



Home Office

# Country Policy and Information Note

## China: Modern slavery

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## Executive summary

The Criminal code criminalises some forms of sex and labour trafficking, but the criminal code does not correspond with the internationally accepted definition of trafficking.

Modern slavery affects men, young women and girls who are trafficked, within and outside China, for forced labour, and sexual exploitation. Modern slavery victims within the UK are typically lured by promises of a better life and higher wages but forced into labour, domestic servitude, sexual exploitation, or criminal exploitation. Victims who pay a smuggling fee can be forced into debt bondage by criminal gangs.

Forced labour is also perpetrated by the government, primarily against Uyghurs, members of Muslim minority groups and Tibetans. Where a claim involves these groups decision makers should refer to the country policy and information notes on [China: Muslims \(including Uyghurs in Xinjiang\)](#) and, [China: Opposition to the state](#).

Victims of modern slavery, particularly those involved in sex trafficking, may experience discrimination or social stigma on return. However, in general, this is not sufficiently serious by its nature and repetition to reach the high threshold of persecution and/or serious harm. There is no evidence to suggest that re-trafficking is widespread and in general, it is unlikely that a person would be re-trafficked once returned to China. There are, however, certain circumstances which may increase the risk of a person being abused or re-trafficked such as the person being homeless, disabled, suffering from a mental illness or those with a lack of education.

In general, the state is able but not always willing to offer protection to those who are at risk of modern slavery.

In general, there are parts of the country such as (but not limited to) Shanghai, Beijing, Guangzhou and Shenzhen where a person would not have a well-founded fear of persecution/real risk of suffering serious harm and it will be reasonable for them to relocate there, depending on a person's individual circumstances.

Victims of modern slavery from China form a particular social group (PSG).

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.

All cases must be considered on their individual facts, with the onus on the person to demonstrate they face persecution or serious harm.

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# Assessment

Updated: 9 October 2024

## About the assessment

This section considers the evidence relevant to this note – that is the [country information](#), refugee/human rights laws and policies, and applicable caselaw – and provides an assessment of whether, **in general**, a person:

- faces a real risk of persecution/serious harm from the state and/or non-state actors because they are a victim of modern slavery
- can obtain effective protection from the state (or quasi state bodies)
- can relocate within a country or territory to avoid persecution/serious harm
- if a claim is refused, if it is likely to be certified as ‘clearly unfounded’ under [section 94 of the Nationality, Immigration and Asylum Act 2002](#).

Modern slavery encompasses human trafficking and slavery, servitude and forced or compulsory labour. A person may not be a victim of human trafficking but still be a victim of modern slavery.

This note is about mainland China and does not cover Hong Kong or Macao.

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

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## 1. Material facts, credibility and other checks/referrals

### 1.1 Modern slavery

1.1.1 Decision makers must note that guidance for competent authority staff in any part of the UK who make decisions on whether or not a person is a potential victim/victim of modern slavery for the purpose of the National Referral Mechanism is set out in the Modern Slavery: Statutory Guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland. The guidance is also aimed at staff:

- within public authorities who may encounter potential victims of modern slavery; and/or
- who are involved in supporting victims

1.1.2 Decision makers also must note that if a person has a ‘positive conclusive grounds’ decision, a grant of permission to stay as a victim of human trafficking or slavery by the competent authorities may be considered.

1.1.3 For further information, see [Temporary permission to stay for victims of human trafficking or slavery](#).

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### 1.2 Assessing weight of ‘reasonable or conclusive grounds’ decisions

1.2.1 The reported case of [DC \(trafficking: protection/human rights appeals\)](#)

[Albania \[2019\] UKUT 00351 \(IAC\)](#), heard 7 June 2019 and promulgated on 3 September 2019, referencing [Secretary of State for the Home Department v MS \(Pakistan\) \[2018\] EWCA Civ 594](#), provides guidance on the weight to attach to a conclusive grounds decision made by a competent authority in an asylum or human rights case, and the order in which the Tribunal would consider overlapping asylum and MS claims.

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### 1.3 Credibility

- 1.3.1 For information on assessing credibility, see the instruction on [Assessing Credibility and Refugee Status](#).
- 1.3.2 Decision makers must 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](#)).
- 1.3.3 In cases where there are doubts surrounding a person's claimed place of origin, decision makers should also consider language analysis testing, where available (see the [Asylum Instruction on Language Analysis](#)).

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### 1.4 Exclusion

- 1.4.1 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.
- 1.4.2 If the person is excluded from the Refugee Convention, they will also be excluded from a grant of humanitarian protection (which has a wider range of exclusions than refugee status).
- 1.4.3 For guidance on exclusion and restricted leave, see the Asylum Instruction on [Exclusion under Articles 1F and 33\(2\) of the Refugee Convention](#), [Humanitarian Protection](#) and the instruction on [Restricted Leave](#).

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## 2. Convention reason(s)

- 2.1.1 Actual or imputed particular social group (PSG).
- 2.1.2 Victims of modern slavery in China form a PSG within the meaning of the 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) or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it and have a distinct identity because it is perceived as being different by the surrounding society (see [Government and NGO assistance](#)).
- 2.1.3 Although victims of modern slavery form a PSG, establishing such membership is not sufficient by itself to be recognised as a refugee. The question to be addressed is whether the person has a well-founded fear of persecution on account of their membership of such a group.
- 2.1.4 For further guidance on the 5 Refugee Convention grounds, see the Asylum Instruction, [Assessing Credibility and Refugee Status](#).

## 3. Risk

### 3.1 Risk from non-state actors

- 3.1.1 Victims of modern slavery are unlikely to face persecution or serious harm from non-state actors. The onus is on the person to demonstrate otherwise.
- 3.1.2 In general, victims of trafficking are unlikely to be at risk from re-trafficking from non-state actors. However, a person's vulnerability may affect the likelihood of re-trafficking occurring. Factors that elevate a person's vulnerability include being homeless, having a disability(ies), mental illness, age, a lack of education and residing in a rural area, increasing the risk of being re-trafficked. The onus is on the victim of modern slavery to demonstrate that they will be at risk of persecution or serious harm.
- 3.1.3 In the country guidance case of [HC & RC \(Trafficked women\) China CG \[2009\] UKAIT 00027](#) promulgated on 18 July 2009, heard on 11 November 2008, 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]).
- 3.1.4 Men, young women, and girls are trafficked within China and from China to the UK. They have typically been lured by promises of a better life and higher wages but forced into labour, domestic servitude, sexual exploitation, or criminal exploitation. Some are trafficked by criminal gangs who use violent and coercive measures such as threats and direct force, debt bondage and forced labour to pay off their smuggling debt (see [Modern slavery victims trafficked abroad](#) and [Modern slavery victims within China](#)).
- 3.1.5 During the first quarter of 2024 UK figures show there were a total of 122 Chinese potential victims of trafficking referrals within the UK with the majority being for labour or sexual exploitation (see [Prevalence of trafficking](#)).

- 3.1.6 There is limited information on the number of victims of modern slavery within China. The Walk Free Foundation, an Australian research organisation which produces the Global Slavery Index (GSI), estimated there to be 5.8 million victims in 2021 although the figure is not broken down by perpetrator or type. The government did not report the number of victims it identified during 2023 (see [Prevalence of trafficking](#)).
- 3.1.7 Local gangs and criminal groups subject women and girls to sex trafficking within China, with those from rural areas typically recruited with false job offers. Women with physical disabilities and/or intellectual or psychosocial disabilities are particularly vulnerable to being exploited. Internal migrant workers of both sexes, who move from rural areas in search of employment, are also vulnerable to exploitation. Forced labour in the private sector occurs in factories and in the brick, coal and fishing industries Tibetans are vulnerable to trafficking by non-state actors due to state restrictions on employment and enforced relocation which forces them to seek work outside of their home areas (see [Profiles of modern slavery victims and traffickers](#) and [Modern slavery victims within China](#)).
- 3.1.8 Forced labour is also perpetrated by the government, primarily against Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, members of other Muslim minority groups in Xinjiang and Tibetans. Where a case involves state treatment of these groups decision makers should refer to the County Policy and Information Notes [China: Muslims \(including Uyghurs in Xinjiang\)](#) and [China: Opposition to the state](#).
- 3.1.9 There is some evidence to suggest that victims of modern slavery, particularly those who have been victims of sex trafficking, may experience social stigma in their communities on return (see [Shelters and services](#)).
- 3.1.10 Sources do not indicate that people subject to modern slavery, including being victims of trafficking, to or in the UK are re-trafficked or face other abuses on return to China. Therefore, there are not ‘very strong grounds supported by cogent evidence’ to justify a departure from the findings in [HC & RC](#) (see [Treatment on return](#) and [Risk of re-trafficking](#)).
- 3.1.11 For further guidance on assessing risk, see the Asylum Instruction on [Assessing Credibility and Refugee Status](#).

