

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	534
Land:	Kina
Kilde:	US Department of State
Titel:	2019 Trafficking in Persons Report: China
Udgivet:	20. juni 2019
Optaget på baggrundsmaterialet:	1. juli 2019

Document #2010780

USDOS – US Department of State

2019 Trafficking in Persons Report: China

CHINA: Tier 3

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 China remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including by continuing to cooperate with international authorities to address forced and fraudulent marriages in China, a key trafficking vulnerability for foreign women and girls, and by continuing to seek accountability for officials complicit in commercial sex crimes that may have included sex trafficking. However, state-sponsored forced labor intensified under the government’s mass detention and political indoctrination campaign against members of Muslim ethnic minority groups in Xinjiang, and authorities reportedly subjected Tibetans and other ethno-religious groups to similar conditions. For the second consecutive year, the government did not report identifying any trafficking victims or referring them to protective services. Authorities detained women arrested on suspicion of prostitution, sometimes for months and without screening for trafficking, and often forcibly returned foreign victims to their traffickers after they escaped and reported their abuses.

PRIORITIZED RECOMMENDATIONS

End forced labor in government facilities, in nongovernmental facilities converted to government detention centers, and by government officials outside of the penal process. • Abolish the arbitrary detention and forced labor of persons in internment camps in Xinjiang and immediately release the individuals detained therein. • Cease discriminatory hiring and targeted displacement policies putting Muslim and other minority communities at risk of trafficking. • Respecting due process, vigorously investigate, prosecute, and impose prison sentences on perpetrators of forced labor and sex trafficking, including complicit government officials. • Update the legal framework to fully criminalize all forms of trafficking, including the facilitation of “prostitution” involving children younger than the age of 18. • Institute and systematize proactive, formal procedures to identify trafficking victims throughout the country—including labor trafficking victims, Chinese victims returning from abroad, and victims among vulnerable groups, such as migrant workers, foreign women, and Chinese women and children arrested on “prostitution” charges—and train front-line officers on their implementation. • Cease penalization of victims for unlawful acts their traffickers compelled them to commit. • Immediately screen individuals suspected of

prostitution offenses for sex trafficking indicators and refer identified victims to protection services. • Ensure authorities do not subject trafficking victims to extended detention, punishment, or deportation. • Expand victim protection services, including comprehensive counseling and medical, reintegration, and other rehabilitative assistance for male and female victims of sex and labor trafficking. • Provide legal alternatives to foreign victims’ removal to countries where they would face hardship or retribution, particularly North Korea. • Increase the transparency of government efforts to combat trafficking and provide disaggregated data on investigations and prosecutions, victim identification, and service provision, including by continuing to share relevant data with international partners.

PROSECUTION

The government decreased law enforcement efforts. 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. These penalties were sufficiently stringent and commensurate with the penalties prescribed for other serious crimes, such as rape. 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,” they 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 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. 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.

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. For the second consecutive year, the Ministry of Public Security (MPS) did not report the number of investigations initiated into possible trafficking cases (1,004 in 2016), although media reports suggested authorities continued to investigate some cases. Data published by the Supreme People’s Court (SPC) indicated it prosecuted and concluded at least 634 trafficking cases (1,146 in 2017), culminating in 1,252 individuals convicted (1,556 in 2017 and 1,756 in 2016); this included 1,252 convictions for the trafficking of women and children, 833 convictions for forced prostitution, and 35 convictions for forced labor. Authorities did not disaggregate conviction data by the relevant criminal code statutes. As in prior years, courts prosecuted the vast majority of these cases under Article 358—especially for those involving commercial sexual exploitation—rather than under Article 240. The government did not provide sentencing data, but media reports indicated penalties imposed in at least one forced labor case ranged from one to six years’ imprisonment. In previous years, media reported penalties ranging from five months’ imprisonment with fines of 74,000 renminbi (\$10,760) to life imprisonment.

The government handled most cases with indicators of forced labor as administrative issues through the Ministry of Justice and seldom initiated prosecutions of such cases under anti-trafficking statutes. Authorities engaged in law enforcement cooperation with foreign governments, investigating cases of Chinese citizens subjected to trafficking in Burma, Cambodia, Cyprus, Macau, and Singapore; as part of similar efforts in previous years, Chinese authorities attempted to extradite—and criminally charge—Chinese and Taiwanese individuals subjected to forced labor in Europe. During the reporting period, the government increased its consultative partnerships with Lao, Mongolian, and Vietnamese law enforcement authorities to jointly address trafficking via the forced and fraudulent marriage of their citizens to Chinese individuals. Some law enforcement personnel in neighboring countries reported their Chinese counterparts were unresponsive to requests for bilateral cooperation on cross-border trafficking cases, while others reported China’s cumbersome law enforcement bureaucracy hindered joint operations.

