

BUSINESS AND HUMAN RIGHTS

Findings

- Chinese and international businesses are at risk of complicity in—and of profiting from—the Chinese Communist Party and government’s use of forced labor to suppress ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR). Reports of state-sponsored forced labor implicate supply chains of industries and products including automobile manufacturing, red dates, and cotton and the garment industry.
- Investigations found that Chinese fast fashion direct-to-consumer retailers Shein and Temu are linked to the XUAR and have exploited the US\$800 de minimis threshold, which allows vendors to send shipments below that value without having to report basic data.
- A May 2023 report detailed how the U.S. Federal Government’s employee retirement plan, the Thrift Savings Plan (TSP), included options to invest in Chinese companies that are on watchlists or are sanctioned by the U.S. Government for their ties to forced labor in the People’s Republic of China (PRC) or surveillance efforts in the XUAR.
- Chinese and international companies were reported to be supporting the Chinese government’s data collection, surveillance, and censorship. Some examples include:
 - China-based video surveillance manufacturer Uniview developed Uyghur recognition technology and co-authored ethnicity and skin color tracking policy standards;
 - Bresee, Uniview’s sister company, provided artificial intelligence support relating to ethnicity tracking and facial recognition;
 - U.S.-sanctioned Dahua and Hikvision and New Jersey-based video surveillance manufacturer Infinova developed various “alarms” to help police identify and detect potential political protests;
 - Apple removed full AirDrop functionality in China by setting a 10-minute limit for the file-sharing feature;
 - Thermo Fisher Scientific sold DNA equipment to police in the Tibet Autonomous Region (TAR), where Human Rights Watch identified mass involuntary DNA collection programs; and
 - HSBC and PayPal HK targeted the League of Social Democrats, one of the last pro-democracy parties in Hong Kong, with forced closures of their accounts.
- Leading up to the PRC Counterespionage Law’s July 1, 2023 effective date, the Commission observed reports of Chinese authorities targeting global firms including U.S.-headquartered corporation Mintz Group and U.S. consulting firm Bain & Company.
- Abusive practices toward workers were found in Chinese factories of third-party printing inkjet and toner cartridge manufacturers.

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Recommendations

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

- Work with like-minded governments and legislatures to encourage implementation of policies and legislation similar to the Uyghur Forced Labor Prevention Act (Public Law No. 117-78), which prohibits the importation of goods made in whole or in part in the XUAR.
- Consider actions, including legislation as needed, that bolster supply chain transparency, such as requiring supply chain mapping, corporate disclosures, comprehensive human rights due diligence, and country of origin labels for goods purchased and sold online.
- Increase U.S. Customs and Border Protection funding to bolster its ability to monitor imported goods for links to forced labor in the PRC.
- Partner with like-minded governments to decrease reliance on imports from China and increase dialogue towards enhancing greater cooperation to resist PRC economic coercion.
- Consider introducing a resolution in the United Nations to request a new Special Representative on the issue of human rights and transnational corporations and other business enterprises to be appointed by the Secretary-General.
- Enhance interagency coordination to ensure alignment about companies that are sanctioned or blacklisted to avoid potential investments in Chinese or international firms implicated in genocide and crimes against humanity in the XUAR.
- Engage U.S. companies on human rights issues in China such as forced labor, government surveillance, government censorship, and worker rights. Such engagement should include:
 - Encouraging companies that source a significant percentage of their products from China to trace the supply chain of these goods to ensure that they are not linked to PRC state-sponsored forced labor. Members should encourage such companies to protect both workers and whistleblowers at their factories and facilities in China and worldwide;
 - Encouraging companies to change their approach to conducting due diligence in China, moving beyond codes of conduct and third-party factory audits, which have proven to be ineffective and even harmful;
 - Encouraging companies to consider implementing diversification plans to best protect themselves against PRC raids, bans, and economic coercion;
 - Encouraging companies to consider implementing Taiwan insurance plans to protect their employees in the event of a PRC invasion of Taiwan; and
 - Holding public hearings and private meetings with companies to raise awareness of the risk of complicity in human rights abuses and privacy violations that U.S. companies working in China face.

