

THE BROOKINGS INSTITUTION

WEBINAR

FRAMING AMERICA'S POLICY ON XINJIANG

Washington, D.C.

Thursday, February 24, 2022

PARTICIPANTS:

Opening Remarks:

JOHN R. ALLEN
President
The Brookings Institution

Moderator:

RYAN HASS
Senior Fellow
Michael H. Armacost Chair
Chen-fu and Cecilia Yen Koo Chair in Taiwan Studies
John L. Thornton China Center
The Brookings Institution

Panelists:

JESSICA BRANDT
Fellow and Policy Director
Artificial Intelligence and
Emerging Technology Initiative
The Brookings Institution

CATHY FEINGOLD
Director of the International Department
AFL-CIO

JEWHER IHHAM
Author

SOPHIA RICHARDSON
China Director
Human Rights Watch

* * * * *

ANDERSON COURT REPORTING
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190

P R O C E E D I N G S

GENERAL ALLEN: Good afternoon, ladies and gentlemen, good evening and good morning, depending on where you're tuning in from around the world. My name is John Allen. I'm the President of the Brookings Institution. On behalf of all of us at Brookings, I'm honored to welcome you to this important discussion today, examining what's happening in the Xinjiang Province and how the United States and others can most effectively respond to developments there.

The situation in Xinjiang has attracted considerable public attention in recent years. The spotlight has shined brighter during China's hosting of the Olympic Games and the decision by the United States and other countries to diplomatically boycott the games in protest of China's human rights violations in Xinjiang sent a very powerful international signal.

The global concerns about developments in Xinjiang far pre-date the Olympics. Indeed in 2020, we hosted a prelude to today's event where we examined all aspects of China's approach to Xinjiang. That discussion dug deep into the history of the Province Xinjiang and the factors that were informing Beijing's efforts to stamp out the Uyghur culture and assert control over all aspects of life in that province. A video recording of that conversation is available to you should you desire, on the Brookings website.

Today we will continue this important conversation by taking a forward-looking focus on specific goals of U.S. policy on Xinjiang and offering recommendations on how to move the situation in the direction of those goals.

This discussion reflects the role of Brookings as a place where reasoned, fact-driven civil debate can occur on even the most pressing of challenges in our time. And to be clear, these public events make up only a small part of the deep record of research, commentary, and analysis that Brookings' scholars have conducted on the situation in

Xinjiang over the past several years.

As an independent, non-partisan institution, Brookings is committed to providing a platform for hard issues to be explored. And we're invested in developing policy recommendations that are informed by rigorous examination of events at home and abroad. The situation in Xinjiang demands our attention. It is a central human rights concern in U.S. foreign policy. And since we last convened in 2020, reports of abuses in Xinjiang have increased, so too have expressions of grave concern from around the world about the Chinese government's policies targeting ethnic leaders and other minorities in Xinjiang.

This past October, 43 countries signed a statement at the United Nations expressing particular concern of our credibly based reports of the existence of re-education camps in the province.

The UN Human Rights Chief has sought meaningful access to the region for several years now without success. In the United States, public awareness about Xinjiang has grown. The U.S. government has elevated efforts to address concerns about developments in Xinjiang, including by raising objections to Chinese human rights abuses directly with Chinese leaders, passing legislation, coordinating with other concerned countries on implementation of sanctions against perpetrators of abuses, declaring that genocide and crimes against humanity are taking place in Xinjiang, and diplomatically boycotting the Beijing Olympics.

That is the backdrop. Today's panel will explore what's happening in Xinjiang and what further tools and strategies and leverage the United States and global actors have, to influence China's cost benefit calculus for its current approach in Xinjiang. They will consider whether enough is being done and if not, what further actions and approaches should be considered.

But, ladies and gentlemen, also respecting the present moment that we're in

and the great violence being done to the Ukrainian people by Vladimir Putin's Russia. Let me also say that we have in many respects entered a clear global struggle for the primacy of our values. Our very system of government and our commitment to human rights, which is of course at the heart of this event with regard to Xinjiang Province.

I strongly recommend to those who are tuning in today to review the 4 February Joint Statement from Russia and China. Something I view as effectively a manifesto on the international order envisioned by these two authoritarian states and the two autocrats that lead them.

That document charts the course for a genuine collision of values with the global community of democracies. It will be central to all that is yet to come. And indeed, given the Joint Statement, I see no reason not to believe that the Russian invasion of Ukraine was not essentially greenlighted by the Chinese. They, too, bear some responsibility for the death and destruction taking place in Ukraine. That matters and is something that we must pay very close attention to going forward. Now regardless, let's get back to our event.

