



COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

CHINA (2017)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

AND

CHINA (2000-2017)¹

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPUSORY LABOUR

¹ Country baselines under the ILO Declaration Annual Review are based on the following elements to the extent they are available: governments' reports, observations by employers' and workers' organizations, case studies prepared under the auspices of the country and the ILO, and observations/recommendations by the ILO Declaration Expert-Advisers and by the ILO Governing Body. For any further information on the realization of this principle and right in a given country, in relation with a ratified Convention, please see: www.ilo.org/ilolex.

CHINA (2017)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government’s reporting obligations	YES.	
	Involvement of Employers’ and Workers’ organizations in the reporting process	YES.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers’ organizations	China Enterprise Confederation (CEC)	
	Workers’ organizations	The All-China Federation of Trade Unions (ACFTU)	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	China has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour		
	Measures taken or envisaged for systematic and coordinated action		
	Measures taken or envisaged to prevent all forms of forced labour	<p>2017 AR: According to the Government, In 2017, the human resources and social security administrative departments at various levels continues to actively conduct labour and social security inspection and enforcement, strengthen monitoring on labour employment, regulate recruitment and hiring by employers, strengthen the linkage between administrative enforcement and criminal justice and actively prevent and combat violations and crimes such as forced labour. The Ministry of Human Resources and Social Security and the ILO jointly held a workshop on the Forced Labour Convention in Kunming, Yunan Province on 23-24, November 2017, which covered topics such as the main content of Convention No.29 and similarities and differences between laws and regulations of China and the provisions of the Convention.</p> <p>Trade unions at various levels work with government departments to promote the implementation of labour laws and regulations, exercise mandated duty of labour law oversight, make full use of various means including publicity and participation in specific examination or inspection tours and academic seminars to effectively promote the elimination of forced labour promote, which produce good results. In March 2014, the ACFTU and ILO jointly held a workshop, promoting relevant parties to reach consensus on raising awareness of forced labour, promoting ratification of relevant conventions and stepping up efforts to eliminate forced labour by trade unions. In Feb. 2015, the ACFTU held a press conference to disclose 10 typical cases of labour violations, providing information to the public on the violations by some enterprises that force workers to work overtime during holidays and demonstrating zero-tolerance against forced labour by the trade union. The event was well acknowledged by workers and all sectors of society. In 2016, with the proposal of members</p>	

		of Chinese People’s Political Consultative Conference (CPPCC) from trade unions, the National Committee of CPPCC conducted an inspection tour to Guangdong Province on “implementation of labour laws and regulations” and put forward recommendations in response to issues identified during the inspection such as excessive overtime. The Legal Affairs Department of ACFTU participated throughout the activity.	
	Measures taken or envisaged to protect victims of forced labour	2017 AR: The Government reported that the China Enterprise Confederation and the ILO jointly prepared “Code of Conduct for Preventing Forced Labour and Human Trafficking” in Chinese and English to help enterprises to prevent risks leading to forced labour and human trafficking in the enterprises and supply chains.	
	Measures taken or envisaged to facilitate access to remedies		
	Non-prosecution of victims for unlawful acts that they would have been forced to carry out		
	Cooperation with other Member States, international / regional organizations or NGOs		
	Promotional activities		
	Special initiatives/Progress		
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers’ organizations	
		Workers’ organizations	
	According to the Government		
TECHNICAL COOPERATION NEEDS	Request	2017 AR: The government of China hopes to continue to enhance exchange and cooperation with ILO and other international institutions, carry out practical cooperation in areas including enhancing labour inspection capacity building and combating forced labour violations and crimes, and conduct workshops and trainings related to Forced Labour Convention so as to promote and strengthen China’s legislative and law enforcement efforts against forced labour. The ACFTU has been making efforts to promote ratification of the Forced Labour Convention and the Abolition of Force Labour Convention. It hopes that the ILO can provide relevant technical support in forms of seminar, training, study tours and exchanges so as to help trade unions at various levels to raise awareness and enhance understanding of relevant conventions, share international good practices and provide sufficient theoretical basis and empirical support for the ratification of conventions.	
	Offer	NIL.	