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Introduction

The U.N. Guiding Principles on Business and Human Rights state that businesses have a responsibility to seek to avoid “causing or contributing to adverse human rights impacts.”¹ China-based companies and international companies that seek to operate in the People’s Republic of China (PRC) may find themselves complicit in, or at risk of complicity in, the PRC’s human rights violations including surveillance, data collection, censorship, crimes against humanity,² and genocide.³

Former U.N. Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises John Ruggie referred to complicity as “indirect involvement by companies in human rights abuses—where the actual harm is committed by another party, including governments and non-State actors . . . it may not matter that the company was merely carrying out normal business activities if those activities contributed to the abuse and the company was aware or should have been aware of its contribution. The fact that a company was following orders, fulfilling contractual obligations, or even complying with national law will not, alone, guarantee it legal protection.”⁴

Corporate Involvement in XUAR Forced Labor

Companies that do business in, source from, or work with companies in the Xinjiang Uyghur Autonomous Region (XUAR) are at risk of complicity in the human rights abuses being committed by the Chinese Communist Party and government in the region. In July 2022, U.N. Special Rapporteur on contemporary forms of slavery Tomoya Obokata issued a report which found that in some instances, forced labor involving Uyghurs, Kazakhs, and other ethnic minorities in the XUAR “may amount to enslavement as a crime against humanity.”⁵ In August 2022, the Office of the U.N. High Commissioner for Human Rights released an assessment of human rights concerns in the XUAR which included evidence of forced labor in “labor transfer” programs and in programs using the labor of current and former mass internment camp detainees.⁶ With the release of the assessment, one expert advised it “was no longer possible for any state, business or individual to have plausible deniability about the wide-ranging human rights abuses that have, and are continuing to occur, in [the XUAR].”⁷ The use of audits to determine whether products are free of forced labor in the XUAR remains unreliable.⁸

During the 2023 reporting year, the Commission observed the following reports detailing evidence of supply chains implicated or at risk of complicity in state-sponsored forced labor among minorities from the XUAR:

- **Automobile Manufacturing.** In December 2022, Sheffield Hallam University’s Helena Kennedy Centre for International Justice and non-profit research organization NomoGaia released a report documenting how the production of automobile manufacturing materials, ranging from “hood decals and car

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frames to engine casings, interiors and electronics,” were found to be connected to Uyghur forced labor.⁹ International automobile brands implicated included **BMW, Ford, Honda, Mercedes-Benz, Nissan, Tesla, Toyota, Volkswagen, and Audi.**¹⁰

- **Red Dates.** In August 2022, the Uyghur Human Rights Project published a report revealing how red dates have a high risk of being tainted by forced labor due to fruit intercropping with XUAR cotton and the Xinjiang Construction and Production Corps’ (XPCC)¹¹ involvement in red date production.¹² The report documented more than 70 brands of red dates grown or processed in the XUAR distributed by U.S.-based wholesalers, including **Blooming Import** and **Growland Inc.**, which sell red dates online and to local stores in the Washington, D.C., metropolitan area.¹³ These included at least three brands of dates labeled with “Bingtuan,” representing the XPCC, on their packaging.¹⁴

- **Cotton and the Garment Industry.** According to an April 2023 report by the U.S. Department of Agriculture’s Foreign Agricultural Service, roughly 91 percent of China’s total cotton production occurs in the XUAR, with roughly one-third of the region’s cotton output produced by the XPCC.¹⁵ A report by scholar Adrian Zenz detailed ongoing labor transfer programs involved in the XUAR’s cotton industry and the continued prevalence of the handpicking of cotton, despite official claims to the contrary.¹⁶ A Bloomberg investigation found that garments of Chinese online fast fashion brand **Shein** shipped to the U.S. are made with XUAR cotton¹⁷ and a global supply chain company found that products sold in the U.S. on e-commerce site **Temu** are linked to the XUAR.¹⁸ In May 2023, three Europe-based nongovernmental organizations and a Uyghur plaintiff filed a complaint requesting a French judicial investigation into garment companies **Uniqlo, SMCP, Inditex, and Skechers USA** for concealing crimes against humanity and their reported links to Uyghur forced labor.¹⁹

