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Building the Evidence Base for Effective  
Antislavery Governance

# China Country Profile

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# About this report

This report was prepared by Dr Ana Valverde-Cano (Rights Lab Research Fellow in Antislavery Law and Policy), Dr Katarina Schwarz (Rights Lab Associate Director), and Dr Daniel Ogunniyi (Rights Lab Research Fellow).

The report is based primarily on research conducted from 2020-2021 and may not therefore consider more recent emerging evidence.

# About the project

The report was produced to support the research project ‘Building the Evidence Base for Effective Antislavery Governance in the UK and the Top 20 UK Source Countries’, funded by the Modern Slavery and Human Rights Policy and Evidence Centre. The research team consisted of Dr Katarina Schwarz (Rights Lab, University of Nottingham), Dr Ana Valverde-Cano (Rights Lab), Dr Daniel Ogunniyi (Rights Lab), Alexandra Williams-Woods (CSIS, University of Liverpool), and Prof Jean Allain (Wilberforce Institute, University of Hull).

The **Rights Lab** is a University of Nottingham “Beacon of Excellence” and home to the world’s largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

The **Wilberforce Institute** at the University of Hull aims to advance fundamental knowledge of slavery and emancipation, informing policy, business practice and public debate at local, national and international levels. The Wilberforce Institute brings together experts in humanities, law and social sciences to help tackle this global problem head on

# Contents

1.	Overview of antislavery and anti-trafficking governance in China.....	4
2.	Treaty commitments .....	7
3.	General country context.....	9
4.	National modern slavery context .....	15
5.	Antislavery governance frameworks .....	18
6.	Experiences of modern slavery of Chinese nationals in the UK .....	26
1.1.	The impact of COVID-19.....	28
7.	Sources .....	<b>Error! Bookmark not defined.</b>

# 1. Overview of antislavery and anti-trafficking governance in China

## 1.1. The Walk Free Foundation's Global Slavery Index<sup>1</sup>

	Vulnerability		Prevalence			Government response	
	Ranking <sup>2</sup>	Score <sup>3</sup>	Ranking <sup>4</sup>	Absolute <sup>5</sup>	/ 1000 <sup>6</sup>	Ranking <sup>7</sup>	Rating <sup>8</sup>
<b>2013</b>	48	59.90	84	2,800,000	2.07	-	-
<b>2014</b>	53	59.0	109	3,241,400	2.39	91	CCC
<b>2016</b>	46	44.66	40	3,388,400	2.47	-	CCC
<b>2018</b>	72	50.6	111	3,864,000	2.8	-	CC

Although the nature of modern slavery makes measuring the phenomenon an inherently difficult task, the Walk Free Foundation's Global Slavery Index (GSI) aims to provide the 'best available data and information about the scale and regional distribution of modern slavery'.<sup>9</sup> This includes **national prevalence estimates** of the number of people experiencing modern slavery in each country, calculated on the basis of a predictive model that accounts for individual and country-level risk factors.

National prevalence estimates are analysed in the context of results of Walk Free's **Vulnerability Model**. This model uses 'statistical testing and processes to identify the factors that explain or predict the prevalence of modern slavery'.<sup>10</sup> The 2018 Vulnerability Model features five factors, made up of 23 distinct variables: governance issues, lack of basic needs, inequality, disenfranchised groups, and effects of conflict.

Walk Free also tracks **government responses** to modern slavery, tracking government efforts across five milestones: (1) survivors of slavery are identified and supported to exit and remain out of slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national and regional level, and governments are held to account for their response; (4) risk factors such as attitudes, social systems, and institutions that enable modern slavery are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.<sup>11</sup>

It should be noted that the scope, methodology, and sources underpinning GSI findings has changed over the years. This means that data between different reporting years is not directly comparable.

<sup>1</sup> Walk Free Foundation, 'The Global Slavery Index 2013' (2013), available [here](#); 'The Global Slavery Index 2014' (2014), available [here](#); 'The Global Slavery Index 2016' (2016), available [here](#); 'The Global Slavery Index 2018' (2018), available [here](#) accessed 18 November 2020.

<sup>2</sup> Note: a higher ranking (closer to 1) indicates high vulnerability relative to other countries.

<sup>3</sup> Note: a higher score indicates increased vulnerability to modern slavery, with a median country score of 47.28 in 2018.

<sup>4</sup> Note: a higher ranking (closer to 1) indicates a high number of people experiencing modern slavery per 1000 in the overall population relative to other countries.

<sup>5</sup> Note: absolute prevalence measures the estimated number of people experiencing modern slavery in the country.

<sup>6</sup> Note: prevalence /1000 measures the number of people estimated to experience modern slavery per 1000 people in the overall population.

<sup>7</sup> Note: a higher ranking (closer to 1) indicates better government responses to modern slavery relative to other countries.

<sup>8</sup> Note: government response ratings are broken into scoring bands, with an A rating representing the strongest government response to modern slavery (with a score of 70-79.9), followed by BBB (60-69.9), BB (50-59.9), B (40-49.9), CCC (30-39.9), CC (20-29.9), C (10-19.9), and D (<0-9.9).

<sup>9</sup> Walk Free Foundation, 'Global Findings' (2018), available [here](#).

<sup>10</sup> Walk Free Foundation, 'Methodology: Vulnerability' (2018), available [here](#).

<sup>11</sup> Walk Free Foundation, 'Methodology: Government Response' (2018), available [here](#).

## 1.2. TIP Rankings 2001-2020<sup>12</sup>



The Trafficking in Persons report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country's ranking is based on an assessment of the government's efforts to address trafficking in persons, rather than on the extent of trafficking within the country, and considers government action against the TVPA's minimum standards.<sup>13</sup>

**Tier 1:** Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

**Tier 2:** countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

**Tier 2 Watch List:** Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- (c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

**Tier 3:** Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. Countries ranked as Tier 3 may be subjected to restrictions on non-humanitarian, non-trade foreign assistance from the US. Impositions of such restrictions are determined by the President.<sup>14</sup>

<sup>12</sup> US Department of State, '2020 Trafficking in Persons Report' (2020), available [here](#); (2019) available [here](#); (2018), available [here](#); (2017), available [here](#); (2016), available [here](#); (2015), available [here](#); (2014), available [here](#); (2013), available [here](#); (2012), available [here](#); (2011), available [here](#); (2010), available [here](#); (2009), available [here](#); (2008), available [here](#); (2007), available [here](#); (2006), available [here](#); (2005), available [here](#); (2004), available [here](#); (2003), available [here](#); (2002), available [here](#); (2001), available [here](#)

<sup>13</sup> Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available [here](#).

<sup>14</sup> See further Department of State (2020), above n **Error! Bookmark not defined.**, 40-41.

### 1.3. Quantitative measures on anti-trafficking governance (TIP Reports)<sup>15</sup>

Measure	Year	Qty	
Women and child trafficking cases prosecuted	2019	638	[1]
Forced prostitution cases prosecuted	2019	538	[1]
Forced labour cases prosecuted	2019	38	[1]
Number of individuals convicted for trafficking	2019	2,355	[1]
Trafficking cases prosecuted	2018	634	[2]
Number of individuals convicted for trafficking	2018	1,252	[2]
Trafficking cases prosecuted	2017	1,146	[2]
Number of individuals convicted for trafficking	2017	1,556	[3]
Number of individuals convicted for trafficking	2016	1,756	[2]
Trafficking suspects arrested	2016	2,036	[4]
Trafficking cases investigated	2016	1,004	[4]
Trafficking cases investigated	2015	1,414	[4]
Trafficking convictions	2015	1,389	[4]
Buying of abducted women and children convictions	2015	114	[4]
Number of females prosecuted for trafficking	2014-2017	2,953	[5]
Number of males prosecuted for trafficking	2014-2017	5,313	[5]
Forced Labour convictions	2014	33	[4]
Buying of abducted women and children convictions	2014	170	[4]
Sale of human organs convictions	2014	53	[5]

<sup>15</sup> Sources:

[1] US Department of State (2020), above n 12.

[2] US Department of State (2019), above n 12.

[3] US Department of State (2018), above n 12

[4] US Department of State (2017), above n 12

[5] UNODC, 'East Asia and the Pacific' (United Nations 2016), available [here](#).

## 2. Treaty commitments<sup>16</sup>

Instrument	Ratification date
1926 Slavery Convention	N/A
1953 Protocol to the Slavery Convention	14 December 1955
1930 Forced Labour Convention	N/A
2014 Protocol to the Forced Labour Convention	N/A
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	28 May 1959
1957 Abolition of Forced Labour Convention	N/A
1966 International Covenant on Civil and Political Rights (ICCPR)	N/A
1966 Optional Protocol to the ICCPR	N/A
1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	N/A
1998 Rome Statute of the International Criminal Court	N/A
1999 Worst Forms of Child Labour Convention	08 Aug 2002
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children <sup>17</sup>	8 Feb 2010
2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	3 Dec 2002
2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	20 Feb 2008
2011 Domestic Workers Convention	N/A
<b>Regional and Bilateral Instruments</b>	
2002 Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime	2002
China-Thailand Memorandum of Understanding against Trafficking in Persons <sup>18</sup>	6 Nov 2018
2004 Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT)	2004
<b>Key International Commitments</b>	
1948 Universal Declaration of Human Rights	
1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	

<sup>16</sup> UN Treaty ratification info sourced from UN Treaty Collection available [here](#); ILO Convention ratifications available [here](#); Rome Statute ratification status available [here](#).

<sup>17</sup> Upon its accession to the Palermo Protocol on 8 February 2010, the Chinese delegation communicated a declaration to the UN Secretary General in respect of Hong Kong Special Administrative Region and Macao Special Administrative Region stating that, 'In accordance with the provisions of Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China and Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Protocol shall apply to the Macao Special Administrative Region of the People's Republic of China, and unless otherwise notified by the Government, shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China.' United Nations Treaty Collection, 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime', available [here](#).