CHINA(2000-2017)¹

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPUSORY LABOUR

REPORTING	Fulfillment of Government’s reporting obligations	YES , except for the 2001 Annual Review (AR).	
	Involvement of Employers’ and Workers organizations in the reporting process	YES , involvement of the China Enterprise Confederation (CEC) and the All-China Federation of Trade Unions (ACFTU) by means of consultations and communication of Government’s reports.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers’ organizations	2011 AR: Observations by the CEC. 2009 AR: Observations by the CEC. 2008 AR: Observations by the CEC. 2007 AR: Observations by the CEC.	
	Workers’ organizations	2011 AR: Observations by the ACFTU. 2009 AR: Observations by the ACFTU. 2008 AR: Observations by the ACFTU. 2001 AR: Observations by the International Confederation of Free Trade Unions (ICFTU).	
EFFORTS AND PROGRESS MADE IN REALIZING THE PRINCIPLE AND RIGHT	Ratification	Ratification status	China has ratified neither the Forced Labour Convention, 1930 (No. 29) (C.29), nor the Abolition of Forced Labour Convention, 1957 (No. 105) (C.105).
		Ratification intention	2016 – 2017 AR: According to the Government, China holds a consistent and clear-cut position on the elimination of forced labour. The conditions necessary for the ratification of Conventions Nos. 29 and 105 are becoming increasingly mature. First of all, the current laws and regulations of China such as Labour Law and Criminal Law as well as some of the judicial interpretations by the Supreme People’s Court have laid down prohibitive provisions on forced labour. While some of the provisions somewhat differ from the Conventions with regard to definition and scope of forced labour, the basic principles are in alignment with the spirit of the Conventions and therefore provide a good institutional basis for ratification. Second, China abolished the “rehabilitation through labour” system in 2013, removing institutional obstacles to ratification of the relevant Conventions. In addition, ratification of the Conventions meets the needs for further promoting the elimination of forced labour in China.
	Recognition of the principle and right (prospect(s), means of action, basic legal provisions)	Constitution	YES. The Constitution of the People’s Republic of China provides in article 37 that “Personal freedom of citizens of the People’s Republic of China is inviolable ... Unlawful detention or deprivation or restriction of citizens’ personal freedom by other means is prohibited, and unlawful search of the person of citizens is prohibited”. The protection of personal freedom implies the elimination of all forms of

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			<p>forced or compulsory labour.</p>
		<p>Policy, legislation and/or regulations</p>	<p>• Policy:</p> <p>2014 AR: According to the Government: China’s Action Plan against Trafficking in Persons (2013-2020) has been approved by the State Council in order to prevent and combat trafficking in persons in accordance with law, actively assist and well place victims of trafficking and effectively protect legitimate rights and interests of citizens. Measures of action include: (i) Improving mechanisms of crime prevention, (ii) Combating crimes and rescuing victims of trafficking, (iii) Strengthening assistance, placement, recovery and reintegration into society with regard to victims of trafficking, (iv) Improving the system of laws, regulations and policies, (v) Enhancing International Cooperation.</p> <p>2013 AR: According to the Government: In 2011, the Government has formulated and applied the National Development Plan for Women (2011-2020) with 7 priority areas including 3 chapters concerning economy, social security and laws that relate to the principle and right (PR). The Government has also adopted the National Plan for the Child (2011-2020) with 5 priority areas including, among others, a section on legal protection, which provides that the employment of children under 16 years and the economic exploitation of children are forbidden. This Plan also combats strongly any violations to the law through the use of children in criminal activities (rubbery, prostitution, etc.), artistic activities or as beggars.</p> <p>2005 AR: According to the Government: There is a national policy to realize the principle and right (PR) of the elimination of all forms of forced or compulsory labour, but the Government would appreciate receiving ILO assistance in this respect.</p>
			<p>• Legislation:</p> <ul style="list-style-type: none"> - The Labour Law (sections 32 and 96); - The Criminal Law (sections 240-244); - The Law on the Protection of Rights and Interests of Women (sections 37-39). <p>2017 AR: According to the Government: Case-handling Rules on Labour and Personnel Dispute Arbitration were revised and came into effect as of July, 2017. Where a worker makes a claim to the Labour and Personnel Arbitration Committee for economic compensation that shall be paid by an employer upon termination of the contract due to forced or compulsory labour as provided by Labour Contract Law of People’s Republic of China, the Labour and Personnel Arbitration Committee will place more emphasis on closing such cases at the stage of arbitration by making final rulings, subject to Labour Disputes Mediation and Arbitration Law of People’s Republic of China, so as to avoid litigation after arbitration as far as possible and hence reduce the burden of litigation for workers.</p> <p>2015 – 2016 AR: According to the Government: The “Decision of the Standing Committee of the National People’s Congress on Repealing Legislation on</p>

