

BUSINESS AND HUMAN RIGHTS

Findings

- Chinese and international businesses are increasingly at risk of complicity in—and profiting from—abuses committed by the Chinese government and Communist Party. Of particular concern over the past year are reports that the government has increased the use of forced labor as a part of the campaign to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR), where the Chinese government is committing crimes against humanity and possibly genocide. XUAR authorities systematically forced predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and others, to engage in forced labor, both in the XUAR and in other parts of China. Reports of possible forced labor in cotton production and spinning, as well as in the apparel industry in general, mean that the supply chains of many major brands may now be tainted with forced labor.
- Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in China. Audits are unlikely to detect forced labor because ethnic minority workers in or from the XUAR face extreme levels of surveillance and the threat of government reprisal should they speak candidly to auditors. Scott Nova of the Worker Rights Consortium warned that “. . . no firm should be conducting audits in the XUAR. The only purpose labor rights audits can serve in the XUAR now is to create the false appearance of due diligence, and thereby facilitate continued commerce in products made with forced labor.”
- Companies are at great risk of complicity in crimes against humanity, forced labor, and other rights violations if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliated companies, or other companies that have close ties to the XPCC. The XPCC is deeply involved both in human rights violations and also in a variety of industries in the XUAR. Large firms with close ties to the XPCC include the state-owned enterprise **COFCO**, an agricultural conglomerate that sells sugar, tomatoes, and other products to a wide range of international brands; and **Esquel Group**, a garment manufacturer that supplies numerous well-known brands.
- Chinese authorities and companies used technology to combat the spread of coronavirus disease 2019 (COVID-19) in ways that experts warn may violate human rights, particularly the right to privacy. By mid-February 2020, residents of about 200 Chinese cities used mobile app-based health QR codes to identify their infection status. At least one app, Alipay Health Code, operated by **Alibaba Group** affiliate **Ant Financial**, reportedly shared personally identifiable health and location data with public security authorities. Neither local authorities nor platform operators have indicated when the health codes will be phased out, and at least one locality has already announced plans to make the health codes permanent.
- Chinese government restrictions on freedom of expression increased this past year, and companies—particularly tech com-

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panies—were both targets and enablers of Chinese government censorship. Faced with the possibility of lost revenue or punishment, both domestic and international companies engaged in self-censorship. For example, between January 1 and February 15, 2020, **Tencent’s WeChat** reportedly censored messages containing at least 516 keyword combinations criticizing the official response to COVID-19 and suspended user accounts over politically sensitive posts about the virus. Also this past year, **Shutterstock** reportedly created a search query blacklist to censor sensitive keywords for its customers in China. **Apple** removed the emoji depicting the Taiwanese flag from its mobile device operating system for users in mainland China, Hong Kong, and Macau.

- Companies have both a moral responsibility and a financial interest in honestly assessing the risk that they may be contributing to human rights abuses in China. The UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid “contributing to adverse human rights impacts . . .” While the Chinese government requires companies to comply with domestic laws and regulations that may infringe on internationally recognized rights such as the right to privacy and freedom of expression, this does not absolve companies of their responsibility to respect human rights. Moreover, knowing or unknowing complicity in human rights abuses poses substantial risks for international businesses. In the case of complicity in forced or prison labor, for example, companies may run afoul of U.S. laws prohibiting the import of products made with such labor.

Recommendations

Members of the U.S. Congress and Administration officials are encouraged to:

- Consider passing legislation prohibiting the import of goods made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. This will level the playing field for all U.S. companies so that they do not face a competitive disadvantage when extricating their supply chains from the XUAR. Until such legislation is passed, Members should encourage companies in their districts to cease doing business with firms in the XUAR until the Chinese government ends the arbitrary detention of mostly Turkic ethnic minorities in mass internment camps and closes government-sponsored forced labor programs.
- Work with other governments and legislatures to encourage import bans on products made in whole or in part in the XUAR, or in factories that recruit workers from the XUAR. Potential U.S. import bans will be more effective if other countries enact their own similar bans.
- Consider legislation requiring greater supply chain transparency so that forced labor and other abuses are not hidden by layers of subcontractors and suppliers. In addition, Members should encourage companies in their districts to change

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their approach to conducting due diligence in China, moving beyond codes of conduct and third-party factory audits, which have proven to be ineffective. In the case of ethnic minority workers in or from the XUAR, inform companies that factory audits are not only ineffective, but may do more harm than good.