And before we turn to our distinguished panelists, I'd first like to introduce, to provide important keynote remarks, Laura Rosenberger, who currently serves as Special Assistant to the President and the Senior Director for China and Taiwan on the National Security Council at the White House. Ms. Rosenberger brings deep experience on this issue and has served in key positions in the National Security Council of the State Department where we first crossed paths years ago. Including as the Chief of Staff to the Deputy Secretary of State then, Antony Blinken, and earlier as then Deputy of National Security Advisor Blinken, serving as his advisor as well. She will offer insights on the Biden Administration's approach to Xinjiang, and it is a great honor, Laura, for us to welcome you this afternoon.

I know your schedule is extraordinarily busy, especially in this moment, and so we're deeply honored and greatly privileged by your ability to spend some time with us today. So please let me turn it over to you with my sincere thanks for joining us.

MS. ROSENBERGER: Well, John, thanks for those words, it's wonderful to see you as always, even if only virtually, and to see a number of other friends and colleagues whom I've shared much work in the past and even more importantly, have a great depth of respect for. So, it's wonderful and a privilege to be with all of you here today to discuss this extremely important subject.

I'm going to offer a few remarks at the top (audio skip). Can you all hear me? Great. Okay. All right. Sorry, not sure what technically interrupted there, but I apologize. But I'm glad to be back here. But very glad to offer a few opening remarks this morning and then have a brief discussion with Ryan. I'm sorry, I suppose it's the afternoon. I actually have not slept very much so pardon the lack of sense of time of day.

But I just actually want to start, and I'm really glad to hear my friend John take a moment just to comment on the present moment that we are in, and the horror we were watching unfold in Ukraine, and I do just want to echo the President's words here before we get started on the subject of the day.

You know, the prayers of the entire world are with the people of Ukraine as they suffer an unprovoked and unjustified attack by Russian military forces. Russia alone is responsible for the death and destruction that this attack will bring, and the United States and its allies and partners will respond in a united and decisive way, and I expect it's something we'll talk about a bit more in the conversation with Ryan.

But even as this crisis unfolds, as I said, I wanted to be here for this important discussion. I want to recognize the members of the Uyghur communities who are joining us today. I personally have so many memories of walking through the streets of

Urumchi and Turpan when I had an opportunity to visit Xinjiang in 2010 and savoring the extraordinary riches of Uyghur culture, the food, the poetry, the music. I've seen the extraordinary resilience of the Uyghur community in the face of oppression. And while we cannot imagine what you and your families had and are experiencing, this Administration, the United States, myself, we will all continue standing with you.

The ongoing genocide in the Uyghur community which the PRC is perpetrating on Uyghur and members of other ethnic and religious minorities cannot be ignored and it must be met with serious consequences. Addressing these concerns will remain a high priority for the Biden/Harris Administration and we're glad to see bipartisan consensus on these issues.

President Biden has made clear that human rights and democracy are at the core of this Administration's foreign policy and indeed he has told President Xi directly that standing up for human rights is in American's DNA.

Specifically on Xinjiang, we're working to raise the economic and reputational costs of the PRC's actions to hold the PRC accountable for its violations of universal human rights and to go after its modern arsenal of repression.

I want to describe several key lines of effort that will continue in the year ahead, including where we're taking accountability actions including with our allies and partners, going after forced labor, fighting the use of advance technology to facilitate human rights abuses, and countering the PRC's transnational action.

So first the bedrock of our policy is working with allies and partners and through international institutions to promote accountability for the PRC government's egregious abuses. In line with the Administration's broader China strategy, we will focus on building coalitions and generating sustained pressure on PRC, pressure to change its egregious practices, stop the repression of Uyghurs and other ethnic minorities, and to raise

the costs on the perpetrators.

For example, last year we announced sanctions on PRC officials responsible for serious human rights abuses and repression, including the leaders of the Xinjiang Production and Construction Corps, XPCC, the Xinjiang Public Security Bureau, and these were building on prior U.S. sanctions.

Taking those actions in coordination with the UK, Canada and European Union sends strong signals to those who violate human rights that such actions will not be tolerated. And we continue to use all diplomatic and economic tools to hold the PRC to account. That includes use of Global Magnitsky Sanctions, investment restrictions, export controls, and visa bans on PRC officials and entities, all to expose and hold accountable perpetrators of serious human rights abuses. We're also working through multilateral institutions, especially the United Nations, to forge large and diverse coalitions to condemn the egregious human rights abuses.