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## 4. Protection

- 4.1.1 A person who fears the state is unlikely to obtain protection.
- 4.1.2 A person who fears a rogue state actor and/or a non-state actor is unlikely to obtain protection from the state. This is because in general, the state is able but not always willing to offer protection.
- 4.1.3 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, 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]).

- 4.1.4 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.' (paragraph 82 [6]). However, information in this note suggests that some victims of trafficking may be reluctant to seek help from the authorities for fear of punishment for secondary crimes committed during their exploitation (see [Prosecution of victims](#)).
- 4.1.5 China is a signatory to various UN protocols and conventions to combat human trafficking and forced labour. However, according to the US State Department's 2024 trafficking report, the government does not meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so (see [International legislation](#) and [Protection](#)).
- 4.1.6 The criminal code criminalises some forms of sex and labour trafficking and prohibits forced and compulsory labour, with sentences ranging from a fine to imprisonment and in limited cases the death penalty. However, slavery, commercial sexual exploitation of children and trafficking are not criminalised in line with the internationally accepted definition. 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 and fails to include certain types of non-physical coercion and offences against male victims (see [Legal status](#)).
- 4.1.7 The Ministry of Public Security (MPS) maintains an Office of Counter Trafficking dedicated to dealing with trafficking crimes, but many cases involve missing persons rather than victims of modern slavery. MPS have not reported the number of trafficking investigations they have initiated for the last 7 years. MPS did not report the number of convictions and sentences in 2023 or 2022, in 2021 there were 9 convictions and in 2019 there were 2,355 convictions, convictions for 2020 were unreported (see [Investigations](#) and [Prosecution of traffickers](#)).
- 4.1.8 Although the government has attempted to identify and assist victims of modern slavery, its limited definition of trafficking means that not all victims are identified and as there is no standardised referral mechanism for victim identification. Some victims are arrested for crimes committed whilst subject to modern slavery. Authorities prioritise the identification of women and girls involved in sex trafficking over those involved in forced labour. Men and boys over the age of 14 are not screened as potential victims of sex or labour trafficking and the government is less likely to identify members of ethnic and

religious groups as victims. For the past 7 years the government have not provided data on the number of victims identified and referred to protection services and have not provided data on the total number of cases of trafficking it concluded since 2020 (see [Protection](#)).

- 4.1.9 Victims who assist in investigations/prosecutions are not provided legal assistance. The law entitles victims to restitution, but sources do not report whether any victims benefited from this provision in 2023 (see [Identification of victims](#), [Prosecution of victims](#) and [Victim support and restitution](#)).
- 4.1.10 There is no information on the provision of support services available to victims during 2023. In 2017 the government reported maintaining 10 shelters specifically for Chinese trafficking victims and there were more than 2,300 shelters nationwide that could provide assistance. Medical care, counselling and legal aid is available to victims of trafficking through the Ministry of Civil Affairs, the All-China Women's Federation, and community-based NGOs although male victims of trafficking are less likely to receive assistance. Stigma against sex trafficking victims may discourage them from seeking assistance (see [Victim support and restitution](#) and [Government and NGO assistance](#)).
- 4.1.11 Corruption is a significant problem and whilst the authorities have taken steps to eradicate it, some corrupt officials are complicit in trafficking. The government did not provide any statistics into investigations or prosecution of officials for their involvement in trafficking (see [Corruption](#)).
- 4.1.12 For further guidance on assessing state protection, see the Asylum Instruction on [Assessing Credibility and Refugee Status Assessing Credibility and Refugee Status](#).

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## 5. Internal relocation

- 5.1.1 Where the person has a well-founded fear of persecution or serious harm from the state, they are unlikely to be able to relocate to escape that risk.
- 5.1.2 A person is likely to be able to internally relocate to escape persecution or serious harm by a rogue state and/or non-state actors.
- 5.1.3 China is a very large country of with around 1.4 billion people and many large cities such as (but not limited to) Shanghai, Beijing, Guangzhou and Shenzhen where victims of modern slavery are likely to be able to safely travel to and evade or escape non-state actors (see [Internal migration](#)).
- 5.1.4 The Upper Tribunal in [HC & RC](#) 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 (paragraph 82 [2]).
- 5.1.5 The Tribunal also noted 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.' (paragraph 82 [3]).

- 5.1.6 The Tribunal additionally held: ‘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.’ (paragraph 82 [4])
- 5.1.7 Whilst reform of the hukou system has taken place as mentioned in the country guidance case of [HC & RC](#) there remain 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. Not being registered in a hukou area limits access to public services. Nonetheless more than 280 million people live outside of their household registration area and migration to cities in the eastern provinces is common (see [Hukou registration](#) and the Country Information Note: China).
- 5.1.8 For further 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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## **6. Certification**

- 6.1.1 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.
- 6.1.2 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

## About the country information

This section contains publicly available or disclosable country of origin information (COI) which has been gathered, collated and analysed in line with the [research methodology](#). It provides the evidence base for the assessment.

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

This document is intended to be comprehensive but not exhaustive. If a particular event, person or organisation is not mentioned this does not mean that the event did or did not take place or that the person or organisation does or does not exist.

The COI included was published or made publicly available on or before **9 October 2024**. Any event taking place or report published after this date will not be included.

Decision makers must use relevant COI as the evidential basis for decisions.

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## 7. Legal status

### 7.1 International legislation

7.1.1 China is signatory to, and has ratified, the following UN 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>.

7.1.2 The Congressional-Executive Commission on China (CECC), which was created in 2000 by the US Congress to monitor human rights and the development of the rule of law, noted in their annual report, covering the period of 1 July 2022 to 30 June 2023, (CECC report 2023), published 10 May 2024:

‘As a State Party to the U.N. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), China is obligated to combat human trafficking and enact legislation criminalizing human trafficking as defined in the Palermo Protocol. The Palermo Protocol definition of human trafficking comprises three components:

- the action of recruiting, transporting, harboring, or receiving persons;
- the means of coercion, deception, or control; and
- the purpose of exploitation, including sexual exploitation, forced labor, or

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<sup>1</sup> OHCHR, [Ratification Status for China](#), no date

the forced removal of organs.

‘Under the Palermo Protocol, crossing international borders is not required for an action to constitute human trafficking, such as in cases of government-sponsored forced labor.’<sup>2</sup>

### 7.1.3 The CECC report 2023 also noted that:

‘In addition to its obligations under the Palermo Protocol, China has committed to obligations to combat forced labor under International Labour Organization (ILO) conventions. In 2022, the National People’s Congress Standing Committee ratified the ILO’s Forced Labour Convention of 1930 and Abolition of Forced Labour Convention of 1957. The Forced Labour Convention defines forced labor as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” The ILO’s Abolition of Forced Labour Convention prohibits China from using forced labor “as a means of political coercion or education” or “as a means of racial, social, national or religious discrimination.”

