

## ISSUE BRIEF

# A Strategic Framework for Countering China's Human-Rights Violations in Xinjiang

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JEFFREY CIMMINO

## EXECUTIVE SUMMARY

China is engaged in a systematic campaign of repression against predominantly Muslim ethnic minorities in Xinjiang Uyghur Autonomous Region (XUAR) in northwest China. Through a combination of detention camps, mass surveillance, birth suppression, and other means, China is responsible for gross human-rights violations.

In recent years, the international community has devoted an increasing amount of attention to China's actions in Xinjiang. Earlier this year, the United States declared that Beijing's behavior constituted genocide. More recently, the United States and several key partners announced multilateral sanctions on Chinese officials facilitating repression in the region. To build on these developments, the United States and its allies and partners should adopt a more strategic approach to addressing China's human-rights abuses. This Issue Brief proposes a framework for such a strategy, articulating a multilateral approach for dealing with China's repressive actions in Xinjiang.

This Issue Brief argues that addressing China's abuses in Xinjiang is of strategic importance. Ultimately, the goal of this strategy is to achieve an end state in which China has ceased its repressive activities; however, even if achieving this objective proves elusive, imposing costs on Beijing's actions in Xinjiang can still serve broader strategic ends vis-a-vis China. China has chosen an assertive path to attaining global power and influence, and decades of economic growth and incorporation in the global economic system have not been enough to transform Beijing into a responsible stakeholder in a rules-based international system. The United States and its allies and partners will need to impose costs on Chinese behavior that violates international norms. Imposing costs on China's human-rights violations in Xinjiang is a critical element of a broader strategy to dissuade Chinese Communist Party (CCP) behavior that undermines international norms and to push Beijing toward becoming a cooperative member of a rules-based international system.

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A Chinese national flag flies outside the former Xinqu Mosque that had its minarets and central dome removed in Changji outside Urumqi, Xinjiang Uighur Autonomous Region, China, May 6, 2021. Source: REUTERS/Thomas Peter

This framework is divided into three components: building a coordinated international response to China’s behavior in Xinjiang; reducing the ability of the Chinese government, corporations, and individuals to benefit economically and financially from abuses in Xinjiang; and working with Beijing to encourage positive reforms in Xinjiang. The United States and its allies and partners should convince China that it will find itself increasingly isolated diplomatically, facing a far more powerful coalition of states that is also willing to impose economic and financial costs on China’s human-rights violations. As China realizes the costs of its actions, the United States and its allies and partners should engage Beijing on implementing reforms that will enable prosperity and safeguard human dignity in Xinjiang.

The situation in Xinjiang is one of the defining human-rights challenges of the twenty-first century, and it will require a sustained, coordinated multilateral effort to achieve a resolution in which China abandons its system of repression.

## BEIJING’S HUMAN-RIGHTS VIOLATIONS IN XINJIANG

The CCP has detained up to two million Uyghur, Kazakh, Kyrgyz, and other Muslims in more than 1,300 internment camps in the Xinjiang Uygur Autonomous Region (XUAR) in northwest China.<sup>1</sup> It has established a vast architecture of repression designed to destroy the culture—and lives—of Uyghurs and other Muslim ethnic minorities in Xinjiang.

Since the CCP came to power in 1949, it has sought to increase its control over Xinjiang, a region conquered by the Qing dynasty in the mid-18th century. In the aftermath of the Tiananmen Square crackdown in 1989, followed soon after by the fall of the Soviet Union (which Chinese leaders ascribed, in part, to movements for ethnic self-determination), Beijing escalated efforts to stamp out any whiff of separatism in Xinjiang. Repressive tactics, including mass arrests and

1 “2019 Report on International Religious Freedom: China-Xinjiang,” US Department of State, 2020, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/china/xinjiang/>; “2020 Report on International Religious Freedom: China (Includes Tibet, Xinjiang, Hong Kong, and Macau),” US Department of State, May 12, 2021, <https://www.state.gov/reports/2020-report-on-international-religious-freedom/china/>.

torture, were employed despite a lack of evidence for any organized secessionist movement in the region. After the 9/11 terrorist attacks, the CCP began framing its actions in Xinjiang as a component of the war on terror. The campaign in Xinjiang grew more repressive, and in early 2017, the Chinese government started constructing mass detention centers in Xinjiang.<sup>2</sup>

Evidence of China's abuses and systematic repression in Xinjiang comes from various sources. These include a 2019 leak of CCP documents, including internal speeches by President Xi Jinping and other officials and reports on the control of Xinjiang's Uyghur population, which reveal an intentional crackdown on the region's ethnic and religious minorities, with officials ordered to dissemble about the nature of the repressive campaign.<sup>3</sup> In addition, a digital resource known as the Xinjiang Victims Database compiles information about individuals known to be detained in Xinjiang. As will be discussed below, Chinese government statistics have been used to shed light on the suppression of Uyghur births. Finally, interviews with former detainees and family members of detainees further illuminate Beijing's disregard for human rights.

A counterterrorism law for Xinjiang bans long beards and full-face coverings. Chinese officials have reportedly forced Muslims to drink alcohol and eat pork, in contravention of their faith.<sup>4</sup> Former detainees have reported dismal conditions in internment camps, with prisoners subject to political indoctrination and physical abuse, including torture, rape, and sterilization. In recent years, the camps have increasingly been used for forced labor.<sup>5</sup>

In 2019, two female former detainees described the situation in Xinjiang during an interview with the author of this Issue Brief. One of the detainees, Zumret Dawut, said individuals were detained in the camps for offenses such as possessing religious content. A new mother was brought to the same camp as Dawut because that woman's mother- and father-



A perimeter fence is constructed around what is officially known as a vocational skills education centre in Dabancheng in Xinjiang Uighur Autonomous Region, China September 4, 2018. This centre, situated between regional capital Urumqi and tourist spot Turpan, is among the largest known ones, and was still undergoing extensive construction and expansion at the time the photo was taken. Police in Dabancheng detained two Reuters journalists for more than four hours after the photos were taken. Source: REUTERS/Thomas Peter

in-law had traveled to Saudi Arabia for a pilgrimage. Dawut was beaten by guards for sharing her bread with a diabetic woman who could not receive insulin in the camp. She said prisoners were indoctrinated while shackled, and they were taught that Islam was a poison to the Chinese state. She never showered during her two months in the camp, and every day she was forced to swallow a pill that she said had the effect of diminishing worry. Before meals, detainees were forced to give thanks to Xi.

Another detainee, Mihrigul Tursun, provided similar accounts of physical and psychological torture. Authorities mocked her faith while beating and electrocuting her. During her

2 Sean Roberts, "The Roots of Cultural Genocide in Xinjiang," *Foreign Affairs*, February 10, 2021, <https://www.foreignaffairs.com/articles/china/2021-02-10/roots-cultural-genocide-xinjiang>; Sean Roberts, "Why Did the United States Take China's Word on Supposed Uighur Terrorists?" *Foreign Policy*, November 10, 2020, <https://foreignpolicy.com/2020/11/10/why-did-the-united-states-take-chinas-word-on-supposed-uighur-terrorists/>

3 Austin Ramzy and Chris Buckley, "Absolutely No Mercy": Leaked Files Expose How China Organized Mass Detentions of Muslims," *New York Times*, November 16, 2019, <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>.

4 "Chinese Officials Force Muslims to Drink, Eat Pork at Festival," *Radio Free Asia*, February 6, 2019, <https://www.rfa.org/english/news/uyghur/festival-02062019140637.html>.

5 "2019 Report on International Religious Freedom: China-Xinjiang," US Department of State, 2020, <https://www.state.gov/reports/2019-report-on-international-religious-freedom/china/xinjiang/>; "2020 Report on International Religious Freedom: China (Includes Tibet, Xinjiang, Hong Kong, and Macau)."

conversation with the author, she mentioned seeing nine women die in detention.<sup>6</sup> There have been additional reports of individuals dying in detention, with one from 2019 suggesting at least one hundred and fifty people died in just one camp.<sup>7</sup>

An Associated Press investigation from June 2020 found the Chinese government was engaging in a systematic and widespread campaign of forced contraception, abortion, and sterilization against Uyghurs and other minorities.<sup>8</sup> Authorities threaten detention if individuals fail to comply with the measures that attempt to control the population of minority groups. Chinese government documents suggest the CCP intends to impose sterilization or intrauterine devices (IUDs) on at least 80 percent of Uyghur women of child-bearing age in several prefectures in Xinjiang.<sup>9</sup> An analysis of Chinese government statistics for two predominantly Uyghur prefectures of Xinjiang found a 60-percent decline in birth rates between 2015 and 2018. The Associated Press also found that police raid homes to find hidden children. Moreover, parents with three or more children are detained if they cannot pay large fines.