The Uyghur Forced Labor Prevention Act

Effective since June 21, 2022, the Uyghur Forced Labor Prevention Act (UFLPA; Public Law No. 117-78) establishes a rebuttable presumption that all goods made in whole or in part in the XUAR have been made with forced labor, and that the importation of such goods is prohibited by Section 307 of the Tariff Act of 1930.²⁰ During this reporting year, however, Shein and Temu were reported to be exploiting the US\$800 de minimis threshold²¹ to avoid scrutiny of the goods they import into the United States.²² In March 2023, U.S. Customs and Border Protection published a public dashboard to disclose enforcement statistics about shipments that have been subject to the UFLPA.²³ Industries displayed on the dashboard include electronics, apparel, footwear, and textiles; industrial and manufacturing materials; agriculture and prepared products; consumer products and mass merchandising; pharmaceuticals, health, and chemicals; machinery; base metals; and automotive and aerospace.²⁴ [For information on how government-sponsored forced labor violates international standards prohibiting human traf-

ficking and forced labor, see Chapter 10—Human Trafficking. For more information on government-sponsored forced labor in the XUAR, see Chapter 18—Xinjiang.]

U.S. Federal Employee Retirement Investments Linked to Rights Abuses in the XUAR

In addition to global supply chains, U.S. federal employee retirement investments have also been found to be linked to crimes against humanity and genocide in the XUAR. A May 2023 report detailed findings by research and advocacy group Coalition for a Prosperous America and consulting firm Kilo Alpha Strategies about how the U.S. federal government’s employee retirement plan, the Thrift Savings Plan (TSP), included options to invest in Chinese companies that are on watchlists or are sanctioned by the U.S. Government.²⁵ Companies listed as options in the TSP include **Changhong Meiling Co. Ltd.**, which develops electronics and is linked to XUAR forced labor; **Huafu Fashion Co. Ltd.**, which is tied to forced labor in the XUAR’s cotton industry; **Xiamen Meiya Pico Information Company**, which contributed to the PRC’s surveillance efforts in the XUAR; and **Xinjiang Daqo New Energy Co.**, which is linked to forced labor in the XUAR’s solar industry.²⁶

Companies’ Role in Government Data Collection, Surveillance, and Censorship across China

PRC law authorizes the government to collect individuals’ data from companies without adequate protection for the internationally recognized right to privacy, and in the absence of an independent judiciary.²⁷ For example, the PRC Cybersecurity Law requires companies to provide technical support to authorities conducting criminal investigations or “safeguarding national security.”²⁸ While the law does not specify what such technical support entails,²⁹ in the past, Chinese companies have processed bulk data to assist PRC intelligence services.³⁰ The PRC National Intelligence Law requires entities operating in China—including companies—to support authorities engaged in “intelligence work,” without defining what the government considers “intelligence work.”³¹ [For more information on data collection and surveillance, see Chapter 16—Technology-Enhanced Authoritarianism.]

DATA COLLECTION AND SURVEILLANCE

Companies were reported to be supporting the PRC’s data collection and surveillance efforts. Reporting from technology research firm IPVM found that China-based video surveillance manufacturer **Uniview**, a key supplier of PRC surveillance technology, developed Uyghur recognition technology and co-authored ethnicity and skin color tracking policy standards to support security forces and government projects.³² **Bresee**, Uniview’s sister company and a partner of **Huawei**, provided artificial intelligence (AI) support relating to ethnicity tracking and facial recognition.³³ China-based camera manufacturer **Dahua** developed “banner alarms” to detect unfurled banners in “indoor halls or relatively empty outdoor [city] squares [and] roads” to identify potential political protests, while

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Hikvision created protest-related “alarms” to help police track and locate crowds.³⁴ New Jersey-based video surveillance manufacturer **Infinova** also produced surveillance cameras with the “unfurled banner detection” capability, according to IPVM.³⁵

In November 2022, intelligence company Recorded Future published a report detailing PRC government procurement of products from American companies for surveillance or data collection purposes.³⁶ For example, California-based **Western Digital** and **Seagate Technology** sold surveillance-specialized hard disk drives to Xinjiang Uyghur Autonomous Region (XUAR) government entities—including the U.S.-sanctioned Xinjiang Production and Construction Corps (XPCC).³⁷ Public security bureaus in the XUAR, including in Urumqi municipality and Changji Hui Autonomous Prefecture, procured **Seagate’s SkyHawk** series of surveillance-specialized storage products.³⁸ The Hainan Province Public Security Department purchased hardware from U.S. companies **IBM**, **Cisco**, **Comtech**, and **Motorola Solutions** to assist with command center communications, mass surveillance and intelligence gathering.³⁹ The report also highlighted how **Ryan Technologies**, a California-based information technology consulting firm,⁴⁰ facilitated the transfer of foreign technology, including from the United States, to public security entities in China.⁴¹