‘The ILO provides eleven indicators of forced labor to help “identify persons who are possibly trapped in a forced labour situation.” The indicators include—

- abuse of vulnerability
- deception
- restriction of movement
- isolation
- physical and sexual violence
- intimidation and threats
- retention of identity documents
- withholding of wages
- debt bondage
- abusive working and living conditions; and
- excessive overtime.’<sup>3</sup>

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## 7.2 Criminal law

### 7.2.1 Articles 240 and 241 of the Criminal Code relates to trafficking offences. Article 240 states:

‘Whoever abducts and traffics in a woman or a child shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and concurrently be sentenced to a fine. Under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and concurrently be

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<sup>2</sup> CECC, [2023 Annual Report \(Trafficking\)](#) (page 184), 10 May 2024

<sup>3</sup> CECC, [2023 Annual Report \(Trafficking\)](#) (page 184), 10 May 2024

sentenced to a fine or confiscation of property. If the circumstances are especially serious, the offender shall be sentenced to death, and concurrently be sentenced to confiscation of property:

- (1) being a ringleader of a group engaged in the abduction of and trafficking in women or children;
- (2) abducting and trafficking in three or more women and/or children;
- (3) raping the woman who is abducted and trafficked in;
- (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person or persons who will force the woman to engage in prostitution;
- (5) for the purpose of selling the victim, kidnapping a woman or a child by means of violence, threat or anaesthesia;
- (6) for the purpose of selling the victim, stealing an infant or a baby;
- (7) causing severe bodily injury or death or other serious consequences of the woman or child who is abducted and trafficked in or of their relatives; or
- (8) selling a woman or a child out of the territory of China.

"Abducting and trafficking in a woman or a child" refers to any act of abducting, kidnapping, buying, trafficking in, fetching or sending, or transferring a woman or a child for the purpose of selling the victim.<sup>4</sup>

#### 7.2.2 Article 241 of the Criminal Code states:

'Whoever buys a woman or a child who is abducted and trafficked in shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

'Whoever buys a woman who is abducted and trafficked in and has sexual relations with her against her will shall be decided a crime and punished according to the provisions of Article 236 of this Law.

'Whoever buys a woman or a child who is abducted and trafficked in and illegally deprives her/him of her/his personal freedom or restricts her/his personal freedom or commits any criminal act of injuring or insulting shall be decided a crime and punished according to the relevant provisions of this Law.

'Whoever buys a woman or a child who is abducted and trafficked in and commits any criminal act as prescribed in the second or third paragraph shall be punished according the provisions regarding combined punishment for several crimes.

'Whoever buys a woman or a child who is abducted and trafficked in and sells the victim afterwards shall be decided a crime and punished according to the provisions of Article 240 of this Law.

'Whoever, having bought a woman or a child who is abducted and trafficked in, does not obstruct the woman from returning to her original place of

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<sup>4</sup> China government, [Criminal Law of the Peoples Republic of China, 1997](#)

residence according to her will, or does not maltreat the child nor obstruct his or her rescue, may be exempted from being investigated for criminal responsibility.<sup>5</sup>

7.2.3 Articles 358 and 359 of the Criminal Code relate to forced prostitution offences state:

'Whoever organizes or forces any other person or persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and concurrently be sentenced to a fine. Whoever commits any of the following acts shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and concurrently be sentenced to a fine or confiscation of property:

- (1) organizing other person(s) to engage in prostitution and the circumstances being serious;
- (2) forcing a girl under the age of 14 to engage in prostitution;
- (3) forcing many persons to engage in prostitution or forcing any other person to engage in prostitution for many times;
- (4) forcing the victim to engage in prostitution after raping her; or
- (5) causing serious bodily injury or death to the person being forced to engage in prostitution or causing other severe consequences.

'Whoever commits any of the acts mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death, and concurrently be sentenced to confiscation of property.

Whoever assists in organizing another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years and concurrently be sentenced to a fine; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and concurrently be sentenced to a fine.<sup>6</sup>

7.2.4 Article 359 of the Criminal Code states:

'Whoever lures, shelters or procures any other person or persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance, and concurrently be sentenced to a fine; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than five years and concurrently be sentenced to a fine.

'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 concurrently be sentenced to a fine.<sup>7</sup>

7.2.5 The UN Committee on the Elimination of Discrimination against Women (CEDAW) 'Concluding observations on the ninth periodic report of China',

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<sup>5</sup> China government, [Criminal Law of the Peoples Republic of China](#)

<sup>6</sup> China government, [Criminal Law of the Peoples Republic of China](#)

<sup>7</sup> China government, [Criminal Law of the Peoples Republic of China](#)

published on 31 May 2023, noted the following:

‘The Committee notes the updated Action Plan for Combating Trafficking in Persons (2021–2030); the signature of cooperation agreements to prevent and combat trafficking in persons and joint anti-trafficking initiatives with third States in the region; and the amendment of article 241, paragraph 6, of the Criminal Law concerning the crime of buying women and children who are victims of trafficking. The Committee remains concerned, however, about:

- (a) Absence of comprehensive anti-trafficking legislation and the lack of clarity as to whether the legislation of the State party criminalizes all forms of trafficking, including trafficking for the purpose of sexual exploitation, forced labour, forced marriage, organ removals and illegal adoption, especially among Uyghur and Tibetan communities;
- (b) High prevalence of trafficking in women and girls;
- (c) Reports of organized criminal groups subjecting Chinese and foreign women and girls to forced labour in domestic service, forced concubinage and forced childbearing, and sex trafficking within and to the State party, luring victims with fraudulent job offers or forced and fraudulent marriage.’<sup>8</sup>

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### 7.3 Labour law

7.3.1 Article 244 of the Criminal Code relates to forced labour offences, states: ‘If any employing unit, in violation of laws or regulations on labour administration, forces employees to work by means of deprivation of personal freedom, and if the circumstances are serious, persons directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and concurrently or independently be sentenced to a fine.’<sup>9</sup>

7.3.2 The Walk Free Foundation, an Australian think tank/research outfit which produces the Global Slavery Index (GSI) 2023 covering events in 2021 (GSI 2023), noted that: ‘Chinese law does not prohibit charging of recruitment fees to employees, nor does it explicitly govern collective bargaining procedures. Freedom of assembly is heavily suppressed in practice, with only one legal labour union in existence, meaning modern slavery is more likely to go unpunished. ... Most critically, the CCP is actively perpetrating forced labour against Uyghur and other Turkic and Muslim majority peoples, Tibetans, and those in prison – the goods produced through this abuse enter global supply chains. State-imposed forced labour fundamentally undermines the government’s response to modern slavery.’<sup>10</sup>

7.3.3 The CECC report 2023 noted:

‘[The] PRC government-sponsored forced labor contravenes international human rights standards and China’s international obligations. During this reporting year, multiple U.N. human rights bodies and experts expressed

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<sup>8</sup> OHCHR, [Concluding observations on the ninth periodic report of China](#), 31 May 2023

<sup>9</sup> Asian Legal Information Institute [Criminal Law of the Peoples Republic of China](#)

<sup>10</sup> Walk Free, [‘Global Slavery Index- Modern slavery in China](#), 2023



concern over the PRC government’s sponsoring and using forced labor in the Xinjiang Uyghur Autonomous Region (XUAR). In particular, certain U.N. human rights bodies and experts expressed concern that forced labor in the XUAR was systematic and policy-driven in nature, and there were multiple calls to end forced labor programs in the XUAR.’<sup>11</sup>

- 7.3.4 The USSD 2023 Country report of Human Rights Practices noted: ‘The law prohibited all the worst forms of child labor. The law prohibited the employment of children younger than 16. It referred to workers between ages 16 and 18 as “juvenile workers” and prohibited them from engaging in certain forms of dangerous work, including in mines.’<sup>12</sup>

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## 8. Prevalence

### 8.1 Within China

- 8.1.1 The GSI 2023 noted in the findings on China, that: ‘... estimate[d] that 5.8 million people were living in modern slavery in China on any given day in 2021. This equates to four in every thousand people in the country, which places China at 19 out of 27 countries in the region [where one is the most prevalent and 27 is the least].’<sup>13</sup>

- 8.1.2 The GSI 2023 did not provide a breakdown by type of modern slavery, or information on the profile or number of actors involved.