		<p>Reeducation through Labour” was adopted on 28 December 2013 at the 6th Session of the Standing Committee of the Twelfth National People’s Congress. Accordingly, the 6th of the Standing Committee of the Twelfth National People’s Congress decided that the “Resolution of the Standing Committee of the National People’s Congress on Approving the Decision of the State Council on Issues concerning Reeducation through Labour” and the “Decision of the State Council on Issues concerning Reeducation through Labour”, as adopted at the 78th session of the Standing Committee of the First National People’s Congress on 1 August 1957, are repealed. Also, according to the Decision, the “Resolution of the Standing Committee of the National People’s Congress on Approving the Supplementary Provisions of the State Council on Reeducation through Labour” and the “Supplementary Provisions of the State Council on Reeducation through Labour”, as adopted at the 12th session of the Standing Committee of the Fifth National People’s Congress on 29 November 1979, are repealed. The Decision further states that “decisions made on reeducation through labour according to law prior to the repeal of the system shall remain valid; after the repeal of the system, and those who are still undergoing reeducation through labour according to law shall be released without having to carry out the rest of their sentence”</p> <p>2012 AR: According to the Government: Section 244 of the Criminal Law had been amended and adopted at the 19th Session of the Standing Committee of the Eleventh People’s Congress on 25 February 2011 and came into force on 1 May 2011. The amended section 244 of the Criminal Law provides that: <i>Whoever forces, by violence, threat or restriction of personal freedom, others to work shall be sentenced to imprisonment or detention of no more than 3 years with a fine imposed on as well or, where the crime is committed under aggravating circumstances, shall be sentenced to imprisonment of no less than 3 years but no more than 10 years with a fine imposed on as well. Whoever knowingly recruits or transports persons for the others who commit the acts mentioned in the preceding paragraph or otherwise assists in forcing others to work shall be punished in accordance with the provision of the preceding paragraph. Where an entity commits the crimes as provided for in the preceding two paragraphs, a fine shall be imposed on, and its executive officers directly responsible and others individuals directly liable shall be punished in accordance with the provision of paragraph 1 of this Section.</i></p> <p>2008 AR: The Government indicated that the Labour Contract Law was adopted at the 28th Session of the Standing Committee of the 10th National People’s Congress on 29th June 2007, which will enter into force on 1st January 2008. Article 38 provides that <i>if an employer uses violence, threat or unlawful restriction of personal freedom to compel an employee to work, or if he is instructed in violation of the rules and regulations or peremptorily ordered by his employer to perform dangerous operations which threaten his personal safety, the employee may terminate his employment contract forthwith without giving prior notice to the employer.</i></p> <p>Article 88 stipulates that if an employer: (a) uses violence,</p>
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			<ul style="list-style-type: none"> • Regulations The Regulation Forbidding the Use of Child Labour (section 11).
		<p>Basic legal provisions</p>	<p>(i) Constitution of the People's Republic of China (article 37); (ii) The Labour Law (sections 32 and 96); (iii) the Criminal Law (sections 240-244); (iv) the Law on the Protection of Rights and Interests of Women (sections 37-39); (v) the Employment Promotion Law (section 6); (vi) the Law on the Protection of Disabled Persons (revised) (section 40); (vii) the Regulation on Workers' Paid Annual Leave (section 6); and (viii) the Regulation Forbidding The Use of Child Labour (section 11).</p>
		<p>Definition of forced or compulsory labour</p>	<p>2007 AR: According to the Government: the definition of forced labour is found in section 244 of the Criminal Law which provides that an employer would be in violation of the laws and regulations on labour administration should he compel his employees to work by restricting their personal freedom.</p> <p>2003 AR: According to the Government: The Labour Law defines forced or compulsory labour as follows: "to force labourers to work by resorting to violence, intimidation or illegal restriction of personal freedom".</p>
		<p>Judicial decisions</p>	<p>Judicial Explanation of the Supreme Court, 2001 (section 15).</p>
<p>Exercise of the principle and right</p>	<p>Special attention to particular situations and human trafficking</p>		<p>2016 AR: The Government reported that China has always given high priority to the elimination of forced labour in its supervision over labour law implementation, with the scope of supervision covering all types of enterprises and all forms of employment. Special attention is paid to the mining and construction industries, where a huge number of migrant workers are recruited, as well as the manufacturing and processing enterprises, which may possibly use child labour. Focus is placed on whether or not forced labour exists when enterprises extend working hours or if they implement an integrated system for calculating working hours and a piece-work system. Workshop-type production units where trade unions do not exist, employment lacks standardization, and which are prone to forced labour, gain more severe supervision and inspection.</p> <p>2013 AR: According to the Government: Trafficking in</p>