Other reporting has found Chinese authorities are using Uyghurs and other minorities for forced labor. One report revealed the CCP has constructed factories within Xinjiang's internment camps and forced Muslim minorities to work in cotton fields.<sup>10</sup> In December 2020, the BBC alleged that China has forced hundreds of thousands from predominantly Muslim

ethnic-minority groups to labor in cotton fields.<sup>11</sup> Xinjiang produces around 20 percent of the world's cotton, and China's cotton, yarn, textile, and apparel exports accounted for close to 10 percent of the value of all of China's exports in 2018.<sup>12</sup> That same month, BuzzFeed used satellite imagery, interviews, and government documents to identify more than one hundred detention facilities containing more than twenty-one million square feet of factory space.<sup>13</sup> A report published in early 2020 identified more than eighty international companies with supply chains connected to Chinese companies that use Uyghur forced labor.<sup>14</sup>

Within Xinjiang more broadly, the CCP has established a technologically advanced surveillance state. Cameras monitor places of worship to keep track of who attends services; facial recognition technology is deployed to identify and target Uyghurs within and outside Xinjiang; and Xinjiang residents must install software on their phones that collects data for Chinese officials.<sup>15</sup>

Other reported abuses include actions taken to divide Uyghur families and target Islam, including the destruction of mosques and the imprisonment or detainment of more than six hundred imams and other Muslim religious figures since 2014.<sup>16</sup> Approximately half a million Muslim children have been placed in boarding schools for political indoctrination, and government officials have sent individuals to live with Muslim families to monitor signs of extremism.<sup>17</sup>

6 Jeffrey Cimmino, "'Your God is Xi Jinping': Uighurs Mocked and Tortured in Chinese Internment Camps for Their Faith," *Washington Examiner*, October 10, 2019, <https://www.washingtonexaminer.com/news/your-god-is-xi-jinping-uighurs-mocked-and-tortured-in-chinese-internment-camps-for-their-faith>.

7 "At Least 150 Detainees Have Died in One Xinjiang Internment Camp: Police Officer," *Radio Free Asia*, October 19, 2019, <https://www.rfa.org/english/news/uyghur/deaths-10292019181322.html>.

8 "China Cuts Uighur Births with IUDs, Abortion, Sterilization," *Associated Press*, June 29, 2020, <https://apnews.com/269b3de1af34e17c1941a514f78d764c>.

9 Olivia Enos, "Why the U.S. Should Issue an Atrocity Determination for Uighurs," *Heritage Foundation*, September 17, 2020, <https://www.heritage.org/asia/report/why-the-us-should-issue-atrocity-determination-uighurs>.

10 Bethany Allen-Ebrahimian, "The Scope of Forced Labor in Xinjiang is Bigger Than We Knew," *Axios*, January 5, 2021, <https://www.axios.com/xinjiang-forced-labor-uyghurs-a3b58b6e-c98f-4ce4-ae52-7b4a37fa61f5.html>.

11 John Sudworth, "China's 'Tainted' Cotton," *BBC News*, <https://www.bbc.co.uk/news/extra/nz0g306v8c/china-tainted-cotton>.

12 Amy K. Lehr and Mariefaye Bechrakis, "Combatting Human Rights Abuses in Xinjiang," *Center for Strategic and International Studies*, <https://www.csis.org/features/combatting-human-rights-abuses-xinjiang>.

13 Alison Killing and Megha Rajagopalan, "The Factories in the Camps," *BuzzFeed*, January 4, 2021, [https://www.buzzfeednews.com/article/alison\\_killing/xinjiang-camps-china-factories-forced-labor](https://www.buzzfeednews.com/article/alison_killing/xinjiang-camps-china-factories-forced-labor).

14 Bethany Allen-Ebrahimian, "The U.S. Has the Tools to Fight Uighur Forced Labor," *Axios*, March 4, 2020, <https://www.axios.com/uighur-forced-labor-us-companies-china-7d32a600-7561-45c8-9f19-37ee306c24cd.html>.

15 Dominic J. Nardi, "Religious Freedom in China's High-Tech Surveillance State," *US Commission on International Religious Freedom*, September 2019, <https://www.uscifr.gov/sites/default/files/2019%20China%20Surveillance%20State%20Update.pdf>.

16 Helen Davidson, "Thousands of Xinjiang Mosques Destroyed or Damaged, Report Finds," *Guardian*, September 25, 2020, <https://www.theguardian.com/world/2020/sep/25/thousands-of-xinjiang-mosques-destroyed-damaged-china-report-finds>; Joel Gunter, "Uyghur Imams Targeted in China's Xinjiang Crackdown," *BBC News*, May 13, 2021, <https://www.bbc.com/news/world-asia-china-56986057>.

17 "Annual Report 2020," *US Commission on International Religious Freedom*, 2020, [https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report\\_Final\\_42920.pdf](https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf); "Annual Report 2021," *US Commission on International Religious Freedom*, 2021, <https://www.uscifr.gov/sites/default/files/2021-04/2021%20Annual%20Report.pdf>.

## THE INTERNATIONAL COMMUNITY'S RESPONSE

Over the past few years, international attention toward the situation in Xinjiang has increased. In July 2019, almost two dozen member states of the United Nations (UN) Human Rights Council signed a letter condemning the persecution of Muslim minorities in Xinjiang. The United States, which had left the Human Rights Council, did not sign this letter. In October, twenty-three countries (including the United States and most European countries, except Hungary, Italy, and Poland) issued a joint statement to the UN that urged China to respect human rights in Xinjiang. That same year, the US Department of Commerce restricted exports to almost thirty Chinese companies and organizations, and the State Department restricted visas for Chinese officials connected to mass internment in Xinjiang. US Customs and Border Protection also issued orders to seize garment imports produced by Hetian Taida Apparel, Co. over concerns they were made with forced labor in Xinjiang.<sup>18</sup>

But, China has proven effective at bringing together countries to support it publicly. In both the summer and autumn of 2019, China responded to the joint letters condemning its human-rights practices by marshaling a greater number of countries to express support for its policies. China has also resisted calls from UN experts seeking independent access to China to investigate the human-rights situation.

In addition, predominantly Muslim countries have been reluctant to criticize China. For example, the Organization of Islamic Cooperation commended China for caring for its Muslim population in March 2019. China's economic clout can partially explain the reticence—or outright support—coming from

predominantly Muslim nations, as it has lucrative commercial ties with countries such as Pakistan and Saudi Arabia. Moreover, China has earned sympathy by characterizing its crackdown as a campaign against extremism.<sup>19</sup> Nevertheless, there are indications that civil-society groups in Muslim-majority countries are becoming more vocally critical of China. For example, a Malaysia-based NGO, the Islamic Renaissance Front, has been challenging Chinese propaganda and pressuring the government to stand up for Uyghurs.<sup>20</sup>

Pressure on China increased in 2020. In July, the US Treasury Department announced sanctions on several CCP officials and the Xinjiang Public Security Bureau (XPSB) for human-rights violations, using authorities in the Global Magnitsky Act.<sup>21</sup> The United States also introduced sanctions targeting the Xinjiang Production and Construction Corps (XPCC). The XPCC is a paramilitary organization in Xinjiang that controls much of the region's economy.<sup>22</sup>

Meanwhile, the US Congress has passed or worked on legislation intended to counter China's abuses in Xinjiang. The Uyghur Human Rights Policy Act, signed into law in June 2020, mandated reports to Congress identifying Chinese officials who have contributed to human-rights violations in Xinjiang.<sup>23</sup> In September, the House of Representatives passed the Uyghur Forced Labor Prevention Act, which would ban products made with forced labor in Xinjiang.<sup>24</sup> While this bill would put greater emphasis on curtailing imports made with forced labor in Xinjiang, it should be noted that it is already illegal to import products made with forced labor. The bill would also require the secretary of state to determine whether forced labor in Xinjiang amounts to atrocities, and then empower the president to sanction foreign individuals knowingly engaging in forced labor in the region.