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### 8.2 Chinese nationals in the UK

- 8.2.1 The UK Home Office’s National Referral Mechanism (NRM) statistics for 2023 stated there were a total of 269 Chinese potential victims of modern slavery referred to the NRM, 249 were adults at the time of referral and 20 were children at the time of referral. Of the 269 referrals, 121 were related to labour exploitation, 121 were related to sexual exploitation, 15 were unspecified/unknown, 9 were related to criminal exploitation and 3 were related to domestic exploitation<sup>14</sup>. NRM statistics for the first quarter of 2024 recorded 122 Chinese potential victims of modern slavery, 102 were adults and 20 were children at the time of the referral. Of the 122 potential victims 50 related to labour exploitation and 40 to sexual exploitation<sup>15</sup>.

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## 9. Profiles of victims and traffickers

### 9.1 Modern slavery victims trafficked abroad

- 9.1.1 The Global Initiative against Transnational Organized Crime (GI-TOC) produce the Global Organized Crime Index. The index is: ‘... a multi-dimensional tool that assesses the level of criminality and resilience to organized crime for 193 countries along three key pillars – criminal markets,

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<sup>11</sup> CECC, [2023 Annual Report](#), 10 May 2024

<sup>12</sup> USSD, [2023 Country Reports on Human Rights Practices: China](#), 22 April 2024

<sup>13</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>14</sup> UK Home Office, [Modern Slavery: end of year summary 2023](#), 7 March 2024

<sup>15</sup> UK Home Office, [Modern Slavery: January to March 2024](#), 9 May 2024

criminal actors and resilience<sup>16</sup>.

- 9.1.2 The profile on China, published in the Global Organized Crime Index 2023 covering events in 2022, noted:

‘China is a significant participant in the global market for human smuggling. Chinese nationals are smuggled to and through South East Asia and further to North America, Europe, and other parts of the world. The demand for smuggling services remains high because of economic ambitions and work opportunities in other countries. Sometimes, exploitation and coercion are involved. Smugglers promise employment opportunities beforehand but force their victims into sex work and marriage upon arrival at their destinations.’<sup>17</sup>

- 9.1.3 The GSI 2023, noted: ‘Forced labour and abuse is also well-documented in the fishing sector, including on distant water longline fleets, Ghanaian flagged industrial trawl fleets operated by Chinese corporations, and Chinese vessels fishing illegally in Somali waters. Fishers have reported experiencing wage withholding, food deprivation, physical and sexual violence, restricted movement, and debt bondage, and other abuses at sea.’<sup>18</sup>

- 9.1.4 In February 2023, the Organized Crime and Corruption Reporting Project (OCCRP) reported on a Europol investigation into a Chinese prostitution ring. The report noted that 28 arrests had been made and 200 victims identified. The report also noted that:

‘The investigation also found that the gang used popular Chinese messaging apps to lure its victims – hundreds of Chinese women whom they persuaded to come to Europe with the promise of a decent job. They would then sneak them into Europe using counterfeit EU ID cards and residency permits that were either forged or obtained with the use of false supporting documents. The vicious circle would close once the captives would arrive in Europe. “Once in Europe, the victims were held in bondage and forced to work as prostitutes to pay off debts,” Europol stated.’<sup>19</sup>

- 9.1.5 The USSD TiP report, 2024 stated:

‘Traffickers target adults and children with developmental disabilities and children whose parents have left them with relatives to migrate to the cities – estimated at 6.4 million – and subject them to forced labor and forced begging domestically and abroad.

‘... Traffickers, including those working for PRC national-run crime syndicates and with facilitation from PRC national-owned businesses, subject PRC men, women, and children to forced labor and sex trafficking in more than 80 other countries. They force PRC men, women, and girls to work in restaurants, shops, agricultural operations, and factories in overseas Chinese diaspora communities.

‘... Traffickers also reportedly subject some PRC nationals to forced

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<sup>16</sup> GI-TOC, [About the project](#), no date

<sup>17</sup> GI-TOC, [Organized Crime Index- Criminality in China](#) (page 3), 2023

<sup>18</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>19</sup> OCCRP, [Chinese Human Trafficking, Prostitution Ring Busted in Europe](#), 10 February 2023

criminality in cryptocurrency mining and in the cultivation, processing, and distribution of recreational drugs. PRC men in Africa, Europe, Maritime Southeast Asia, the Middle East, and South America experience conditions indicative of forced labor in factories, construction sites, and logging and mining operations; these conditions include non-payment of wages, restrictions on movement, withholding of passports, and physical abuse.

‘... Traffickers subject PRC women and girls to sex trafficking throughout the world, including in major cities, construction sites, remote mining and logging camps, and areas with high concentrations of PRC migrant workers.’<sup>20</sup>

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## 9.2 Modern slavery victims within China

9.2.1 Sixth tone, who cover issues from the perspectives of those involved to highlight the complexities of today’s China<sup>21</sup>, noted in an article from 2022 that: ‘The picture that emerges is of a large-scale, cross-country marriage market that pairs women from impoverished areas in southwest China with single men from rural parts of Jiangsu province with a large deficit of females. Successive studies and first-hand accounts from local residents in northern Jiangsu show that such a trade does indeed exist — and that in many cases, these transactions are arranged without the bride’s consent.’<sup>22</sup>

9.2.2 Fight For Her Group (FFHG), a civil society group, in their report “‘Leaving No Sister with Disabilities Behind” -Regarding the Implementation of the Convention on the Rights of Persons with Disabilities in China’, published in January 2023, which was submitted to the UN Committee on the Rights of Persons with Disabilities for its Review of the Second and Third Report of the People’s Republic of China in August 2022, noted:

‘An analysis of 616 judicial case files involving trafficking in women from 2017 to 2020 shows that 20% of the 1,252 women trafficked in China had disabilities, and most intellectual or psychosocial disabilities. And more than 60% of the women with intellectual or psychosocial disabilities were abducted by strangers passing by in outdoor locations such as roadsides, stations, and fields. Another study of 1,038 first-instance judgments involving the crime of trafficking in women and children from January 2000 to July 2017 shows that 26.7% of the victims suffered from varying degrees of mental illness. Among the identifiable origins and destinations, rural areas dominate with 71.7% and 91.5% respectively.’<sup>23</sup>

9.2.3 The GSI 2023 that:

‘... Forced labour is exacted under the guise of vocational training and poverty alleviation – a scheme promulgated by the CCP to raise living standards in “ethnic areas.” It is primarily facilitated through the transfer of rural populations to work in farms and factories, and the involuntary placement of detainees and ex-detainees in factories located inside or near “re-education camps” in the Uyghur Region and factories across

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<sup>20</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>21</sup> Sixth tone, [About us](#), no date

<sup>22</sup> Sixth tone, [China’s Human Trafficking Problem Goes Far Beyond the ...](#) (page 2), 12 March 2022

<sup>23</sup> FFHG, [“Leaving No Sister with Disabilities Behind”...](#), January 2023

China. Several global supply chains are tainted by this exploitation, including cotton, garments, electronics, polyvinyl chloride (PVC), solar-grade polysilicon (used in solar panels), and personal protective equipment (PPE). Similar patterns of abuse are evident in the Tibet Autonomous Region, with reports of labour transfers occurring in construction, textiles, security, and agriculture both as a means of religious discrimination and political indoctrination of Tibetans.

‘... Sex work is criminalised in China, yet Chinese and foreign women and children are reportedly trafficked for sexual exploitation within the sex industry.

‘Internal migrant workers are also particularly vulnerable to exploitation in China. Unable to find work in their hometowns, rural populations migrate to urban areas such as Guangdong and Shanghai to take up low-paid jobs, becoming part of China’s “floating population” of around 376 million. Compared to urban residents, internal migrants typically lack equal access to social benefits under the *hukou* (household registration) system, which restricts the provision of social benefits to citizens’ registered residence.’<sup>24</sup>

9.2.4 The USSD TiP report, 2024 stated: ‘Authorities reportedly subjected Tibetans and members of other [non Turkic or Muslim] ethnic and religious groups to similar abuses [of state-sponsored forced labor].’<sup>25</sup>

9.2.5 See also the country policy and information note on [China: Muslims \(including Uyghurs in Xinjiang\)](#).

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### 9.3 Traffickers

9.3.1 GI-TOC’s Organized Crime Index 2023 noted:

‘Criminal groups, local gangs, and state-embedded actors are all involved [human trafficking] ... State actors are accused of subjecting minority groups such as the Uyghur in Xinjiang to forced labour as part of mass detention and labour transfer schemes. ... Despite law enforcement initiatives, the exploitation of women, children, and minority groups, as well as organ trafficking and the falsification of travel documents, continue to make human trafficking a lucrative business for criminal groups and individuals in China.