		<p>persons involving women, children and migrant workers, but also other criminal activities involving children.</p> <p>2003 AR: According to the Government: Special attention is given to the situation of women and girls.</p>
	<p>Information/ Data collection and dissemination</p>	<p>2004-2005 ARs: The Government indicated that it was planning to collect statistics or other relevant information on the PR.</p>
<p>Prevention/monitoring, enforcement and sanctions mechanisms</p>		<p>2015 AR: According to the Government: The Labour Contract Law of the People’s Republic of China explicitly stipulates that labour contracts shall be concluded in adherence to the principles of lawfulness, fairness, equality, voluntariness, consensus through consultation, and good faith. The human resources and social security departments at all levels actively carry out labour security inspection and law enforcement activities, regulate employment practices according to law and promptly correct and prosecute all types of violations. They also actively improve coordination between the administrative and judicial departments. Cases of forced labour suspected of constituting a crime would be transferred to the judicial department according to law. In recent years, they have organized several special law enforcement inspection activities on payment of wages, labour and employment, through investigating and regulating human resources markets, and promoting and improving supervision at the source. Meanwhile, they actively promote the “gridding and networking” way of managing labour security inspection with a view to basically achieving full coverage of all the townships (sub-districts) nationwide by the end of the Twelfth Five-year Period (2015). Through these efforts, the Departments have strengthened dynamic and overall monitoring of the employment situation, prevented and timely stopped forced labour and other cases of infringements of workers' legitimate rights and interests.</p> <p>2012 AR: According to the Government: The All China Women’s Federation has launched a Campaign for Preventing Trafficking for Labour Exploitation in China to help the children under 16 years old complete compulsory education and the youth beyond 16 years old enjoy safe mobility and decent employment.</p> <p>2009 AR.: According to the Government: A Labour Inspection Bureau was established within the Ministry of Human Resources and Social Security in July 2008 with a view to strengthening labour inspection in the country.</p> <p>2008 AR: According to the Government: A Special Action Plan on Punishing the Illegal Employment and Combating the Relevant Infringements and Crimes was elaborated by various Ministries and the All-China Federation of Trade Unions (ACFTU) in order to protect substantively the rights and benefits of workers in rural and urban areas as well as the young professionals.</p> <p>2007 AR: According to the Government: Under article 11 of the Regulation on Forbidding The Use of Child Labour 2002, the act of forcing children to work may be punished according to the Criminal Law. Following the Judicial Explanation of the Supreme Court, 2001 (section 15), in instances where the worker proposes to discharge the labour contract, the employer should pay for the remuneration and may pay for compensation. Under section 4 of the Method of Administrative Punishment for the Violation of the Labour Law 1994, in instances where the employer does not consult the trade unions and the worker and forces the latter to extend the working time, a warning should be given to the employer who may also be required to provide compensation, and a 100 Yuan fine for every hour of overtime performed by each worker.</p>
		<p>2003-2004 ARs: According to the Government: Measures taken for the enforcement of the PR include: inspection/monitoring mechanisms, penal sanctions, civil/administrative sanctions, employment creation/income generation, educational programmes, international cooperation programmes and tripartite examination of related issues. Moreover, legal reform and capacity building are envisaged.</p> <p>2000 AR: According to the Government: Labour inspections have increased to</p>

		<p>detect and deal with cases of forced labour.</p>
	<p>Involvement of the social partners</p>	<p>2011 AR: The Government mentioned that the Office for Special Campaign on Fighting Against Illegal Use of Labour and Related Breaches of Law was working together with the CEC and the ACFTU in the framework of the special campaign to overlook the use of labour in small kilns, mines and quarries.</p> <p>2005 AR: According to the Government: The Legal Work Committee of the National People’s Congress, the ACFTU, the All-China Federation of Youth and the All-China Federation of Women are responsible for the identification, emancipation and/or rehabilitation of persons subject to forced labour.</p> <p>2003-2005 ARs: According to the Government: The ACFTU has been involved in the development and implementation of Government measures.</p>
	<p>Promotional activities</p>	<p>2017 AR: In 2017, the human resources and social security administrative departments at various levels continues to actively conduct labour and social security inspection and enforcement, strengthen monitoring on labour employment, regulate recruitment and hiring by employers, strengthen the linkage between administrative enforcement and criminal justice and actively prevent and combat violations and crimes such as forced labour. The Ministry of Human Resources and Social Security and the ILO jointly held a workshop on the Forced Labour Convention in Kunming, Yunan Province on 23-24, November 2017, which covered topics such as the main content of Convention No.29 and similarities and differences between laws and regulations of China and the provisions of the Convention. Trade unions at various levels work with government departments to promote the implementation of labour laws and regulations, exercise mandated duty of labour law oversight, make full use of various means including publicity and participation in specific examination or inspection tours and academic seminars to effectively promote the elimination of forced labour promote, which produce good results. In March 2014, the ACFTU and ILO jointly held a workshop, promoting relevant parties to reach consensus on raising awareness of forced labour, promoting ratification of relevant conventions and stepping up efforts to eliminate forced labour by trade unions. In Feb. 2015, the ACFTU held a press conference to disclose 10 typical cases of labour violations, providing information to the public on the violations by some enterprises that force workers to work overtime during holidays and demonstrating zero-tolerance against forced labour by the trade union. The event was well acknowledged by workers and all sectors of society. In 2016, with the proposal of members of Chinese People’s Political Consultative Conference (CPPCC) from trade unions, the National Committee of CPPCC conducted an inspection tour to Guangdong Province on “implementation of labour laws and regulations” and put forward recommendations in response to issues identified during the inspection such as excessive overtime. The Legal Affairs Department of ACFTU participated throughout the activity. The ACFTU considers that conditions are tending to become ripe for China to ratify the Forced Labour Convention (No. 29) and the Abolition of Force Labour Convention (No. 105). The ratification and application of relevant Conventions will contribute to strengthening efforts in relevant areas, developing harmonious labour relations with Chinese characteristics as well as promoting reform on the building of industrial workforce. China Enterprise Confederation and the ILO jointly prepared “Code of Conduct for Preventing Forced Labour and Human Trafficking” in Chinese and English to help enterprises to prevent risks leading to forced labour and human trafficking in the enterprises and supply chains.</p> <p>2016 AR: The Government reported that with regard to prevention and suppression of forced labour, in 2016 China’s human resources and social security departments at all levels have continued to actively carry out labour security supervision and law enforcement work, by strengthening employment supervision, regulating recruitment and employment practices, exploiting synergies between administrative law enforcement and criminal justice, and actively preventing and combating forced labour and other illegal and criminal acts.</p> <p>2015 AR: According to the Government: The Human Resources and Social</p>