PRC government tenders revealed police purchased DNA equipment from **Thermo Fisher Scientific** to be used in the Tibet Autonomous Region (TAR),⁴² where Human Rights Watch identified mass involuntary DNA collection programs.⁴³ The Commission wrote to Thermo Fisher in December 2022 to inquire about the possibility that Thermo Fisher DNA sequencers and kits may have been used by TAR law enforcement agencies in mass DNA collection programs in recent years.⁴⁴ Although Thermo Fisher replied to the Commission in January 2023,⁴⁵ Tibetan activists raised concerns that the company had not thoroughly addressed the issues at hand.⁴⁶ Human Rights Watch previously raised concerns about the company’s sales of DNA sequencers to XUAR government entities.⁴⁷ [For more information about how mass biometric data collection violates human rights in the TAR, see Chapter 17—Tibet. For more information on human rights violations and biometric data collection in the XUAR, see Chapter 18—Xinjiang.]

Because companies must comply with demands to provide information and access to data under the PRC’s cybersecurity and data security laws,⁴⁸ several foreign governments highlighted privacy and security concerns for overseas users of **TikTok**, owned by Chinese company **ByteDance**.⁴⁹ Locations, internet protocol (IP) addresses, and personal financial information of TikTok users, creators, and businesses are reportedly accessible via servers in China.⁵⁰ [For information on TikTok’s role in government censorship, see below in this section.]

GOVERNMENT CENSORSHIP, REMOVALS, AND CLOSURES

The PRC government restricted freedom of expression during this reporting year, and companies were both targets and enablers of Chinese government censorship. Examples include:

- Chinese platforms removed content that does not support PRC narratives.

- In March 2023, the Cyberspace Administration of China launched a campaign to ban media deemed as “rumors, harmful information, and false news” in “self-media” (*zi meiti*)⁵¹ resulting in closure of more than 66,600 accounts on Chinese social media platforms, including microblog **Weibo**, and video-sharing platforms **Kuaishou** and **Douyin**.⁵²
- **Weibo** blocked hashtags, including “Haidian,” “Beijing,” and “Sitong Bridge,” following an October 2022 banner protest, which took place at Sitong Bridge, located in Haidian district, Beijing municipality.⁵³ Leading up to the anniversary of the 1989 Tiananmen protests and their violent suppression, Chinese search engine Baidu censored search results for maps relating to Sitong Bridge.⁵⁴
- **ByteDance’s** news platform **Toutiao** removed an essay that suggested Xi Jinping was responsible for China’s high levels of youth unemployment, according to China Digital Times in April 2023.⁵⁵ The essay belonged to the “Kong Yiji” genre that addresses how college graduates are choosing between unemployment in pursuit of a white-collar career or stability in a blue-collar career.⁵⁶
- **ByteDance’s** video-sharing platform **Douyin** censors content that criticizes the Chinese Communist Party and government,⁵⁷ as well as other content.⁵⁸ On June 2, 2023, Douyin issued censorship guidance banning official accounts from posting content, and “key opinion leaders” from posting advertising content on and around June Fourth.⁵⁹ The guidance also included a warning to monitor comment sections of old posts for symbols relating to the 1989 democracy movement and the violent suppression of the Tiananmen protests.⁶⁰
- **Apple** removed:
 - the social networking app “Damus” in China. The app, which had the ability to evade government censorship and included “content that is illegal,” had failed a PRC government security assessment.⁶¹
 - websites in Hong Kong by aligning the privacy policy of their browser, Safari, in Hong Kong with **Tencent’s** filter which blocks “deceptive” websites.⁶² Among those websites temporarily blocked by the filter were GitLab, a code-sharing website; Coinbase, a cryptocurrency exchange platform; and Mastodon, a social media platform.⁶³
 - full AirDrop functionality in China, by setting a 10-minute limit to the file-sharing feature for Apple products.⁶⁴ AirDrop was previously commonly used by protesters in mainland China to circumvent official censorship, and in Hong Kong to coordinate with other protesters.⁶⁵
- **Disney** removed content in Hong Kong. In February 2023, the Financial Times reported that an episode of “The Simpsons” was removed from Disney Plus, Disney’s streaming service, in Hong Kong.⁶⁶ The episode, which initially aired in October 2022, made a reference to “forced labour camps where children make smartphones” in China.⁶⁷ The Hong Kong govern-

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ment and Disney did not comment on whether the government requested the removal.⁶⁸ A Hong Kong-based scholar speculated that Disney engaged in self-censorship to maintain its business ties in China.⁶⁹ [For more information on censorship in Hong Kong, see Chapter 19—Hong Kong and Macau.]