- Impose Global Magnitsky sanctions on both Chinese government officials carrying out severe human rights abuses in the XUAR and on the companies directly complicit in those abuses. U.S. Customs and Border Protection should examine the import of all goods made in whole or in part in the XUAR—or by workers from the XUAR—and determine whether such imports violate Section 1307 of the Tariff Act of 1930 (19 U.S.C. 1307).

- Hold public hearings and private meetings with companies from their districts to raise awareness of the risks of complicity in human rights abuses that U.S. companies working in China may face, including complicity in possible crimes against humanity in the XUAR; the possibility of goods made with forced labor entering supply chains; and the use of artificial intelligence (AI) technology and surveillance equipment to monitor human rights advocates, religious believers, and ethnic minorities. Inform companies in their districts engaged in the sale and purchase of technology to and from China of extensive government censorship and surveillance in China. In particular, firms should not view any data stored in or transferred through China as secure from Chinese government collection or surveillance.

- The Department of Labor should update its list of goods produced with child labor or forced labor using more recent sources; specifically, the list should reflect the recent reports of forced labor in the XUAR. The Department should also remove goods from its list based on reporting that is more than five years old. The bibliography for the most recent list from 2018 shows that the Department of Labor's list of goods from China is based largely on sources from 2006 to 2008, and includes sources dating back as far as 2001. The most recent source included in the China bibliography is from 2012.

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Introduction

During the Commission's 2020 reporting year, the Chinese Communist Party and government engaged in increasingly egregious human rights violations, as detailed by international human rights organizations¹ and in the other sections of this report. In this environment, domestic and international businesses are directly complicit in, or at risk of complicity in, human rights abuses committed by the Chinese government, including the severe repression of minority groups in the Xinjiang Uyghur Autonomous Region (XUAR), government surveillance of citizens without adequate privacy protections, and government censorship. In particular, the scale and reach of forced ethnic minority labor in and from the XUAR continued to expand this past year, and with it the possibility that global supply chains were increasingly tainted by forced labor associated with crimes against humanity. Although the Chinese government may require companies to comply with domestic laws and regulations that infringe on internationally recognized rights such as the right to privacy² and freedom of expression,³ the UN Guiding Principles on Business and Human Rights state that businesses have a responsibility to respect human rights and should seek to avoid "contributing to adverse human rights impacts . . ."⁴ Whereas the preceding sections of this report examine in detail Chinese government violations of human rights and relevant international human rights standards, this section focuses on the ways in which domestic and international companies may be complicit in or profit from these human rights violations.

Corporate Involvement in Likely Crimes Against Humanity in the XUAR

Companies that do business in or source from the XUAR are at great risk of complicity in the human rights abuses being committed in the region. The actions of the Chinese Communist Party and government in the XUAR likely constitute crimes against humanity⁵ according to scholars and rights groups.⁶ In recent years, experts have documented a network of mass internment camps in which authorities have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups.⁷ Outside the camps, members of ethnic minority groups in the XUAR face extreme levels of surveillance; restrictions on freedom of movement, expression, and religion; forced political indoctrination; forced placement of children in state-run orphanages and boarding schools; and forced labor.⁸ [For more information on human rights violations in the XUAR, including a discussion of likely crimes against humanity committed by Chinese authorities, see Section IV—Xinjiang. For more information on how government-sponsored forced labor violates international standards prohibiting human trafficking and forced labor, see Section II—Human Trafficking.]

STATE-SPONSORED FORCED LABOR IN THE XUAR

XUAR authorities continued to systematically force predominantly Muslim ethnic minorities, including Uyghurs, Kazakhs, and

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others, to engage in forced labor—both in the XUAR and in other parts of China—as part of broader efforts to carry out ethnic and religious suppression.⁹ In addition to exploiting forced labor in internment camps,¹⁰ the Chinese government has implemented several policies that are red flags for potential forced labor when sourcing products and materials from anywhere in China.