	<p>Security departments have in recent years organized several special law enforcement and inspection activities on various issues including the PR, with a view to basically achieving full coverage of all the townships (sub-districts) nationwide by the end of the Twelfth Five-year Period (2015).</p> <p>2013 AR: According to the Government: Within the National Plan of Action Against Trafficking, the National Inter-Ministry Joint Meeting Against Trafficking and its members have participated significantly in eliminating forced or compulsory labour in the country through research, studies, media reports, and legal and policy reforms. Moreover, the Ministry of Public Security and the All-China Women's Federation develop joint activities for the social rehabilitation of women and children that were subjected to trafficking. They have also issued a joint circular requiring the exchange of information and supervisory mechanisms for women and children suspected to be trapped in trafficking. Two national meetings were held on the rehabilitation and reintegration of victims of trafficking.</p> <p>2011 AR: According to the Government: The Office for Special Campaign on Fighting Against Illegal Use of Labour and Related Breaches of Law organized, together with the CEC and the ACFTU, a special campaign to overlook the use of labor in small kilns, mines and quarries.</p> <p>2009 AR: According to the Government: Research and training activities on C.29 and C.105 were carried out in various provinces in 2007.</p> <p>2008 AR: According to the Government: a Special Action Plan on Punishing the Illegal Employment and Combating the Relevant Infringements and Crimes was elaborated by the Ministries of Labour and Social Security, Public Security, the Inspection, Civil Affairs, Land and Resources, Health, State Administration of Work Safety and the ACFTU in order to substantively protect the legislative rights and benefits of workers in rural and urban areas as well as the young professionals. The Government added that the plan also aims to strengthen all the relevant forces so as to focus on the rural small brick kilns, coal mines, mines and workshops during the months of July and August 2007.</p> <p>Furthermore, series of seminars and awareness raising activities have been conducted in the Zhejiang, Fujian and Jilin provinces and a major technical cooperation project entitled CP-TING on prevention of trafficking of young girls and women is currently ongoing.</p> <p>The CEC indicated that it would publish, in collaboration with the ILO, a guide on forced labour for employers. It added that there was a session organized on forced labour during the 4th China Employment Forum in October 2006.</p>
	<p>2007 AR: The CEC mentioned that it had held two seminars on International Labour Standards and Forced Labour in Beijing City and Guangzhou City in March 2006, in cooperation with ILO.</p> <p>2006 AR: According to the Government: In cooperation with the ILO, the Government has conducted a study on Chinese legislation concerning trafficking, illegal migration and forced labour (from November 2004 to March 2005). It has also conducted a high level study tour on trafficking to Australia and Japan (January 2005); a national seminar on trafficking and forced labour in Beijing (April 2005); a field study in projects in Yunnan and Hunan provinces (June 2005); a field study on trafficking and forced labour in Fujian province (August 2005); and a Provincial seminar on trafficking and forced labour in Jilin province (August 2005).</p> <p>2005 AR: According to the Government: In January 2004, a seminar was held in Beijing on C.29 and C.105.</p> <p>2003-2004 ARs: According to the Government: The All-China Federation of Women has cooperated with the ILO in the Mekong Sub regional Project to Combat Trafficking in Children and Women. Other governmental bodies also cooperated with UNICEF on actions against trafficking.</p> <p>2003 AR: According to the Government: In realizing the PR, the following measures have been implemented: awareness raising/advocacy; employment creation/income generation; educational programmes; and international</p>