18 "Annual Report 2020," US Commission on International Religious Freedom, 2020, [https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report\\_Final\\_42920.pdf](https://www.uscirf.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf)

19 Adam Lammon, "Why the Muslim Middle East Supports China's Xinjiang Crackdown," *National Interest*, October 24, 2020, <https://nationalinterest.org/feature/why-muslim-middle-east-supports-china%E2%80%99s-xinjiang-crackdown-171088>.

20 Nithin Coca, "The Long Shadow of Xinjiang," *Foreign Affairs*, September 10, 2020, <https://www.foreignaffairs.com/articles/china/2020-09-10/long-shadow-xinjiang>.

21 Zachary Basu and Bethany Allen-Ebrahimi, "U.S. Sanctions Chinese Officials over Uighur Human Rights Abuses," *Axios*, July 9, 2020, <https://www.axios.com/treasury-sanctions-xinjiang-uighur-magnitsky-5a76bf02-bff4-4546-a1d0-6e04202df4e8.html>.

22 Bethany Allen-Ebrahimi, "U.S. Sanctions China's Paramilitary in Xinjiang," *Axios*, July 31, 2020, <https://www.axios.com/us-sanctions-china-paramilitary-xinjiang-xpcc-41e29c92-9649-4e47-9e91-a7f78330d4d8.html>.

23 Rashaan Ayesh, "House Passes Uighur Human Rights Bill via Proxy Vote," *Axios*, May 27, 2020, <https://www.axios.com/house-uighur-muslims-china-proxy-voting-382b0ad6-751c-4281-a80d-5fd4d4c2fae0.html>.

24 Fadel Allasan, "House Votes to Ban U.S. Products Made with Forced Labor in Xinjiang," *Axios*, September 22, 2020, <https://www.axios.com/xinjiang-uighur-forced-labor-house-bill-a96b0304-a4c6-4305-97a5-8679b7936987.html>.



Demonstrators hold placards during a protest against Uyghur genocide, in London, Britain April 22, 2021. Source: REUTERS/Peter Nicholls

In October 2020, close to forty countries condemned human-rights abuses in Xinjiang at the United Nations. Moreover, in December 2020, the European Parliament adopted a resolution condemning the Chinese government's use of Uyghur forced labor and called on China to reform its policies in Xinjiang.<sup>25</sup> Though it represented a rebuke by the European Union (EU), it should be noted that the resolution also demonstrated Europe's division, as it was not passed unanimously.

In January 2020, the Donald Trump administration banned imports of cotton from Xinjiang. And, during his final days as secretary of state, Mike Pompeo determined that China's actions in Xinjiang constituted genocide and crimes against humanity.<sup>26</sup> During his Senate confirmation hearing, now-Secretary of State Tony Blinken said he agreed that China

is committing genocide. Since the US declaration, Canada's House of Commons and the Dutch parliament have voted to declare Beijing's abuses in Xinjiang genocide.

In March, the United States, Canada, the European Union, and the United Kingdom announced coordinated sanctions in response to China's human-rights violations in Xinjiang.<sup>27</sup> The sanctions targeted officials associated with the XPCC and XPSB. This is the first time the EU has sanctioned China for human-rights violations since the Tiananmen Square crackdown.<sup>28</sup>

In early May, New Zealand Parliament passed a motion unanimously agreeing that "severe human rights abuses" are taking place in Xinjiang.<sup>29</sup> Around the same time, reports

25 Zachary Basu, "More Countries Join Condemnations of China over Xinjiang Abuses," *Axios*, October 8, 2020, <https://www.axios.com/un-statement-china-uyghurs-xinjiang-6b29dbf5-b93c-4c70-bd4c-333e1c23471f.html>

26 Ana Swanson, "U.S. Bans All Cotton and Tomatoes from Xinjiang Region of China," *New York Times*, January 13, 2021, <https://www.nytimes.com/2021/01/13/business/economy/xinjiang-cotton-tomato-ban.html>; Bethany Allen-Ebrahimian, "U.S. Declares China's Actions against Uighurs 'Genocide,'" *Axios*, January 19, 2021, <https://www.axios.com/us-declares-china-actions-against-uyghurs-genocide-65e19e86-29ad-4c56-922f-d8a060aa2df8.html>.

27 Nicole Gaouette and James Frater, "U.S. and Allies Announce Sanctions against Chinese Officials for 'Serious Human Rights Abuses' against Uighurs," *CNN*, March 23, 2021, <https://www.cnn.com/2021/03/22/politics/us-eu-china-uyghur-sanctions/index.html>.

28 Ivana Saric and Zachary Basu, "U.S., U.K., EU and Canada Sanction Chinese Officials over Uyghur Abuses," *Axios*, March 22, 2021, <https://www.axios.com/eu-sanctions-china-human-rights-abuses-bd8159de-1806-419a-a362-4b58f6ea02a7.html>.

29 "New Zealand Parliament Says 'Severe Human Rights Abuses' against Uyghurs are Taking Place in China," *CNBC*, May 5, 2021, <https://www.cnbc.com/2021/05/05/new-zealand-parliament-says-uyghur-rights-abuses-taking-place-in-china.html>.

emerged that the European Commission was halting efforts to ratify the Comprehensive Agreement on Investment, a significant economic deal with China, in the wake of tit-for-tat sanctions with China over Xinjiang.<sup>30</sup> Also in May, the United States, the United Kingdom, and Germany hosted an event with human-rights groups and other nations that spotlighted China's abuses in Xinjiang and called for UN experts to have unrestricted access to the region.<sup>31</sup> Later in the month, the leaders of Australia and New Zealand called for the UN and other outside observers to have "unfettered access" to Xinjiang.<sup>32</sup> More recently, in early July, the United States sanctioned almost two dozen additional Chinese entities, banning them from conducting business with US suppliers due to their ties to the Chinese military and human rights abuses in Xinjiang.<sup>33</sup>

## THE STRATEGIC IMPORTANCE OF ADDRESSING HUMAN-RIGHTS VIOLATIONS IN XINJIANG

The United States and its democratic allies and partners should build on their current efforts to counter the CCP's human-rights abuses in Xinjiang. Ultimately, their goal should be to reach an end state in which China has ceased its repressive activities in Xinjiang. Nevertheless, even if this proves difficult to achieve, there are important reasons to impose costs on Beijing for its human rights abuses. The strategic logic for why they should do so requires a broader view of US and allied strategy toward China.<sup>34</sup>

Since the end of World War II, a rules-based international system has sustained decades of unprecedented peace, prosperity, and freedom. But, the world has changed since 1945, and new challenges have arisen that threaten to undermine this system. The United States and its democratic partners have an interest in revitalizing and adapting this system for a new era.<sup>35</sup>

For this system to flourish to its fullest extent, China, the world's second largest economic and military power, must be integrated as a responsible stakeholder. Indeed, over the long term, a cooperative relationship among the United States, its allies, and China stands to benefit all parties by mitigating the potential for great-power military confrontation, bolstering opportunities for investment and prosperity, and enabling deeper collaboration on shared challenges such as climate change.

For years, the United States and its allies thought China would be enticed into becoming a responsible stakeholder via the prosperity wrought by Deng Xiaoping's decision to open the Chinese economy. China's turn to a more capitalistic economic model, combined with engagement on the part of Western nations, would lead to a more cooperative, and even a more liberal, China.

But, China has chosen a more assertive path to achieving global influence and maintaining the CCP's hold on power. Abroad, this manifests in its efforts to acquire territory in the South China Sea, its coercive pressure on Taiwan, and its theft of intellectual property, among other examples. Domestically, it manifests in increasingly autocratic, centralized, nationalistic governance that includes the CCP aggressively cracking down on human rights in Xinjiang, Tibet, and Hong Kong.

The lesson is that Beijing will not become a responsible stakeholder by engagement and prosperity alone. The United States and its allies and partners will also need to take action to deter aggression and impose costs on Chinese behavior that violates international norms. The logic of this approach is that sufficient costs will lead China to see the dangers, and ultimate futility, of challenging the United States, its allies, and a rules-based system, while parallel engagement on issues of mutual concern will demonstrate the benefits of embracing a more cooperative approach.

30 Vincent Ni, "EU Efforts to Ratify China Investment Deal 'Suspended' after Sanctions," *Guardian*, May 4, 2021, <https://www.theguardian.com/world/2021/may/04/eu-suspends-ratification-of-china-investment-deal-after-sanctions>.