The government did not provide data on specific law enforcement trainings, unlike in prior years. However, according to an international organization, the government allocated increased funding to co-host capacity-building training for law enforcement and judicial officials on investigating and prosecuting trafficking cases. During the reporting period, China launched a nationwide campaign to investigate corrupt local officials and police officers allegedly using their influence to shield or profit from criminal organizations engaged in prostitution rings; this included efforts to address sex trafficking. 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. Central, provincial, and local government officials were also reportedly complicit—with impunity—in forced labor as part of China’s mass detention and political indoctrination campaign against members of Muslim ethnic minority groups, and authorities reportedly subjected Tibetans and members of other ethno-religious groups to similar abuses.

PROTECTION

The government decreased efforts to protect victims. For the second consecutive year, the government did not report how many victims it identified, although media reports indicated authorities continued to remove some victims from their exploitative situations. In conjunction with an international organization, authorities co-sponsored and participated in trainings on victim identification and assistance for consular officials and law enforcement, shelter best practices, regulation of marriage migration, and interagency implementation of the national referral mechanism. 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 prostitution and forced or fraudulent marriage. MPS officials reportedly maintained a procedure to screen for trafficking indicators among individuals arrested for alleged prostitution. A 2016 policy limiting the detention of such individuals to 72 hours remained in place. Despite the existence of these procedures, and contrary to the aforementioned policy, law enforcement officials continued to arrest and detain foreign women on suspicion of prostitution crimes without screening them for indicators of sex trafficking—sometimes for as long as four months—before deporting them for immigration violations. In some cases, rural border officials received reports involving the sex trafficking and forced labor of Burmese and Mongolian women and girls via forced and fraudulent marriage to Chinese men, then provided them with temporary shelter and helped to fund and escort their repatriation. However, observers noted this assistance was ad hoc and less prevalent among front-line officers working farther inland, where some foreign victims escaped, reported these abusive circumstances to the authorities, and were summarily arrested and forcibly returned to their Chinese “husbands”—sometimes in exchange for bribes from the men’s families. Because authorities did not universally implement the national referral mechanism across law enforcement efforts, it was likely police arrested and detained unidentified Chinese trafficking victims for unlawful acts their traffickers compelled them to commit.

In prior years, the government reported maintaining at least 10 shelters specifically dedicated to care for Chinese 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 2018. The Ministry of Civil Affairs, a nationwide women’s organization, and grassroots NGOs could provide victims with shelter, medical care, counseling, social services, and—in some cases—rehabilitation services. Access to specialized care depended heavily on victims’ location and gender; male victims were far less likely to receive care. The government did not report how many victims benefited from these services, and contacts noted widespread stigma against victims of sex trafficking likely continued to

discourage many from accessing protection services. Implementation of a law placing foreign NGOs in mainland China 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 China reportedly provided shelter or other protective services to victims. Authorities did not condition access to victim care on cooperation with law enforcement, but they did require victims to provide information to police. The law entitled victims to request criminal prosecution and claim compensation through civil lawsuits against their traffickers; the government did not report whether any victims benefited from this provision. The judicial system did not require victims to testify against their traffickers in court and allowed prosecutors to submit previously recorded statements as evidence.

The efficacy of the government’s previously reported victim assistance abroad—including its eight border liaison offices with Burma, Laos, and Vietnam, along with victim funds, hotlines, and government-to-government agreements to assist victims—was unclear. Authorities reported repatriating a number of victims in 2018 but did not provide further information, including whether they were Chinese or foreign. International civil society groups reported China’s diplomatic missions were often unresponsive to complaints filed by Chinese victims of forced labor overseas, particularly in Japan. The government did not undertake efforts to identify trafficking victims within its highly vulnerable North Korean migrant population, nor did it provide suspected North Korean trafficking victims with legal alternatives to repatriation. Authorities continued to detain North Korean asylum-seekers and forcibly returned some to North Korea, where they faced severe punishment or death, including in North Korean forced labor camps; the government did not report screening these individuals for indicators of trafficking. In compliance with an UN Security Council Resolution, the government reportedly repatriated some North Korean labor migrants; Chinese authorities did not screen them for trafficking indicators or offer options to legally remain in the country.