As John noted, just last fall in the UN General Assembly's Third Committee, 43 countries supported the France-led Joint Statement on Xinjiang, and at the 47th session of the Human Rights Council, with this Administration back at the table, 44 governments issued a statement on Xinjiang, Tibet, and Hong Kong. The United States also co-hosted a virtual event on the margins of the UN General Assembly on human rights situations in Xinjiang in partnership with 17 other member state co-sponsors. There's more to come now that the United States has been elected to council to a three-year term starting on January 1st, and we're proud that our new Ambassador to the Human Rights Council, Michelle Taylor, has just been confirmed.

We also engaged with Beijing directly to express our concerns at the highest level. President Biden has raised China's human rights abuses in Xinjiang directly to President Xi, Secretary of State Blinken, Deputy Secretary Sherman, directly raised both the

individual cases and systematic concerns, as do I and others at the White House.

We will continue to call on PRC authorities to immediately release all arbitrary contained people as well as to abolish the camps, cease forced sterilizations and torture, and stop persecuting Uyghurs and other minority groups.

The PRC's ongoing genocide and crimes against humanity in Xinjiang as well as other forced human rights abuses are also why the President decided not to send any diplomatic or official representation to the Beijing Olympic and Paralympic Games. We simply could not treat these games as business as usual.

Second, we are focused on combating forced labor, which is a priority for this Administration and a key tool of abuse that the PRC employs in Xinjiang. We are committed to working with Congress and the whole government to increase the economic costs to the PRC of these practices and recognize that to do so effectively we need to use every tool we have, not only ourselves, but as a broader international community.

Let me describe just a few key steps we've taken and will continue to take to remove goods made with forced labor from our supply chain. Last year we updated the Xinjiang Business Advisory with the strongest caution to date, warning that businesses and individuals that do not exit supply chains ventures and investments connected to Xinjiang run a high risk of violating U.S. law related to forced labor in Xinjiang.

The Department of Homeland Security, Commerce, and Labor have all announced measures to address the PRC's ongoing human rights abuses and use of forced labor in Xinjiang, including actions on silica-based products and polysilicon companies linked to forced labor in Xinjiang. And Congress has added a number of PRC-based entities to its entity lists, including XPCC. The Administration of course is hard at work to fully implement the Uyghur Forced Labor Prevention Act which Congress passed and the President signed in December, which provides new tools in this effort.

And we're rallying allies and partners, building on for instance the work of the G7 which included in its statement last year in Cornwall actions committing to free the supply chains from goods made with forced labor. We are now translating these commitments into actions.

Third, we are expanding our work to the frontiers of technology, recognizing that advanced technologies have become a critical piece of the machinery of mass surveillance and repression in Xinjiang and beyond. We're committed to stopping that machinery.

In December of last year, the Administration took steps to prevent the PRC from using U.S. origin technology or capital for these purposes. Congress prohibited U.S. companies or individuals from doing business with dozens of PRC firms that were identified as supporting PLA modernization and the use of biotechnology such as biometric surveillance and large-scale genetic testing to repress minority groups in Xinjiang.

These companies have helped conduct the surveillance apparatus based on biometric data, facial recognition, and even a mass collection of DNA samples from all Xinjiang residents between the ages of 12 to 65.

Treasury last year prohibited U.S. investors from purchasing securities in nine additional PRC firms involved in surveillance of leaders in Xinjiang. This built on the President's decision earlier last year to expand the scope of authorities of prior industrial restrictions to include surveillance technology precisely because of our concerns about how the PRC is employing the technology within its borders and by exporting this tool abroad.

This includes DJI, the largest drone manufacturer in the world, which sells drones to Xinjiang Public Security Bureau, also includes four of the largest PRC AI companies, all of which develop facial recognition software used by the PRC authorities in Xinjiang.

At the Summit for Democracy, the United States, Australia, Denmark, and Norway also announced new export controls in human rights initiatives which will align like-minded countries' export control policies to prevent critical and emerging technologies from being used in ways contrary to our shared values. This is important particularly if the PRC is working to shape the rules of the road in its favor and to dominate critical technologies.

As National Security Advisor Jake Sullivan has said, the United States and like-minded countries need to ensure that critical and emerging technologies work for and not against our democracies and our security.