<sup>18</sup> See an official translation in English, Thai and Chinese [here](#).

2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law	
2015 UN Sustainable Development Goals (5.3, 8.7)	
2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking	



## 3. General country context

### 3.1. Constitutional structure<sup>19</sup>

Under the 1982 Constitution of the People's Republic of China, China is a unitary, multi-ethnic State wherein legislative power is vested in a unicameral legislature: the National People's Congress –*Quanguo Renmin Daibiao Dahui*– and its Standing Committee. The State Council, by contrast, executes laws and supervises the government bureaucracy. Regional, municipal, and provincial people's congresses, as well as the People's Liberation Army indirectly elect members of the legislature to serve 5-year terms. The National People's Congress (NPC) indirectly appoints the chief of state; although the constitution was amended in 2018 to allow indefinite rule.<sup>20</sup> The main domestic security agencies in the country include the People's Armed Police, Ministry of State Security, and the Ministry of Public Security. CCP members hold almost all top government and security apparatus positions. Ultimate authority rests with the CCP Central Committee's 25-member Political Bureau (Politburo) and its seven-member Standing Committee.<sup>21</sup> The Central Committee of the CCP and the Central Military Commission exercise joint oversight powers over the People's Armed Police. The People's Liberation Army is primarily responsible for national defence and sometimes perform domestic functions. Local jurisdictions also rely on civilian municipal security forces, otherwise referred to as 'urban management' officials, to enforce administrative measures.<sup>22</sup>

The Supreme People's Court is the highest court in China, and is led by the Chief Justice who is appointed by the National People's Congress for up to 2 consecutive 5-year-terms. The nomination of other judges and justices is done by the chief justice, while formal appointment is made by the Standing Committee of the NPC.<sup>23</sup> China is a civil law country influenced by Soviet-style and mainland European civil law systems.<sup>24</sup>

### 3.2. Political context

The Chinese Constitution was amended in 2018, abolishing presidential term limits and effectively allowing the incumbent to rule for life.<sup>25</sup> The current chief of state, President Xi Jinping, has been in office since 14 March 2013, following re-election during the March 2018 elections.<sup>26</sup> The People's Republic of China is widely regarded as an authoritarian state led by the Chinese Communist Party (CCP).<sup>27</sup> President Xi Jinping continue to hold the three most powerful positions in the country, serving as state president, chairman of the Central Military Commission, and general secretary of the CCP.<sup>28</sup> In the past few years, China has radically shift its foreign policy, developing its military capacity; developing the Asia Infrastructure Investment Bank (AIIB); and increasing its foreign direct investment across the world.<sup>29</sup>

China ranked 153rd (among 167 countries) in the 2019 Democracy Index of the Economist Intelligence Unit (EIU), slipping 23 places from the preceding year. The EIU measures

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<sup>19</sup> See an unofficial English translation of the Constitution [here](#).

<sup>20</sup> Chris Buckley and Keith Bradsher, 'China Moves to Let Xi Stay in Power by Abolishing Term Limit' *The New York Times* (25 February 2018), available [here](#).

<sup>21</sup> US Department of State, '2019 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)' (2019), available [here](#).

<sup>22</sup> *Ibid*.

<sup>23</sup> Central Intelligence Agency, 'The World Factbook' (2020), available [here](#); US Commission on China, 'China's State Organizational Structure', available [here](#).

<sup>24</sup> *Ibid*

<sup>25</sup> Tom Hancock, 'China votes to allow Xi Jinping to rule for life' *Financial Times* (11 March 2018), available [here](#).

<sup>26</sup> Central Intelligence Agency, above n 24.

<sup>27</sup> US Department of State, above n 21; BTI, '2020 BTI Country Report: China' (2020) 12, available [here](#).

<sup>28</sup> *Ibid*.

<sup>29</sup> Colin Flint and Zhang Xiaotong, 'Historical–Geopolitical Contexts and the Transformation of Chinese Foreign Policy' (2019) 12(3) *The Chinese Journal of International Politics*, 295

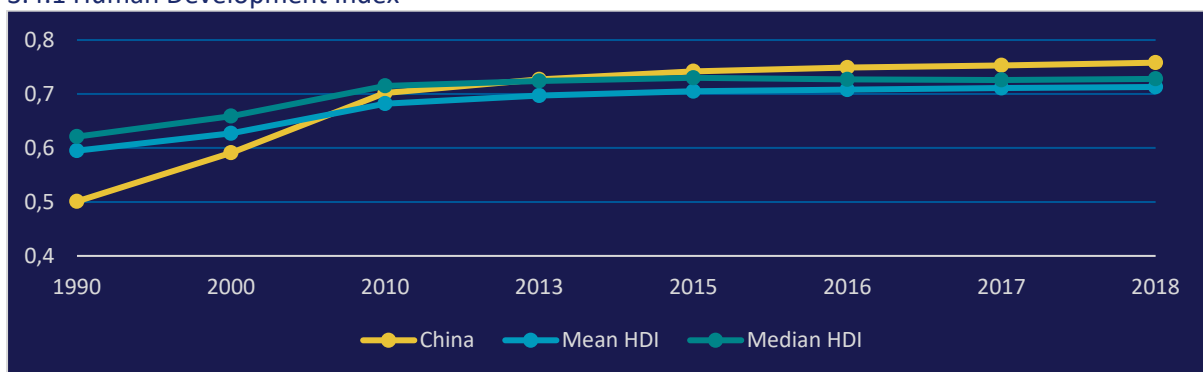
democracy on five criteria: Electoral process and pluralism, Functioning of government, Political participation, Political culture, Civil liberties.<sup>30</sup>

### 3.3. Migration profile

China has an estimated population of 1.4 billion people.<sup>31</sup> In recent years, China has increasingly become a source and a destination country for migrants from different countries. China is reported to have the third largest diaspora population in the world.<sup>32</sup> As of 2011, more than 40 million Chinese nationals resided in 148 countries, including Canada, Australia, New Zealand, and the United States;<sup>33</sup> while approximately one million international migrants were formally registered in China, as of 2017.<sup>34</sup> To effectively address outward and inward migration flows, the Chinese authorities have taken steps to strengthen regional and international cooperation.<sup>35</sup>

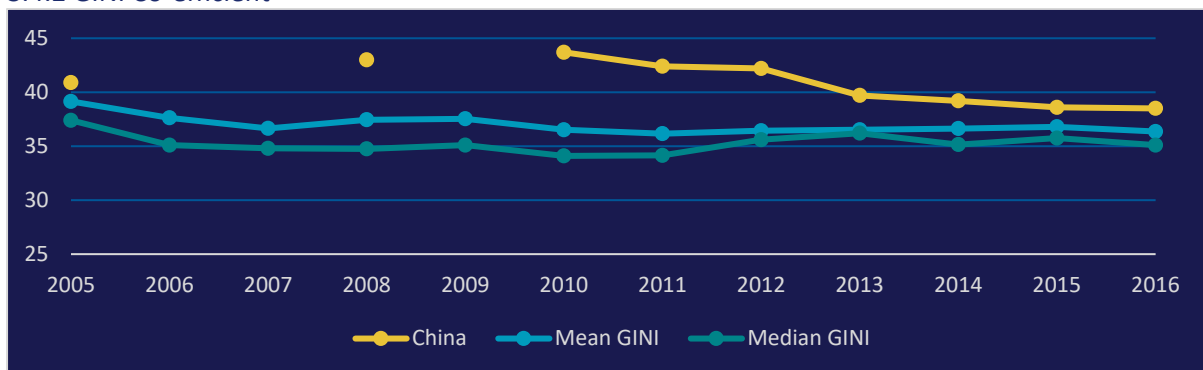
### 3.4. Development profile

#### 3.4.1 Human Development Index<sup>36</sup>



The Human Development Index (HDI) measures average life expectancy, level of education and income for each country in the world. Each country is given a score between 0 and 1 - the closer a country gets to 1, the more developed it is.<sup>37</sup>

#### 3.4.2 GINI Co-efficient<sup>38</sup>



Gini index measures the extent to which income distribution or consumption expenditure among individuals or households within an economy deviates from a perfectly equal

<sup>30</sup> The Economist Intelligence Unit, 'Democracy Index 2019: A year of democratic setbacks and popular protest' (The Economist Intelligence Unit Limited, 2020).

<sup>31</sup> IOM China, available [here](#).

<sup>32</sup> Walk Free Foundation, '2018 Findings: China' (2018), available [here](#).

<sup>33</sup> Ibid.

<sup>34</sup> IOM China, above n 31.

<sup>35</sup> Ibid.

<sup>36</sup> UNDP, 'National Human Development Report: China' (2019), available [here](#).

<sup>37</sup> BBC, 'Contrasts in development between different countries', available [here](#).