PREVENTION

The government maintained minimal efforts to prevent trafficking and carried out policies that perpetuated widespread forced labor. Authorities held a sixth annual inter-ministerial meeting to coordinate anti-trafficking efforts. MPS continued to coordinate the anti-trafficking interagency process and led interagency efforts to implement the National Action Plan on Combatting Human Trafficking, including ongoing research into the efficacy of national efforts to combat the crime. For the second consecutive year, the government did not report the extent to which it funded anti-trafficking activities in furtherance of the action plan (more than 55 million renminbi (\$8 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. The municipal government of at least one major city funded anti-trafficking films. Academics and experts noted the gender imbalance created by the previous One-Child Policy likely continued to contribute to trafficking crimes in China. The government reportedly began a series of pilot programs

to enable Cambodian and Vietnamese citizens to enter legally into southern China for work in hopes of stemming illicit labor migration through especially porous sections of the border; the extent to which this mitigated trafficking vulnerabilities—or to which it was implemented—was unknown.

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 Chinese 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. The government made some efforts to reduce the demand for commercial sex. The government reported efforts to reduce forced labor by including language in written agreements with foreign businesses and countries explicitly prohibiting trafficking, but authorities were generally unresponsive to allegations of ensuing forced labor. The government did not report investigating or prosecuting any Chinese citizens for child sex tourism, despite widespread reports of the crime.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers subject domestic and foreign individuals to trafficking in China, and they subject Chinese individuals to trafficking abroad. Traffickers also use China as a transit point to subject foreign individuals to trafficking in other countries throughout Asia and in international maritime industries. Well-organized criminal syndicates and local gangs subject Chinese women and girls to sex trafficking within China. 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. 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. Some of these businesses operate illegally and take advantage of lax government enforcement. African and Asian men reportedly experience conditions indicative of forced labor aboard Chinese-flagged fishing vessels operating in the Atlantic Ocean; men from other regions may be in forced labor aboard these vessels as well. Women and girls from South Asia, Southeast Asia, and several countries in Africa experience domestic servitude, forced concubinage leading to forced childbearing, and sex trafficking via forced and fraudulent marriage to Chinese men. Traffickers target adults and children with developmental disabilities and children whose parents have left them with relatives to migrate to the cities—estimated at more than 60 million—and subject them to forced labor and forced begging. State bodies subject members of Muslim minority groups to forced labor as part of arbitrary mass detention and political indoctrination schemes.

State-sponsored forced labor is increasingly prevalent in China. In 2013, the National People’s Congress ratified a decision to abolish “Re-education through labor” (RTL), a punitive system that subjected individuals to extra-judicial detention involving forced labor, from which the government reportedly profited. The government closed most RTL facilities by October 2015; however, the government reportedly converted some RTL facilities into state-sponsored drug rehabilitation facilities or administrative detention centers where, according to civil society and media reports, forced labor continues.

State-sponsored forced labor is intensifying under the government’s mass detention and political indoctrination campaign against Muslim minorities in the Xinjiang Uighur Autonomous Region (Xinjiang). Authorities have arbitrarily detained more than one million ethnic Muslims, including Uighurs, ethnic Kazakhs, and Kyrgyz, in as many as 1,200 “vocational training centers”—internment camps designed to erase ethno-religious identities. According to civil society reports derived from interviews with survivors and family members of current detainees, the government subjects many of these individuals to forced labor in on-site or adjacent factories producing garments, carpets, cleaning supplies, and other goods for domestic and possibly international distribution. Authorities offer subsidies incentivizing Chinese companies to open factories in close proximity to the internment camps, and local governments receive additional funds for each inmate forced to work in these sites at a fraction of minimum wage or without any compensation. A small number of Han Chinese individuals may also be in detention within this system. Reports indicate the government has begun transporting thousands of people arbitrarily detained in Xinjiang to other provinces for forced labor.

Authorities in some localities also subject the families of men arbitrarily detained in Xinjiang to forced labor in their absence. Authorities are increasingly placing the young children of interned Muslims in Xinjiang in state-run boarding schools, orphanages, and “child welfare guidance centers,” and forcing them to participate in political indoctrination activities and report on their families’ religious activities. Authorities reportedly place older children among these groups in vocational schools, where some may be victims of forced labor. Some Kazakhstani and Kyrgyzstani citizens are arbitrarily detained while visiting family in Xinjiang; their children, now unaccompanied abroad, are also at elevated risk of trafficking.