And fourth and finally, we know that monitor repression doesn't stop at borders, and PRC has been at the forefront of this troubling trend. So we're intensifying efforts to disrupt the PRC's growing transnational network of intimidation, harassment, and surveillance which extends to the United States and other democracies. According to an unclassified FBI assessment from August, PRC officials continue to target U.S. based leaders both in person and digitally. In some cases, threats posed by the PRC towards leaders and others have accelerated beyond intimidation to physical threats and incidents in the United States. These actions are unacceptable.

That's why the Administration has launched a coordinated effort to prevent and respond to governments, including the PRC, who target journalist, activists, dissidents, and others beyond their borders for bringing together diplomatic law enforcement and intelligence tools to deter repressive governments and better protect targets, targeted individuals, and groups, including within the United States. And we're working to prevent the abuse of INTERPOL notices by the PRC and other authoritarian regimes.

I want to emphasize that Beijing's baseless targeting of U.S. officials, including Nury Turkel and other officials from the U.S. Commission on International Religious Freedom, as well as athletes, European and Canadian parliamentarians, and too

many others, perceived to bring attention to the PRC's abuses, our attempts to limit fundamental freedoms here in our own communities and within like-minded democracies. These actions not only contribute to the growing international scrutiny of the ongoing genocide and crimes against humanity in Xinjiang and they remind us all how high the stakes are and why we must continue to do even more.

This is personal for all of us. As we see authoritarian countries like China and like Russia advancing their own vision of the world, as John eloquently pointed out at the top, a world in which power matters more than principles, and coercion is the name of the game, we must be undaunted and tireless in standing up for what we know is right.

I'll stop there so we have time for a bit of a short discussion. I want to thank you all for your time, and most importantly for inviting me to join to talk about this important issue with you this morning.

MR. HASS: Well, Laura, thank you for laying out so clearly the robust set of actions and the prioritization that the Biden Administration has placed upon this issue.

I wanted to just follow up with one or two quick questions before we let you go back to your day job. The first question is, we've been talking a little bit about the situation in the Ukraine, the tragic, sad situation in Ukraine. How worried are you that events there could distract attention, high level attention, away from this issue that we're discussing, the systematic human rights abuses in Xinjiang?

MS. ROSENBERGER: Well thanks, Ryan. Our focus and commitment on the situation in Xinjiang is unwavering as is our focus and commitment to doing what's necessary in our long-term efforts to out compete the PRC and to stand up for our interests and values and for the vision of the future of the United States and our allies and partners seek for the 21st Century.

You know, I think that the President spoke this morning just a few hours

ago, not only about the situation in Ukraine, but how he believes that in this contest between democracy and autocracy that we will prevail. And obviously what we are talking about today is a distinct topic, but in this contest I think that we need to be very clear about what's at stake. And so I am very firm and clear that we will remain quite focused on these issues.

MR. HASS: Good, I'm happy to hear it. And I think that your presence here today is a testament to the continuing prioritization.

So looking to the future from a policy perspective, what would progress look like on this tough issue in 2022?

MS. ROSENBERGER: Well, Ryan, you know, I want to see us make progress in all four of the areas that I laid out. You know, taking accountability actions, continuing to go after forced labor and eliminate those products, products made, you know, at the hands of forced labor from our supply chains, fighting the use of advanced technology to facilitate human rights abuses, and countering transactional questions. All four are critical lines of effort.

And one cross-cutting goal across each of them, as I mentioned, is to mobilize even greater actions to allies and partners and build even broader coalitions. The United States will continue to take our own actions on each of these fronts, but we will be far more effective in doing so when we are doing that with allies and partners and when we are making clear the both breadth of concern globally, but also where we are continuing to not only shape in an affirmative way the norms that like-minded countries seek but also to restrict space for the PRC to operate. That's the best way really again to just generate sustained pressure, pressure change on its most egregious practices and to stop repression and to raise the costs on perpetrators.

MR. HASS: Laura, thank you. Final question. Some people are concerned that the practices in Xinjiang will become normalized and will spread and be replicated in

other parts of the world. What more can be done to ensure that China's practices in Xinjiang do not spread and are not replicated elsewhere?

MS. ROSENBERGER: Yeah, absolutely, Ryan. Look, we share this concern, but I would also say a commitment to ensuring that these practices cannot and will not be normalized. We simply cannot allow that to occur.

But that's why we are so focused on countering the model of technologically powered repression that's been developed and, you know, beta tested in many ways in Xinjiang to then be used elsewhere. It has motivated a tremendous range of actions from this Administration. And, you know, much of the work we're doing on deepening ties with allies and partners to align our purchase on advance technology whether it's through the US-EU Trade and Technology Council, the quad, Critical and Emerging Tech Working Group, that's with the United States, Japan, India, and Australia. And with technology delivering for free societies and human rights placed at the heart of the work for the Summit for Democracy. Just a few examples of the ways in which we are working to ensure that these kinds of approaches and uses of technology are not normalized.