- AI chatbots created by Chinese companies such as **Alibaba**, **Baidu**, and **SenseTime Group Inc.**,⁷⁰ are required to adhere to PRC regulations, including two new regulations on generative AI: the Provisions on the Administration of Deep Synthesis Internet Information Services⁷¹ and draft Measures for the Management of Generative Artificial Intelligence Services.⁷² Under these two new regulations and similar to prior internet regulations, technology companies would be responsible for content management and censorship.⁷³ According to a China law expert, “... unclear standards for permissible content and harsh penalties could lead service providers to over-censor, or hobble their products, as they try to avoid liability. Unfortunately, this type of chilling effect is common in Chinese speech regulation.”⁷⁴

- **HSBC** and **PayPal HK** targeted the League of Social Democrats (LSD), one of the last pro-democracy parties in Hong Kong.⁷⁵ The LSD posted on Facebook about the forced closure of their PayPal HK account in October 2022.⁷⁶ PayPal cited “excessive risks” as the reason for the closure of the LSD’s account.⁷⁷ In April and May 2022, HSBC closed three bank accounts belonging to the LSD, hindering the LSD from continuing their work and receiving donations from supporters.⁷⁸ In a letter to HSBC, the leader of the LSD described the forced closures as an act to “reduce the freedom of expression and freedom of choice of ordinary Hongkongers.”⁷⁹ The forced termination of the LSD’s PayPal and HSBC accounts are likely to be politically motivated to obstruct the LSD’s work in light of the National Security Law.⁸⁰

[For more information on censorship and suppression of expression, see Chapter 1—Freedom of Expression.]

Amendments to the PRC Counterespionage Law and Impact on Global Businesses

Given the lack of safeguards for the freedoms of expression and association in the PRC, international corporations doing business in China are at risk of not only corporate complicity, but also government raids or investigations, and subject to the legal risks of noncompliance with PRC laws.

In April 2023, the National People's Congress Standing Committee amended the PRC Counterespionage Law (effective July 1, 2023) in ways that may negatively affect government transparency and subject company employees to arbitrary detention.⁸¹ The revised law broadened the definition of acts of "espionage," and further granted state security agencies authority to investigate such activities.⁸² Under the law's expanded application, foreign enterprises may trigger investigations and "face unexpected risks" by conducting what are otherwise normal business operations such as recruitment of local talent, cross-border projects, and research initiatives with overseas partners.⁸³

An expert advised that "what due-diligence firms do in China puts them in conflict with how China thinks about information and what information should be shared with foreigners."⁸⁴ Leading up to the revised PRC Counterespionage Law's effective date, the Commission observed how Chinese authorities were targeting global firms with raids and investigations.⁸⁵ For example, in March 2023, Chinese authorities raided the Beijing municipality office of **Mintz Group**, a U.S.-headquartered corporation, and held five local staff members incommunicado.⁸⁶ Prior to the raid, Mintz Group reportedly conducted due diligence work examining supply chain links to forced labor in the XUAR.⁸⁷ Chinese police, in addition, visited the Shanghai municipality office of U.S. consulting firm **Bain & Company** more than once to interrogate employees and to confiscate computers and phones.⁸⁸

Exporting China's Censorship

In July 2022, the U.S. International Trade Commission issued a report which found "some businesses consider the costs of complying with Chinese censorship as part of the cost of doing business in China ..., while other firms may not consider complying with Chinese censorship to be costly, as the benefits of gaining access to the Chinese market outweigh the costs associated with Chinese censorship."⁸⁹ Companies can face expulsion from the Chinese market, loss of revenue, or other forms of punishment for speech or actions that do not align with PRC narratives or censorship guidelines.⁹⁰ As a result, international companies often self-censor or assist the PRC in exporting censorship for the sake of maintaining market access, while Chinese companies operating overseas adhere to PRC censorship.⁹¹ Instances of exported censorship and self-censorship outside of China during this reporting period include:

- **Tencent's WeChat** censoring content overseas, including posts that were "positive towards the United States," with an account being shut down after posting an article that favorably reviewed the 2020 U.S. presidential election.⁹² In September

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2022, WeChat warned users outside of China that their personal data, including browsing and search history, would be transmitted to China, raising concerns about censorship from users overseas.⁹³ Overseas WeChat users from the Chinese diaspora are often hesitant to publicly disclose their experiences of censorship and harassment due to fears of government retaliation against their family members in China.⁹⁴ [For more information about transnational repression by the PRC government, see Chapter 20—Human Rights Violations in the U.S. and Globally.]

