sup>49</sup>

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### 7.2 Provision of mental healthcare

7.2.1 According to the World Health Organization’s (WHO) undated ‘Mental Health in China’ page:

‘Depression and anxiety are the two most prevalent mental health disorders in China. Other mental health disorders include bipolar affective disorder,

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<sup>46</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>47</sup> DFAT, ‘[DFAT Country Information Report China](#)’, (para 3.231), 3 October 2019

<sup>48</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

<sup>49</sup> ILO, ‘[Child labour in China and Mongolia](#)’, (China), undated

schizophrenia and other psychoses, dementia, intellectual disabilities and developmental disorders including autism. Over the last decade, China has made significant efforts to overcome the barriers that prevent people accessing diagnosis and care, including the introduction of mental health law which calls for more facilities, an increase in mental health professionals and more awareness.<sup>50</sup>

#### 7.2.2 The 2019 DFAT report noted that:

‘Mental health services are governed by the Mental Health Law (2013; amended 2018) and the National Planning Guideline for the Healthcare Service System (2015-2020). The government has increased investments in mental health services over the last decade; however, services remain inadequate to meet demand and mental illness remains a public health challenge in China.

‘Estimates suggest 54 million people reportedly had depression in 2017, 173 million had a diagnosable mental illness or psychiatric disorder in 2012 (and only 15 million of the 173 million people sought treatment), and China accounted for 26 per cent of global suicides in 2016. Women suicided at a rate at least three times higher than men (the only country in the world where this is the case), and those in rural areas suicided at a rate at least three times higher than those living in urban areas. Unlike in other parts of the world, a low rate of psychiatric illness (particularly clinical depression) is associated with suicides in China. This is due to a combination of the unique cultural-socioeconomic disadvantages experienced by rural females in China and cultural attitudes toward suicide. However, there is some evidence to suggest suicide rates may be falling, which some observers have attributed to the rapid increase in rural female engagement in migrant work and e-commerce, as well as smaller family sizes. In 2002, the Lancet reported 23.2 suicides per 100,000 people between 1995 and 1999. However, in 2016 Hong Kong University reported the average annual rate had dropped by 58 percent, to 9.8 per 100,000 between 2009 and 2011.

“‘Left behind children”, an unintended consequence of internal economic migration and the hukou registration system, can also face mental health issues and higher risk of abuse, suicide and delinquency. Migrant workers are unable to change their hukou when relocating for work and are therefore unable to access health and education services for their families, forcing them to leave their children behind with their extended family or alone.

‘Despite growing demand for mental health services, Chinese people can be reluctant to seek professional help due to social stigma associated with mental illness.’<sup>51</sup>

#### 7.2.3 SupChina, a New York-based China-focused news, information, and business services platform, noted in an article published in June 2020 that

‘... authorities have sought to implement the National Mental Health Working Plan (2015–2020). By 2020, the plan sought to deliver more coordinated mental health services, expand and strengthen the workforce, ensure that over 80% of patients with “severe” mental illnesses are supervised and over

<sup>50</sup> WHO, ‘[Mental Health in China](#)’, undated

<sup>51</sup> DFAT, ‘[DFAT Country Information Report China](#)’, (para 2.18-2.21), 3 October 2019

80% of people with schizophrenia receive treatment, enhance the prevention and treatment of “common mental disorders and psycho-behavioral problems,” improve rehabilitation outcomes, and bolster public understanding. Similarly, the Healthy China Action Plan 2019–2030 aims to improve the treatment rate of depression by 80% by 2030 and continue to improve public understanding.

‘Yet despite the central government’s stated ambitions, several experts have expressed doubts about the likelihood of these targets being met. One 2017 analysis of China’s mental health reform points out that while the Mental Health Law and Mental Health Working Plan require central and local governments to fund mental health services, both fail to provide specific funding allocations, significantly undermining the probability that either will be fully implemented. Moreover, demand for services continues to significantly outstrip supply and huge gaps remain in the abilities of urban and rural Chinese to access mental health services, both because services in rural areas are underdeveloped and because of the lack of affordable healthcare.

‘...Additionally, the ability of the general public to recognize mental illness and identify appropriate treatments remains low, and pervasive stigma surrounding mental illness not only further prevents people from seeking out treatment, but also disincentivizes people from pursuing work in the mental health sector, which faces a major shortage of trained staff — for every 100,000 people, China has just over two psychiatrists and around six registered psychiatric nurses, far below the averages of 13 psychiatrists and 23 registered psychiatric nurses per 100,000 residents in high-income countries.’<sup>52</sup>

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Section 8 updated: 1 December 2020

## **8. Freedom of movement**

### **8.1 Internal relocation**

8.1.1 Freedom House noted in their Freedom in the World 2020 report: ‘Many... Chinese citizens also face obstacles to freedom of movement within the country. Police checkpoints throughout Xinjiang limit residents’ ability to travel or even leave their hometowns. Elsewhere in China, as initial stages of a Social Credit System were introduced during 2019, millions of citizens reportedly encountered restrictions on air and train travel due to their low scores ....’<sup>53</sup>

8.1.2 The USSD 2019 report stated that:

‘The law provides for freedom of internal movement ...but the government at times did not respect these rights.