And we're going to continue to take action against a range of the egregious uses of these technologies, employing tools, as I mentioned, to sanction and counter those who are engaging in them and to ensure that non-tech problems like forced labor also are treated and recognized as unacceptable.

MR. HASS: All right. Thank you so much for your time and your insights and your perspective. It's great to have this window into the Administration's approach both up to the present and into the future on this important issue. Thank you and look forward to staying in touch.

MS. ROSENBERGER: Thanks so much for having me. And thanks again to everybody who's joined us for this important conversation.

MR. HASS: Bye bye. It's now a privilege for me to transition our event to our panel discussion among a group of experts on issues relating to Xinjiang.

I've asked our panelists to help stimulate new thinking on the path forward for addressing the concerns that Laura and John Allen have laid out about developments in Xinjiang. And to help structure our thinking around this question I plan to divide the next hour into four rough sections.

The first section we'll try to situate the current moment. Where are we in Xinjiang right now? Then the second section will explore what priorities and objectives should the United States and other governments set in their Xinjiang policy going forward. The third segment will examine what tools or leverage are available to the United States and others to advance these objectives. And the fourth section will be reserved for you, the members of our audience from around the world to ask questions to our assembled experts.

And as a reminder, if you'd like to submit a question, please either email Events@Brookings.edu, or send us a Tweet using @BrookingsChina.

So, to maximize our time for discussion I'm going to be ruthlessly efficient in introducing these four panelists because I want to preserve as much time as possible for our discussion. If any of you would like to see a more fulsome set of biographical details and accomplishments of these panelists, they are available online on their biographies.

But the first panelist I will introduce, by alphabetical order, is Jessica Brandt, who is the Policy Director and Fellow of the Artificial Intelligence and Emerging Technologies Initiative at the Brookings Institution. Her research and recent publications focus on foreign interference, disinformation, digital authoritarianism, and the implications of emerging technologies for liberal democracies.

Jessica was previously the head of Policy and Research for the Alliance for Securing Democracy, and a Senior Fellow at German Marshal Fund of the United States.

We're happy that she's back with us at Brookings now.

The second panelist is Cathy Feingold, who is the Director of the International Department at AFL-CIO. Cathy is the leading advocate of global workers' rights issues and the Director of the AFL-CIO's International Department. She brings more than 20 years of experience in trade and global economic policy and worker, human, and women's rights issues.

Cathy, thank you for being with us today.

Our third panelist is Jewher Ilham, who is an author, a human rights advocate and a Forced Labor Project Coordinator at Worker Rights Consortium. Jewher has been a tireless advocate for the Uyghur community and also for her imprisoned father, Ilham Tohti, who I was proud to have an opportunity to have met when I lived in Beijing previously.

She has appeared on numerous television programs. She's had her words printed in the New York Times and many other places. She's testified on Capitol Hill, in addition to her day job at the Worker Rights Consortium.

Our fourth panelist is Sophie Richardson, who is the China Director of Human Rights Watch. She is a force of nature who has overseen the organization's research and advocacy on China since 2006. She's a leading voice in the world in her advocacy for preventing human rights conditions in China.

So with that by way of introduction, I'd like to just dive right in. So, in terms of situating the present moment, as we've been talking about, at least 1 million Uyghurs and peoples from other ethnic minorities are being held in internment camps where there are reports of rape, forced sterilization and torture. These observations are based on satellite imagery, official documents, survivor testimonies. They've been verified by media outlets around the world.

Chinese officials say these reports are false, that they're part of a campaign to smear China's image, and explain their actions in Xinjiang as part of an effort to combat separatism and extremism.

So, Jewher, for members of our audience who do not follow the developments as closely as you do, what can you tell us about the current situation in Xinjiang, and have you noticed in the past six months or year any directional movement either for the better or the worse?

MS. ILHAM: Thank you, Ryan, for this very important question and the flow. Thank you for having me at this panel.

Well as many of you all know, for over a decade, the Chinese government has been subjecting Uyghurs to repressive policies in the name of countering terrorism and combatting religious extremism in their region. And repressive policies include different kinds of human rights abuses. And one of the major ones is the systematic forced labor on a massive scale in my homeland, targeting not only the Uyghur population but also the other Turkic and Muslim minority peoples on the basis of our religion and ethnicity. And there's a substantive body of evidence that the Chinese government is subjecting my people and other Turkic groups to stay in forced labor as part of a program, including so-called poverty alleviation and vocational training or education for labor and the extremification focus on eliminating Uyghur culture and religious practices.