- Social media app **TikTok**, owned by Chinese company **ByteDance** suspending or banning U.S.-based accounts of those critical of PRC rights abuses, including non-profit Acton Institute’s account, for posts about the documentary “The Hong Konger: Jimmy Lai’s Extraordinary Struggle for Freedom,”⁹⁵ and professional basketball player Enes Freedom’s account, for posting about the PRC’s human rights violations.⁹⁶ **TikTok** also tracked or filtered “sensitive” posts, such as queries about the violent suppression of the 1989 Tiananmen protests, and independence for Hong Kong and Taiwan.⁹⁷

- China-based video game developer **miHoYo’s** censorship of international versions of its games, by applying domestic censorship rules which led to warning or banning players who used “sensitive” words or phrases when setting up their profiles.⁹⁸ Such censorship appears to be expanding on miHoYo’s past-reported practice of replacing such “sensitive” phrases with asterisks in chat feeds.⁹⁹

Worker Exploitation and Abusive Labor Practices

The lack of protection for Chinese workers under Chinese law and the lack of enforcement of existing Chinese laws allow for abusive practices toward workers in Chinese factories of global businesses. The Chinese Communist Party-led All-China Federation of Trade Unions (ACFTU) remains the only trade union organization permitted under Chinese law.¹⁰⁰

A report by China Labor Watch, a U.S.-based nongovernmental organization, found instances of abuse and rights violations in Chinese factories of third-party printing inkjet and toner cartridge manufacturers **Zhuhai Mingtu Technology Co. Ltd.**, and **Zhuhai Chaojun Co. Ltd.**, under **Dinglong Co. Ltd.**, in Zhuhai municipality, Guangdong province.¹⁰¹ The report included examples of workers’ unpaid overtime, unsafe working conditions, discriminatory recruitment processes, illegal employment of underage workers, and psychological abuse.¹⁰² The report also detailed the absence of unions or independent worker representatives for workers to freely address workplace issues.¹⁰³

Information emerged during this reporting year on forced labor by prisoners at Chishan Prison, located in Yuanjiang city, Yiyang municipality, Hunan province. **Lee Ming-cheh**, a Taiwanese human rights activist held in Chishan Prison from 2017 to 2022, detailed how he was forced to make gloves bearing the branding of American tool manufacturing company **Milwaukee Tool** while in prison.¹⁰⁴ Shi Minglei described how prison authorities have subjected her husband **Cheng Yuan**, the co-founder of an anti-health

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discrimination nongovernmental organization who currently is imprisoned in Chishan Prison, to forced labor to sew gloves.¹⁰⁵ A May 2023 investigative report detailed that political prisoners were forced to produce gloves in Chishan Prison for **Shanghai Select Safety Products**, which is one of the suppliers for Milwaukee Tool.¹⁰⁶ [For more information on the rights of workers in China, see Chapter 11—Worker Rights.]

Notes to Chapter 14—Business and Human Rights

¹Office of the U.N. High Commissioner for Human Rights, Guiding Principles on Business and Human Rights HR/PUB/11/04, June 16, 2011, principle 13.

²Rome 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; Council on Foreign Relations, “China’s Repression of Uyghurs in Xinjiang,” updated September 22, 2022. See also Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 258, 307.

³Rome 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. 6; Newlines Institute for Strategy and Policy and Raoul Wallenberg Centre for Human Rights, “The Uyghur Genocide: An Examination of China’s Breaches of the 1948 Genocide Convention,” March 2021, 49–50; Beth Van Schaack, “Genocide Against the Uyghurs: Legal Grounds for the United States’ Bipartisan Genocide Determination,” *Just Security*, January 27, 2021; Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), approved by U.N. General Assembly resolution 260 (III) of December 9, 1948, entry into force January 12, 1951, art. 2; United Nations Treaty Collection, Chapter IV, Human Rights, Convention on the Prevention and Punishment of the Crime of Genocide, accessed July 11, 2023.

⁴U.N. Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, John Ruggie, A/HRC/8/5, April 7, 2008, paras. 73, 80.