31 Edith M. Lederer, "West and Rights Groups Accuse China of Massive Uyghur Crimes," Associated Press, May 12, 2021, <https://apnews.com/article/world-news-asia-pacific-united-nations-china-crime-870d5c30b98a03fc9aabf566c1f90040>.

32 "U.S. Allies Urge China to Allow 'Unfettered Access' to Xinjiang," Bloomberg, May 31, 2021, <https://www.bloomberg.com/news/articles/2021-05-31/australia-new-zealand-call-on-china-to-let-un-visit-xinjiang>.

33 Zachary Basu, "U.S. Blacklists 23 More Chinese Entities Over Xinjiang Abuses, Military Ties," *Axios*, July 9, 2021, <https://www.axios.com/us-china-xinjiang-entity-list-8df47c3b-f0fc-4cd1-b1db-81b1427bb2a2.html>.

34 Jeffrey Cimmino and Matthew Kroenig, *Global Strategy 2021: An Allied Strategy for China*, Atlantic Council, December 2020, <https://www.atlanticcouncil.org/global-strategy-2021-an-allied-strategy-for-china/>

35 Ash Jain and Matthew Kroenig, *Present at the Re-Creation: A Global Strategy for Revitalizing, Adapting, and Defending a Rules-Based International System*, Atlantic Council, October 2019, <https://www.atlanticcouncil.org/wp-content/uploads/2019/10/Present-at-the-Recreation.pdf>.

Imposing costs on China's human-rights violations in Xinjiang is, thus, a critical element of a broader strategy to dissuade CCP behavior that undermines international norms and to push Beijing toward becoming a more cooperative global actor. In sum, the United States and its allies and partners' interest in standing up for human rights is consistent with a strategic interest in shaping Chinese behavior in such a way that a stronger, more cooperative relationship is possible in the long term.

## A FRAMEWORK FOR ACTION

This Issue Brief proposes a strategic framework for addressing China's human-rights violations in Xinjiang in order to change its behavior.

This framework is divided into three pillars: building a coordinated international response to China's behavior in Xinjiang; imposing economic and financial costs on China, including its government, corporations, and individuals, and curbing their ability to benefit economically and financially from abuses in Xinjiang; and engaging Beijing to encourage positive reforms in Xinjiang. Thus, the first two elements are punitive, designed to impose costs on China's human-rights violations by damaging its diplomatic standing and reducing economic gains from practices such as forced labor. The final pillar is constructive, looking to engage China on implementing reforms once it recognizes the high costs of continued repression.

The logic of the strategy can be summarized in this way: The United States and its allies and partners should convince China that it will find itself increasingly isolated diplomatically, facing a far more powerful coalition of states that is also willing to impose economic and financial costs on China's human-rights violations. As China realizes the costs of its actions, the United States and its allies and partners should engage Beijing on implementing reforms that will enable prosperity and safeguard human dignity in Xinjiang.

Although this strategy operates according to a clear logic, achieving the goal of changing China's behavior in Xinjiang will be difficult. Beijing will resist external pressure and, at least in the short-to-medium term, almost certainly continue to retaliate. Nevertheless, following the argument of the previous section on the strategic importance of addressing Beijing's human-rights violations, China will not be dissuaded from its

assertive, norm-breaking path by engagement alone. Costs must be imposed, even if achieving the ultimate objective of changed behavior proves elusive in the near term.

The rest of this paper will explore the three pillars of this strategy.

## Build an International Response to China's Behavior

The United States should continue to work with allies and partners to build a coordinated international response to China's behavior in Xinjiang. Although Beijing has proven effective at marshaling support for its actions in Xinjiang in international forums, it is facing growing pushback. For example, the October 2020 condemnation of Beijing's abuses in Xinjiang organized at the UN included more than a dozen more countries than the previous October's condemnation.<sup>36</sup> Building on this progress to solidify and expand a coordinated multilateral response to Beijing will send a strong message to the CCP that it risks a severely diminished global diplomatic standing.

The United States should work with allies and partners through various multilateral institutions or groupings to build a response to China's human-rights practices. First, the United States should work closely with democratic allies and partners bound by shared values. Second, the United States should expand opposition to China's practices beyond democratic allies and partners and leverage broader, more inclusive institutions in pursuit of this.

## Work with Democratic Allies and Partners

The United States and its democratic allies and partners share common values, and possess a combined economic and diplomatic clout that put them in a strong position to deal with Beijing when acting together. For these reasons, this strategy begins with the principle that the United States should work closely with its democratic allies and partners.

While this is a natural starting place for building international support, there will be challenges to achieving coordinated action among democracies. China is a major investor in European countries such as Hungary and Italy, while the economies of Indo-Pacific allies such as South Korea are closely tied to Beijing.<sup>37</sup> China's economic influence—and its willingness to use it for coercive ends—means

36 Basu, "More Countries Join Condemnation of China over Xinjiang Abuses."

37 *The China Plan*, 31–35.



democratic partners may be reluctant to push too hard in countering China's abuses. Even allies that have been more vocal about the CCP's human-rights violations, including France, Germany, and the United Kingdom, are concerned about maintaining good commercial relations with China. In January 2021, for example, British Prime Minister Boris Johnson defeated an amendment in the House of Commons that would have opened the door to an official declaration that China was committing genocide and, therefore, potentially undermined trade deals with Beijing.<sup>38</sup> Members of Parliament eventually declared China's actions to be genocidal in April, though Johnson's government has continued to resist the label.<sup>39</sup>

Overcoming the obstacle of Beijing's economic influence will require the United States and its democratic allies and partners to engage regularly in bilateral meetings and multilateral forums on the issue of Xinjiang. The relaunch of a bilateral dialogue on China between the United States and European Union is a step in the right direction on this point.<sup>40</sup> Beginning with their shared values, the United States and its democratic allies and partners should consider the aforementioned strategic logic of imposing costs on Beijing's human-rights abuses in Xinjiang. They should also strive to reach a shared understanding of the scope and severity of those violations. They should understand that China prefers to deal bilaterally, and that they will be in a stronger position to tackle Beijing's human-rights abuses if they approach China together. They should also consider vulnerabilities China could exploit on the assumption that Beijing might, at least initially, react with counter-sanctions in response to punitive measures. Once identified, democratic allies and partners could determine how to implement offsetting measures. For example, if Beijing bans the importation of a vital resource exported by a democratic partner, they could agree to increase purchases of that item or find alternative markets for it. Likewise, if Beijing reneges on proposed investments, democratic allies and partners could step in with a plan to provide public, or stimulate private, investment in the targeted partner country.

The United States and its closest democratic allies should coordinate a response to China's human-rights abuses via the Group of Seven (G7). This should serve as the primary forum for leading democracies to issue public statements expressing disapproval of China's human-rights practices and coordinate policy responses (e.g., sanctions). Through its actions, the G7 would set an example for other democracies weighing whether, and to what extent, to stand up to China over its behavior in Xinjiang. Toward this end, in June, the G7 expressed concern about forced labor and explicitly called on China to respect human rights in Xinjiang.<sup>41</sup> Moreover, members of the G7 should consider including South Korea and Australia in their actions to further broaden and bolster cooperation among leading democracies.

Leading democracies should coordinate on a number of measures, including an assessment of whether to participate in the 2022 Winter Olympic Games in Beijing. Members of the G7 could make it clear that they will either refuse to send high-level delegations to Beijing or will withdraw altogether if human-rights conditions do not improve. As Michael Mazza of the American Enterprise Institute has observed, the CCP is also set to host the 20th National Congress of the Chinese Communist Party in 2022. Although Xi has centralized power and appears intent on remaining in charge, a public and international embarrassment, such as a poorly attended Olympics, could diminish his political capital.<sup>42</sup>

G7 countries should also implement measures to support Uyghurs fleeing persecution. For example, the United States could extend Priority-2 refugee status to Uyghurs fleeing China. This would ease the process for Uyghurs to apply for resettlement in the United States. Other democracies should consider similar policies, making it easier for Uyghurs to escape persecution and begin rebuilding their lives.<sup>43</sup>

Finally, democratic allies and partners should join the United States in calling China's actions in Xinjiang genocide. Multiple independent analyses have highlighted how China's

38 Ibid., 31–35.

39 "UK Parliament Declares Genocide in China's Xinjiang; Beijing Condemns Move," Reuters, April 22, 2021, <https://www.reuters.com/world/uk/uk-parliament-declares-genocide-chinas-xinjiang-raises-pressure-johnson-2021-04-22/>.