And now there are over 1 to 1.8 million members of the Uyghur and other Turkic and Muslim peoples are being subject to mass detention in internment camps and prisons and forced sterilization of women, forced separation of families, and torture. And these policies are bolstered by a pervasive technology and that whole system of surveillance as also was mentioned earlier. And there's an absence of any kind of free speech. Not only in the region, but also in mainland China.

And my father, Ilham Tohti, is now serving a life sentence for practicing free speech, and my cousin, Nuraleih Yakon (phonetic), was arrested at one of the checkpoints on the streets in the Uyghur Region and she was asked to deposit her phone. The police found an article and a photo of my father in her cellphone and she was later sentenced for 10 years for that.

I personally don't know their current conditions. Family visits for my father haven't happened since 2017. And as I said earlier, it is not only happening to my family, but millions of people in my homeland.

And as for any shifts in positive or negative directions, I'd say state-imposed forced labor is extremely difficult to tackle and it is almost impossible for victims of these abuses to achieve the real justice and remedy. And unfortunately, I have not been able to see any major shifts on human rights violations. But what I did hear is that the numbers of students in those so-called vocational training schools have been decreasing, and the numbers of workers have been increasing. And when I say workers, you know what I mean. And the one hopeful shift we are seeing is with some policy changes such as the Uyghur Forced Labor Prevention Act that really does give us special Uyghurs in the diaspora some hope that more change could be possible in the future.

And with the Uyghur Forced Labor Prevention Act the U.S. government has done something very, very significant, it's unprecedented, and without a doubt there will be challenges to enforcement. And as we already know, the CVP has a mixed track record of enforcement, including limited resources for enforcement. So, it's strategic approach and aggressive approach to enforcement of this bill, they are vital and how effectively the law is enforced will make the difference between massive impact and mildly effective. So CVP will really need resources specifically dedicated for the enforcement of this bill for this Act for us to be able to see a major shift.

MR. HASS: Well thank you. We have in addition to you, Cathy with us today who is a leading expert on these issues, and I will bring her in to offer her perspective in a moment. But before I do so I just wanted to ask Jessica.

There's been a fair bit of reference already to the use of digital surveillance technology. How are you seeing these technologies being employed in Xinjiang right now? And do you see their practices evolving or changing at all?

MS. BRANDT: Sure. Thanks for the question and for the opportunity to be a part of this conversation. I think it's an important one.

I guess I'd say that, you know, Beijing has consistently used the latest digital surveillance technologies as part of its efforts to track, as Jewher said, millions of Uyghurs, Muslims, and members of other ethnic minorities as part of its very vast system of oppression in Xinjiang.

I guess an early cornerstone of this effort was a mobile hacking operation that we know started as early as 2013 where, you know, hackers that were connected with the Chinese government initiated a pretty broad campaign to target the cell phones of Uyghur individuals. And they, you know, used some novel techniques, things like hiding this malware and these exploits in keyboards, special keyboards that were used by Uyghur populations. Or imbedding them in apps that were, you know, hosting Uyghur language news or even sort of like Uyghur-targeted beauty tips.

And these things, these exploits, they were able to, you know, remotely turn on a phone's microphone, record conversations, export things like photos, phone locations, chat records. And as I said, you know, the government has been doing this since as early as 2013.

You know, fast forward to today, and the government, you know, collects I would say abusively so, all sorts of varied and importantly immutable biometric data in large

numbers of people in Xinjiang. So things like blood samples, voice prints, iris scans, you know, they're using DNA samples to create face maps, and I think there's some concern that they may be eventually able to sort of feed the images that they're creating using this new technology back into their facial recognition systems, which I think would only sort of tighten the system of social control.

And then I guess, you know, as has been received wide coverage we know that Huawei has tested facial recognition systems that purport to recognize Uyghur minorities and send an alarm, you know, to police when a member of that ethnic group is detected. And I think there's a very real fear that this technology in particular could spread around the world if governments elsewhere are looking for cheap, easy, automatic ways of, you know, identifying members of groups that they've deemed sort of dangerous to their social and global control.

So anyway I'll leave it there but I guess I would just say that the state's goals haven't really changed but the technology has evolved or the methods are evolving as the technology evolves and I think we should anticipate that that is only going to continue.