‘... Criminal networks in China are often transnational, focusing on specific areas within the country, and collaborating with foreign actors. These networks mainly operate in human trafficking, human smuggling... and the drug trade, but there is no evidence to suggest that they are associated with significant levels of violence.

‘... Foreign actors are particularly active in south-west China, which borders countries such as Myanmar and Vietnam. However, transnational organized crime linked to China is often driven by Chinese diasporas abroad, rather than by locals. As a result, foreign actors have no control of criminal activities within China, but they do play a significant role in the ... human

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<sup>24</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>25</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

trafficking ...<sup>26</sup>

- 9.3.2 The USSD TiP report, 2024 noted: ‘Highly organized criminal syndicates and local gangs subject PRC women and girls to sex trafficking within the PRC and abroad. Traffickers typically recruit them from rural areas and take them to urban centers, using a combination of fraudulent job offers and coercion by imposing large travel fees, confiscating passports, confining victims, or physically and financially threatening victims to compel their engagement in commercial sex.’<sup>27</sup>

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## 10. Action to combat modern slavery

### 10.1 Prevention

#### 10.1.1 The GSI 2023, noted:

‘China demonstrated efforts to tackle modern slavery through coordination at the national and regional level, including by adopting a new national action plan for 2021 to 2030, participating in joint anti-trafficking investigations with other countries, and maintaining bilateral agreements to cooperate on modern slavery issues. China has also taken action to eliminate forced labour from the economy: the Ministry of Human Resources and Social Security (MOHRSS) implements a grading system that measures employers’ compliance with labour regulations. Employer misconduct (such as non-payment of wages or forced overtime) is publicised and offenders are subject to more frequent labour inspections. While a positive development, the system is insufficient to prevent modern slavery in the Chinese economy.’<sup>28</sup>

- 10.1.2 GI-TOC’s Organized Crime Index 2023 noted that: ‘China does not have national or regional prevention strategies in place to combat organized crime, but some local authorities and communities have taken the initiative to promote prevention measures. In relation to human trafficking, China has faced criticism for prescribing less severe punishments for people who buy trafficked women and children.’<sup>29</sup>

#### 10.1.3 The USSD TiP report, 2024 noted:

‘In recent years, NGOs in countries receiving PRC migrant workers through other bilateral agreements reported the PRC government ignored abusive and potentially illegal contract stipulations, including fees and provisions requiring immediate repatriation for pregnancies or illnesses, which placed some PRC workers at higher risk of debt or punitive deportation as coercive measures to retain their labor; the government did not take steps to address these vulnerabilities during the reporting period.

‘... The government maintained an Action Plan against Trafficking in Persons (2021-2030), which called for authorities to research the need and feasibility of developing a human trafficking law but largely focused on preventing fraudulent adoption, combating cyber-facilitated sex trafficking

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<sup>26</sup> GI-TOC, [Organized Crime Index- Criminality in China](#) (pages 3-5), 2023

<sup>27</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>28</sup> Walk Free, [‘Global Slavery Index- Modern slavery in China](#), 2023

<sup>29</sup> GI-TOC, [Organized Crime Index- Criminality in China](#) (page 7), 2023

crimes, and improving labor recruitment procedures, with an emphasis on women and girls; it contained no explicit mention of men or boys and few mentions of forced labor. Observers assessed the government devoted significant resources towards the implementation of the action plan primarily through law enforcement and media campaigns, but the government did not provide data on implementation during the reporting period. For the seventh consecutive year, the government did not report its funding for anti-trafficking activities in furtherance of the action plan (compared with more than 55 million renminbi (\$7.97 million) in 2016).

‘... Customs officials prevented PRC nationals from certain demographics from travelling to Cambodia in order to prevent PRC nationals from being subjected to labor trafficking in online scam operations, which may have inadvertently increased the use of irregular migration pathways and heightened migrant workers’ vulnerability to exploitation.’<sup>30</sup>

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## 10.2 Identification of victims

### 10.2.1 The GSI 2023 noted:

‘The government has taken some steps to identify and assist survivors, for example, through supporting trafficking identification training for police, Ministry of Public Security [MPS] officials, social workers, and teachers. Mechanisms for the public to report trafficking and labour grievances also exist, however it is unclear how operational these are. Further, there are no national guidelines available for first responders to identify modern slavery, and no national referral mechanism to ensure survivors receive services.’<sup>31</sup>

### 10.2.2 The USSD TiP report 2024 noted:

‘The PRC lacked a standardized national referral mechanism, but MPS maintained written instructions promulgated in 2016 for law enforcement officers throughout the country aiming to clarify procedures for identifying trafficking victims among individuals in commercial sex and forced or fraudulent marriage.

‘... As a result of pervasive, state-sponsored labor trafficking, the government was less likely to identify members of religious and ethnic minorities – including Uyghurs, Tibetans, ethnic Kazakhs, ethnic Kyrgyz, and members of other Turkic and/or Muslim minority groups – as trafficking victims. The government did not report any measures to screen for, or identify, forced labor indicators among the thousands of vulnerable migrant seafarers employed on PRC national-owned [Distant Water Fleet] DWF vessels, nor within its extensive coastal offshore fishing fleet, and publicly denied allegations of forced labor in its DWF. PRC fishermen subjected to forced labor generally could not report abuses to local authorities or access protection services when returning to the PRC. The government did not report conducting any training on victim identification or assistance for its diplomatic services abroad. PRC consular officials often did not take steps to proactively identify, respond to, or assist PRC nationals subjected to forced

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<sup>30</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>31</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

labor under the auspices of BRI projects overseas, including when victims reported abuses to local PRC diplomatic missions.<sup>32</sup>

- 10.2.3 In a press release published by the ‘European External Action Service’, titled ‘EU and IOM host training on identification of victims of trafficking’ stating: ‘On 14 and 15 May 2024, the EU Delegation to China and the International Organisation for Migration co-hosted a training on the identification of victims of trafficking, attended by European Union Member States’ Consular and Visa Officials in Beijing.’<sup>33</sup>

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### 10.3 Investigations

- 10.3.1 The USSD TiP report, 2024 noted:

‘For the seventh consecutive year, the Ministry of Public Security (MPS) did not report the number of investigations initiated of possible trafficking cases (1,004 in 2016). The government publicized the investigation of 212 suspects for abducting women and children; some of these cases may have involved sex or labor trafficking.

‘... MPS maintained an Office of Counter Trafficking that was exclusively dedicated to investigating trafficking crimes, however many of the cases it investigated were missing persons cases, most of which likely did not involve trafficking as defined in international law.