40 "U.S., EU to Cooperate on China Dialogue, Russia Challenge: Statement," Reuters, March 14, 2021, <https://www.reuters.com/article/us-usa-blinken-eu/u-s-eu-to-cooperate-on-china-dialogue-russia-challenge-statement-idUSKBN2BG349>.

41 Rebecca Klapper, "G7 Calls Out China in Final Communique After Urging From Biden," Newsweek, June 13, 2021, <https://www.newsweek.com/g7-calls-out-china-final-communique-after-urging-biden-1600153>.

42 Michael Mazza, "How to Fight China's Oppression of Its Own People? Boycott the 2022 Olympics," *Dispatch*, February 19, 2020, <https://thedispatch.com/p/how-to-fight-chinas-oppression-of>.

43 Olivia Enos, "The United States Should Give Fleeing Uighurs a Home," Heritage Foundation, February 17, 2021, <https://www.heritage.org/global-politics/commentary/the-united-states-should-give-fleeing-uighurs-home>.

actions meet some or all of the criteria in the UN's genocide convention.<sup>44</sup> In its most recent human-rights report on China, the US State Department characterized China's abuses as "genocide and crimes against humanity," citing policies designed to restrict births, mass internment, torture, and forced labor. Broader recognition that the situation in Xinjiang meets the criteria of genocide would increase international attention toward Xinjiang, serve as a catalyst for further multilateral action, and raise social costs on private entities with connections to the region.

### ***Work with Non-Democratic Partners and Leverage More Inclusive Institutions***

Building an effective international response to China's human-rights abuses in Xinjiang will require working with non-democratic partners and leveraging broader, more inclusive institutions. Bringing in additional partners will leave China more diplomatically isolated and cause greater damage to its influence abroad.

The United States and its democratic allies and partners should work with or through regional institutions and other narrow groupings, such as bodies made up of predominantly Muslim states. They should also leverage or develop institutions that have been set up specifically to address international religious-freedom issues. Finally, they should strive to pressure China through the United Nations.

### ***Regional Institutions and Narrow Groupings***

The United States should embed itself more deeply in regional institutions in areas such as the Indo-Pacific. Working closely with the Association of Southeast Asian Nations (ASEAN) and through the Asia-Pacific Economic Cooperation (APEC), for example, the United States can push for human rights and just labor standards in the Indo-Pacific.<sup>45</sup>

The United States and its democratic allies and partners should also coordinate on engaging predominantly Muslim countries, as they have been largely reluctant to raise their voices in opposition to China's actions in Xinjiang. The situation in Xinjiang should be raised in bilateral and multilateral engagements with Muslim nations, with clear

evidence presented of how Beijing is targeting Islamic practices and institutions.<sup>46</sup> The United States can also work with its democratic allies and partners to support civil-society actors in Muslim countries who are trying to bring attention to Xinjiang. This could include mobilizing embassies of likeminded democratic countries in predominantly Muslim countries to hold events supporting those civil-society actors pushing awareness of, and action on, Xinjiang. This could raise public pressure on these governments to more vocally oppose Beijing's behavior. To overcome China's economic influence, democratic allies and partners can work with Muslim countries to increase development aid or discern opportunities for investment.

### ***Religious-Freedom Institutions***

Furthermore, the United States and its democratic allies and partners should leverage or develop institutions set up specifically to address issues of religious freedom and religious persecution.

Some of these actions are specifically meant for the United States. For example, the International Religious Freedom Act of 1998 set up a mechanism for the United States to designate a nation as a "country of particular concern" for systematic, ongoing, and egregious violations of religious freedom. This designation comes with statutory authority to enact various punitive measures against the designee. Until China demonstrates a change in behavior in Xinjiang (and elsewhere, such as Tibet), the United States should continue to designate it as a country of particular concern, a status it has held for more than two decades.

The International Religious Freedom Act also set up the position of ambassador-at-large for international religious freedom within the State Department. The ambassador serves as a principal adviser to the president on matters of religious freedom abroad, and coordinates the State Department's efforts to safeguard religious freedom. The Joe Biden administration should see that this position is filled quickly, as it will play a key role in facilitating US efforts to counter Beijing's abuses in Xinjiang. Moreover, the State Department contains several specialized positions oriented toward matters of religion, including a special envoy to monitor and combat antisemitism

44 Helen Davidson, "China Breaching Every Article in Genocide Convention, Says Legal Report on Uighurs," *Guardian*, March 9, 2021, <https://www.theguardian.com/world/2021/mar/09/chinas-treatment-of-uighurs-breaches-un-genocide-convention-finds-landmark-report>; Enos, "Why the U.S. Should Issue an Atrocity Determination for Uighurs"; Rayhan Asat and Yonah Diamond, "The World's Most Technologically Sophisticated Genocide is Happening in Xinjiang," *Foreign Policy*, July 15, 2020, <https://foreignpolicy.com/2020/07/15/uighur-genocide-xinjiang-china-surveillance-sterilization/>.

45 Millward and Peterson, "China's System of Oppression in Xinjiang: How it Developed and How to Curb It," 11.

46 "Rising to the China Challenge: Renewing American Competitiveness in the Indo-Pacific," Center for a New American Security, December 2019, <https://s3.us-east-1.amazonaws.com/files.cnas.org/documents/CNAS-Report-NDAA-final-6.pdf?mtime=20200116130752&focal=none>.

and a special coordinator on Tibetan policy issues.<sup>47</sup> Olivia Enos at the Heritage Foundation has proposed that the United States create a special coordinator for Xinjiang at the State Department. This position would coordinate the day-to-day policy of the US government on the Xinjiang situation and demonstrate US commitment to addressing the issue.<sup>48</sup>

Within the National Security Council, the International Religious Freedom Act established a special adviser to the president on international religious freedom. This person is responsible for coordinating international religious-freedom activities across US government agencies and departments. The Trump administration was the first to fill this role, and filling it quickly would advance US efforts to coordinate its approach to China regarding Xinjiang.

During the Trump administration, the United States established the International Religious Freedom or Belief Alliance to promote international religious freedom. It is organized around a declaration of principles outlining members' commitment to advancing religious freedom abroad. The alliance consists of more than thirty nations, including key US allies such as Australia and the United Kingdom. On the

other hand, most of the G7 is not in the alliance. The United States should engage its allies on joining the alliance, while also ensuring alliance members are in agreement on both the severity of China's actions in Xinjiang and the necessity of responding together. Hungary, for example, has been reluctant to criticize China over Xinjiang and, in fact, sent officials to participate in a highly scripted visit to Xinjiang that the CPP employed for propaganda purposes.<sup>49</sup> The alliance will be limited in effectiveness if members are not willing to stand up for its central mission, and the United States should consider promoting accountability measures that would ensure alliance members abide by their commitments. With buy-in from close allies, and a clear sense of purpose vis-à-vis China's behavior in Xinjiang, the International Religious Freedom or Belief Alliance could become a potent tool for responding to Beijing and addressing other religious-freedom issues in coming years.

The United States also spearheaded the creation of the Ministerial to Advance Religious Freedom, first held in 2018. This forum brings together government officials, religious leaders, and civil-society actors to discuss means of advancing international religious freedom. China has been on the agenda in previous meetings. In 2018, for example, the United States was joined by Canada, the United Kingdom, and Kosovo in issuing a statement expressing concern about religious-freedom conditions in China. The 2019 ministerial featured survivors of religious persecution in China and a general session on religious-freedom issues in China. Non-democratic partners have also participated, and even signed on to joint statements concerning religious-freedom matters, and they should continue to be engaged in this forum. Given its purpose, this could continue to serve as a useful forum for bringing together a broad set of stakeholders to publicly disavow China's actions in Xinjiang and discuss practical ways of addressing it.

### The United Nations

Finally, the United States should work with its allies and partners through the United Nations to challenge China on Xinjiang. Despite the UN Human Rights Council's flaws, the United States' decision to reengage as an observer puts it in a position to push change from within the body, rather than sit on the outside. The United States should speak up, with its allies and partners, before the UN Human Rights Council to spotlight China's violations of human rights. Furthermore, the Biden administration could follow the previous administration



Tahir Hamut, a Uighur Muslim poet and filmmaker from China, delivers remarks at the Ministerial to Advance Religious Freedom at the U.S. Department of State in Washington, D.C. on July 24, 2018. Source: flickr.com

<sup>47</sup> These roles have sometimes been held concurrently with other positions within the State Department.