		<p>cooperation programmes/projects.</p> <p>2000 AR: The Government indicated that it promotes the relevant legislations and regulations, strengthens the enforcement of the laws, increases cooperation with the ILO and widely disseminates international labour standards.</p> <p>The ILO has held many seminars in China on international labour standards in which it promotes the PR.</p>
	<p>Special initiatives/Progress</p>	<p>2016 AR: According to the Government: In recent years, the Ministry of Public Security, Ministry of Human Resources and Social Security, State Administration for Industry and Commerce and other departments of China have carried out special rectification actions against illegal employment matchmaking and illegal recruitment and employment. In particular, a concentrated crackdown on forced labour was launched in 2011 in Henan and other places, during which eight criminal cases involving forced labour of people with mental retardation and children were cracked. Local trade unions at all levels have strengthened their efforts of supervision and oversight to make sure that all types of enterprises comply with the labour law. They would quickly step in and participate in investigation and rectification once forced labour and other illegal activities are found to exist in the employing unit. Local trade unions have also expanded channels for employee engagement. Through the “12315 Service Hotline”, “Trade Union Labour Law Supervision Line”, “Service Window for Employees” and “Trade Union Network Platform”, they accept and handle over 100,000 cases of labour law violations of various kinds every year. At present, China has set up a total of 14,700 trade union legal aid service agencies, with more than 40,000 staff accepting more than 60,000 requests for legal aid each year. In 2015, trade unions at all levels across the country accepted more than 140,000 cases that contravened labour laws and regulations, among which more than 80,000 cases were handled on their own and more than 10,000 cases were submitted for the attention of the labour inspection departments.</p> <p>2015 AR: According to the Government: The National People’s Congress repealed the laws and decisions concerning “Reeducation through Labour” on 28 December 2013. Following this repeal, those who are still undergoing reeducation through labour according to law shall be released without having to carry out the rest of their sentence”. Moreover, the AFCTU initiated the implementation the “two-book” system which considers the principle and right as an important goal for the country.</p> <p>2013 AR: According to the Government: The National Action Plan to Combat Trafficking is targeting women, children and female migrants, in particular through a specific national campaign on prevention of trafficking during important holidays and summer holidays, in cooperation with the All-China Women’s Federation, ILO and UNICEF. This kind of activity is carried out hotline services and direct contacts in places where this target group is usually concentrated, such as railway stations and bus stations. This campaign is also extended to schools, domestic workers and workers operating in hotels and restaurants and women rural workers, in cooperation with students, parents and teachers and women’s federations. This campaign benefited to millions of women and children in 6 provinces. Moreover, at the end of June 2012, a national employment creation project has granted financials loans totaling more than 87 billion Yuan and benefiting over 1.965 million women. In this exercise, more than 6 million women started their own business and created employments, hence reducing the risk of women falling into compulsory labour.</p> <p>2012 AR: The Government indicated that: (i) section 244 of the Criminal Law amended on 25 February 2011, provides for more severe penal sanctions (from 3 to 10 years imprisonment) in cases of human trafficking.</p>
		<p>2009 AR: According to the Government: The Employment Promotion Law adopted on 30 August 2007 provides that workers shall have the right to equal employment and to choose job on their own initiative in accordance with the law (section 6). The Law on the Protection of Disabled Persons (revised) provides that the employer cannot force the disabled persons to work under violence, threat or</p>

		<p>illegal restriction of personal freedom (section 40). The Regulation on Workers' Paid Annual Leave adopted on 7 December 2007 provides that trade unions shall protect workers' rights to annual leave in accordance with laws and regulations (section 6).</p> <p>According to the CEC: In cooperation with the ILO, the CEC has developed a Guiding Book for Employers on Combating Forced Labour at the Workplace, from which employers can learn all the essential information on combating forced labour, including positive and negative cases. The CEC and the ILO have planned to hold a roundtable meeting involving experts and stakeholders to develop a Code of Conduct for Employers on Combating Forced Labour. Once this code of conduct is finalized and printed together with some other advocating materials such as posters, three workshops will be organized in different regions of China so as to use and test this code of conduct.</p> <p>2008 AR: The ACFTU indicated that the protection of workers is more comprehensive in China and sanctions pertaining to forced labour are more severe. It added that the country was undertaking a national special action on the issue of illegal employment, including forced labour.</p> <p>2007 AR: According to the Government: In order to reform rehabilitation through Labour mechanism (Laojiao), the 19th Meeting of the Standing Committee of the 10th National People's Congress held on 29th December 2005, proposed to formulate a "Law on Correction of Minor Offences", and had included the proposal into its national legislation plan.</p> <p>According to the CEC: The CEC delegates at the International Labour Conference (June 2006) discussed a possible cooperation with the ILO Special Action Programme to Combat Forced Labour (ILO/SAP-FL), and have decided to undertake a survey on working time and wages in China.</p> <p>2005 AR: According to the Government: The major change concerning this PR relates to the cooperation started with the ILO in the form of a study tour concerning minor offences in 2003 and a seminar on forced labour in 2004.</p> <p>2003 AR: According to the Government: The major changes concerning the PR are as follows: (i) the Government initiated large-scale actions on the struggle against trafficking of women and children through the country (1995, 1999 and 2000); (ii) the Ministry of Public Security issued an "Opinion on Issues Concerning Law and Policy Applicable to Action Against Trafficking" (2000) and several departments issued a "Circular on Issues Concerning Trafficking" (2000); and (iii) the Supreme Prosecutor issued a "Circular on the Active Participation in the Action Against Trafficking" (2000).</p>	
<p>CHALLENGES IN REALIZING THE PRINCIPLE AND RIGHT</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	<p>2008 AR: The CEC indicated the following challenges: (i) awareness on human rights is lacking; (ii) productivity is not very high; and (iii) economic development is not well balanced in some regions.</p>
		<p>Workers' organizations</p>	<p>2001 AR: The ICFTU made observations on the following issues: (i) forced or compulsory labour is defined by China's legal context as occurring exclusively in the context of an employment relationship; (ii) legislation does not cover, for instance, servitude or slavery; (iii) forced labour is frequently found in factories producing various consumer goods for export, such as textiles, footwear, radios, television and sporting equipment, handbags, bicycles and many other consumer items; (iv) attempts to organize independently or to strike are said by workers to lead automatically to severe prison sentences; (v) penalties provided for in the law are either inadequate or are not enforced in practice. 41;c</p>
	<p>According to the Government</p>	<p>2016 AR: The Government stated that: Firstly, legislation on the elimination of forced labour still needs to be improved. The provisions on forced labour in</p>	