<sup>38</sup> World Bank, 'Gini index (World Bank estimate) - China' (2017), available [here](#).

distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.<sup>39</sup>

### 3.4.3 China's achievement of the Sustainable Development Goals<sup>40</sup>

Year	Rank	Score
2020	48	73.8
2019	39	73.2
2018	54	70.1
2017	71	67.1
2016	76	59.1

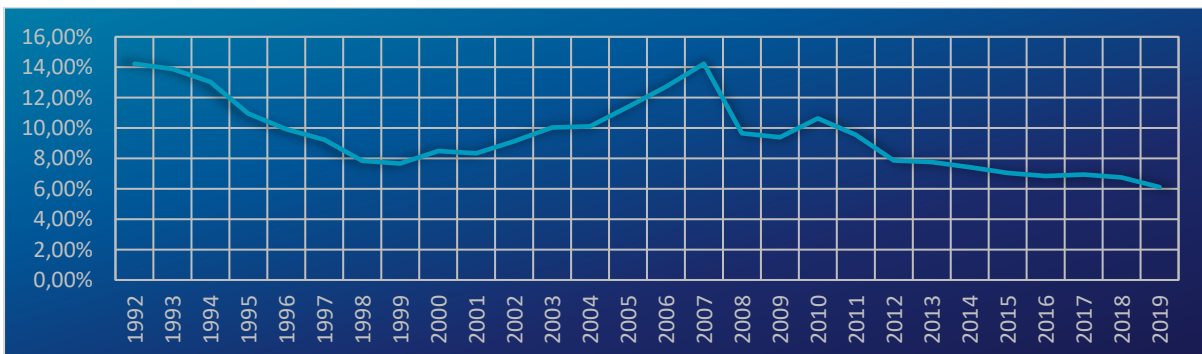
The Sustainable Development Reports assess implementation of, and progress towards, the 2015 UN Sustainable Development Goals. The SDG Index and Dashboards summarise countries' current performance and trends across the 17 SDGs. All SDGs are weighted equally in the index. Changing indicators, data, and methodology used to determine rankings and scores mean that SDG index results are not comparable over time.<sup>41</sup>

### 3.4.4 China's GDP Rates

GDP per capita (Constant LCU)<sup>42</sup>



GDP Growth Rate<sup>43</sup>



<sup>39</sup> World Bank, 'Metadata Glossary', available [here](#).

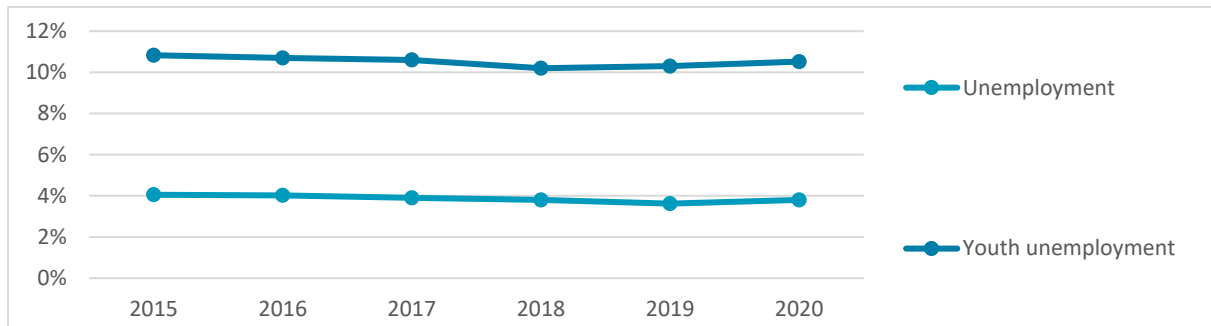
<sup>40</sup> Sustainable Development Report (2020), available [here](#)

<sup>41</sup> Bertelsmann Stiftung and Sustainable Development Solutions Network, 'Sustainable Development Report 2019' (June 2019) 19.

<sup>42</sup> World Bank, 'GDP per capita (constant LCU) - China', available [here](#).

<sup>43</sup> World Bank, 'GDP growth (annual %) - China', available [here](#)

### 3.4.5 Other relevant indicators<sup>44</sup>



China scores 0.168 in the Gender Inequality Index 2019 (39 out of 189).<sup>45</sup>

## 3.5. China's human rights record

The human rights situation in China continue to be marked by a systematic stifling of dissent.<sup>46</sup> In recent years, the Chinese government has launched a growing campaign of mass detention of members of Muslim minority groups in the Xinjiang Uighur Autonomous Region of the country.<sup>47</sup> Authorities have reportedly detained over one million Uighurs, Kyrgyz, ethnic Kazakhs, and other Muslim populations in illegal internment camps designed to eliminate ethnoreligious identities. Government officials have justified their actions as attempts to combat terrorism and extremism. Human rights organisations, international media sources, and former detainees have reported abuse, torture, and killing of detainees at the internment camps.<sup>48</sup> Also, the Chinese justice system remain plagued by unfair trials.

LGBTI people also face widespread discrimination and social stigma.<sup>49</sup> Members of the group face abuses in the form of 'conversion therapy' while others resorted to unregulated gender affirming treatments due to inadequate medical services. The Chinese government has also continued to harass and prosecute human rights defenders and members of civil society organisations, sometimes placing surveillance and restriction of movement on their family members. Further, China has legalised secret detention practices, such as 'residential surveillance in a designated location' and an extra-judicial system of detention, which allow for prolonged incommunicado detention with potential risks of torture.<sup>50</sup>

With the amendment of the Chinese constitution in March 2018, President Jinping has implicitly declared his intention to rule for life. The Chinese Communist Party has equally strengthened its grip on power in a major overhaul of central government structure.<sup>51</sup> The Communist Party has established a new agency, the National Supervisory Commission, which is authorised to detain any public official for up to six months without fair trial procedures. Meng Hongwei, the former Interpol president, recently disappeared upon return to China.<sup>52</sup>

The Chinese government also maintains tight control over the internet, academia, and mass media. Authorities have also increased the repression of religious communities,

<sup>44</sup> Statista, 'Unemployment rate in urban China from 2008 to 2018 with forecasts until 2025', available [here](#); Statista, 'China: Youth unemployment rate from 1999 to 2020', available [here](#); Migration Data Portal, available [here](#).

<sup>45</sup> UNDP, 'Gender Inequality Index' (2020), available [here](#).

<sup>46</sup> Amnesty International, 'China 2019' (2020), available [here](#).

<sup>47</sup> US Department of State, '2019 Country Reports on Human Rights Practices, above n 21.

<sup>48</sup> Ibid.

<sup>49</sup> Amnesty International, 'China 2019', above n 46.

<sup>50</sup> Ibid.

<sup>51</sup> HRW, 'China Events of 2018' (2019), available [here](#).

<sup>52</sup> Ibid.

including prohibitions on Islam in Xinjiang, increased scrutiny of Hui Muslims in Ningxia and persecution of Christians in Henan province.<sup>53</sup>

### 3.6. Social support systems

The current social security system in China gradually evolved during the late 1990s and the 2000s.<sup>54</sup> A wider call for an increase in public spending for rural social security and for the vulnerable population was strengthened with the 2004 amendment of the Chinese Constitution, which introduced the universal rights of Chinese citizens to social support in old age (Article 45).<sup>55</sup>

Beyond the Constitutional provision, the new social security system in China further developed with the codification of certain specific provisions in the 1994 Labour Law and the 2008 Labour Contract Law.<sup>56</sup> These separate laws culminated in the 2011 Social Insurance Law, which now represents the basic principles of China's social security system.<sup>57</sup> The Law provides that the State shall establish a social insurance system consisting of a basic old-age insurance, basic medical insurance, work injury insurance, unemployment insurance, and maternity insurance to guarantee citizens' rights to receive material assistance from the State and society according to law upon old age, sickness, work injury, unemployment and maternity. In this way, the government assumes an obligation to provide assistance to some of its vulnerable population including the sick, unemployed, and elderly (Article 2).<sup>58</sup>

Article 20 of the 2011 legislation also obliges the State to establish and improve the new rural social insurance of the old-age pension, which is a combination of individual contributions, collective subsidies and government allowances. Article 95 further contains provision protecting rural-urban migrant workers. The provision requests this category of workers to enrol in the social insurance system in accordance with this law. Accordingly, China has adopted the 'New Rural Pension Scheme' (NRPS), which mainly caters to the aging population. Some studies have reported the added value of China's NRPS in the areas of improved consumption among beneficiaries, access to health care, use of inpatient services, improved life satisfaction, eased adult children's migration and afforded off-farm work.<sup>59</sup>

Nevertheless, in general, as with many labour legislation in China, enforcement of the Social Insurance Law has been somewhat lax. The majority of the working population, including the rural migrant workers usually cannot access the social welfare benefits they are legally entitled to.<sup>60</sup> The 2011 law has proved difficult to implement partly because of the localised nature of China's social welfare system. Information sharing across different jurisdictions is particularly fraught with technical and bureaucratic difficulties for rural migrant workers.<sup>61</sup> The government has attempted to address some of the problems by

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<sup>53</sup> Ibid.

<sup>54</sup> Qian Zhou, 'China's Social Security System: An Explainer' *China Briefing* (12 September 2019), available [here](#).

<sup>55</sup> Stepan, Matthias and Quan Lu, 'The Establishment of China's New Type Rural Social Insurance Pension: A Process Perspective', (2016) 45(2) *Journal of Current Chinese Affairs*, 125. Article 45 of the Constitution specifically provides that 'Citizens of the People's Republic of China have the right to material assistance from the State and society when they are old, ill, or disabled. The State develops social insurance, social relief, and medical and health services that are required for citizens to enjoy this right.' The Article further provides that, 'The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mutes and other handicapped citizens.'

<sup>56</sup> Qian Zhou, above n 54.

<sup>57</sup> Ibid. Social Insurance Law available [here](#).

<sup>58</sup> Article 5 of the Social Insurance Law further states that 'The People's Governments at and above the county level shall incorporate social insurance into their local economic and social development programmes. The State shall raise funds for the social insurance system through multiple channels. The People's Governments at and above the county level shall provide financial support as deemed necessary to social insurance programmes. The State shall support social insurance through tax incentive policies.'

<sup>59</sup> Jing You Miguel Niño-Zarazúa, 'The Intergenerational Impact of China's New Rural Pension Scheme', 2019, *Population and Development Review*, 52.

<sup>60</sup> China Labour Bulletin, 'China's social security system' (15 October 2019), available [here](#).