<sup>48</sup> Olivia Enos, "Why the U.S. Should Issue an Atrocity Determination for Uighurs."

<sup>49</sup> *The China Plan*, 34.

in hosting high-level events on religious freedom alongside the UN General Assembly. These events could be used to draw worldwide attention to China's human-rights abuses and prominently feature narratives from victims or their family members.<sup>50</sup>

In addition, the United States and its allies and partners should support the UN High Commissioner for Human Rights' efforts to visit Xinjiang and conduct a fact-finding mission. In the meantime, the commissioner should use current means at their disposal to produce a report on the situation in Xinjiang in order to promote a greater international consensus about China's violations of human rights.<sup>51</sup> The UN Special Rapporteur on Freedom of Religion or Belief should similarly prioritize Xinjiang, and should continue to press for greater transparency on the part of China.

The United States and its allies should consider putting to a vote a UN Security Council resolution condemning genocide in Xinjiang. This would raise the profile of the issue, encourage US allies such as Britain and France to join in recognizing and condemning genocide in the region, and force China and possibly Russia into the uncomfortable situation of vetoing the resolution. Therefore, while a resolution almost certainly would not pass, it could serve to increase pressure on Beijing.

### **Impose Economic and Financial Costs on China's Behavior**

The previous section outlined how the United States can work with allies and partners to build an international response to China's actions in Xinjiang, thereby undermining Beijing's diplomatic standing. In conjunction with the diplomatic efforts previously outlined, the economic sanctions outlined here are designed to place additional pressure on Beijing to change its behavior. Taken together, a coordinated diplomatic and economic campaign against China's abuses in Xinjiang would weaken China's global influence and impose costs on Chinese officials and China's economy for its human-rights violations in Xinjiang.

This section highlights several ways the United States can impose economic and financial costs for human-rights abuses in Xinjiang, including: punishing individuals responsible for, or abetting, human-rights abuses; reducing China's ability to profit from forced labor; and targeting companies that facilitate China's surveillance state in Xinjiang.

### ***Punish Individuals Responsible for Human-Rights Abuses***

The United States should work with allies and partners to impose coordinated sanctions, including visa bans and asset freezes, on individuals connected to repression in Xinjiang. The Global Magnitsky Act and related laws in Canada, the United Kingdom, and the European Union will help facilitate this sort of coordinated action targeting individual human-rights abusers. The United States, potentially within the office of a new special coordinator for Xinjiang, should monitor individuals who may be targeted for sanctions, and this information should be shared with allies and partners. In addition to targeting government officials, sanctions should punish executives and managers in Chinese companies facilitating, or participating in, repression in Xinjiang (e.g., individuals working in Chinese technology companies aiding mass surveillance in the region).<sup>52</sup>

Targeted sanctions on individuals hold symbolic value when implemented multilaterally, demonstrating coordinated resolve on the part of the United States and its allies and partners; however, asset freezes and visa restrictions are unlikely to cause a great degree of financial harm if individuals lack significant assets in non-Chinese financial institutions. Thus, while individualized measures are valuable, other sanctions tools could impose a greater economic cost.

### ***Counter Beijing's Use of Forced Labor***

The United States and its allies and partners should counter Beijing's use of forced labor in Xinjiang via a multipronged approach. This effort should partly be punitive, including import restrictions on goods made using forced labor. Indeed, the Tariff Act of 1930 already prohibits importing goods made using forced labor into the United States, but more can be done to strengthen enforcement mechanisms and impose costs on businesses with lax supply-chain human-rights standards.

In addition, countering China's use of forced labor will require introducing mechanisms to support businesses. Moving supply chains outside of Xinjiang will likely result in businesses facing higher costs, placing them at a disadvantage relative to competitors with less scrupulosity vis-à-vis their supply chains. The solar-energy industry, for example, is reckoning with this problem, as about half the world's polysilicon (which is used in solar panels) comes from Xinjiang, and may have

50 "The United States Issues a Global Call to Protect Religious Freedom Before the UN," Religious Freedom Institute, September 23, 2019, <https://www.religiousfreedominstitute.org/news/the-united-states-issues-a-global-call-to-protect-religious-freedom-before-the-un>.

51 Lehr and Bechrakis, "Combatting Human Rights Abuses in Xinjiang."

52 "Rising to the China Challenge."

connections to forced labor.<sup>53</sup> As the United States and its allies and partners implement punitive measures, they must also be prepared to implement a plan for supporting the development of alternative sourcing hubs outside of Xinjiang. This, in conjunction with improved measures for restricting the importation of goods produced by forced labor, could help businesses looking to shift supply chains compete with less scrupulous entities that could otherwise offer more competitive pricing.

### Restrict Goods Produced by Forced Labor

The United States should implement a “rebuttable presumption” that goods produced in Xinjiang are made with forced labor. This presumption would relieve Customs and Border Patrol (CBP) of the responsibility to prove goods are made with forced labor in order to withhold release of imports. The United States has previously applied this principle to goods produced in North Korea, given that country’s abysmal human-rights record. To ensure this presumption does not hurt legitimate industry in Xinjiang, this presumption should be designed to apply to goods produced in internment camps and nearby facilities, those produced by Uyghurs in factories outside of Xinjiang, and goods produced by firms supplied by Xinjiang-related entities such as the XPCC.<sup>54</sup> Legislation currently being considered in the US Congress goes further, and would impose a broad rebuttable presumption: the Uyghur Forced Labor Prevention Act would prohibit imports from the entire region of Xinjiang unless CBP can certify that they are not produced with forced labor.

In addition, more resources should be given to CBP and its Forced Labor Division. To provide a clearer assessment of the amount of Xinjiang-based goods made with forced labor, Enos has argued CBP should promulgate a region-wide Withhold Release Order on imports under a two-year trial period. Should it be found that the vast majority of these goods are produced with forced labor, Congress could then implement a broader, regional rebuttable presumption for all goods produced in Xinjiang. To accomplish this task,

Congress should ensure CBP’s Forced Labor Division is given necessary funding and personnel.<sup>55</sup>

Working through the Treasury Department, the United States should also devote greater resources, including China expertise, to identifying and designating entities in Xinjiang with which US businesses and individuals should be prohibited from doing business. The United States has already taken this step with the XPCC, which accounts for about one quarter of Xinjiang’s gross domestic product.<sup>56</sup>

These punitive measures would both help to restrict US connections to Xinjiang-based forced labor and impose a cost on Chinese entities taking advantage of forced labor while operating in international markets. While the above proposals were outlined with reference to a US context, similar actions should be taken by US allies and partners. Implementing them multilaterally will improve their effectiveness by reducing markets for goods made with forced labor in Xinjiang.

### Support the Private Sector

Similarly, the United States and its allies and partners should work with the private sector to adjust supply chains to reduce reliance on forced labor in Xinjiang. A key element of this is improving supply-chain traceability to better track if forced labor is providing inputs into the chain. Reports by the Center for Strategic and International Studies focused on the apparel and textile industries—important industries in Xinjiang, and China more broadly—highlight the difficulties and opportunities for supply-chain tracing.<sup>57</sup>

Companies can take a top-down approach to tracking supply chains, starting with their garment factories, for example, and working back through the second tier of textile producers and beyond that. Unfortunately, companies often have difficulty tracing their products beyond the second tier—due, in part, to resource constraints and, in cases where labor practices fail to meet high standards, dishonesty on the part of suppliers. Alternatively, companies can start from the bottom (e.g. the

53 Phred Dvorak and Matthew Dalton, “Solar-Energy Supply Chain Depends on Region Where China is Accused of Genocide,” *Wall Street Journal*, April 11, 2021, <https://www.wsj.com/articles/solar-energy-supply-chain-depends-on-region-where-china-is-accused-of-genocide-11618147228>.

54 Olivia Enos and Tori Smith, “Strengthening the U.S. Response to Forced Labor in Xinjiang,” Heritage Foundation, February 17, 2021, <https://www.heritage.org/asia/report/strengthening-the-us-response-forced-labor-xinjiang>; Millward and Peterson, “China’s System of Oppression in Xinjiang,” 11.