‘... Local Public Security Bureaus (PSBs) were responsible for investigating suspicious cases involving vulnerable communities including women, children, individuals experiencing homelessness, and individuals with disabilities, and were required to establish local public reporting mechanisms; the purpose of the reporting mechanisms was unclear. The government required PSBs to collect DNA samples and biometric information as part of the investigation of these cases, which may have included trafficking victims, contributing to the government’s country-wide system of mass surveillance which has been utilized to control, harass, and abuse minority populations and political dissidents. Based on media and NGO reports, authorities continued to prioritize the identification of women and girls in sex trafficking to the near total exclusion of efforts to identify forced labor victims. The overly narrow definitions inherent to the PRC’s anti-trafficking statutes significantly limited the scope of victim identification among key demographics; in practice, authorities did not screen men or boys older than the age of 14 for any signs of exploitation in sex trafficking or forced labor. Authorities did not provide information on their use of an app-based system to track and remove missing children from exploitation – a population that likely included human trafficking victims – during 2023; authorities did not provide relevant statistics or information on subsequent identification or referral measures (compared with 120 victims identified among more than 4,000 children in 2019, the last year in which this data was available).’<sup>34</sup>

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<sup>32</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>33</sup> EEAS, [EU and IOM host training on identification of victims of trafficking](#), 15 May 2024

<sup>34</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

## 10.4 Raising awareness

### 10.4.1 The USSD TiP report, 2024 noted:

‘The PRC government reported in March 2024 that it held an inter-ministerial meeting to coordinate anti-trafficking efforts. In March 2024, the PRC State Council inter-ministerial group on anti-trafficking and MPS officially launched a nationwide campaign to combat the abduction of and trafficking in women and children, and created a new group named the “National Special Action Deployment Meeting” (NSADM). The NSADM reported that its focus was to quicken prosecution times, raise the issue’s prominence within the government, coordinate investigations of trafficking cases including the forgery and sale of birth certificates, and enhance international cooperation. The NSADM also called for combating transnational criminal networks and assisting victims through placement and rehabilitation of trafficked persons, medical treatment, psychological counseling, education, and training.

‘ ... Officials also publicized stories of PRC nationals exploited in forced labor in online scam operations in Southeast Asia, and utilized mass text messaging campaigns to raise awareness of the potential risk of fraudulent employment opportunities in the region. National and local authorities conducted media outreach campaigns on some forms of trafficking, although the content thereof generally focused on child abduction and forced and fraudulent marriage.’<sup>35</sup>

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## 10.5 Police training

### 10.5.1 The USSD TiP report, 2024 noted:

‘The government did not report providing anti-trafficking training for law enforcement. Observers previously reported the need for training of officials on recent changes to the criminal code.

‘ ... Officials participated in trafficking prevention training activities in conjunction with international organizations. The government did not provide anti-trafficking training to its diplomatic personnel. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers.’<sup>36</sup>

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## 10.6 Protection

### 10.6.1 The Global Slavery Index (GSI) 2023 noted that: ‘China’s government response to modern slavery received a rating of 42 per cent, ranking in the bottom half of 32 countries assessed in the region. While the government takes some measures to respond to modern slavery among the general population, its overall response is belied by the active use of state-imposed forced labour against certain groups, which it continues to deny.’<sup>37</sup>

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<sup>35</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>36</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>37</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023



- 10.6.2 The GSI 2023 included an assessment of the actions governments are taking to respond to modern slavery and whether survivors of slavery are identified and supported to exit and remain out of modern slavery, criminal justice mechanisms, whether coordination occurs at the national and regional level and across borders, whether risk factors are addressed and whether government and business's stop sourcing goods and services produced by forced labour<sup>38</sup>.
- 10.6.3 The GSI 2023 also noted: '... women who escaped and reported their situation to police were, in some cases, forcibly returned to their abuser. The denial of modern slavery crimes in place of active enforcement of the law, allowing perpetrators to operate with impunity, remains a serious concern.'<sup>39</sup>
- 10.6.4 The Human Rights Foundation (HRF), a 'nonpartisan, nonprofit organization that promotes and protects human rights globally'<sup>40</sup> noted in their annual policy brief published in January 2023 that: 'For other forms of trafficking, such as bride trafficking, China does little to address the issue since it predominantly affects minorities.'<sup>41</sup>
- 10.6.5 The USSD TiP report, 2024 noted:  
 'The Government of the People's Republic of China (PRC) does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so... therefore the PRC remained on Tier 3.'<sup>42</sup> It has remained on Tier 3 since 2017. The USSD state that there are 4 categories (tier 1, tier 2, tier 2 watchlist and tier 3) in the tier list. They explain that the '... placement is based not on the size of a country's problem but on the extent of government efforts to meet the Trafficking Victims Protection Act's (TVPA) minimum standards for the elimination of human trafficking, which are generally consistent with the Palermo Protocol. While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem or that it is doing enough to address the crime. Rather, a Tier 1 ranking indicates that a government has made efforts to address the problem that meet the TVPA's minimum standards.'<sup>43</sup> Tier 3 is the lowest ranking.
- 10.6.6 The same TiP report noted:  
 '... The government publicized recovering 683 abducted women and children, some of whom may have been exploited in trafficking, but it did not provide data on the total number of cases of "women trafficking and child abduction," "forced prostitution," or forced labor it concluded in 2023 (compared with 546 cases, 475, and 38, respectively, in 2020, the most recent year for which this information was available).  
 ' ... The government maintained insufficient efforts to protect victims, including by continuing to facilitate the forced labor of its citizens domestically, and by failing to identify or provide services to PRC citizens

<sup>38</sup> Walk Free, [Methodology](#), no date

<sup>39</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>40</sup> HRF, [Our Mission](#), no date

<sup>41</sup> HRF, [Authoritarianism and trafficking in persons annual policy brief](#) (page 21), January 2023

<sup>42</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>43</sup> USSD, [2024 Trafficking in Persons Report - Methodology](#), no date

subjected to forced labor abroad. For the seventh consecutive year, the government did not report how many victims it identified or referred to protection services, although media reports indicated authorities continued to remove some victims from exploitative situations. The government did not report any cooperation between police and social workers, women's shelters, or NGOs to identify victims during the reporting period.

'... The government denied verifiable accounts and took steps to ban discussion of trafficking-related human rights violations and state-sponsored forced labor.'<sup>44</sup>

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## 10.7 Prosecution of traffickers

### 10.7.1 BBC News reported in April 2023 that:

'A Chinese court has jailed six people in a high-profile human trafficking case of a woman found chained in a remote village last year. The case horrified the country and led to a crackdown on bride trafficking. The woman's husband was jailed for nine years for torture, abuse and keeping her captive. Five others received terms ranging from eight to 13 years. But many reacting to the verdict on Friday [7 April 2023] said the sentences were too small and reforms were still lacking.'<sup>45</sup>

### 10.7.2 The USSD TiP report, 2024 noted:

'The government made insufficient anti-trafficking law enforcement efforts ...

'... Although the central government continued to prosecute and convict PRC nationals for trafficking crimes, authorities did not collect or report comprehensive law enforcement data. Courts likely issued lower, suspended sentences to traffickers who purchased commercial sex from trafficking victims than to traffickers who abducted or sold women into sex trafficking. Partial public records of anti-trafficking enforcement continued to feature crimes outside the definition of trafficking according to international law (including migrant smuggling, abduction of women and children, custody disputes, and fraudulent adoption without the purpose of exploitation), making it difficult to assess progress. The government continued to handle most cases with indicators of forced labor as administrative issues through the Ministry of Justice (MOJ) and seldom initiated prosecutions of such cases under anti-trafficking statutes; observers noted authorities were more likely to persecute human rights advocates and organizations drawing attention to forced labor than to enforce labor laws. Some courts likely continued to prosecute trafficking crimes under laws pertaining to domestic violence, labor contract violations, and child abuse, all of which prescribed lesser penalties. In prior years, authorities did not disaggregate conviction data by the relevant criminal code statutes, and courts reportedly prosecuted the vast majority of these cases under Article 358 – especially for those involving commercial sexual exploitation – rather than under Article 240.

'... For the second consecutive year, the government neither reported initiating nor continuing from prior years any prosecutions (compared with 86

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<sup>44</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>45</sup> BBC News, [Chained woman case: Six jailed in trafficking case that horrified China](#), 9 April 2023

cases prosecuted in 2021).

‘... In prior years, the government published limited data on convictions in human trafficking cases on a public judicial database; however, it did not publish any convictions for human trafficking crimes during the reporting period. Reports suggested the government also systematically removed previously published information about trafficking cases from previous years.

‘... For the second consecutive year, the government did not report convicting or sentencing any traffickers (compared with nine convictions in 2021; unreported in 2020; 2,355 convictions in 2019). However, state-controlled media reported convictions of at least six traffickers in connection with a 2022 case in Jiangsu province; sentences in the case reportedly ranged from eight to 13 years’ imprisonment.