<sup>61</sup> Ibid.

introducing new insurance schemes based on individual contributions from urban and rural residents.<sup>62</sup> The government has also sought to encourage compliance with the Social Insurance Law by steadily reducing the contributions accruing from employers and employees to the various insurance funds. For instance, during 2019, the government reduced the employer contribution rate to the pension fund from a ceiling of 20% to 16% of the overall wage bill.<sup>63</sup>

Apart from the Social Insurance Law, social support in mainland China is also linked to the country's 'hukou system'. Hukou is primarily a system of household registration that has been in existence for many years. The system has however been criticised for creating inequalities in the country, as it tends to favour urban workers over rural migrants. It is therefore common to find that 'migrants have worse labour market outcomes than their urban hukou-holders counterparts.'<sup>64</sup> The government has however been making efforts to reform the hukou system and address the inequalities linked with it.<sup>64</sup>

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<sup>62</sup> Ibid.

<sup>63</sup> Ibid

<sup>64</sup> Massimiliano Tani, 'Hukou Changes and Subjective Well-Being' (Discussion Paper, 2015), available [here](#).

## 4. National modern slavery context

### 4.1. Modern slavery profile

Modern slavery takes many different forms in China. A study by the Walk Free Foundation has estimated that over 3.8 million people lived in conditions of modern slavery in China during 2016, amounting to 2.8 victims per every thousand people.<sup>65</sup> Practices prevalent in the country include, forced labour, human trafficking, organ harvesting, and forced marriage.<sup>66</sup> Forced labour mainly occurs in the manufacturing and construction sectors, as well as in informal industries, such as brick kilns.<sup>67</sup> The construction sector has a reputation for paying workers in arrears and wages are sometimes withheld for up to a year, in addition to excessive labour.<sup>68</sup> Other labour-intensive sectors in China are equally creating increasing demands for underpaid foreign labour. The sugarcane industry in Guangxi province particularly attracts some 50,000 illegal Vietnamese workers.<sup>69</sup> It has also been revealed that, around 20% of the global cotton production is associated with China's forced labour, suggesting that many high-street garment companies may be implicated.<sup>70</sup> In 2016, some child labour cases were detected in a garment factory in the Jiangsu Province, where some underage children were beaten for refusing to work, and many were subjected to over-time work.<sup>71</sup>

Further, human trafficking is another problem which is widespread across China. Traffickers subject Chinese nationals to trafficking abroad and subject Chinese and foreign citizens to trafficking in China.<sup>72</sup> China also serves as a transit point for subjecting foreign victims to trafficking in other countries. Chinese women and girls, usually recruited from rural areas and taken to more urban centres, are frequent victims of sex trafficking.<sup>73</sup> The gender imbalance across China has been partly linked to human trafficking and sexual slavery,<sup>74</sup> as well as the government's one-child policy which has resulted in significant shortage of women of marriageable age.<sup>75</sup> Research by the Walk Free Foundation has noted that traffickers employ fraudulent job offers to attract foreign women to China. In some instances, women are coerced by traffickers into forced marriage or sexual exploitation. Victims often include Chinese women and women from Vietnam, North Korea, Laos, Cambodia, and Myanmar. Others come from Africa and the Americas.<sup>76</sup> Large numbers of North Korean women particularly migrate to China every year through clandestine brokers that typically sell them to Chinese households or force them into sex work.<sup>77</sup> It has been noted that around 90% of North Korean migrants in China are trafficking victims, and a large proportion of these individuals end up in sexual slavery.<sup>78</sup> Extreme food shortages and severe economic deprivation in North Korea are blamed for many of these migratory flows.<sup>79</sup>

China has an infamous reputation for illicit organ transplant. An unknown number of organs are sourced from living donors as well as executed prisoners.<sup>80</sup> Although in 2014

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<sup>65</sup> Walk Free Foundation, '2018 Findings: China' (2018), above n 32.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

<sup>69</sup> Ibid.

<sup>70</sup> Anti-slavery International, 'Slavery in supply chains', available [here](#).

<sup>71</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

<sup>72</sup> US Department of State, '2019 Trafficking in Persons Report', above n 12, 143.

<sup>73</sup> Ibid.

<sup>74</sup> Human Rights Council, 'Working Group on the Universal Periodic Review', A/HRC/WG.6/17/CHN/3, 5, available [here](#).

<sup>75</sup> Orlando Patterson and Xiaolin Zhuo, 'Modern Trafficking, Slavery, and Other Forms of Servitude' (2018) 44 *Annual Review of Sociology*, available [here](#).

<sup>76</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

<sup>77</sup> Ibid.

<sup>78</sup> Eunyong Choi, 'North Korean Women's Narratives of Migration: Challenging Hegemonic Discourses of Trafficking and Geopolitics' (2014) 104(2) *Annals of the Association of American Geographers*, 272.

<sup>79</sup> Ibid, 295.

<sup>80</sup> Jeremy R Chapman, 'China and the organ trade' (2013) 199(11) *MJA*, available [here](#).

the Chinese authorities announced plans to end the harvesting of organs from executed prisoners, and only accept voluntarily donated organs for transplants, there are reports that state-endorsed organ harvesting remain prevalent across the country.<sup>81</sup>

## 4.2. Causes and drivers of modern slavery and transnational trafficking

Poverty is one of the main drivers of rural-urban migration in China and indeed modern slavery.<sup>82</sup> By means of example, we find instances of families resorting to either selling or abandoning children, particularly girls.<sup>83</sup> In some cases, there are families who have children for the purpose of selling them as a way to stay out of poverty.<sup>84</sup> Generally, internal migrant workers from rural communities to more affluent coastal areas represent around 12% of China's total population. As such, China's domestic trafficking problem is linked to regional economic imbalances and the country's internal migration trends.<sup>85</sup> Research on domestic trafficking in the country has revealed that victims largely originate from less developed provinces such as Sichuan, Yunnan, Xinjiang, and Guizhou and migrate to more developed provinces in the East, including Fujian, Zhejiang, Jiangsu, and Shandong.<sup>86</sup> Another factor increasing the vulnerability of Chinese internal migrants is the country's *hukou* or household registration system, which limits access to public services to registered places of residence. As a result, migrant workers cannot access similar benefits as local urban residents. Despite reforms to the *hukou* system migrant workers still have reduced access to social welfare compared to city residents.<sup>87</sup> There are also instances in which parents leave their children in their rural homes under inadequate supervision whilst they travel to the urban east for work, thereby leaving these children vulnerable to trafficking in the same way as those children who are completely abandoned by their families.<sup>88</sup>

Transnational trafficking into and out of the country is also an obstacle faced by China. The 2013 TIP Report identifies the causes of both, with the gender imbalance in China fuelling transnational trafficking into the country and the desire for economic opportunity fuelling transnational trafficking out of the country. As a result of the 'one child policy' and the cultural preference for boys, there is a gender imbalance in which men outnumber women in a marked way, and so a demand has been created for foreign brides and thus trafficking of migrants from nearby countries.<sup>89</sup>

As for Chinese nationals being taken to other countries, voluntary migration due to economic reasons is the primary method in which these Chinese migrations are able to be exploited, with high recruitment fees leaving them in debt once they do arrive at their destination.<sup>90</sup> Local gangs and international crime syndicates play key roles in the trafficking of women from poorer, more rural areas particularly, preying on their economic hardship with false promises of job offers or even threats of physical harm.<sup>91</sup> In certain

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<sup>81</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

<sup>82</sup> Anqi Shen, Georgios A. Antonopoulos and Georgios Papanicolaou, 'China's stolen children: internal child trafficking in the People's Republic of China', (2013) 16(1) *Trends in Organised Crime*, 34-35.

<sup>83</sup> As boys are seen as being more valuable than girls in Chinese culture, the implementation of the government's previous 'one child policy' has meant that people want to ensure the one child they are allowed is a boy, resulting in young girls being sold or abandoned by their parents. See Anqi Shen, Georgios A. Antonopoulos and Georgios Papanicolaou, above n 82, 35.

<sup>84</sup> As those who are living in rural areas are more likely to have more children, the 'one child policy' also created the demand for a market for parents to sell their 'excess' children. *Ibid.*, 34-35.

<sup>85</sup> Bonny Ling, 'Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation' (2016) 17 *Asia-Pacific Journal on Hum Rights & Law*, 156.

<sup>86</sup> Walk Free Foundation, '2018 Findings: China', above n 32; Anqi Shen, Georgios A. Antonopoulos and Georgios Papanicolaou, above n 82, 37.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*

<sup>89</sup> US Department of State '2013 Trafficking in Persons Report' (US Department of State, 2020) 129, available [here](#); Cindy Yik-Yi Chu, 'Human Trafficking and Smuggling in China', (2011) 20(68) *Journal of Contemporary China*, 43.

<sup>90</sup> US Department of State '2013 Trafficking in Persons Report', above n 89, 129.

<sup>91</sup> *Ibid.*



instances, human smuggling syndicates, such as the *Snakeheads*, use their powerful networks to facilitate the voluntary transportation of Chinese people, particularly from Zhejiang and Fujian provinces, to neighbouring Asian countries as well as Western countries.<sup>92</sup> With specific regard to Fujian, it has been noted that the province has had a century-old history of migration, not as a result of extreme poverty but a culture of getting rich; which has exposed many residents to risks of trafficking and smuggling. The UK has a substantial population of undocumented Chinese migrants, many of whom are desperate to pay off their smuggling fees and are thus more likely to be trapped in exploitative conditions.<sup>93</sup>

The crippling economic situation in North Korea has triggered many outbound travels toward China. As the Chinese Government considers the migrant workers as illegal economic migrants, those caught by the authorities are deported back to the DPRK, of which unauthorised travel from North Korea is a criminal offence that can carry the death penalty.<sup>94</sup> These factors altogether increase the vulnerabilities of such migrants on Chinese soil.