55 Enos and Smith, “Strengthening the U.S. Response to Forced Labor in Xinjiang.”

56 Jordan Schneider, “What to Do about Xinjiang,” *Lawfare*, October 20, 2020, <https://www.lawfareblog.com/what-do-about-xinjiang>; Marie-Jose van der Heijden, Gozde Alkan Erener, and Jurgen Balkaran, “The U.S. Adds Chinese Entity XPCC to Its Sanctions List,” Deloitte, <https://www2.deloitte.com/nl/nl/pages/legal/articles/the-us-adds-chinese-entity-xpcc-to-its-sanctions-list.html>.

57 Amy K. Lehr, “Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region,” Center for Strategic and International Studies, February 3, 2021, <https://www.csis.org/analysis/addressing-forced-labor-xinjiang-uyghur-autonomous-region>; Amy K. Lehr, “New Approaches to Supply Chain Traceability: Implications for Xinjiang and Beyond,” Center for Strategic and International Studies, November 2020, [https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/201116\\_Lehr\\_New\\_Approaches\\_Supply\\_Chain\\_Traceability\\_Implications\\_Xinjiang\\_Beyond.pdf](https://csis-website-prod.s3.amazonaws.com/s3fs-public/publication/201116_Lehr_New_Approaches_Supply_Chain_Traceability_Implications_Xinjiang_Beyond.pdf).

farm) and work with civil-society actors to develop certification standards for each level of the chain. This method faces its own challenges, however, including the fact that it requires external auditors to inspect farms to verify conditions. In places such as Xinjiang, where there are significant restrictions, upstream verification is of limited, if any, usefulness.

The United States and its allies and partners should promote the development of supply-chain tracing technologies. One such method that could help identify products made using forced labor in Xinjiang is isotope tracing, which can trace raw materials to a specific region and, thus, help companies identify if their products are derived from a high-risk area. Governments could support the development of these technologies by, for example, procuring them for tracing their own supply chains, while encouraging industry groups to adopt them as part of traceability standards for membership.<sup>58</sup>

Civil society and the general public have key roles to play in incentivizing companies to prioritize supply-chain tracing. The United States and its allies and partners should work through government agencies and with civil-society partners to develop public-facing campaigns raising awareness of forced labor in Xinjiang and noting the role the private sector could play by monitoring and adjusting supply chains. The purpose would be to raise the risks of social and, subsequently, financial costs for companies that do not make a transparent, good-faith effort to resource from alternative suppliers outside Xinjiang.

Moreover, governments could take legislative action to improve supply-chain traceability. As Amy Lehr at the Center for Strategic and International Studies (CSIS) has argued, legislation has affected corporate behavior in the past. For example, the 2010 Dodd-Frank Act required companies to reveal if their products contained conflict minerals from the Democratic Republic of the Congo or nearby countries. This led companies to review their supply chains and develop mechanisms for complying with the legislation. Meanwhile, in Europe, France's 2017 Duty of Vigilance Law mandates that large French companies review their supply chains for human-rights abuses, and this could be a means for holding accountable companies that do not address forced labor from Xinjiang.<sup>59</sup> Currently, the US Congress is considering the Uyghur Forced Labor Disclosure Act, which would require

publicly listed companies to audit supply chains for forced labor, and directs the Securities and Exchange Commission to mandate annual disclosures of imports that are sourced from forced labor in Xinjiang.

The United States and its allies and partners should also help companies shift from a reliance on forced labor by aiding the development of alternative sourcing hubs for products such as cotton. They should incentivize high labor standards in developing countries by promising, in return, official support and development assistance, and stimulating private investment in new sourcing hubs. They could, for example, provide infrastructure assistance and capacity building to ensure safety and sound labor standards in these new hubs. Governments should also consider financial incentives (e.g., tax breaks) for companies that move from Xinjiang to these alternative hubs.<sup>60</sup>

In sum, the United States and its allies and partners should support improved supply-chain traceability mechanisms and greater transparency on the part of companies. While working to improve supply-chain traceability, the United States and its allies and partners should help develop alternative sourcing hubs to facilitate a shift away from forced labor. This measure, in conjunction with improved mechanisms for enforcing import restrictions on goods produced with forced labor, will help companies move their supply chains and reduce the risk of being outcompeted by unscrupulous firms that refuse to tackle forced labor in their supply chains.

### *Counter Beijing's Use of Mass Surveillance*

The United States and its allies and partners should target entities that facilitate Beijing's use of mass surveillance in Xinjiang. As with forced labor, supply-chain traceability is a key tool, but in this case it is Chinese technology companies' supply chains that should be monitored. The US government, through the Commerce Department's Bureau of Industry and Security and the State Department, along with civil-society actors and researchers, should monitor and reveal Chinese surveillance companies' supply chains. Similar action can be taken by relevant agencies and actors in allied and partner countries. This information can be used to determine the extent to which these companies are sourcing from the United

58 Lehr, "New Approaches to Supply Chain Traceability."

59 Lehr and Bechrakis, "Combating Human Rights Abuses in Xinjiang"; Lehr, "New Approaches to Supply Chain Traceability."

60 Lehr, "Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region."

States and other partners opposed to Beijing's behavior in Xinjiang.<sup>61</sup> It is known already that various European and US companies have sold digital systems and hardware to Chinese entities that are connected to mass surveillance.<sup>62</sup>

Following on this action, the United States and allied and partner governments can identify the technology that China is using in mass surveillance, and limit exports that could support its activities in Xinjiang. This could be done via legislation that restricts exports of this technology.<sup>63</sup> Moreover, the United States and its allies and partners should try to reduce the profits of Chinese surveillance companies involved in Xinjiang by banning them from selling their technology in their respective countries.<sup>64</sup> And, as previously mentioned, sanctions on these companies' executives and managers would impress that they face a personal cost to their facilitating oppression in Xinjiang.

### *Limits and Challenges of Sanctions*

While this strategic framework incorporates sanctions as an important tool for pressuring China, it should be noted that there are limits on the degree to which sanctions will be effective in pressuring Beijing.

For example, China benefits from a massive internal market for its goods, and even a broad multilateral sanctions policy would not be able to restrict the entire international market for goods produced by forced labor in Xinjiang. China is the world's largest exporter of textiles and apparels, thereby making cotton produced in Xinjiang a key pressure point for imposing costs on Beijing; on the other hand, the vast majority of China's textile and apparel sales are directed toward its internal market.<sup>65</sup>

Sanctions are an important tool, but they must be implemented multilaterally and in conjunction with the previously mentioned diplomatic measures. Still, despite their limitations, sanctions can be used symbolically to demonstrate multilateral opprobrium toward China; to reduce connections of the United States and its allies and partners to China's abuses in



People walk past a store of the Swedish fashion retailer H&M at a shopping complex in Beijing, China March 25, 2021.  
Source: REUTERS/Florence Lo

Xinjiang; and to impose at least some financial cost that harms Xinjiang's market model whereby state-supported entities and other businesses profit off forced labor.

The United States and its allies and partners should also be prepared to face retaliation from Beijing, at least in the short term, in response to coordinated sanctions. Indeed, China showed its inclination to retaliate in the wake of March's coordinated US-EU-UK-Canada Xinjiang-related sanctions.<sup>66</sup>

As was argued earlier, the United States and its allies and partners should develop plans to offset retaliatory sanctions. This includes internal assessments of vulnerabilities. For example, China has pressured international companies such as H&M and Nike with public criticism and boycotts after previous statements from these entities that expressed concern for forced labor resurfaced.<sup>67</sup> On the other hand, China's retaliatory actions prompted renewed criticism abroad, suggesting counter-sanctions from Beijing could

61 Millward and Peterson, "China's System of Oppression in Xinjiang," 10.

62 Ibid., 9; *The China Plan*, 33.

63 *The China Plan*, 37–38.

64 Millward and Peterson, "China's System of Oppression in Xinjiang," 10.

65 Amy K. Lehr, "Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region"; Lehr and Bechrakis, "Combatting Human Rights Abuses in Xinjiang."

66 James Griffiths, "China Sanctions UK Lawmakers and Entities in Retaliation for Xinjiang Measures," CNN, March 26, 2021, <https://www.cnn.com/2021/03/25/china/china-uk-sanctions-xinjiang-intl-hnk/index.html>.