- **Subsidies.** Authorities reportedly used tax exemptions and subsidies to encourage Chinese manufacturers to move production to the XUAR.¹¹ Government authorities provided subsidies to companies for each Turkic or Muslim worker forced to labor in factories in the XUAR, and also subsidized factory construction and the shipment of goods from the XUAR.¹²
- **“Poverty alleviation” programs.** Scholar Adrian Zenz describes how “poverty alleviation” programs in the XUAR have moved large numbers of ethnic minority workers into forced factory labor, referred to as “labor transfers” (*zhuan yi jiuye*).¹³ Ethnic minority individuals who are assigned to work under such programs may be detained for refusing.¹⁴
- **Xinjiang Aid.** The “Xinjiang Aid” (*duikou yuanjiang*)¹⁵ program encourages governments and companies in other parts of China to either invest in factories and industrial parks in the XUAR or recruit ethnic minority workers from the XUAR to work in factories in other parts of China.¹⁶ Zenz has described the program as “facilitat[ing] different forms of coerced labor.”¹⁷ According to a March 2020 report published by the Australian Strategic Policy Institute, authorities transferred an estimated 80,000 Uyghurs out of the XUAR between 2017 and 2019 as part of this program.¹⁸

In addition, authorities exploited ethnic minority forced labor in order to reopen certain sectors of the economy while the risk of contracting the novel coronavirus (COVID-19) remained high.¹⁹ As early as late February 2020, while parts of the country remained under lockdown, tens of thousands of ethnic minority workers were reportedly required to labor in factories producing items such as masks and food, both within and outside the XUAR, at a time when many Han Chinese workers were reportedly unwilling to return to work due to legitimate fears of contracting COVID-19.²⁰

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Firms Cannot Rely on Factory Audits to Detect Forced Ethnic Minority Labor

Firms cannot rely on factory audits to ensure that their supply chains are free of forced labor in the XUAR. When alleged to be sourcing goods made in whole or in part from forced labor, international brands and trade associations often point to their use of audits to ensure compliance with corporate codes of conduct prohibiting forced labor.²¹ For example, after the Commission named Coca-Cola alongside other companies suspected of being linked to suppliers using forced labor, Coca-Cola informed the Associated Press that its sugar supplier in the XUAR had passed an audit.²² Following accusations of forced labor from the Australian Strategic Policy Institute,²³ Esquel Group stated, “[m]ultiple independent auditors have already validated that we do not use forced labor anywhere in our company.”²⁴ Yet labor and supply chain experts argue that labor audits are not possible in the case of ethnic minority workers in the XUAR, given the extreme levels of surveillance and the threat of government reprisal should they speak candidly to auditors.²⁵ Scott Nova of the labor rights organization Worker Rights Consortium (WRC) warned that “. . . no firm should be conducting audits in the XUAR. The only purpose labor rights audits can serve in the XUAR now is to create the false appearance of due diligence, and thereby facilitate continued commerce in products made with forced labor.”²⁶

One recent example of the failure of audits to uncover forced labor in the XUAR is that of the certification firm **Bureau Veritas** and the XUAR-based producer **Yili Zhuo Wan Garment Manufacturing Company** (Yili Zhuo Wan). In March 2020, the Associated Press reported that WRC had found that **Lacoste** had sold gloves in Europe made by Yili Zhuo Wan.²⁷ Refugee accounts published in March²⁸ and October 2019²⁹ established that Yili Zhuo Wan exploited forced ethnic minority labor. Lacoste told the Associated Press that it stopped shipments from Yili Zhuo Wan after WRC alerted the brand to labor rights abuses taking place in its supply chain,³⁰ yet earlier factory auditing failed to detect forced labor.³¹ On March 10, WRC reported that Yili Zhuo Wan had undergone an audit by a major auditing firm called **Bureau Veritas**.³² Bureau Veritas is not the only auditing firm that has failed to uncover forced labor in the XUAR; the social compliance nonprofit **Worldwide Responsible Accredited Production (WRAP)**³³ also failed to uncover forced labor in the XUAR.³⁴ WRAP certified a garment manufacturer that was later subject to a U.S. Customs and Border Protection “Withhold Release Order” due to indications that its products were made with forced labor.³⁵

**The Xinjiang Production and Construction Corps:
Links to Human Rights Abuses and International Supply Chains**

Companies are at great risk of complicity in crimes against humanity, forced labor, and other rights violations if they do business with the Xinjiang Production and Construction Corps (XPCC), its affiliated companies, or other companies that have close ties to the XPCC. Founded in 1954 to establish control over the northwestern border areas of China,³⁶ in 2019, the XPCC oversaw a population of approximately 3.25 million people,³⁷ 10 cities and 37 towns,³⁸ in addition to a wide range of industries with a value-added of over US\$9.4 billion.³⁹ The XPCC has facilitated the large-scale migration of ethnic Han Chinese residents to the XUAR from other parts of China, both through generous incentives and forced transfers, particularly of prisoners.⁴⁰

