

CHINA (TIER 2 WATCH LIST)*

The People's Republic of China (P.R.C.) is a source, transit, and destination country for women, men, and children trafficked for purposes of sexual exploitation and forced labor. The majority of trafficking in China is internal, but there is also international trafficking of Chinese citizens to Africa, Asia, Europe, Latin America, the Middle East, and North America. Women are lured through false promises of legitimate employment only to be forced into commercial sexual exploitation largely in Taiwan, Thailand, Malaysia, and Japan. There also are cases involving Chinese men and women smuggled into destination countries throughout the world at an enormous personal financial cost and then forced into commercial sexual exploitation or exploitative labor to repay debts to traffickers. Women and children are trafficked into China from Mongolia, Burma, North Korea, Russia, and Vietnam for forced labor, marriage, and sexual slavery. Most North Koreans seeking to leave North Korea enter northeastern China voluntarily but some are forced into sexual servitude or forced labor after arriving in China. Others reportedly are trafficked into China from North Korea. Domestic trafficking remains the most significant problem in China, with an estimated minimum of 10,000-20,000 victims trafficked internally each year; the actual number of victims could be much greater. International organizations report that 90 percent are women and children, trafficked primarily from Anhui, Henan, Hunan, Sichuan, and Yunnan and Guizhou Provinces to prosperous provinces along China's east coast for sexual exploitation. Some experts believe that the serious and prolonged imbalance in the male-female birth ratio may now be contributing to Chinese and foreign girls and women being trafficked as potential brides.

The Government of China does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Accessing information on China's anti-trafficking efforts is difficult due to the closed nature of the government and the lack of many independent NGOs; however, based on the information currently available, China is placed on Tier 2 Watch List for a second consecutive year for its failure to show evidence of increasing efforts to address transnational trafficking. The Government of China provides reasonable protections to internal victims of trafficking; however, protections for Chinese and foreign victims of transnational trafficking remain inadequate and victims are sometimes punished for unlawful acts that were a direct result of their being trafficked ? e.g., violations of prostitution or immigration/emigration controls. However, the government began drafting a national anti-trafficking action plan, expected to be finalized later in 2006, that will formally designate anti-trafficking responsibilities to relevant state ministries and NGOs.

China should adopt comprehensive anti-trafficking legislation that includes a full definition of trafficking in persons in line with the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. It should recognize debt bondage and child commercial sexual exploitation?with "child" defined as a person below the age of 18?as forms of trafficking.

Prosecution

China vigorously investigates and prosecutes crimes of trafficking, although the P.R.C. Government's definition of trafficking in persons does not match U.S. and UN definitions. For example, the government considers fraudulent adoptions to be a form of trafficking in persons, but it does not consider debt bondage or involuntary servitude to be trafficking in persons crimes. A number of related criminal statutes address various aspects of trafficking in persons, including laws against trafficking or kidnapping for coercive prostitution, and laws aimed at individuals who traffic in girls under the age of 14 for commercial sexual exploitation. These laws carry substantial penalties, including execution. During the first 10 months of 2005, the Ministry for Public Security (MPS) reported 1,949 cases of trafficking of women and children, though the MPS acknowledges that cases of trafficking and smuggling are both included in this number. China does not

provide statistics on convictions or sentences; however, given the nature of the criminal system in China (lack of an independent judiciary and rule of law), most cases likely resulted in convictions with substantial sentences or execution. As with past years, sex trafficking has been the center of the government's law enforcement efforts, not coercive labor practices, such as involuntary servitude and forced labor. The MPS plans to establish an anti-trafficking police unit, and its mandate should include these types of cases. The government conducted some anti-trafficking training for law enforcement officials during the past year. There were no known reports of action taken against trafficking-related corruption.

Protection

The focal point of China's protection policy is the All China Women's Federation (ACWF), which provides some assistance to trafficked Chinese women and girls and also coordinates with other government agencies and international organizations for victim care and assistance. The ACWF, however, has no clear and formal mandate to assume responsibility for the care of trafficking victims who, as victims of a serious crime, technically are part of the MPS mandate on crime. The MPS, however, has no resources or training with which to provide the necessary shelter and counseling for victims. This lack of coordination is expected to be addressed by a National Action Plan on Trafficking in Persons, now being drafted. The government reported that 3,574 women and children were rescued from trafficking situations during the first 10 months of 2005. The MPS, working with the Ministry of Civil Affairs, also provides some shelter, medical care, and psychological services for victims. The MPS, ACWF, and the Ministry of Civil Affairs collaborated in opening shelters and rehabilitation centers in Jiangsu, Yunnan, and Sichuan Provinces, areas with large numbers of reported trafficking victims. The government reported that 2,000 women have received help in these facilities. Another facility in Dongxing, Guangxi Province aids Vietnamese trafficking victims. However, none of these efforts is coordinated and there is no national referral mechanism for victims of trafficking. As such, protection measures vary widely from province to province. Despite providing some reasonable care to identified Chinese victims, efforts to protect foreign victims and P.R.C. women returning from Taiwan remain inadequate. Chinese officials do not adequately differentiate between trafficking victims and illegal migrants seeking to avoid criminal penalties. During the reporting period, there were reports that P.R.C. citizens who were subjected to conditions of trafficking in Taiwan faced fines or other punishment upon their return to the mainland; P.R.C. officials state that this practice is no longer occurring. Burmese and Vietnamese trafficking victims may also face punishment and summary deportation to their countries of origin. MPS officials do not offer foreign victims of trafficking legal alternatives to their removal to countries where they face retribution or hardship. This is particularly the case with regards to North Korean trafficking victims in China, as all North Koreans in China are presumed to be economic migrants.

Prevention

The government recognizes that trafficking is an issue that should be addressed and has significantly stepped up efforts to work with international organizations. The government is working with UNICEF on a National Plan of Action to combat trafficking in persons, but the plan has been languishing for a number of years. Nonetheless, the government does show signs of addressing forced labor conditions among informal and formal sector laborers, which continue to be reported throughout China, and it is actively working with the ILO to address such concerns. A country program to fight trafficking was coordinated by the ACWF, MPS, and UNICEF and resulted in the development of a training manual, video, and other materials designed to educate youth about the dangers of trafficking. ACWF also conducts a number of other anti-trafficking outreach efforts.

*** TIER 2 SPECIAL WATCH LIST: Countries whose governments do not fully comply with the Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and:**

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.