		<p>China's Labour Law and other laws are fairly general to be sufficiently operational, and the scope of the definition of forced labour is relatively narrow. Secondly, there is an urgent need for the government departments to strengthen labour law enforcement. Some of the labour security departments at the grassroots level need to further build their supervision and law enforcement capacity, including by further innovating the means of supervision and improving the quality of supervision. Thirdly, the relevant responsible authorities need to enhance collaboration. Elimination of forced labour is the responsibilities of multiple authorities including those responsible for human resources and social security, public security, safety supervision, courts of justice, and trade unions. Joint efforts are needed to maintain a tough stance on illegal activities involving forced labour. At the same time, efforts need be made to promote further improvement of an integrated governance mechanism and to actively create a climate in the whole society where the legitimate rights and interests of workers are protected, with a view to enhancing the protection of the legitimate rights and interests of workers at the source.</p> <p>2009 AR: The Government indicated that time was needed to adapt national legislation to the PR.</p> <p>2008 AR: The Government indicated the following challenges: (i) the capacity building of the Labour Inspection Department is still needed; (ii) public awareness activities should be sustained; and (iii) inter-institution cooperation and dialogue should be strengthened.</p> <p>2005 AR: The main difficulties encountered in realizing this PR in the country are the lack of information and capacity as well as data, capacity of responsible government institutions with regard to forced labour due to trafficking. Moreover, the Government encounters difficulties with respect to regulations on rehabilitation through labour.</p>
<p>TECHNICAL COOPERATION</p>	<p>Request</p>	<p>2017 AR: The Government reported that it hopes to continue to enhance exchange and cooperation with ILO and other international institutions, carry out practical cooperation in areas including enhancing labour inspection capacity building and combating forced labour violations and crimes, and conduct workshops and trainings related to Forced Labour Convention so as to promote and strengthen China's legislative and law enforcement efforts against forced labour. The ACFTU has been making efforts to promote ratification of the Forced Labour Convention and the Abolition of Force Labour Convention. It hopes that the ILO can provide relevant technical support in forms of seminar, training, study tours and exchanges so as to help trade unions at various levels to raise awareness and enhance understanding of relevant conventions, share international good practices and provide sufficient theoretical basis and empirical support for the ratification of conventions.</p> <p>2016 AR: The Government hoped that the ILO will provide relevant technical support to help trade unions at all levels deepen their understanding of the relevant Conventions, through seminar, training, visits and other forms of exchanges. And sharing advanced international experiences will help to provide more theoretical basis and empirical support for the ratification of the Conventions.</p> <p>2015 AR: According to the Government: The Chinese Government wishes to continue to strengthen exchanges and cooperation with the ILO and other international organizations, including by carrying out pragmatic cooperation in areas like combating and cracking down on trafficking, forced labour and other illegal and criminal activities, enhancing labour security inspection capacity building, conducting training programmes on requirements and general principles of ILO Conventions on forced labour, and promoting and improving legislation and law enforcement in China to tackle forced labour.</p> <p>2012 AR: According to the Government: ILO technical cooperation would be needed to provide assistance in launching public campaigns and training on the Forced Labour Convention to enhance the understanding of public officials, entrepreneurs, workers and the general public on the issue of forced labour, and to increase the public awareness against forced or compulsory labour.</p>