The 2020 TIP Report also makes note of the Chinese government's detention and forced labour of 'more than one million Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and other Muslims in the Xinjiang Uyghur Autonomous Region (Xinjiang).'<sup>95</sup>

All the above, combined with the fact that it is a low-risk activity for traffickers, facilitates the proliferation of modern slavery and human trafficking in China.<sup>96</sup>

### 4.3. Particularly vulnerable groups

**Women.** The gender imbalance in China increases the vulnerabilities of women, especially in rural areas, but also in cities and smaller towns on the eastern seaboard.<sup>97</sup> Further, some cultures in China continue to demand dowry payment as part of wedding procedures. However, with fewer women of marriageable ages, local dowry prices have skyrocketed.<sup>98</sup> This has resulted in the 'purchase' of foreign women, which is considered cheaper than marrying local women. For instance, economically disadvantaged men in rural China often look to marry women from other countries like Myanmar, Cambodia, or Viet Nam.<sup>99</sup>

**North Korean refugees** can become vulnerable to trafficking and other exploitative practices when they arrive in China. The majority of victims are women without legal documentation, who are often sold to socially marginalised Chinese men or forced into sex trade.<sup>100</sup> The likelihood of living in bondage in China is sometimes considered a better alternative to staying in North Korea.<sup>101</sup>

**Children** also constitute a vulnerable group, particularly to forced marriage and forced labour.<sup>102</sup>

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<sup>92</sup> Patrick Radden Keefe, 'Snakeheads and Smuggling: The Dynamics of Illegal Chinese Immigration' (2009) 26(1) *World Policy Journal* 33-44.

<sup>93</sup> Daniel Silverstone, 'From triads to snakeheads: organised crime and illegal migration within Britain's Chinese community,' (2011) 12(2) *Global Crime*, 93-111.

<sup>94</sup> Norma Kang Muico, 'An absence of choice: The sexual exploitation of North Korean women in China', (Anti-Slavery International, 2005), available [here](#).

<sup>95</sup> US Department of State, '2020 Trafficking in Persons Report', above n 12, 153.

<sup>96</sup> Anqi Shen, Georgios A. Antonopoulos and Georgios Papanicolaou, above n 82, 35-36.

<sup>97</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

<sup>98</sup> Hiroshi Murayama, 'Chinese men turn to human traffickers for foreign brides,' (2017) *Nikkei Asian Review* available [here](#).

<sup>99</sup> UN-ACT, 'Human Trafficking Vulnerabilities in Asia: A Study on Forced Marriage between China and Cambodia' (2016), available [here](#).

<sup>100</sup> Bryan Harris and Michael Peel, 'Escape route from North Korea grows ever more perilous,' *Financial Times* (2017), available [here](#).

<sup>101</sup> *Ibid*.

<sup>102</sup> Tiantina Zheng, 'Human trafficking in China' (2018) 3(2) *Journal of Historical Archaeology & Anthropological Sciences*, 187-194.

## 5. Antislavery governance frameworks

### 5.1. Legislative measures

#### 5.1.1. Constitution of China 1982<sup>103</sup>

It stipulates in Article 37 that the freedom of every Chinese citizen is inviolable and prohibits all forms of unlawful detention. Article 226 further prohibits forcing others to provide or accept services. Violation of this provision attracts a prison term of up to 3 years and/or fine.

#### 5.1.2. Criminal Code 1979<sup>104</sup>

According to the 2017 TIP Report, the Supreme People's Court (SPC) of China when interpreting article 240, has noted that 'selling and buying human beings is banned for any reason. The SPC will penalize crimes of trafficking and purchasing regardless of victims' gender, age, and nationality for whatever purpose according to the law'.<sup>105</sup> Article 241 of the Criminal Code further criminalises the purchase of abducted children or women and prescribes a penalty of up to 3 years imprisonment, criminal detention or public surveillance.

#### **Article 240 Crimes of Abduction and Trafficking in Women and Children.**

Whoever abducts and sells women or children shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and shall be fined. In any of the following circumstances, he shall be sentenced to fixed-term of imprisonment of not less than 10 years to life imprisonment, and a fine or property confiscation shall be imposed. If the circumstances are particularly serious, the death penalty and property confiscation shall be imposed:

- (1) If the leader of a group kidnaps and sells women or children;
- (2) If three or more women or children are trafficked;
- (3) If women are kidnapped for adultery;
- (4) Inducing or forcing an abducted woman into prostitution, or selling an abducted woman to others to force her into prostitution;
- (5) Use violence, coercion or anesthesia to kidnap women or children for the purpose of selling them;
- (6) Stealing infants and young children for the purpose of selling them;
- (7) Causing serious injuries, deaths or other serious consequences of abducted women, children or their relatives;
- (8) Selling women and children abroad.

Abduction of women and children refers to one of the acts of abducting, kidnapping, buying, selling, transporting and transferring women and children for the purpose of selling.

#### Article 241- **Crime of buying abducted women and children.**

Whoever buys abducted women and children shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or surveillance.

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<sup>103</sup> Constitution of China available [here](#).

<sup>104</sup> Chinese Criminal Code 1 July 1979 (amended 2020), available [here](#).

<sup>105</sup> US Department of State, '2017 Trafficking in Persons Report', above n **Error! Bookmark not defined.**, 126.

Whoever buys an abducts a woman and forces her to engage in sexual relations shall be convicted and punished in accordance with the provisions of Article 236 of this law.

Whoever buys abducted women and children, illegally deprives or restricts their personal freedom, or commits crimes such as injury or insult, shall be convicted and punished in accordance with the relevant provisions of this law.

Whoever buys abducted women and children and commits the crimes specified in the second and third paragraphs shall be punished in accordance with the provisions of the concurrent punishment of multiple crimes.

Whoever buys and sells abducted women or children shall be convicted and punished in accordance with the provisions of Article 240 of this law.

Whoever buys abducted women and children, does not abuse the bought children, and does not hinder their rescue, can be given a lighter punishment; according to the wishes of the bought women and does not hinder their return to their original place of residence, they can be given lighter or mitigated Punishment

Although China has ratified Palermo Protocol, it has not adopted a specific law on combating trafficking in persons yet, nor a definition of trafficking in persons in line with the international instrument.<sup>106</sup> A particular example of this, is the lack of recognition of male victims, as only women and children are addressed in Chinese trafficking laws, thereby leaving a loophole for those who target men.<sup>107</sup>

Other relevant offences include forced labour (Article 244); breaching of labour laws and regulations (Article 244-1); abducting children, and organising people with disabilities and children to beg or to engage in criminal activities (Article 262); forced prostitution (Article 358); and luring others into prostitution (Article 359).

#### **Article 244- Forced Labour**

Whoever uses violence, threats or restricting personal freedom to force others to work shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and a fine; if the circumstances are serious, the punishment shall be not less than three years and ten years of fixed-term imprisonment and fines.

Whoever knows that another person has carried out the acts mentioned in the preceding paragraph, recruits or transports personnel for him or has other acts of assisting in forcing others to work shall be punished in accordance with the provisions of the preceding paragraph.

If a unit commits the crimes mentioned in the preceding two paragraphs, the unit shall be fined, and the person in charge and other persons directly responsible shall be punished in accordance with the provisions of the first paragraph.

#### **Article 244-1- Violation of labour laws and regulations.**

If the circumstances are serious when working in dangerous environments such as the sex industry, the person directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and fined; where the circumstances are particularly serious, he

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<sup>106</sup> Bonny Ling, 'Human Trafficking and China: Challenges of Domestic Criminalisation and Interpretation' (2016) 17(1) *Asia-Pacific Journal on Human Rights and the Law*, 158-160.

<sup>107</sup> *Ibid*, 160.

shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and fined.

If the acts in the preceding paragraph cause an accident and constitute other crimes, they shall be punished in accordance with the provisions on concurrent punishment of multiple crimes.

**Article 262- Crimes of kidnapping children; crimes of organizing disabled persons and children to beg; crimes of organizing minors to conduct activities in violation of public security management.**

Anyone who abducts a minor under the age of 14 and leaves his family or guardian shall be sentenced to five years of fixed-term imprisonment or criminal detention.

Article 262-1. Anyone who uses violence or coercion to organize a disabled person or a minor under the age of fourteen to beg shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and a fine; if the circumstances are serious, the punishment shall be not less than three years of fixed-term imprisonment of not more than seven years and fines.

Article 262-2 Whoever organizes minors to commit theft, fraud, snatching, blackmail and other activities that violate public security management shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and a fine; if the circumstances are serious, they shall be sentenced to not less than three years Fixed-term imprisonment of not more than seven years and fines.

**Article 358- Crime of organizing prostitution; the crime of forcing prostitution; the crime of assisting in the organization of prostitution.**

Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and not more than 10 years and shall also be fined; if the circumstances are serious, more than 10 years of fixed-term imprisonment or life imprisonment, with fines or confiscation of property.

Whoever arranges for or forces minors to engage in prostitution shall be severely punished in accordance with the provisions of the preceding paragraph.

Whoever commits the crimes mentioned in the preceding two paragraphs and commits crimes such as killing, injuring, rape, kidnapping, etc., shall be punished in accordance with the provisions of concurrent punishment for multiple crimes.

Whoever recruits, transports people for the organization of prostitution, or assists in organizing the prostitution of others, shall be sentenced to a fixed-term imprisonment of not more than five years and a fine; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and a fine.

**Article 359- Crimes of Alluring, Hosting, and Introducing to Prostitution; Crimes of Inducing Young Girls to Prostitution.**

Whoever induces, accommodates, or introduces others to prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or surveillance, and a fine; if the circumstances are serious, a penalty Fixed-term imprisonment of more than five years and fines.

