



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

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Dante Pesce

Chair-Rapporteur of the Working Group on the issue of human rights and transnational corporations and other business enterprises

Karima Bennoune

Special Rapporteur in the field of cultural rights

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Special Rapporteur on minority issues

Ahmed Shaheed

Special Rapporteur on freedom of religion or belief

Tomoya Obokata

Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Nils Melzer

Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment

Siobhan Mullally

Special Rapporteur on trafficking in persons, especially women and children

Dear Special Procedures Mandate Holders,

Thank you for your correspondence dated March 12, 2021. Please find enclosed the U.S. response.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel A. Kronenfeld'.

Daniel A. Kronenfeld
Human Rights Counselor

U.S. Response to UN Joint Communication Regarding Alleged Role of Multinational Companies Sourcing Material from Xinjiang Factories

Thank you for your letter dated March 12, 2021, requesting information regarding the alleged role of multinational companies domiciled in U.S. territory or jurisdiction in sourcing material from factories in China. We welcome your attention from within the UN system to highlight the campaign of repression carried out against Uyghurs, ethnic Kazakhs, and members of other ethnic and religious minority groups in Xinjiang. We remain very concerned about the situation in Xinjiang and appreciate the opportunity to provide the below information concerning U.S. law, policy, and practice relating to this subject.

The United States reaffirms its obligations under the international human rights treaties to which it is party and its support for the promotion of respect for and advancement of human rights and fundamental freedoms worldwide, and firmly condemns arbitrary detention and human trafficking, including forced labor. Human trafficking and forced labor are federal crimes in the United States, as well as predicate offenses to money laundering. We also affirm our support for the UN Guiding Principles on Business and Human Rights, and our obligations under the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, to which China acceded in 2010. Pursuant to our obligations and commitments, we regularly engage with U.S. businesses to discuss human rights due diligence. In July 2020, for example, the U.S. Departments of State, Treasury, Commerce, and Homeland Security, issued a business advisory to caution businesses (as well as other persons, including investors and individuals) about the potential reputational, economic, and legal risks of supply chain links to entities that engage in human rights abuses, including forced labor, in Xinjiang and elsewhere in China. The advisory emphasizes the need to implement human rights due diligence policies and procedures. The business advisory cautions that third-party audits alone may not be a credible source of information as auditors have reportedly been detained, threatened, and harassed; auditors may be required to use a government translator who conveys misinformation or does not speak the workers' first language; and auditor interviews cannot be relied upon given the pervasive surveillance and evidence of workers' fear of sharing accurate information. The business advisory can be accessed at: <https://www.state.gov/xinjiang-supply-chain-business-advisory/>.

The U.S. government takes seriously the allegations regarding the named U.S. companies' involvement in forced labor in Xinjiang, China. The U.S. government is committed to taking all appropriate criminal or civil action against entities found to be in violation of U.S. laws related to labor trafficking. Additionally, the U.S. Department of Commerce continues to review information regarding companies that may be implicated in forced labor practices involving members of ethnic and religious minority groups from Xinjiang.

The U.S. government has already taken several actions to condemn, address, and counter human rights abuses in Xinjiang, including forced labor. The U.S. Department of Homeland Security has taken actions to prevent the importation of goods produced with forced labor, including all cotton and tomato products from Xinjiang. As a result, any shipments containing such merchandise are detained upon arrival in U.S. ports. On June 25, 2020, the State Department reported the People's Republic of China (PRC) government's policy or pattern of widespread

forced labor in China, including of Uyghurs, ethnic Kazakhs, ethnic Kyrgyz, and other Muslims in Xinjiang, and assigned China the lowest ranking possible in its tiered assessment of government efforts to combat trafficking in persons. In July 2020 and March 2021, the U.S. Department of the Treasury sanctioned a total of eight government officials and two entities from the PRC in connection with serious human rights abuse against members of ethnic and religious minority groups in Xinjiang. Since October 2019, the U.S. Department of Commerce has added 27 commercial companies and 21 Chinese government agencies to the Entity List – which identifies persons reasonably believed to be involved, or to pose a significant risk of being or becoming involved, in activities contrary to the national security or foreign policy interests of the United States – because they are implicated in human rights abuses as part of the PRC’s campaign of repression, mass arbitrary detention, forced labor and high-technology surveillance against ethnic and religious minority groups in Xinjiang. Of note, 10 commercial companies were specifically called out in connection with their additions to the Entity List for being implicated in the practice of forced labor. On October 8, 2019, the U.S. Department of State announced visa restrictions on PRC government and Chinese Communist Party officials believed to be responsible for, or complicit in, the unjust detention or abuse of Uyghurs, Kazakhs, or other members of Muslim minority groups in Xinjiang. The Department of State is working with colleagues in the Office of Management and Budget’s Office of Federal Procurement Policy and the Department of Labor to identify government contracts for goods that may be at a particularly high risk of being made or sourced from Xinjiang. The Office of Federal Procurement Policy has shared information on Xinjiang with agency trafficking-in-persons experts and procurement trafficking-in-persons points of contact to ensure those contracts contain the relevant Federal Acquisition Regulation clause(s) and encourage the use of best practices as described in OMB memo M-20-01, Anti-Trafficking Risk Management Best Practices & Mitigation Considerations for future awards.

The United States continues to urge the PRC to respect human rights and fundamental freedoms for workers within or outside Xinjiang, including those who are members of ethnic and religious minority groups. U.S. Secretary of State Antony Blinken has made clear that the PRC is committing genocide and crimes against humanity in Xinjiang. The crimes against humanity include imprisonment, torture, enforced sterilization, and persecution, including through forced labor and the imposition of draconian restrictions on the freedoms of religion or belief, expression, and movement. On April 11, 2021, Secretary Blinken emphasized the need to take concrete actions to ensure no U.S. company aids the PRC in repressing its population, to prevent products made in Xinjiang from being exported to the United States, and for the international community to continue to condemn the PRC’s human rights violations and abuses in Xinjiang. On March 19, 2021, U.S. Representative to the UN Linda Thomas-Greenfield spoke at the UN General Assembly, commemorating a joint commitment to end all racial discrimination, and acknowledging genocide and crimes against humanity against Uyghurs and members of other ethnic and religious minority groups in Xinjiang. On March 22, 2021, the U.S. Secretary of State joined the Foreign Ministers of Canada and the United Kingdom in a statement regarding ongoing concerns about human rights violations and abuses in Xinjiang. The United States and a wide range of other countries are united in calling for the PRC to end its repressive practices against Uyghurs and members of other ethnic and religious minority groups in Xinjiang, and to release those arbitrarily detained. We have called on the PRC to grant the international

community, including independent investigators from the UN, journalists, and foreign diplomats, unhindered access to Xinjiang.

We look forward to remaining in contact with Special Procedures and other UN officials seeking to expose and respond to the credible allegations of human rights violations and abuses in Xinjiang.