MR. HASS: Thank you. Cathy, if it's all right to bring you in, there already have been several references to forced labor. It's clear that the spotlight is growing brighter on issues related to forced labor in Xinjiang. As that spotlight brightens are you seeing any changes in how the situation is on the ground in Xinjiang these days?

MS. FEINGOLD: Thanks so much, it's great to be here with this entire panel.

I want to start by saying and kind of reflecting on the opening comments we heard from Laura about, you know, ending forced labor. And it's really about intentional policy decisions. This is an economic model that we have allowed to happen. We've allowed to have forced labor in our supply chains in Xinjiang for many years.

We created systems of social auditing where firms were paid and they never found that there was forced labor. And so we need to ask ourselves, you know, what kind of systems were companies putting in place to really measure what was going on in workplaces. And this is the problem in Xinjiang, it's extreme, but I just want to make the point because she talked about, you know, ending forced labor in supply chains around the world. Because this is a problem, it is a model that we have allowed to grow. People have demand for cheap products and so we've turned a blind eye to environmental degradation and to the use of forced labor.

So just as kind of an opening frame. On the ground, as we heard Jewher talking about what's going on there. The problem is you cannot do due diligence. You do not know what's going on on the ground because when, as Jessica and Jewher and others have described, there is such complete surveillance and repression, you can't do the work that you need to do to document what is happening in the workplace.

You need workers who can freely talk to you, who are, you know, free from reprisal, who actually feel like they have the right to speak, the right to exercise their fundamental rights to form a union, to have some kind of collective power in their workplaces.

And so for years social auditing firms are saying no problem, things are fine. Well, you have to ask how are they even talking to workers? They were getting paid by companies to sort of give a stamp to say all was fine. And so in 2020 a coalition of us came together, the Uyghur community union, Human Rights Watch, allied organizations, to really call the question about what was happening in those factories and to really say you can't know what's happening in those factories because you can't talk to workers. We wanted to shift the dynamic which for years had said we're going to pay auditing firms to kind of just give us a pass, give us some public relations cover. And we really said given the circumstances,

given what we know with the surveillance and that you cannot talk to workers, we have to assume that there are egregious practices happening there.

So getting to your question, Ryan, we don't know what is happening in the factories except that we do know there's the use of extreme forced labor. And it is not just happening in Xinjiang, we can talk about this later, but workers are being moved, you know, to work in the tech sector, to put together many of the products we buy here outside of the Xinjiang Region. Transshipment is being used as a way to get around what's happening.

But you know when we put this call to action out basically saying look brands, you can no longer do business in Xinjiang knowing that there's forced labor. It has been very difficult, I will say, only nine brands have publicly come out. So now with all of this information that we have only nine brands in the world have come out to say we will move our production. And those brands, what's unique about them is they do not have staff and they do not have large sales in China.

And so what you're seeing is a model that's been built on fear of workers, fear in the business community to lose market access, and we've got this perfect storm where we need to shift the economic model to end it and we've got, you know, repression by China, the Chinese government on both the workers and, you know, the businesses where we saw a big backlash against H&M and Nike when they tried to speak out.

And so I would say the situation on the ground is, for working people, has not shifted. It continues to be drastic. Except what has changed is the acknowledgment not just by apparel brands but by tech companies, by solar industry, that there is a problem.

And so what we now need to develop is effective, enforceable solutions, no more public relations, no more empty pledges, which I know I see a lot of empty pledges circulating. We need effective solutions like the Uyghur Forced Labor Prevention Act, among other tools.

MR. HASS: Thank you, Cathy. We'll come back to this soon to dig deeper.

But I want to bring Sophie into this conversation as well. Sophie, I am going to ask you a variation of the question that I asked Laura. We've seen authoritarian regimes around the world share best practices on social control and also make efforts to shield each other from criticism for illiberal behavior. How concerned are you about the spread of some of these practices that we're describing in Xinjiang being replicated elsewhere?

MS. RICHARDSON: Ryan, first of all, I thanks for having me. Second, I always want to acknowledge all of the Uyghur activists and friends and people who have had the confidence in us over the years to share their stories. We are with you to do all we can to end this nightmare.