Xinjiang authorities issued a notice in 2017 abolishing rural obligatory labor under the *hasharsystem*, in which thousands of Uighur adults and children were reportedly subjected to forced labor in government infrastructure projects and agriculture each year. Despite this policy change, similar forms of state-sponsored forced labor continue in Xinjiang, including under the auspices of the Xinjiang Production and Construction Corps (*Bingtuan*)—an economic and paramilitary organization with administrative control over several areas in the province. *Bingtuan*regiments manage at least 36 agricultural prison farms throughout Xinjiang; unlike the aforementioned mass detention campaign, this system primarily subjects Han Chinese inmates—many of whom may be victims of arbitrary detention—to forced labor. *Bingtuan* authorities also force inmates to build new prison facilities in several areas of the province and may subject inmates to forced labor in coal and asbestos mining. There are also reports of

children in forced cotton picking under direction of the *Bingtuan*. The impact of formal discriminatory employment policies barring Uighurs from jobs in many sectors—including in the annual cotton harvest—reportedly drives thousands of Uighur farmers out of their communities in search of alternative work, placing them at higher risk of forced labor. The same is true of the government’s targeted forced-displacement programs, including the *Bingtuan*’s construction of new settlements designated for ethnic Han internal migrants, which reportedly disperses Uighur communities and disrupts their livelihoods.

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 in neighboring provinces. Authorities also reportedly subject some Buddhist clerics to political indoctrination activities and forced labor in monasteries repurposed as factories. Elsewhere, religious and political activists held in legal education facilities continue to report forced labor occurring in pretrial detention and outside of penal sentences. The government subjects Christians and members of other religious groups to forced labor as part of detention for the purpose of ideological indoctrination; survivors report having been forced to work in brick kilns, food processing centers, and factories manufacturing clothing and housewares. Law enforcement officials detain some Chinese and foreign women on prostitution charges without due process in “custody and education” centers, where they are subjected to forced labor. International media report local authorities force children in some government-supported work-study programs to work in factories.

Traffickers subject Chinese men, women, and children to forced labor and sex trafficking in at least 60 other countries. They force Chinese 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. Chinese men in Africa and South America experience abuse at construction sites, in coal and copper mines, and in other extractive industries, where they face conditions indicative of forced labor, such as non-payment of wages, restrictions on movement, withholding of passports, and physical abuse. Congolese men and boys experience conditions indicative of forced labor in Chinese-owned mining operations in the Democratic Republic of the Congo. Traffickers subject Chinese 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 Chinese migrant workers. Chinese traffickers operating abroad also subject local populations to forced prostitution in several countries in Africa, the Mediterranean region, and South America. Chinese men reportedly engage in child sex tourism in Cambodia and Mongolia.

Chinese traffickers subject women and children from neighboring Asian countries, Africa, and the Americas to forced labor and sex trafficking within China. Traffickers promise African and South American women legitimate jobs in China and force them into prostitution upon arrival. The Chinese government’s birth-limitation policy and a cultural preference for sons created a skewed sex ratio of 117 boys to 100 girls in China, which observers assert continues to drive the demand for prostitution and for foreign

women as brides for Chinese men—both of which may be procured by force or coercion. Traffickers kidnap or recruit women and girls through marriage brokers and transport them to China, where some are subjected to sex trafficking or forced labor. Illicit brokers increasingly facilitate the forced and fraudulent marriage of South Asian, Southeast Asian, Northeast Asian, and African women and girls to Chinese men for fees of up to \$30,000. The men—sometimes in partnership with their parents—often incur large debts to cover these fees, which they attempt to recover by subjecting the “brides” to forced labor or prostitution. Some Chinese men are reportedly circumventing this brokerage system by traveling to Southeast Asian capitals and entering into legal marriages with local women and girls, then returning to China and compelling them into prostitution. There are also reports of Chinese men and their parents deceiving Southeast Asian women and girls into fraudulent marriages in China, then confining them in forced concubinage involving rape leading to forced pregnancy. In cases where this forced concubinage leads to childbirth, the men and their parents sometimes use the children as collateral to retain the women’s forced labor or sexual slavery, or use the women’s immigration status as coercion to dissuade them from reporting their abuses to the authorities.

Many North Korean refugees and asylum-seekers living illegally in China are particularly vulnerable to trafficking. Traffickers lure, drug, detain, or kidnap some North Korean women upon their arrival in China and compel them into prostitution in brothels, through internet sex sites, or in relation to forced marriage. Traffickers also subject these women to forced labor in agriculture, as hostesses in nightclubs and karaoke bars, in domestic servitude, and at factories. According to media and a 2018 NGO report, the North Korean government subjects North Korean citizens to forced labor in China as part of its proliferation finance system, possibly with the knowledge of Chinese officials; this includes forced labor in hotels, restaurants, and in remote cyber operations.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)



Country:

China

Source:

USDOS – US Department of State [\(/en/source/11558.html\)](/en/source/11558.html)

Original link:

<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/china/> (<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/china/>)

Document type:

Periodical Report

Language:

English

Published:

20 June 2019

Document ID:

2010780

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