‘... The government did not have dedicated anti-trafficking components within the Supreme People’s Procuratorate or the court system.’<sup>46</sup>

- 10.7.3 GI-TOC’s Organized Crime Index 2023 noted that: ‘China has faced criticism for prescribing less severe punishments for people who buy trafficked women and children.’<sup>47</sup>

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## 10.8 Prosecution of victims

- 10.8.1 The GSI 2023 noted that: ‘[Victims’] Protection from criminalisation is not enshrined in law, and information indicates that victims of sex trafficking were arrested during the reporting period.’<sup>48</sup>

- 10.8.2 The USSD TiP report, 2024 noted:

‘Due to a lack of formal identification procedures, authorities likely detained and arrested some unidentified trafficking victims. Authorities penalized victims of trafficking for commercial sex and immigration offenses committed as a direct result of being trafficked, including among the PRC nationals arrested and returned from online scam compounds in Southeast Asia. MPS officials reportedly maintained a procedure to screen for trafficking indicators among individuals arrested on suspicion of “prostitution” crimes, but did not implement this procedure in practice. A 2016 policy limiting the detention of individuals arrested for alleged criminal sex to 72 hours remained in place. Despite the existence of these procedures, law enforcement officials arrested and detained foreign women on suspicion of “prostitution” crimes without screening them for indicators of sex trafficking – sometimes for as long as eight months in prior years – before deporting them for immigration violations. Authorities may have detained some victims of sex trafficking – alongside individuals with drug addictions and men arrested for commissioning sex acts – in government “rehabilitation camps” known to have forced labor conditions.’<sup>49</sup>

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<sup>46</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>47</sup> GI-TOC, [Organized Crime Index- Criminality in China](#) (page 7), 2023

<sup>48</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>49</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

## 10.9 Corruption

- 10.9.1 The Australian Government's Department for Foreign Affairs and Trade's (DFAT) Country Information Report – People's Republic of China, dated 22 December 2021 (2021 DFAT report) noted: 'The government takes corruption seriously as a threat to its legitimacy. Penalties for corruption can include death for serious and high-profile cases. .... Allegations of corruption by officials are investigated by Party organs in the first instance (the Central Commission for Discipline and Inspection and the National Supervisory Commission)..'<sup>50</sup>
- 10.9.2 GI-TOC's Organized Crime Index 2023 noted that 'Corruption among state officials remains a significant issue, despite numerous anti-corruption campaigns. This suggests that the state sector is significantly exposed to criminal activities. The Chinese government has taken steps to eradicate corruption, but there are suspicions that the anti-corruption drive is politically motivated rather than signifying a willingness to curb illicit activities.'<sup>51</sup>
- 10.9.3 The USSD TiP report, 2024 noted:
- 'Despite continued reports of officials benefiting from, permitting, or directly facilitating sex trafficking and forced labor, the government did not report any investigations, prosecutions, convictions, or administrative fines or demotions of complicit government employees. Officials at multiple levels, including central party-state officials, were also complicit in state-sponsored forced labor by directing the PRC's mass detention, political indoctrination, and labor dispatch campaign against members of Turkic and/or Muslim minority groups, and some officials reportedly profited directly from this system. Authorities reportedly subjected Tibetans and members of other ethnic and religious groups to similar abuses. Xinjiang officials continued to obstruct meaningful access for international observers to sites across the region that would otherwise facilitate investigations into credible allegations of forced labor.'<sup>52</sup>

## 10.10 Victim support and restitution

- 10.10.1 The USSD TiP report, 2024 noted:
- 'The government did not report providing support to victims who assisted with investigations or prosecutions of trafficking cases in 2023. Authorities did not condition access to victim care on cooperation with law enforcement, but they did require victims to provide information to police and did not provide alternatives to speaking with law enforcement during investigations. The law entitled victims to obtain restitution during criminal prosecutions and claim compensation through civil lawsuits against traffickers; however, the government did not report whether any victims benefited from this provision in 2023 and observers assessed authorities likely did not apply this benefit equitably across all cases. Some forced marriage cases, many of which

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<sup>50</sup> DFAT, [China Country Information Report](#) (paragraph 2.23), 22 December 2021

<sup>51</sup> GI-TOC, [Organized Crime Index- Criminality in China](#) (page 5), 2023

<sup>52</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

continued to demonstrate corollary indicators of sex trafficking and forced labor, were mediated at the village level; these proceedings rarely culminated in a guilty verdict through which to grant restitution to the victims. In prior years, MOJ officials reportedly provided some free legal assistance to trafficking victims, but government-affiliated NGO observers noted some victims faced difficulties accessing these services or had to pay for their own representation. PRC legal aid provisions provided legal assistance only for criminal defendants; authorities did not provide this assistance to victims involved in cases as witnesses or plaintiffs.<sup>53</sup>

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## 11. Government and NGO assistance

### 11.1 Shelters and services

#### 11.1.1 The 2021 DFAT report noted:

‘Domestic violence shelters are available in some communities. These shelters might be supported by local government. Non-government services that provide legal assistance or counselling might be shut down by authorities as shelters are intended to serve a government function. A confidential source cited in the Netherlands Ministry of Foreign Affairs 2020 Country of Origin Information Report on China said there are over 1,500 shelters known as ‘relief stations’. These are not specifically for domestic violence victims but can also be used by homeless people or victims of human trafficking.’<sup>54</sup>

#### 11.1.2 The GSI 2023 noted that: ‘While there are shelters, they do not offer specialised support and are reportedly difficult for males to access. Victims may also be deterred from seeking help given the possibility that they might be punished for crimes they were forced to commit.’<sup>55</sup>

#### 11.1.3 The USSD TiP report, 2024 noted:

‘The Ministry of Human Resources and Social Services (MOHRSS) operated and publicized three 24-hour hotlines that could benefit potential trafficking victims – one for labor issues, one for child protection, and one for gender-based violence – but authorities did not provide statistics on their use.

‘... The government did not provide data on victim service provision in 2023. The government previously 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[the US TiP from 2018, covering 2017, was the last time the government reported maintaining shelters<sup>56</sup>]; it did not provide any information on these shelters for the fifth consecutive year. The Ministry of Civil Affairs, the All-China Women’s Federation, and community-based NGOs could provide victims with shelter, medical care, counseling, legal aid, and social services, as well as rehabilitation services in some cases; the government did not report

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<sup>53</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>54</sup> DFAT, [China Country Information Report](#) (paragraph 3.114), 22 December 2021

<sup>55</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>56</sup> USSD, [2018 Trafficking in Persons Report: China](#), 28 June 2018

providing these services to any victims. Access to specialized care depended on victims' location and gender; experts noted there were 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.

'Widespread stigma against sex trafficking victims likely continued to discourage many from accessing protection services. MOHRSS reportedly could provide compensation and some protection services to labor trafficking victims, but authorities did not report information on the number of victims MPS referred for these 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.'<sup>57</sup>

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## 11.2 Provision of mental healthcare

- 11.2.1 There is no information in the sources consulted about mental health support for trafficking victims but for general information about mental healthcare see the Country Policy and Information note: [China Medical treatment and healthcare](#)

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## 12. Freedom of movement

### 12.1 Internal migration

- 12.1.1 The population in China is currently over 1.4 billion, and covers an area of 9,596,960 sq km which is slightly smaller than the United States. There are many large cities including Shanghai, Beijing, Chongqing, Guangzhou, Tianjin and Shenzhen<sup>58</sup>.
- 12.1.2 The 2021 DFAT report noted: 'Internal migration has been a key feature of Chinese economic and social life for decades. Migration to cities in the wealthy eastern provinces is particularly popular. A third of the population live in a place other than where their residence is registered with a local government. Urbanisation has been a key feature of China's rapid economic development. There are no legal impediments to relocation, but the hukou system may limit freedom of movement in practice.'<sup>59</sup>
- 12.1.3 The USSD 2023 Country report of Human Rights Practices noted: 'Authorities continued to maintain tight restrictions on freedom of movement, particularly to curtail the movement of individuals deemed political liabilities ... Uyghurs faced draconian restrictions on movement within Xinjiang and outside the region...'<sup>60</sup>
- 12.1.4 There is no information in the sources consulted about the ability of victims of modern slavery to be able to relocate (see [Bibliography](#)).