Whoever lures an underage girl under the age of 14 into prostitution shall be sentenced to fixed-term imprisonment of not less than five years and a fine.

### 5.1.3. Labour Law 1994<sup>108</sup>

Article 96 of the Chinese labour law prohibits forced labour, especially 'compelling labourers to work by means of violence, intimidation or illegal restriction of personal freedom'; or 'Humiliating, imposing corporal punishment upon, beating, illegally searching, or detaining labourers'.

### 5.1.4. Labour Contract Law 2007<sup>109</sup>

Prohibits forced labour and subjecting workers to hazardous conditions and working environments. Article 88(1) specifically prohibits 'forcing a person to work by resorting to violence, intimidation or illegal restriction of personal freedom', while Article 88(4) prohibits 'providing a worker with hazardous working conditions or a severely polluted environment, thus causing serious harm to the physical or mental health of the worker'.

### 5.1.5. Adoption Law<sup>110</sup>

Article 20 of the law explicitly prohibits buying and selling of children, including under the guise of adoption. Similarly, Article 31 prohibits the trafficking and abduction of children under the cloak of adoption and states that perpetrators shall be investigated for criminal responsibility in accordance with Chinese criminal law. The Article further states that "Whoever sells his or her own child shall be imposed a fine with his or her illegal proceeds confiscated by the public security organ; if the circumstances constitute a crime, the offender shall be investigated for criminal responsibility in accordance with law."

## 5.2. Prosecution

Data published by the Supreme People's Court (SPC) of China indicate that 634 trafficking cases were prosecuted and completed during 2018, compared to 1,146 in 2017.<sup>111</sup> Some 1,252 individuals were convicted in 2018, of which 1,252 convictions related to trafficking of women and children, 833 convictions related to forced prostitution, and 35 convictions concerned forced labour.<sup>112</sup> Some 1,556 individuals were convicted in 2017 and 1,756 in 2016.<sup>113</sup> Further, the Chinese Ministry of Public Security (MPS), which publishes data on trafficking investigations and convictions, reported investigating 1,004 cases of human trafficking and arresting 2,036 suspects in 2016. Forty-five of those cases involved suspected incidents of forced labour and resulted in the arrest of 74 suspects. In one investigation, the government reported arresting 464 suspects who were involved in labour trafficking of disabled victims. Some 435 individuals were convicted for sex trafficking, 19 individuals for labour trafficking, and 1,302 individuals were convicted in cases that were disaggregated.<sup>114</sup>

According to a UNODC report, the number of females prosecuted for trafficking from 2014 to 2017 was 2,953: 2014 (802), 2015 (696), 2016 (718), 2018 (737); while the number for males was 5,313: 2014 (1,560), 2015 (1,245), 2016 (1,229), and 2017 (1,279).<sup>115</sup> A Walk Free Foundation research has noted that the Supreme People's Court of China issued a new judicial interpretation on trafficking in women and children that entered into force in January 2017. 'It defines as illegal, trafficking matchmaking that involves subtle coercive measures such as withholding of passports, restriction of freedom of movement, and taking advantage of vulnerabilities such as language barriers, or unfamiliarity with the destination in order to sell the victims against their will.'<sup>116</sup> The court further held that

<sup>108</sup> Chinese Labour Law available [here](#).

<sup>109</sup> Labour Contract Law available [here](#).

<sup>110</sup> Chinese Adoption Law available [here](#).

<sup>111</sup> US Department of State, '2019 Trafficking in Persons Report', above n 12, 141.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

<sup>115</sup> UNODC Report, 'East Asia and The Pacific', above n **Error! Bookmark not defined..**

<sup>116</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

buying abducted children and women with a view to forcing them into prostitution or begging would result in combined punishment for several crimes.<sup>117</sup>

### 5.3. National policies and plans

#### 5.3.1. China Action Plan against Human Trafficking (2013–2020).

In 2003, the Chinese authorities adopted the 'China Action Plan against Human Trafficking' (2013–2020), with the goal of improving broader anti-trafficking work that integrates prevention, rescue and rehabilitation of trafficking victims. The Action Plan also aims to improve inter-departmental coordination and strengthen anti-trafficking mechanisms to ensure that victims are promptly rescued and rehabilitated.<sup>118</sup>

#### 5.3.2. Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers 2018.

In March 2018, a high-level inter-departmental body chaired by the Chief Secretary for Administration adopted the Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers, in order to guide the work of the government of Hong Kong in protecting relevant individuals in its territory.<sup>119</sup>

Further, the Chinese government has reportedly started a series of pilot programs to enable Cambodian and Vietnamese nationals to legally migrate to southern China for work in order to reduce the rate of illicit labour migration through particularly porous border.<sup>120</sup> The UN ACT has also noted that several programs have been initiated by the All China Women's Federation to prevent migrant trafficking in many source and destination provinces, while an Operational Guide for Anti-Trafficking Police has been adopted by the government and is currently utilised by police officers.<sup>121</sup>

### 5.4. Victim support and assistance frameworks

The China Action Plan against Human Trafficking (2013–2020), *inter alia*, aim to enhance the awareness of citizens on rights and legal standards through training and education. More specifically, legal aid agencies working in conjunction with the Ministry of Justice offer legal support and assistance to eligible trafficking victims according to law.<sup>122</sup> Other specific objectives of the Action Plan include strengthening social care systems and procedures for reintegrating victims to society, ensuring that rescued school-age children attend and/or return to school, providing suitable vocational skills training and other employment services to victims, especially those who cannot or do not want to return to their place of origin.<sup>123</sup> Broader collaboration to provide support and assistance exists between the Ministry of Public Security, Ministry of Civil Affairs, the Central Committee of the Communist Youth League, the National Women's Federation, and the National Federation of Trade Unions.<sup>124</sup>

Following efforts of the Chinese government to improve and develop the victim assistance framework, it has been noted that, victims of forced labour are able to receive compensation through a fund established for this purpose.<sup>125</sup> Further, the Chinese government has reported maintaining at least 10 shelters specifically dedicated to victims of trafficking, as well as 8 shelters for foreign trafficking victims. More than 2,300 multi-purpose shelters that could accommodate trafficking victims have also been built

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<sup>117</sup> Ibid.

<sup>118</sup> Notice of the General Office of the State Council on China's Action Plan against Human Trafficking (2013–2020), available [here](#).

<sup>119</sup> Human Rights Council, 'National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21', 2018, 22, available [here](#).

<sup>120</sup> US Department of State, '2019 Trafficking in Persons Report', above n 12, 143.

<sup>121</sup> UN-ACT, 'China', available [here](#).

<sup>122</sup> Notice of the General Office of the State Council on China's Action Plan against Human Trafficking (2013–2020), above n 118.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

nationwide. In general, services offered to victims include medical care, counselling, and shelter.<sup>126</sup> Apart from this, the 2019 TIP report indicates that, rural border officials provided Burmese and Mongolian women and girls destined to forced and fraudulent marriages to Chinese men, with temporary shelter and helped fund their return to their countries. Assistance of this nature are however provided on an *ad hoc* basis and are less prevalent among front-line officers working farther inland in China.<sup>127</sup>

The Chinese government has reported providing victim assistance, including setting up dedicated hotlines and entering bilateral agreements with other states to assist victims.<sup>128</sup> Although the government is making efforts to improve and develop its victim assistance system, it has been noted that, 'fearing deportation, North Korean women victims in China also do not approach the local authorities for assistance and the only support services available to them are NGOs operating unofficially'.<sup>129</sup>

## 5.5. National institutions and inter-departmental coordination

The Ministry of Public Security coordinates the anti-trafficking interagency process and leads interagency efforts to implement the 2013-2020 National Action Plan on Combating Human Trafficking, including research into the efficacy of national efforts to combat the crime. Authorities hold a seventh annual inter-ministerial meeting to coordinate anti-trafficking efforts.<sup>130</sup>

## 5.6. Training and capacity-building for responders

Comprehensive regional and national training programmes have been undertaken, which has benefitted approximately 2,000 government officials and NGOs members. Also, the Ministry of Public Security has held multiple rounds of national anti-trafficking trainings for policemen from across China. Since 2011, there has been at least 6 national anti-trafficking training programmes and 8 provincial/municipal trainings have been held each year on relevant anti-trafficking themes.<sup>131</sup> There is also evidence that the Chinese government allocated has increased funding to co-host capacity-building training for law enforcement officials in areas of trafficking investigation and prosecution.<sup>132</sup>

## 5.7. Public awareness raising

A range of channels are employed to create anti-trafficking awareness in China, including through social and mass media such as radio, TV, newspaper, micro blogs as well as instant messaging programs.<sup>133</sup> Also, the Labour Affairs Bureau has adopted a variety of strategies to enhance employees' awareness of relevant labour laws and human rights.<sup>134</sup> Nevertheless, with regard to women trafficking, it has noted that, 'the Chinese public is not widely aware of bride trafficking. Since Xi Jinping came to power in 2012, the government has tightened its grip on the media and the internet. Speaking critically of the government has often resulted in police harassment and arrest. Combined with a continuing crackdown on women's rights activists and civil society groups, it has become increasingly difficult for them to raise awareness and assist victims.'<sup>135</sup>

## 5.8. Efforts to address vulnerabilities and drivers

As poverty has been identified as a major driver of human trafficking and other forms of exploitation in China, the 2013-2020 Action Plan against Human Trafficking, specifically

<sup>126</sup> US Department of State, '2017 Trafficking in Persons Report', above n 12, 127.

<sup>127</sup> US Department of State, '2019 Trafficking in Persons Report', above n 12, 142.

<sup>128</sup> US Department of State, '2017 Trafficking in Persons Report', above n 12, 127.