In recent years, the XPCC has been deeply involved in widespread and egregious human rights abuses against ethnic minority groups in the XUAR that likely constitute crimes against humanity.⁴¹ The XPCC has built and administered some of the extrajudicial mass internment camps in which authorities have arbitrarily detained up to 1.8 million individuals from predominantly Muslim ethnic minority groups.⁴² Cadres from the XPCC participate in intrusive homestay programs in the XUAR, living with ethnic minority families in their homes without consent in order to surveil them and compile information that may be used to send them to internment camps.⁴³ There is growing evidence that XPCC prisons may be holding increasing numbers of ethnic minority prisoners.⁴⁴ Prisoners in XPCC prisons reportedly engage in forced labor.⁴⁵ The XPCC appears to be involved in the exploitation of ethnic minority forced labor outside prisons as well, through its participation in “poverty alleviation” programs⁴⁶ and the “Xinjiang Aid” (*duikou yuanjiang*) program,⁴⁷ both of which are associated with forced labor.⁴⁸

Given the XPCC’s involvement in likely crimes against humanity in the XUAR, companies that work with or source from the XPCC and any affiliated corporate entities are at great risk of complicity in egregious human rights abuses. As of 2019, the XPCC was involved in a wide range of agricultural and industrial production, including cotton, tea, sugar beets, tomatoes, coal, fuel processing, food processing, and textiles.⁴⁹ The XPCC Bureau of Statistics did not list the number of XPCC-affiliated enterprises or provide enterprise names.⁵⁰

One XPCC-affiliated firm, the **XPCC Cotton and Linen Company**, was until recently a local implementing partner of the **Better Cotton Initiative** (BCI).⁵¹ BCI is a non-profit organization working around the world to improve sustainability in the cotton industry by training and licensing cotton producers.⁵² Members of the initiative include **Abercrombie & Fitch, Gap Inc., Target Corporation, and Walmart, Inc.**⁵³ BCI worked with XPCC Cotton and Linen Company as its local implementing partner for several years, ending the relationship in October 2019.⁵⁴ BCI says it ended the relationship due to “significant restructuring” within the company.⁵⁵

In addition to managing its own enterprises,⁵⁶ the XPCC also has close links to non-XPCC firms. Below are two examples of large firms with links to the XPCC that are suppliers to numerous multinational companies and brands.

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The Xinjiang Production and Construction Corps: Links to Human Rights Abuses and International Supply Chains—Continued

- **COFCO.** COFCO is a large state-owned enterprise with many subsidiary brands and companies.⁵⁷ One of those subsidiaries, COFCO Tunhe, was itself reported by the Wall Street Journal in 2019 to be employing forced ethnic minority labor in the XUAR.⁵⁸ A 2007 announcement on COFCO’s website references a “strategic cooperative framework agreement” between COFCO and the XPCC.⁵⁹ A 2017 announcement, also on COFCO’s website, describes a meeting between then-XPCC Party Secretary Sun Jinlong and COFCO Chairman and Party Secretary Zhao Shuanglian.⁶⁰ Zhao expressed his hope that COFCO and the XPCC would strengthen their cooperation in the production of sugar, tomatoes, and cotton.⁶¹ In addition to operating a joint venture with **Coca-Cola**,⁶² COFCO reportedly has sold sugar, tomatoes, and other products to major international brands including **Campbell Soup**,⁶³ **Heinz**,⁶⁴ **Nestle**,⁶⁵ **Unilever**,⁶⁶ **Del Monte**,⁶⁷ **PepsiCo**,⁶⁸ and **McCormick**.⁶⁹ In addition, **BASF** and **Bayer** reportedly cooperated with COFCO in tomato production as of September 2019.⁷⁰
- **Esquel Group.** A Hong Kong-based garment company, Esquel Group has also been accused of exploiting ethnic minority forced labor by the Wall Street Journal and the Australian Strategic Policy Institute, a think tank.⁷¹ Esquel Group denies the allegation.⁷² In 2002, the Party-run People’s Daily profiled Marjorie Yang,⁷³ Esquel Group chair and daughter of the company’s founder, recounting how Yang invested “tens of millions of US dollars” in joint ventures with the XPCC to build farms in Kashgar prefecture and Turpan municipality, XUAR.⁷⁴ In 2014, official media reported on a meeting between Yang⁷⁵ and Commander Liu Xinqi, then-Deputy Party Secretary of the XPCC.⁷⁶ Liu said Esquel Group had been a “powerful driver of the development of the XPCC’s cotton industry.”⁷⁷ Esquel Group is accredited by the **Fair Labor Association**⁷⁸ and in addition to running its own brands, **PYE** and **DETERMINANT**,⁷⁹ reportedly supplies major brands including **Hugo Boss**, **Muji**, **Ralph Lauren**, and **Tommy Hilfiger**.⁸⁰ Esquel Group reported that, in April 2020, they completed divestment from the Xinjiang White Field Cotton Farming Co. Ltd., a joint venture with the Third Division of the XPCC.⁸¹