67 Adela Suliman, "Nike, H&M, Burberry Face Backlash and Boycotts in China over Stance on Uyghur Treatment," NBC News, March 25, 2021, <https://www.nbcnews.com/news/world/nike-h-m-face-backlash-china-over-xinjiang-cotton-concerns-n1262019>.

serve to solidify at least democratic opposition to its human-rights practices.<sup>68</sup>

Still, Western companies risk facing a backlash from Beijing for publicly supporting efforts to counter forced labor, and the United States and its allies and partners should consider financial incentives and other means to help these companies overcome the force of retaliation. This could include anything from tax breaks to the aforementioned support for developing different sourcing hubs and restrictions on competitors failing to make an effort to remove forced labor from supply chains.

### **Engage China on Improving its Human-Rights Practices in Xinjiang**

This Issue Brief has, thus far, focused on building an international response to China's human-rights violations and implementing measures designed to damage its diplomatic standing; hold individuals responsible for oppression accountable; and limit its ability to profit from repression in Xinjiang. In other words, the first two sections were largely punitive and designed to impose costs on Beijing.

Punitive measures are important for forcing China to face costs for its repressive actions, and this strategy operates according to the logic that these measures would ultimately lead China to want to change its behavior. Therefore, the final pillar of this strategy calls for the United States and its allies and partners to engage China constructively on improving its human-rights situation.

But, getting to a point where it is possible to fully implement this pillar will not be easy. Thus far, China has been unwilling to acknowledge any wrongdoing in Xinjiang, preferring to frame the situation as a matter of internal security. It is highly resistant to interference in a matter it considers its own sovereign concern. Still, as was argued earlier, there is a strategic interest in trying to get China to change its behavior, and that change is more likely to be effected by standing up for human rights and imposing costs on China's violations than by doing nothing at all or emphasizing engagement alone. The United States and its allies and partners should strive to reach a point where it is possible to fully implement the third pillar of this strategy, but they should also be prepared to maintain punitive measures if Beijing continues to prove intractable.

Should China demonstrate a willingness to change course, constructive engagement could bear fruit. Certain components of this section—including regular communication on human-rights issues and incorporating human rights in economic engagement with China—ought to be put into practice sooner rather than later. A more complete implementation of this pillar would involve the United States and its allies and partners demonstrating to the CCP that it stands to gain from changing its behavior, showing how greater freedom for its religious- and ethnic-minority population in Xinjiang will benefit China in the long term.

### ***Regularly Communicate on Human-Rights Issues***

This engagement should begin with bringing up human-rights violations regularly in bilateral and multilateral meetings among China and the United States and its allies and partners. Beijing should understand that human rights in Xinjiang will remain a persistent issue in its dealings with other states until the situation is resolved. Since 1995, the EU and China have had a human-rights dialogue, though this platform has proven ineffective in producing constructive engagement on human-rights issues. The United States and its allies and partners should seek to broaden this dialogue by, for example, working to establish a G7-China human-rights dialogue. The purpose would be to create a forum that permits open communication on human-rights issues, providing an opportunity to raise concerns and discuss means of rectifying abuses. As was previously noted, China will likely be wary of such a mechanism and, even if established, it may be reluctant to engage in depth on human-rights issues. Nevertheless, this would ensure there is a defined means for leading democracies to engage China together on human-rights issues and, over time, work toward discussing reforms.

### ***Incorporate Human Rights in Economic Engagement***

The United States and its allies and partners should continue to engage China in the economic domain and use this engagement as an opportunity to ensure trade and investment agreements include enforceable protections against forced labor. The recent negotiation of the EU-China Comprehensive Agreement on Investment (CAI) is instructive in this regard. China has agreed to “undertak[e] commitments in the areas

68 “Top European Officials Slam China's Response to Sanctions,” Deutsche Welle, <https://www.dw.com/en/top-european-officials-slam-chinas-response-to-sanctions/a-56956045>.



of labour” and “make continued and sustained efforts to ratify the ILO [International Labour Organisation] fundamental Conventions on forced labour.” These vague commitments do not inspire confidence that China will abandon the use of forced labor. Accordingly, a recent Atlantic Council paper urged the EU to modify the CAI “to require a binding commitment (and mechanisms for measuring compliance) from China to the International Labour Organization’s fundamental conventions on forced labor.”<sup>69</sup> Furthermore, in June, German Chancellor Angela Merkel stated that China must show “significant progress” on labor rights before the investment agreement is ratified.<sup>70</sup> China, the United States, the EU, and other allies and partners stand to gain from closer economic cooperation, but future agreements should be contingent on China committing to reform human-rights practices, especially concerning forced labor, and demonstrating progress toward this end. In this way, engagement on human rights and economic cooperation will be linked.

### *Appeal to China’s Self-Interest*

The United States and its allies and partners should also make the case to China that it stands to benefit from greater religious freedom for its minority population in Xinjiang. Thomas Farr, who served as the first director of the State Department’s Office of International Religious Freedom, has argued it may be possible to appeal to Beijing’s self-interest by pointing out that religious persecution “retards economic development, increases social instability, and feeds violent religious extremism.”<sup>71</sup> Religious freedom also gives space to religious organizations to play a vital role in civil society, addressing needs from care for the sick and elderly to poverty relief. Given the CCP’s concern for maintaining economic growth and internal stability, these arguments may have some persuasive power.

The United States and its allies and partners should support civil-society initiatives researching positive economic and social benefits of religious freedom. They could then employ these arguments during meetings with Chinese officials. Moreover, Farr has suggested creating a bilateral US-China working group on religion.<sup>72</sup> This forum would bring together government officials, civil society, religious leaders, and the private sector to discuss empirical evidence on the social and economic effects of religious freedom, and then make recommendations to their respective governments. While a bilateral working group would be useful, a multilateral forum would bring in additional countries and stakeholders that could enrich and broaden the discussion. Furthermore, the United States should work with China to promote initiatives such as academic exchanges that would allow Chinese professors and students to study religion in the United States.<sup>73</sup>

### *Support the Development of a Prosperous Xinjiang*

If China is rectifying its behavior in Xinjiang in a transparent manner (e.g., stopping forced labor, closing internment camps, ending birth suppression), the United States and its allies and partners should carefully relieve the pressure of sanctions, making sure that Beijing is transparent and does not backslide. Moreover, in a piece for the Brookings Institution, James Millward and Dahlia Peterson urge China to implement a development program sensitive to the needs of Uyghurs and other ethnic minorities residing in Xinjiang. Among their suggestions is reforming the XPCC to stop discriminatory hiring and eliminate its involvement in internment and forced labor. This will open job opportunities to Xinjiang’s minority populations and remove the potential for sanctions on companies that do business with the XPCC.<sup>74</sup> The United

69 *The China Plan*, 37–38.

70 Jakob Hanke Vela, “Merkel: China Must Make ‘Significant Progress’ on Forced Labor Before EU Ratifies Trade Deal,” Politico, June 13, 2021, <https://www.politico.eu/article/germany-chancellor-angela-merkel-eu-china-trade-investment-deal-labor-rights/>.

71 Thomas F. Farr, “Diplomacy and Persecution in China,” *First Things*, May 2019, <https://www.firstthings.com/article/2019/05/diplomacy-and-persecution-in-china>.

72 *Ibid.*

73 *Ibid.*

74 Millward and Peterson, “China’s System of Oppression in Xinjiang,” 11–13.

States and its allies and partners should encourage these changes in meetings with Beijing and, as they happen, work to ease sanctions, thereby bolstering the region's economy as companies would face fewer economic or social costs from sourcing materials from the region.

## CONCLUSION

China's actions in Xinjiang represent one of the foremost human-rights challenges of the twenty-first century, and addressing it is complicated by the fact that China is a rising global power. Nevertheless, this Issue Brief has put forth a framework, predicated on multilateral action, to bring about a resolution to Beijing's human-rights violations and improve prospects for China becoming a responsible stakeholder in a rules-based international system.

The twentieth century saw the international community stand by on multiple occasions as genocide and other crimes against humanity took place. In the wake of those atrocities, the phrase "never again" has been invoked repeatedly. A committed and sustained multilateral campaign to address China's actions in Xinjiang would demonstrate that those words are not merely hollow rhetoric.

## ABOUT THE AUTHOR

**Jeffrey Cimmino** is assistant director of the Global Strategy Initiative in the Scowcroft Center for Strategy and Security. Prior to joining the Atlantic Council, he worked as a breaking news reporter. While completing his undergraduate degree, he interned at the Foreign Policy Initiative. He graduated from Georgetown University with a BA in history and a minor in government.

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