



ONE HUNDRED FIFTEENTH CONGRESS
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June 1, 2017

The Honorable Rex Tillerson
Secretary of State
U.S. Department of State
2201 C. Street, NW
Washington, DC 20520

Dear Secretary Tillerson:

We write to you as the Chairs of the bipartisan Congressional-Executive Commission on China (CECC). As you oversee your first Trafficking in Persons (TIP) Report as Secretary of State, we want to underscore the importance of correctly reporting on and ranking China and other countries. Two years ago, a series of articles by Reuters exposed that the TIP Report was "watered down" to protect diplomatic relations with 14 countries including Cuba, Malaysia, Oman, and China to name a few.

The TIP Report has proven to be the United States' single most effective diplomatic tool to motivate international action to end modern slavery. We have seen many countries take the Tier 3 ranking seriously and make systematic changes that protected trafficking victims. More than 300 countries have written or amended their trafficking laws since the TIP Report started to demand accountability.

As codified by Congress, the Tier 2 Watch List can serve either as a grace period when a country makes significant efforts late in the reporting cycle or as a warning to a country that a Tier 3 downgrade is imminent unless significant steps are taken to eliminate human trafficking. China, having spent 11 of the last 12 years on the Tier 2 Watch List, does not fit either category. China's perpetual presence on the Tier 2 Watch List undermines the diplomatic utility of the Tier rankings to provoke needed change.

Labor trafficking remains a serious problem in China. Given that the United States imported \$462.8 billion in goods from China in 2016, we have a responsibility to make sure that U.S. dollars are not contributing to this problem. The U.S. Department of Labor expanded its "List of Goods Produced by Child Labor or Forced Labor" last year, finding that labor trafficking occurs in China in twelve sectors, including artificial flowers, bricks, Christmas decorations, coal, cotton, electronics, fireworks, footwear, garments, nails, textiles (child labor only), and toys.

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The CECC closely examines trafficking conditions in its Annual Report. We noted with concern that last year's State Department TIP Report's narrative on China did not show clear evidence of labor trafficking of North Koreans or evidence of forced labor for the benefit of the Government of China in pre-trial detention and in administrative detention centers—including in compulsory drug detoxification centers.

Detainees in compulsory drug detoxification centers can be held for two years and are required to do labor. Though the International Labor Organization's (ILO) definition of forced labor makes an exception for labor performed "as a consequence of a conviction in a court of law . . ." the government does not convict drug detoxification detainees in court. Zhang Sujun, Vice Minister of the Ministry of Justice, said in November 2014 that authorities had converted most "reeducation through labor" (RTL) facilities to compulsory drug detoxification centers and in 2015 said the number of detainees increased by 29 percent. Forced labor in administrative detention remains an ongoing problem despite the end of the RTL system in 2013.

In addition, the CECC tracked other forms of labor trafficking in China in 2016, including:

- Men were trafficked for forced labor in brick kilns in Yunnan, Guizhou, and Guangdong provinces.
- Children were trafficked by clothing manufacturers in Jiangsu province as employers reportedly used violence against the children and withheld pay and identity documents.
- Vietnamese males were trafficked to China for the purpose of forced labor in factories.
- Cambodian nationals were reportedly trafficked to China for forced marriage and forced labor.
- Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) subject some Uyghur residents to *hashar*, a type of forced labor for public works projects. Local XUAR governments periodically require Uyghur residents to participate in forced labor under threat of financial penalty and detention.

As documented by the United Nations and other sources, China is also the largest destination of North Koreans sold into forced labor which serve as a key source of hard currency for Kim Jong-un's regime. In addition to labor trafficking, the CECC found evidence again this year that China continued to treat North Korean refugees as economic migrants, forcibly repatriating undocumented North Korean asylum-seekers, and leaving other refugees, who are predominantly women, vulnerable to trafficking for forced marriage and sexual exploitation in China.

China was also a magnet for the sex trafficking of women and children. China's sex ratio imbalance—exacerbated by government-imposed birth limits and in keeping with a traditional bias for sons—created a demand for marriageable women that may contribute to human trafficking for forced marriage and sexual exploitation. According to the National Bureau of Statistics of China, in 2016, China had 33.59 million more men than women. Vietnamese media reported an increase in human trafficking; the majority of cases were reportedly women trafficked to China for forced marriage and sexual exploitation. During the reporting year, the Commission also observed domestic media reports of women, including women with intellectual disabilities, trafficked for the purpose of forced marriage.

One crucial way to fight human trafficking is through prosecution and conviction of traffickers. Yet China's conviction rates do not constitute significant efforts toward addressing the immense trafficking epidemic in the country. The Supreme People's Court Information Center and Judicial Cases Research Institute reported that Chinese courts tried 4 percent fewer human trafficking cases in 2016 than in 2015; this follows earlier reports that trafficking convictions declined nearly 63 percent in 2015 compared to 2010. This decline in convictions is even more worrisome in light of the fact that China's definition of human trafficking conflates other crimes—such as illegal adoption—with human trafficking, thus inflating China's conviction numbers.

If needed, we would be happy to provide sources for the information provided above.

Given that China is one of America's most important and largest trading partners, we have the diplomatic clout and the legal duty under P.L. 106-386 to accurately rank China's trafficking efforts. China's eleven years on the Tier 2 Watch List has failed to inspire reforms desperately needed by China's trafficking victims and desired by Americans who wish to buy goods untainted by human trafficking.

Over the last 18 years, those in slavery were freed and lives were saved because the United States was not afraid to speak the truth, even to our allies, about human trafficking. Accurate reporting and tier rankings honor countries who have done the difficult work of reform. We urge you to faithfully use the tools given to you by Congress to make sure the upcoming Trafficking in Person's Report reflects accurately, in both text and tier ranking, each country's successes and failures to meet the minimum standards for the elimination of human trafficking.

Sincerely,



Senator Marco Rubio
Chair



Representative Chris Smith
Cochair