Commercial Firms’ Role in Government Data Collection and Surveillance Across China

Chinese law allows the government to collect personal data from companies without adequate protections for the internationally recognized right to privacy.⁸² For example, the PRC Cybersecurity Law requires companies to provide technical support to authorities conducting criminal investigations or “protecting state security,”⁸³ without specifying what such technical support entails.⁸⁴ The PRC National Intelligence Law similarly requires entities operating in China—including companies—to provide support and assistance to authorities engaged in “intelligence work,” without defining what the government considers “intelligence work.”⁸⁵ Observers note that companies are required to comply with government demands to provide information, though in some cases companies do push

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back.⁸⁶ This past year, in an example of expanding collection of biometric data facilitated by companies, Chinese telecommunications companies began requiring facial recognition scans to purchase new mobile phones in order to comply with new central government guidance that took effect in December 2019.⁸⁷

DATA COLLECTION AND COVID-19

Chinese authorities and companies used technology to combat the spread of COVID-19 in ways that experts warn may violate human rights, in particular the right to privacy.⁸⁸ By mid-February 2020, about 200 Chinese cities used mobile app-based health QR codes to potentially limit residents' ability to travel.⁸⁹ The New York Times reported in March 2020 that the Alipay Health Code, implemented by **Alibaba Group** affiliate **Ant Financial**, shares personally identifiable health and location data with public security authorities.⁹⁰ Both the Alipay platform and a similar version on **Tencent's WeChat** assign users a color—green, yellow, or red—to signal their health status.⁹¹ Ant Financial has not disclosed details regarding how they assign individuals' health statuses.⁹² State-funded media outlet The Paper looked at 14 different localities' health code apps and found that only 3 had explicit privacy protections.⁹³ Neither local authorities nor platform operators have indicated when the health codes will be phased out.⁹⁴ In May 2020, Hangzhou municipality in Zhejiang province announced plans to make the health code system there permanent.⁹⁵ Central government regulations issued in February 2020 prohibit data collected for COVID-19 enforcement from being used for other reasons, but it was unclear if those regulations would apply if the apps remained in use after the pandemic.⁹⁶ While governments may restrict some rights during public health crises, human rights organizations advise that such restrictions should be necessary, proportionate, and temporary.⁹⁷

EXPANDING SURVEILLANCE NETWORKS

Chinese security authorities are working with companies not only to collect and monitor individuals' data, but also to integrate improved technology into China's expanding network of surveillance cameras. For example, the Commission previously reported that the state-owned technology firm **Aebell** was developing a nationwide project called "Sharp Eyes," which would link surveillance cameras installed in rural areas to individuals' televisions and smart phones, allowing those individuals to access surveillance feeds in their villages,⁹⁸ and authorities have continued to work with companies to develop the Sharp Eyes project this past year. Chinese companies such as **Huawei**, **Dahua**, and **Hikvision**⁹⁹ have gained or fulfilled government contracts to build surveillance systems for local public security bureaus' Sharp Eyes projects. Though branded as a rural surveillance program, according to government procurement documents, urban public security bureaus and political-legal committees also purchased surveillance technology for Sharp Eyes projects.¹⁰⁰ The international human rights organization Human Rights Watch warned that the Chinese government was increasingly using mass surveillance technologies, often to target "vulnerable communities."¹⁰¹ In one example, offi-

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cially installed surveillance equipment as part of the Sharp Eyes project in Buddhist, Taoist, and Christian places of worship in Jiangxi province to monitor religious activities.¹⁰²