‘...Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed politically sensitive before key anniversaries, visits by foreign dignitaries, or

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<sup>52</sup> SupChina, [‘China’s mental health care is improving, but stigma and politics still ...’](#), 11 June 2020

<sup>53</sup> FH, [‘Freedom in the World 2020 – China’](#), (section G1), 4 March 2020

major political events, as well as to forestall demonstrations. Freedom of movement for Tibetans continued to be very limited in the TAR and other Tibetan areas. Uighurs faced draconian restrictions on movement within Xinjiang and outside the region. Although the use of “domestic passports” that called for local official approval before traveling to another area was discontinued in 2016, identification checks remained in place when entering or leaving cities and on public roads. In Xinjiang, security officials set up checkpoints managing entry into public places, including markets and mosques, that required Uighurs to scan their national identity card, undergo a facial recognition check, and put any baggage through airport-style security screening. Such restrictions were not applied to Han Chinese in these areas.’<sup>54</sup>

- 8.1.3 For further information on the internal relocation see the CPIN on [China-Background information including actors of protection and internal relocation](#)

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## 8.2 Hukou registration

- 8.2.1 The CECC Report stated:

‘Although the central government promoted hukou system reforms to move millions of rural Chinese to cities, the hukou system continued to disadvantage and marginalize internal migrants. Migrant workers have limited access to housing and government benefits due to the lack of official status in their new places of residence, and they are more likely to work in informal employment sectors. The hukou system reportedly exacerbates these migrants’ vulnerability to trafficking for the purpose of forced labor.’<sup>55</sup>

- 8.2.2 The USSD TiP report, 2020 stated:

‘The government hukou (household registration) system continued to contribute to the vulnerability of internal migrants by limiting employment opportunities and reducing access to social services, particularly for PRC national victims returning from exploitation abroad. The government continued to address some of these vulnerabilities by requiring local governments to provide a mechanism for migrant workers to obtain residency permits. However, these residency permits were disproportionately unavailable to China’s minorities, exacerbating their constrained access to employment and social services.

‘...China’s national household registry system (hukou) continues to restrict rural inhabitants’ freedom to legally change their workplace or residence, placing China’s internal migrant population—estimated to exceed 180 million men, women, and children—at high risk of forced labor in brick kilns, coal mines, and factories.’<sup>56</sup>

- 8.2.3 For further information on the Hukou system see the CPIN on [China-Background information including actors of protection and internal relocation](#)

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<sup>54</sup> USSD, ‘[Country Report on Human Rights Practices 2019 – China](#)’, (Section 2d), 11 March 2020

<sup>55</sup> CECC, ‘[Annual Report, 2019](#)’, (Human Trafficking), 18 November 2019

<sup>56</sup> USSD, ‘[2020 Trafficking in Persons Report: China](#)’, 25 June 2020

## 9. Return of modern slavery victims

### 9.1 Treatment on return

#### 9.1.1 The 2019 DFAT report noted that:

‘While victims of trafficking (VoTs) do not generally face state based discrimination on return to China, they often do not wish to return to their city of origin due to perceived or actual risk to physical safety. If the VoT is relocated to an alternate city to mitigate against this risk, they may face issues with hukou and access to social welfare. Moreover, DFAT is aware that VoTs accused of committing a secondary crime (such as telecommunications fraud), particularly those who confess under duress, may be treated as wanted criminals on return to China.’<sup>57</sup>

#### 9.1.2 CPIT was unable in the sources consulted to find any further information on the treatment, on return, of victims of trafficking by society or possible further treatment by traffickers (see [Bibliography](#))

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### 9.2 Risk of re-trafficking

#### 9.2.1 CPIT was unable in the sources consulted to find information relating to victims of trafficking being subject to re-trafficking on return to China (see [Bibliography](#))

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<sup>57</sup> DFAT, ‘[DFAT Country Information Report China](#)’, (para 5.45), 3 October 2019

# Terms of Reference

A 'Terms of Reference' (ToR) is a broad outline of what the CPIN seeks to cover. They form the basis for the [country information section](#). The Home Office's Country Policy and Information Team uses some standardised ToRs, depending on the subject, and these are then adapted depending on the country concerned.

For this particular CPIN, the following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal status
  - Legislation
  - Criminal law
  - Labour law
  - law in practice
- Trafficking
  - Mainland China
  - Profile of traffickers
- Action to combat trafficking/modern slavery
  - Protection and its effectiveness
  - shelters
  - prosecution of traffickers
  - prevention
- corruption
- Freedom of movement and ability to relocate- Hukou registration

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# Version control

## Clearance

Below is information on when this note was cleared:

- version **1.0**
- valid from **12 January 2021**

## Changes from last version of this note

First CPIN on this topic

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