		<p>2011 AR: The Government requested ILO technical assistance to organize training workshops for government officials.</p> <p>2009 AR: The Government indicated that ILO technical cooperation on the PR was needed in the fields of legal reform, awareness raising, training and labour inspection.</p> <p>The CEC requested the ILO's assistance to organize more training workshops on the PR for employers.</p> <p>2008 AR: The Government indicated that ILO assistance is needed for the capacity building of the labour inspection Department.</p> <p>The CEC requested ILO assistance on awareness raising projects.</p> <p>2007 AR: The Government reiterated its previous request for continuing ILO technical cooperation (i.e., legal reform, awareness raising, training, etc.)</p> <p>2005 AR: According to the Government: There is a need for ILO technical cooperation to facilitate the realization of the PR in the country, in the following priority areas: (1) legal reform (labour law and other relevant legislation); (2) awareness-raising, legal literacy and advocacy; and (3) assessment in collaboration with the ILO of the difficulties identified and their implication for realizing the PR.</p> <p>2003-2004 ARs: The Government expressed its intention to adopt a national policy to realize the PR and requested ILO assistance in this regard.</p>
	<p>Offer</p>	<p>ILO and ILO/SAP-FL (policy advice, awareness raising activities and case studies).</p>
<p>EXPERT-ADVISERS' OBSERVATIONS / RECOMMENDATIONS</p>	<p>2008 AR: The ILO Declaration Expert-Advisers (IDEAs) observed that the Annual Review had made it possible to highlight and follow up country situations that required greater attention, and that some countries such as in China (as well as in the Gulf States and new member States in the South Pacific) had made important efforts during this process. However, according to them, more needed to be done. The IDEAs were also concerned that China (and another State) had not yet expressed their intention to ratify C.29 and/or C.105. However, they welcomed the adoption of new laws relating to forced or compulsory labour in China (and another State). Finally, while understanding that in China the provisions of the Labour Contract Law and the Criminal Law also cover the State as an employer, the IDEAs reminded all the governments that it was of their primary responsibility to ensure that forced labour does not exist in their countries for any reason (cf. paragraphs 12, 42, 43 and 44 of the 2008 Annual Review Introduction – ILO: GB.301/3).</p> <p>2007 AR: The IDEAs welcomed the significant increase in the reports of action to combat forced labour in several countries, including China, and noted that an increasing number of States were recognizing that forced labour exists in their country [...]. For the IDEAs, such recognition was indispensable to combating forced or compulsory labour, as it was undoubtedly the first step in what in a daunting but essential task (cf. paragraph 41 of the 2007 Annual Review Introduction – ILO: GB.298/3).</p> <p>2005 AR: The IDEAs noted that China was working with the ILO on the issue of the elimination of all forms of forced or compulsory labour. They commended China for its continuing dialogue with the Office and hoped that the positive measures taken would be expanded upon. They also expressed satisfaction concerning the concrete information received on progress made in the elimination of all forms of forced or compulsory labour in China in cooperation with the ILO (cf. paragraph 192 of the 2005 Annual Review Introduction – ILO: GB.292/4).</p> <p>2004 AR: The IDEAs stated that they were glad to receive concrete information on activities carried out by the Special Action Programme to Combat Forced Labour (SAP-FL). They noted that the dialogue and engagement with the Government of China continued in this area, on the basis of seminars and study tours on this subject (cf. paragraph 113 of the 2004 Annual Review Introduction – ILO: GB.289/4).</p> <p>2003 AR: The IDEAs commended China for requesting the ILO's technical cooperation, through the Annual Review process (paragraph 4 of the 2003 Annual Review Introduction – ILO: GB.286/4).</p>	
<p>GOVERNING BODY OBSERVATIONS / RECOMMENDATIONS</p>	<p>2015 AR: At its March 2014 Session, the Governing Body invited the Director-General to: (a) take into account its guidance on key issues and priorities with regard to assisting member States in their efforts to respect, promote and realize fundamental principles and rights at work; and (b) take account of this goal in the Office's resource mobilization initiatives.</p> <p>2013 AR: At its November 2012 Session, the Governing Body requested the Director-General to take full account of the ILO Plan of Action on Fundamental Principles and Rights at Work (2012-2016) and allocate the necessary resources for its implementation. This plan of action is anchored in the universal nature of the fundamental principles and rights at work (FPRW), their inseparable, interrelated and mutually reinforcing qualities and the</p>	

	<p>reaffirmation of their particular importance, both as human rights and enabling conditions. It reflects an integrated approach, which addresses both the linkages among the categories of FPRW and between them, and the other ILO strategic objectives in order to enhance their synergy, efficiency and impact. In this regard, freedom of association and the effective recognition of the right to collective bargaining are particularly emphasized as enabling rights for the achievement of all these strategic objectives.</p> <p>2011 AR: At its March 2010 Session, the Governing Body decided that the recurrent item on the agenda of the 101st Session (2012) of the International Labour Conference should address the ILO strategic objective of promoting and realizing fundamental principles and rights.</p> <p>2009 AR: During its March 2009 Session, the Governing Body included the review of the follow-up to the 1998 ILO Declaration on Fundamental Principles and Rights at Work on the agenda of the 99th Session (2010) of the International Labour Conference.</p>
<p>INTERNATIONAL LABOUR CONFERENCE RESOLUTION</p>	<p>2013 AR: In June 2012, following the recurrent item discussion on fundamental principles and rights at work, under the ILO declaration on Social Justice for a Fair Globalization, 2008 and the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998, the International Labour Conference adopted the Resolution concerning the recurrent discussion on fundamental principles and rights at work. This resolution includes a framework for action for the effective and universal respect, promotion and realization of the FPRW for the period 2012-16. It calls for the Director- General to prepare a plan of action incorporating the priorities laid out in this framework for action for the consideration of the Governing Body at its 316th Session in November 2012.</p> <p>2011 AR: Following a tripartite debate at the Committee on the 1998 Declaration, the 99th Session (2010) of the International Labour Conference adopted a Resolution on the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work on 15 June 2010. The text appended to this Resolution supersedes the Annex to the ILO Declaration on Fundamental Principles and Rights at Work, and is entitled “Annex to the 1998 Declaration (Revised)”. In particular, the Resolution “[notes] the progress achieved by Members in respecting, promoting and realizing fundamental principles and rights at work and the need to support this progress by maintaining a follow-up procedure. For further information, see pages 3-5 of the following link: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_143164.pdf.</p>