⁵U.N. Human Rights Council, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, A/HRC/51/26, July 19, 2022, paras. 23–24. See also Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court of July 17, 1998, entry into force July 1, 2002, art. 7(c).

⁶Office of the U.N. High Commissioner for Human Rights, “OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” August 31, 2022, paras. 118–23.

⁷John Power, “UN Report on Xinjiang Ups Pressure on Brands from Nike to Airbnb,” *Al Jazeera*, September 1, 2022.

⁸“Common Concerns about Addressing Uyghur Forced Labor,” Helena Kennedy Centre for International Justice, Sheffield Hallam University, Issue Brief 4 (May 2023). For a discussion on audits in the XUAR from the Commission’s 2022 reporting year, see Congressional-Executive Commission on China, *2022 Annual Report* (Washington: November 2022), 260.

⁹Laura T. Murphy et al., “Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region,” Helena Kennedy Centre for International Justice, Sheffield Hallam University, December 2022.

¹⁰Laura T. Murphy et al., “Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region,” Helena Kennedy Centre for International Justice, Sheffield Hallam University, December 2022, 1, 14, 36, 41.

¹¹The XPCC is a paramilitary organization that advances Chinese Communist Party control over the XUAR. U.S. Department of the Treasury, “Treasury Sanctions Chinese Entity and Officials Pursuant to Global Magnitsky Human Rights Executive Order,” July 31, 2020. For a discussion of the XPCC and its links to human rights abuses in the XUAR from the Commission’s 2020 reporting year, see Congressional-Executive Commission on China, *2020 Annual Report* (Washington: December 2020), 240–41.

¹²Nuzigum Setiwal, Uyghur Human Rights Project, “Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves,” August 28, 2022, 1, 5, 7–8.

¹³Nuzigum Setiwal, Uyghur Human Rights Project, “Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves,” August 28, 2022, 1, 13, 15, 24.

¹⁴Nuzigum Setiwal, Uyghur Human Rights Project, “Fruits of Uyghur Forced Labor: Sanctioned Products on American Grocery Store Shelves,” August 28, 2022, 1, 12.

¹⁵Global Agricultural Information Network, Foreign Agricultural Service, U.S. Department of Agriculture, “Cotton and Products Annual: People’s Republic of China,” April 5, 2023, 3.

¹⁶Adrian Zenz, “Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor,” *Journal of Communist and Post-Communist Studies* 56, no. 2 (June 2023): 4–5, 18–19.

¹⁷Sheridan Prasso, “Shein’s Cotton Tied to Chinese Region Accused of Forced Labor,” *Bloomberg*, November 20, 2022.

¹⁸Sheridan Prasso, “Temu Sells Products in US Linked to Forced Labor in China’s Uyghur Region, Analysis Shows,” *Bloomberg*, June 13, 2023.

¹⁹Sherpa, Collectif Ethique sur l’Etiquette, and European Uyghur Institute, “Uyghur Forced Labor: NGOs File New Complaint Requesting Judicial Investigation against Garment Companies,” May 17, 2023. The NGOs filed the new complaint after the prosecutor’s office closed the inquiry on a complaint they filed in April 2021, saying it lacked jurisdiction to prosecute the offense.

²⁰Uyghur Forced Labor Prevention Act (Public Law 117–78). See also U.S. Customs and Border Protection, “CBP Issues Region-Wide Withhold Release Order on Products Made by Slave Labor in Xinjiang,” January 13, 2021; U.S. Customs and Border Protection, “Uyghur Forced Labor Prevention Act: U.S. Customs and Border Protection Operational Guidance for Importers,” June 13, 2022.

²¹Josh Zumbrun, “How a Trade Loophole May Be Letting in Chinese Imports Made with Forced Labor,” *Wall Street Journal*, May 26, 2023; Congressional-Executive Commission on China, “Bipartisan Group of Lawmakers Seeks Answers From Administration about Enforce-

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ment of Forced Labor Legislation,” April 11, 2023. The de minimis threshold allows vendors to send shipments without having to report basic data, if the value is under US\$800.

²² Sheridan Prasso, “Shein’s Cotton Tied to Chinese Region Accused of Forced Labor,” *Bloomberg*, November 20, 2022; Ana Swanson and Claire Fu, “Congress Spotlights ‘Serious’ Forced Labor Concerns with Chinese Shopping Sites,” *New York Times*, June 22, 2023.

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