Role of Commercial Firms in Government Censorship

Chinese government restrictions on freedom of expression increased this past year,¹⁰³ and companies—particularly tech companies—were both targets and enablers of Chinese government censorship. New regulations from the Cyberspace Administration of China (CAC) that took effect on March 1, 2020,¹⁰⁴ may have particular relevance for companies in China. David Bandurski of the China Media Project highlighted the regulations’ requirement that non-state entities—including enterprises—censor on behalf of the government.¹⁰⁵

Companies can face financial consequences for violating censorship guidelines in China. In 2019, authorities shut down 84,000 websites and removed more than 11 million pieces of “harmful information” from the internet.¹⁰⁶ Although the International Covenant on Civil and Political Rights—which China has signed and committed to ratify¹⁰⁷—allows governments to limit freedom of expression for the protection of “morals,”¹⁰⁸ the Chinese government has in the past used campaigns against pornography and other “unlawful information” to restrict the legitimate exercise of freedom of expression.¹⁰⁹ In early February 2020, as the novel coronavirus (COVID-19) spread in China, the CAC issued a notice condemning internet companies and websites for disseminating “harmful” information and “spreading panic” (*sanbu konghuang qingxu*) about the virus.¹¹⁰ The notice mentioned entities by name, including major companies such as Sina Weibo, Tencent, and ByteDance, and placed these firms under “special supervision” (*zhuanxiang dudao*).¹¹¹ In April 2020, sales of a popular video game, *Animal Crossing*, were stopped after players used the game as a platform to criticize Chinese President and Communist Party General Secretary Xi Jinping and Hong Kong Chief Executive Carrie Lam for retaliating against the pro-democracy movement in Hong Kong.¹¹² The Commission could not determine whether online vendors stopped the sales themselves or whether authorities ordered sales to cease.¹¹³

Faced with the possibility of lost revenue or punishment, both domestic and international companies engaged in self-censorship and censored content at the request of authorities. For example, according to one report, YY (owned by **JOYY Inc.**),¹¹⁴ a popular live-streaming platform, began blocking at least 45 keywords related to COVID-19 by December 31, 2019, possibly due to government directives.¹¹⁵ Between January 1 and February 15, 2020, **Tencent’s WeChat** reportedly censored messages containing at least 516 keyword combinations related to COVID-19,¹¹⁶ and took down posts of Wuhan writer Fang Fang’s *Wuhan Diary*, a series of posts chronicling the city’s quarantine.¹¹⁷ Tencent also suspended WeChat users’ accounts over politically sensitive posts about the virus.¹¹⁸ Given the ubiquity of WeChat in China, losing access to one’s account can cause significant disruption, particularly in the context of the COVID-19 crisis.¹¹⁹ WeChat is often the primary way people communicate with friends and family.¹²⁰ WeChat’s digital payment

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feature is also a common payment method in China, and users reported losing access to funds held in their accounts.¹²¹

U.S. companies also engaged in censorship in order to comply with demands from authorities in China. For example, reporting by the Intercept found that **Shutterstock**, a New York-based stock content provider, created a search query blacklist to censor sensitive keywords for its customers in China in October 2019.¹²² Also in October 2019, Quartz reported that **Apple** removed the emoji depicting the Taiwanese flag from its mobile device operating system for users in mainland China, Hong Kong, and Macau.¹²³ Following that article's release, and after complaints from Chinese authorities, Apple removed Quartz's mobile app from its Chinese app store, citing the need to take down "content that is illegal in China."¹²⁴ [For more information on Chinese government censorship inside China, see Section II—Freedom of Expression. For more information on Chinese government censorship outside China, see Section II—Human Rights Violations in the U.S. and Globally.]

Notes to Section II—Business and Human Rights

¹Freedom House, “China,” in *Freedom in the World: A Leaderless Struggle for Democracy*, 2020; Human Rights Watch, “China,” in *World Report 2020: Events of 2019*, 2020, 130, 135.

²Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 12; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of December 16, 1966, entry into force March 23, 1976, art. 17; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, accessed May 29, 2020. China has signed but not ratified the ICCPR. See also UN Human Rights Council, Report of the Special Rapporteur on the Right to Privacy, Joseph Cannataci, A/HRC/37/62, October 25, 2018, para. 4; UN General Assembly, Resolution Adopted by UN General Assembly on December 18, 2013: 68/167. The Right to Privacy in the Digital Age, A/RES/68/167, January 21, 2014.

³Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of December 10, 1948, art. 19.

⁴Office of the UN High Commissioner for Human Rights, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, HR/PUB/11/04, June 16, 2011, principle 13.

⁵Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, A/CONF.183/9, July 17, 1998, entry into force July 1, 2002, art. 7.

⁶Naomi Kikoler, “Simon-Skjoldt Center Director Delivers Remarks on China’s Systematic Persecution of Uyghurs,” United States Holocaust Memorial Museum, March 6, 2020; Michael Caster, “At Davos, the Message of ‘Globalization 4.0’ Must Include a Rebuke of China’s Ethnic Cleansing in Xinjiang,” *Hong Kong Free Press*, January 21, 2019; Gene A. Bunin, “Detainees Are Tricking Out of Xinjiang’s Camps,” *Foreign Policy*, January 18, 2019; Uyghur Human Rights Project, “Universal Children’s Day 2018: China Must Reunite Uyghur Children and Parents. Forcible Placement of Children of Living Parents in State-Run Facilities Constitutes a Crime against Humanity,” November 19, 2018; Kate Cronin-Furman, “China Has Chosen Cultural Genocide in Xinjiang—For Now,” *Foreign Policy*, September 19, 2018; Kate Cronin-Furman, “About Me,” Personal Website of Kate Cronin-Furman, accessed May 29, 2020; Michael Caster, “China’s Crimes against Humanity You’ve Never Heard Of,” *CNN*, July 26, 2018. See also Congressional-Executive Commission on China, “Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region,” March 2020, 10–11.

⁷See, e.g., Adrian Zenz, “China Didn’t Want Us to Know. Now Its Own Files Are Doing the Talking,” *New York Times*, editorial, November 24, 2019; Adrian Zenz, “Xinjiang’s Re-Education and Securitization Campaign: Evidence from Domestic Security Budgets,” *China Brief*, Jamestown Foundation, November 5, 2018; Fergus Ryan, Danielle Cave, and Nathan Ruser, “Mapping Xinjiang’s ‘Re-Education’ Camps,” International Cyber Policy Centre, Australian Strategic Policy Institute, November 1, 2018. See also CECC, *2019 Annual Report*, November 18, 2019, 266–75; CECC, *2018 Annual Report*, October 10, 2018, 273–77.

⁸See, e.g., Freedom House, “China,” in *Freedom in the World: A Leaderless Struggle for Democracy*, 2020; Human Rights Watch, “China,” in *World Report 2020: Events of 2019*, 2020, 130, 135; Maya Wang, Human Rights Watch, “The Robots Are Watching Us,” April 6, 2020; Chris Buckley and Austin Ramzy, “Inside China’s Push to Turn Muslim Minorities into an Army of Workers,” *New York Times*, February 17, 2020; Adrian Zenz, “Beyond the Camps: Beijing’s Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang,” *Journal of Political Risk* 7, no. 12 (December 10, 2019). See also *Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region, Roundtable of the Congressional-Executive Commission on China*, 116th Cong. (2020). For more information on how surveillance curtails freedom of expression, see UN Human Rights Council, Surveillance and Human Rights: Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, A/HRC/41/35, May 28, 2019, para. 21.

⁹Adrian Zenz, “Beyond the Camps: Beijing’s Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang,” *Journal of Political Risk* 7, no. 12 (December 10, 2019); Bethany Allen-Ebrahimian, “Exposed: China’s Operating Manuals for Mass Internment and Arrest by Algorithm,” International Consortium of Investigative Journalists, November 24, 2019; Gene A. Bunin, “Xinjiang’s Hui Muslims Were Swept into Camps alongside Uyghurs,” *Foreign Policy*, February 10, 2020; Chris Buckley and Austin Ramzy, “Inside China’s Push to Turn Muslim Minorities into an Army of Workers,” *New York Times*, February 17, 2020; Amy K. Lehr and Mariefaye Bechrakis, “Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Supply Chains,” Center for Strategic and International Studies, October 2019; Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, “Uyghurs for Sale: ‘Reeducation,’ Forced Labour and Surveillance beyond Xinjiang,” International Cyber Policy Centre, Australian Strategic Policy Institute, March 1, 2020. For more information on forced labor in the XUAR during the previous reporting year, see CECC, *2019 Annual Report*, November 18, 2019, 162, 205–7, 272–73.

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