<sup>129</sup> Walk Free Foundation, '2018 Findings: China', above n 32.

<sup>130</sup> US Department of State, '2020 Trafficking in Persons Report', above n 12, 155.

<sup>131</sup> COMMIT, 'Final Report on the Implementation of the COMMIT Sub-Regional Plan of Action III', above n 140.

<sup>132</sup> US Department of State, '2019 Trafficking in Persons Report', above n 12, 142.

<sup>133</sup> The Bali Process, 'Regional Practices: China', available [here](#).

<sup>134</sup> Human Rights Council, above n 119, 24.

<sup>135</sup> Heather Barr, 'China's Bride Trafficking Problem' (The Diplomat, 2019), available [here](#).

aims to 'intensify the support for the rural population in the poor and old areas, develop entrepreneurial employment channels suitable for rural characteristics, and improve the ability of the poor, especially poor women, to get rid of poverty and become rich'.<sup>136</sup> To achieve this, the Poverty Alleviation Office is tasked with ensuring cooperation with other relevant agencies, including the Ministry of Agriculture, the Ministry of Human Resources and Social Security, Development and Reform Commission, All China Women's Federation, and the National Civil Affairs Commission.<sup>137</sup> Apart from this, the 2019 US TIP report indicates that China launched a nationwide campaign in 2018 to investigate corrupt public officials and members of the police force allegedly using their positions to profit from trafficking proceeds.<sup>138</sup> There were also specific efforts to address sex trafficking.<sup>139</sup>

The Chinese government on an annual basis allocates 50 million RMB (USD 8 million) to local governments across China to support anti-trafficking efforts at the grass-root level. In addition, a 5 million RMB (USD 800 thousand) special fund is allocated every year to the Ministry of Public Security for broader anti-trafficking work.<sup>140</sup>

## 5.9. Frameworks for international coordination

The government has entered into agreements and MOUs with a number of countries to address modern slavery, especially human trafficking. These include the 2018 'Memorandum of Understanding between the Governments of China and Thailand on Cooperation in Prevention and Suppression of Trafficking in Persons', which seeks to achieve international cooperation to prevent human trafficking, strengthen investigation and prosecution of cases, ensure victim protection, as well as build the capacity of responders in these areas.<sup>141</sup> The MOU also aims to achieve the smooth and orderly repatriation of victims from both countries.

The government also concluded an MOU with Vietnam in 2010: 'Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking'.<sup>142</sup> The agreement, *inter alia*, seeks to strengthen coordination between the two countries in the areas of crime prevention, information sharing, formulation of a coherent strategy to identify victims of transnational human trafficking, and joint training of officials. Protection of trafficking victims and safe repatriation to origin country is also a key aspect of the MOU.<sup>143</sup>

The 'MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region', similarly encourage member states to strengthen anti-trafficking work, by adopting the definition of trafficking contained in the Palermo Protocol and strengthening institutional mechanisms within each country. Member states are also encouraged to create mechanisms to advance regional coordination and information sharing on human trafficking.<sup>144</sup>

Further, China and Lao PDR signed an Agreement on Preventing and Combating Crimes of Trafficking in Persons in 2014. Similarly, anti-human trafficking cooperation mechanisms outside of the COMMIT member states have been set up through channels such as the

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<sup>136</sup> Notice of the General Office of the State Council on China's Action Plan against Human Trafficking (2013-2020), above n 118.

<sup>137</sup> Ibid.

<sup>138</sup> US Department of State, '2019 Trafficking in Persons Report', above n 12, 142.

<sup>139</sup> Ibid.

<sup>140</sup> COMMIT, 'Final Report on the Implementation of the COMMIT Sub-Regional Plan of Action III', available [here](#).

<sup>141</sup> Memorandum of Understanding between the Governments of China and Thailand on Cooperation in Prevention and Suppression of Trafficking in Persons, available [here](#).

<sup>142</sup> Agreement between the Government of the Socialist Republic of Vietnam and the Government of the People's Republic of China on Strengthening Cooperation on Preventing and Combating Human Trafficking (2010), available [here](#).

<sup>143</sup> Ibid.

<sup>144</sup> MOU on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region (2004), available [here](#).



International Criminal Police Organisation.<sup>145</sup> The Ministry of Public Security continues to cooperate with the police from the UK, Australia, Russia and Malaysia to share intelligence and investigate criminal cases.<sup>146</sup> Despite anti-trafficking cooperation, there is evidence that most victims chose not to return to China.<sup>147</sup>

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<sup>145</sup> COMMIT, 'Final Report on the Implementation of the COMMIT Sub-Regional Plan of Action III', above n 140.

<sup>146</sup> Ibid.

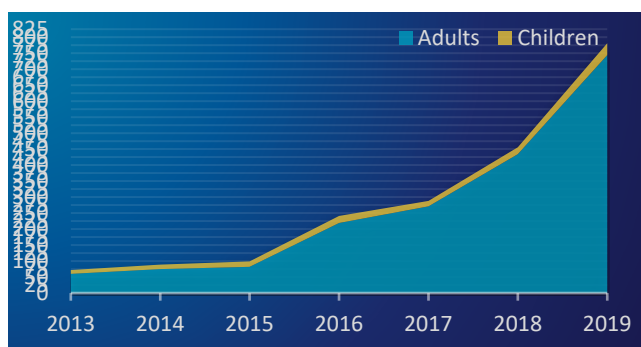
<sup>147</sup> US Department of State, '2017 Trafficking in Persons Report', above n 12, 127.

## 6. Experiences of modern slavery of Chinese nationals in the UK

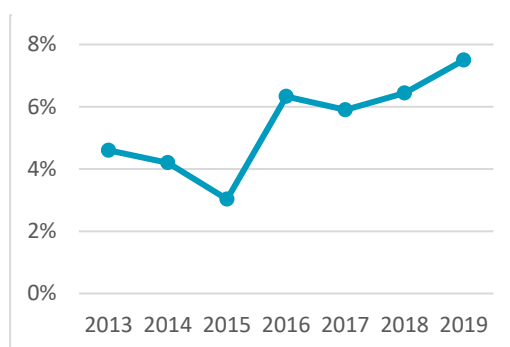
### 6.1. Chinese nationals in the UK National Referral Mechanism

Chinese nationals have consistently been in the top twenty nationalities represented in National Referral Mechanism referrals, typically representing more than 5% of all referrals. The number of Chinese nationals referred into the NRM has varied from 72 potential victims referred in 2013, up to 798 referrals in 2019. Adults have always made up the majority of Chinese nationals referred into the NRM, with between 60 (2013) and 744 (2019). Chinese nationals referred who were minors at the time of their exploitation from 2013-2019, with between 12 (2013) and 27 (2019).<sup>148</sup> The proportion of Chinese nationals referred, as a proportion of all referrals, has been steadily increasing since 2013.

Number of Chinese nationals referred into the NRM by age at time of exploitation

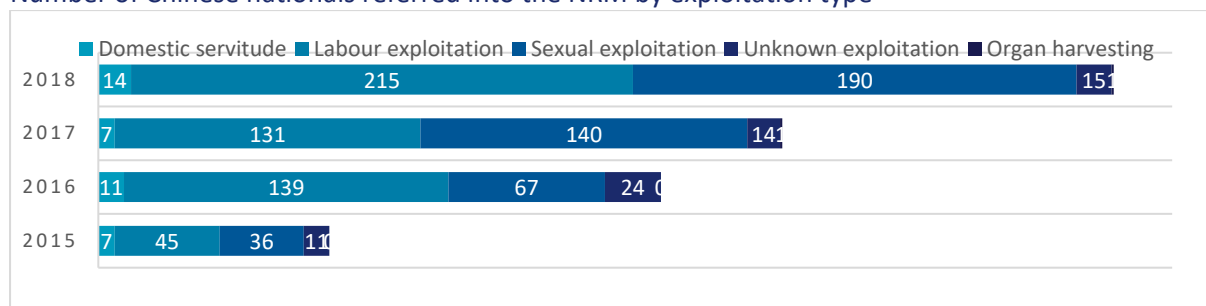


Proportion of potential victims referred into the NRM that are Chinese nationals



Chinese nationals referred into the NRM typically experience either labour or sexual exploitation, with only a small proportion of Chinese potential victims recorded as having experienced domestic servitude or organ harvesting. While gender data was not disaggregated by nationality from 2015-2019, NRM reports included such data in the 2013 and 2014 reports. In these years, the majority of Chinese nationals referred into the UK NRM were female (65% in 2013 and 58% in 2014).

Number of Chinese nationals referred into the NRM by exploitation type<sup>149</sup>



<sup>148</sup> Home Office, 'National Referral Mechanism Statistics UK: End of Year Summary 2019: Data tables' 2<sup>nd</sup> edn available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2018' (2019) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2017' (2018) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2016' (2017) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2015' (2016) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) available [here](#); National Crime Agency, 'United Kingdom Human Trafficking Centre: National Referral Mechanism Statistics 2013' (2014) available [here](#).

<sup>149</sup> Ibid. Note that exploitation type data is not disaggregated by nationality in the 2013, 2014, or 2019 data and these years are therefore excluded.