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<sup>57</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>58</sup> CIA, [China - The World Factbook](#), last updated 3 September 2024

<sup>59</sup> DFAT, [China Country Information Report](#) (paragraph 5.24), 22 December 2021

<sup>60</sup> USSD, [2023 Country Reports on Human Rights Practices: China](#), 22 April 2024

## 12.2 Hukou registration

### 12.2.1 The 2021 DFAT report noted:

‘Hukou is a household registration system rooted in an ancient system that has parallels in other parts of East Asia such as Japan and Vietnam. In modern China, hukou registration with the local government entitles a resident to use government services such as education or health services in that local government area. In practice it might be a better reflection of their place of birth or even their parents’ place of birth rather than their place of residence.

‘It is very difficult to get a hukou in one of China’s major cities like Beijing or Shanghai, which have quotas for new residence permits. A points system to apply for a hukou exists in some cities (over 5 million people) where good employment records, education and housing might be an advantage. Reforms in 2019 have made it easier to get a hukou in medium-sized cities (1 to 3 million residents) and removed limits on key population groups, including graduates of universities and vocational colleges. This means that urbanisation and its associated development benefits may continue without putting additional pressure on megacities like Beijing and Shanghai.

‘Migration away from cities to regional areas also occurs but much less commonly. The very high cost of living in some large cities and demanding working culture in corporate China has forced some young people to return to their family and home regions. Former emigrants might be enticed back by improved infrastructure and services in rural areas that has accompanied China’s rapid development.’<sup>61</sup>

### 12.2.2 The GSI 2023 noted in the findings on China that: ‘Despite some reforms to the [hukou] system, rural migrants without local registration are denied access to public services, making it more difficult for them to make a decent living, particularly during the pandemic, widening social inequality.’<sup>62</sup>

### 12.2.3 The USSD 2023 Country report of Human Rights Practices noted:

‘The household registration system added to the difficulties faced by rural residents, even after they relocated to urban areas and found employment. According to the *Statistical Communique of the People’s Republic of China on 2019 National Economic and Social Development*, published in 2020 by the National Bureau of Statistics of China, 280 million individuals lived outside the jurisdiction of their household registration. Migrant workers and their families faced numerous obstacles regarding working conditions and labor rights. Many were unable to access public services, such as public education for their children or social insurance, in the cities where they lived and worked because they were not legally registered urban residents.’<sup>63</sup>

### 12.2.4 Freedom House note in their Freedom in the World report 2024 that:

‘The *hukou* (household registration) prohibits 295 million internal migrants

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<sup>61</sup> DFAT, [China Country Information Report](#) (paragraphs 5.25- 5.27) 22 December 2021

<sup>62</sup> Walk Free, [Global Slavery Index- Modern slavery in China](#), 2023

<sup>63</sup> USSD, [2023 Country Reports on Human Rights Practices: China](#), 22 April 2024

from enjoying full legal rights as residents in the cities where they work. However, local governments have loosened their enforcement in recent years. The government of Zhejiang Province removed some hukou restrictions in July 2023. In August, the MPS announced that it would lower barriers for obtaining registrations in some urban areas and encouraged local governments to abolish or relax some of their requirements.<sup>64</sup>

12.2.5 The USSD TiP report, 2024 noted:

‘The government *hukou* (household registration) system continued to contribute to trafficking risks of internal migrants by reducing access to social services, particularly for PRC victims returning from exploitation abroad, and by driving hundreds of millions of individuals to live and work illegally outside the jurisdiction of their household registration. 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, authorities disproportionately made these residency permits unavailable to rural ethnic Han migrants and members of ethnic minority groups, exacerbating their constrained access to employment and social services.’<sup>65</sup>

12.2.6 See also the Country Information Note: China, available on request.

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## 13. Return of modern slavery victims

### 13.1 Treatment on return

13.1.1 The 2021 DFAT report noted:

‘DFAT is not able to verify the treatment of failed asylum seekers returned to China but has no information to suggest that they are targeted by authorities merely for having sought asylum. Chinese authorities are likely, however, to be aware of the behaviour of Chinese asylum seekers while they are outside of China and may know that applicants have applied for asylum. The consequences for those applicants are not clear.

‘Those wanted for outstanding warrants could still be charged on return to China. The general statute of limitations for crimes is five years (for a crime where the maximum penalty is up to five years in prison), ten years (where the maximum penalty for a crime is five to 10 years in prison), 15 years (where the penalty for a crime is not less than 10 years in prison) and 20 years (where the maximum penalty is life in prison or death). In practice, a person who flees from prosecution and then returns is likely to be arrested.’<sup>66</sup>

13.1.2 There is no information in the sources consulted about the treatment of victims of trafficking on return(see [Bibliography](#)).

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### 13.2 Risk of re-trafficking

13.2.1 FFHG, a civil society group, in their report ‘Leaving No Sister with Disabilities

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<sup>64</sup> Freedom House, [China: Freedom in the World 2024 Country Report](#), 2024

<sup>65</sup> USSD, [2024 Trafficking in Persons Report: China](#), 24 June 2024

<sup>66</sup> DFAT, [China Country Information Report](#) (paragraphs 5.28 & 5.29) 22 December 2021



Behind' submitted to the United Nations Committee on Economic, Social and Cultural Rights for its Review of the Third Report of the People's Republic of China in February 2023, published in January 2023 noted: 'We studied 221 criminal judgments in cases of trafficking of females with intellectual or psychosocial disabilities from 2017-2021. The cases involved 469 times of trafficking, while nearly 30% of the victims were trafficked multiple times, mainly because the sellers concealed the intellectual or psychosocial disabilities of the trafficked women, leading the buyers to request "returns" upon discovering their conditions.'<sup>67</sup>

- 13.2.2 There was no information in the sources consulted about victims of trafficking who return to the country being re-trafficked or facing other abuses (see [Bibliography](#)).

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<sup>67</sup> FFHG, "[Leaving No Sister with Disabilities Behind](#)"... (page 2), January 2023

# Research methodology

The country of origin information (COI) 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 \(COI\)](#), April 2008, and the Austrian Centre for Country of Origin and Asylum Research and Documentation's (ACCORD), [Researching Country Origin Information – Training Manual](#), 2024. Namely, taking into account the COI's relevance, reliability, accuracy, balance, currency, transparency and traceability.

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
- whether the COI is consistent with and/or corroborated by other sources

Commentary may be provided on source(s) and information to help readers understand the meaning and limits of the COI.

Wherever possible, multiple sourcing is used and the COI compared to ensure that it is accurate and balanced, and provides a comprehensive and up-to-date picture of the issues relevant to this note at the time of publication.

The inclusion of a source is not, however, an endorsement of it or any view(s) expressed.

Each piece of information is referenced in a footnote.

Full details of all sources cited and consulted in compiling the note are listed alphabetically in the [bibliography](#).

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# Terms of Reference

The 'Terms of Reference' (ToR) provides a broad outline of the issues relevant to the scope of this note and forms the basis for the [country information](#).

The following topics were identified prior to drafting as relevant and on which research was undertaken:

- Legal Status
  - International legislation
  - Criminal law
  - Labour law
  - Law in practice
- Prevalence of trafficking, both within the country and outside of China
- Profiles of modern slavery victims and traffickers
  - Modern slavery victims trafficked abroad
  - Modern slavery victims within China
  - Traffickers
- Action to combat modern slavery
  - Prevention
  - Investigations
  - Raising awareness
  - Police training
  - Protection
  - Prosecution
  - Corruption
  - Avenues of redress
- Government and NGO assistance
  - Shelters and services
  - Provision of mental healthcare
- Freedom of movement
  - Internal relocation
  - Hukou registration
- Return of modern slavery victims
  - Treatment on return
  - Risk of re-trafficking

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Below is information on when this note was cleared:

- version **2.0**
- valid from **14 October 2024**

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## Changes from last version of this note

Update to country information

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