## 6.2. Typical journeys from China to the UK for trafficking victims

Whilst specific trafficking pathways have yet to be identified, reports suggest that most Chinese operations rely on transporting Chinese nationals through European countries, before using the Netherlands as the final transit country to the UK via ferry.<sup>150</sup> Soudijn and Kleeman's 2009 study states that the most likely pathways have varying degrees of legality, as some migrants are smuggled throughout Europe from China completely undetected, whilst others use visas and real passports to travel to Europe and then disappear after arriving at their destination.<sup>151</sup> Voluntary migration due to economic reasons is the primary method in which these Chinese migrations are able to be exploited, with high recruitment fees leaving them in debt once they arrive at their destination.<sup>152</sup> International criminal groups play important roles in the trafficking of persons from more rural areas particularly, preying on their economic hardship with false promises of job offers or even threats of physical harm.<sup>153</sup>

## 6.3. Experiences of exploitation and working conditions

Whilst finding reliable data on the specific experiences of Chinese nationals in the UK can be difficult, a study conducted in 2011 by Kagan et al provides a comprehensive look at the lives of a sample of Chinese migrant workers in the UK. The most significant discoveries are those related to the poor working conditions reported by those interviewed, including low wages, long hours, intensive physical labour, and sexual harassment.<sup>154</sup> It is important to note regarding these working conditions is that the migrants did not report them due to their confusion about their immigration status and the fear that if they told anyone they would lose their jobs.<sup>155</sup>

## 6.4. Consequent effects of trafficking on survivors

The 2011 study also indicated that the experiences of the Chinese nationals led many to feel lonely and have a sense of rootlessness as they struggled to maintain contact with family members in China and the conditions described above prevented them from creating a network in the UK.<sup>156</sup> Furthermore, their immigration status' and the confusion that caused 'was a continual source of anxiety and pressure', demonstrating how debilitating it was for the migrants to not have clarity about what they could and could not do nor who they could go to for help.<sup>157</sup>

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<sup>150</sup> Andrew Geddes, 'Chronicle of a Crisis Foretold: The Politics of Irregular Migration, Human Trafficking and People Smuggling in the UK', (2005) 7(3) *The British Journal of Politics and International Relations*, 325; Melvin R. J. Soudijn and Edward R. Kleemans, 'Chinese organized crime and situational context: comparing human smuggling and synthetic drugs trafficking', (2009) 52(5), *Crime, law and social change*, 461.

<sup>151</sup> Ibid.

<sup>152</sup> US Department of State '2013 Trafficking in Persons Report', above n 89, 129.

<sup>153</sup> In certain instances, human smuggling syndicates, such as the *Snakeheads*, use their powerful networks to facilitate the voluntary transportation of Chinese people, particularly from Zhejiang and Fujian provinces, to neighbouring Asian countries as well as Western countries. Patrick Radden Keefe, 'Snakeheads and Smuggling: The Dynamics of Illegal Chinese Immigration' (2009) 26(1) *World Policy Journal* 33-44.

<sup>154</sup> Carolyn Kagan, Sandy Lo, Lisa Mok, Rebecca Lawthom, Sylvia Sham, Mark Greenwood and Sue Baines, 'Experiences of forced labour among Chinese migrant workers' (Joseph Rowntree Foundation, 2011) 33, available [here](#).

<sup>155</sup> Ibid, 38

<sup>156</sup> Ibid, 33, 38.

<sup>157</sup> Ibid, 38.

## 7. The impact of COVID-19

### 7.1. Government's Response to COVID-19

First discovered in Wuhan China in late 2019, the coronavirus has prompted a series of draconian measures by Chinese authorities. The government has however been criticised for lack of transparency in its handling of the virus and hoarding of information on the scale of infections.<sup>158</sup> To prevent community spread, most domestic travels required 14 days quarantine upon arrival at destination; a similar 14-day quarantine policy was adopted for international travels once the virus was characterised as a global pandemic by the World Health Organisation.<sup>159</sup> Similarly, the government has taken specific measures to ease the financial burdens resulting from the pandemic. For instance, the Chinese Ministry of Finance has cut social insurance payments by RMB 1 trillion, as an incentive for employee retention. The Ministry also announced in late January that infected health workers would enjoy some financial subsidy, while local finance departments rolled out daily stipends for them. Apart from this, the government has also deferred the payment of social security contributions, or out rightly refunded it. In the Chinese cities of Beijing, Shanghai, Guangdong, companies experiencing financial hardship as a result of the coronavirus and do not lay off employees or reduce the number of layoffs can get unemployment insurance premium refund.<sup>160</sup>

Further, the Chinese government has been providing economic support to individuals, entrepreneurs, and corporate entities. Government aid has, however, largely focused on companies producing medical supplies dealing with the pandemic. Also, unlike other countries including the US, that have made direct cash transfers to their population, China has not adopted the same strategy.<sup>161</sup> It has however been pointed out that state-owned enterprises in China provide financial safety nets to their employees; also, unlike the situation in the US, about 60 percent of Chinese firms are believed to have enough cash to run their businesses and pay employees for up to three months.<sup>162</sup>

On 20 March 2020, the Chinese State Council released a guideline to expedite economic recovery and ensure job security. The guideline identified five priority areas including (i) enhanced implementation of the employment priority policy, which, *inter alia*, seeks to create a business friendly environment for entrepreneurs and support flexible employment through multiple channels, it also stated the objective of speeding up 'the implementation of phased and targeted tax and fee reduction policies. Increasing the unemployment insurance steady return, for small and medium-sized enterprises that do not lay off or reduce layoffs.' (ii) Guide migrant workers to transfer jobs in a safe and orderly manner – this strategy aims to support the employment of poor workers; it also encourages the use of 'public welfare posts to provide more local employment opportunities and give priority to the placement of poor labour'. It further stresses that migrant workers in low-risk areas should be encouraged to return to work as soon as possible. (iii) Broaden the employment channels for college graduates – this aims to grant a one-time employment subsidy to 'small and medium-sized enterprises that recruit university graduates in their graduation year and sign labour contracts of more than one year'; the strategy also targets the creation of new positions to absorb new graduates. (iv) Strengthen the protection of people in need – this measure aim to unblock specific channels for claiming unemployment insurance, and provide employment support to areas severely affected by the corona virus, especially in Hubei and other regions. (v) Improve vocational training and employment services – this guideline aim to provide vocational skills training to the unemployed and migrant workers as well as increase the investment in employment subsidy funds and

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<sup>158</sup> Steven Erlanger, 'Global Backlash Builds Against China Over Coronavirus', available [here](#).

<sup>159</sup> Adam Livermore, 'The Social and Economic Impact of COVID-19 on China and its Recovery Potential' (2020), available [here](#).

<sup>160</sup> KPMG, China: 'Government and institution measures in response to COVID-19' (2020), available [here](#).

<sup>161</sup> Michael Maiello, 'China's economic response to COVID-19 has helped, for now' (2020), available [here](#).

<sup>162</sup> Ibid.

stable job subsidies.<sup>163</sup> In general, the China's response to the COVID-19 outbreak is considered a model for epidemic management, considering its success in reducing the cases.<sup>164</sup>

## 7.2. Impact of COVID-19 on Chinese workers and vulnerable population

The pandemic has had a considerable impact on the Chinese economy and the working population. Information concerning the direct impact on vulnerable individuals is however scarce – most reports have focused on the macroeconomic aspects of the virus on the national economy. Also, the extent to which the pandemic has increased modern slavery risks is unclear. Nevertheless, there is evidence that the most affected sectors include the food and beverage industries, retail, real estate, and the travel industry.<sup>165</sup> The service sector in China had its worst month on record in February 2020, as new orders dropped to their lowest level since the 2008 global financial crisis.<sup>166</sup> Many individuals working in these sectors have either been furloughed or have lost their jobs completely. Migrant workers employed in the construction sector are also hugely affected. It has been noted that official government data often fail to capture these jobs, which could likely increase the unemployment rates.<sup>167</sup> In comparison with other countries, government support measures in China have been somewhat limited. Partial waiver of the social security contribution made by employers on behalf of staff between the period of February to June, has been the most relevant support from government to employers. Chinese companies have also had difficulties obtaining loans.<sup>168</sup>

China's 50 million SMEs are also generally exposed to the hardships posed by the pandemic. Unlike larger corporations with sufficient cash reserves and government support, SMEs have little shelter from the storm. A survey has recently found that around 85% of China's SMEs could go bankrupt within three months without external support.<sup>169</sup> From a broader perspective, official data reveal that in January and February industrial production in the country dropped by 13.5% year-on-year, retail sales plummeted by 20.5% and investments by 24.5%.<sup>170</sup> These are the largest falls in recorded history. According to some estimates, economic activity during March amounted to 82% compared to the same period last year, while the number was around 60% in the services sector.<sup>171</sup>

Given that the worst affected regions imposed strict lockdown measures, workers and factories alike have faced enormous challenges. With declining COVID-19 cases in the country, most factories started to reopen as of March; however, many workers still faced additional quarantine when they arrived at their destination, which further delayed their readmission to the workforce.<sup>172</sup>

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<sup>163</sup> General Office of the State Council on Responding to the Impact of New Coronary Pneumonia Implementation Opinions on Strengthening Employment Stabilization, available [here](#).

<sup>164</sup> Muhammad Hasnaina; Muhammad Fermi; Pashab Imran Ghan, 'Combined measures to control the COVID-19 pandemic in Wuhan, Hubei, China: A narrative review' (2020) 2(2) *Journal of Biosafety and Biosecurity*; China's successful control of COVID-19.

<sup>165</sup> Adam Livermore, above n 159.

<sup>166</sup> Aljazeera, 'Great impact: China services industries slammed by coronavirus' (2020), available [here](#).

<sup>167</sup> Adam Livermore, above n 159.

<sup>168</sup> Ibid.

<sup>169</sup> Anna Holzmann and Maximilian Kärnfelt, 'Supporting China's SMEs affected by Covid-19 is crucial to avoid a socioeconomic disaster' (2020), available [here](#).

<sup>170</sup> Jakub Jakóbowski Michał Bogusz, 'China's responses to the global COVID-19 pandemic' (2020), available [here](#).

<sup>171</sup> Ibid.

<sup>172</sup> Lin Wang, 'The Impact of Coronavirus on Workers, Business Operations, and Supply Chains in China' (2020), available [here](#).