Ryan, certainly some of the tactics we're seeing Xi Jinping use are ones that we have seen in other political environments. But I think he has put his own uniquely twisted stamp on this program. And if you look for example at the idea, his particular idea of sinicization, which I think some people misunderstand to mean some sort of positive, peaceful, cultural identify affirming idea when in fact it is a campaign that seeks to effectively destroy, literally destroy distinct identities by terrorizing people out of their religion and denying them the right to use their mother tongue languages, criminalizing actions of faith, you know, take on beyond the list. I think these really are in many ways sui generis and that mean we saw in some ways the origins. Not the origins, but some of the same hallmarks that have now been on display across the Uyghur Region about certain kinds of policing or the uses of technology or some of the ideas about criminalizing legal behavior, we were actually first seeing across the Tibetan plateau sort of in the late aughts, and some of them clearly, you know, got Chen Quanguo, now the former party secretary of both the Uyghur Region and of Tibet. Clearly seemed to get him a promotion where, you know, in the Uyghur Region those tactics became that much more hardline.

You know, obviously there are situations in other parts of the world where simply undemocratic expression or various communities' efforts to protect or preserve their own identify or expand political space have been met with harsh of repression here. Obviously watching that happen in the Ukraine today with appalling effect.

But I think one of our big concerns about Chinese officials who are responsible for what we know, not that we allege, but that we know to be crimes against humanity in the Uyghur Region right now is that to fail to effectively deter and punish that behavior is in effect to encourage it. And if we do not find ways of literally holding people accountable, I was glad to hear Laura talk about accountability, it's a subject I want to come back to, I fear that we will watch this kind of erasure across the country. And then potentially beyond China's borders. Xinjiang is not shy about keeping repression at home, increasingly we deal with that all over the world. And I think that's why many of the kinds of steps that my fellow panelists have sketched out are urgent.

MR. HASS: Well thank you. I want to stay with you for a second, Sophie, here. Because we've clearly laid out the problem in pretty haunting detail.

Laura has described the four lines of effort that the Administration is pursuing. They don't yet appear to have had an effect on changing or altering Chinese policies, at least not yet. And so as we look forward, what objectives should guide U.S. policy? What should be the organizing focus of American efforts, what global signposts should U.S. policy work towards? Are there directional steps that if realized would represent, you know, steps in a positive direction?

I want to bring you in on this, Sophie, to start out, but I want others to as well. So, Jewher, maybe you can follow Cathy and then Jessica.

MS. RICHARDSON: Ryan, thanks. Again, I'm glad to hear Laura talk about accountability. And I want to be clear that, you know, some of the steps that the

Administration has taken around sanctions, around diplomatic boycott, around targeting technology, are absolutely the right things to do.

They're not the only things to do. But I think the piece of the puzzle that from our perspective is either missing or not yet clear. I mean we would like to see a very aggressive strategy, partly because it also picks up on the themes of, you know, protecting international institutions and working with allies and partners is a push for actual legal accountability.

And here I want to make a distinction between the kinds of costs that are imposed by the measures that Laura sketched out and actually holding Chinese government officials credibly alleged to be responsible for crimes against humanity. Legally responsible, this is what the world does in response to atrocity crimes.

You know, from Myanmar to Venezuela to Yemen to Syria, these are the discussions about how you investigate and actually prosecute some of the most serious human rights violations under International Law. And so, for example, we'll be listening very closely, week after next, when the Human Rights Council goes into session at the high-level segment, you know, to hear Secretary Blinken not only urge the High Commissioner for Human Rights to release her long, mysteriously delayed report on human rights violations in the Uyghur Region, but also to sketch out steps towards that kind of investigation and prosecution. And Professor Beth Van Schaack has offered up some great suggestions about steps that the U.S. can take in that direction, hopefully she will get confirmed, and that can become a core part of what the Administration does next.

MR. HASS: Thank you. Jewher.

MS. ILHAM: Thank you, Ryan. I personally think besides putting into place punitive and practical measures such as targeted sanctions, banning products made by forced labor, and diversification of supply chains, we also need to know the importance of

providing safe havens for Uyghur refugees that successfully made it out of China.

And of course it's very important to, you know, figure out a strategic way to help Uyghurs who are still remaining in China, but also what's at the moment what's the easier, shorter step that we can follow is to provide assistance on Uyghurs who have made it out. That's a step they could make on their side.

And many who were able to skip China are located in many different countries, including, you know, Europe, the U.S., Turkey, in Thailand, in Kazakhstan. And many of whom are stateless, including me. And because their Chinese passports have expired and they are either too afraid to go to the Chinese embassy, like my case. I know that once I'm stepping into the embassy I don't know if a similar thing that happened to General Khashoggi will happen to me. Or will I be put on a plane and get deported. Or they just say reject my application for renewing a passport. I don't know.

So many Uyghurs have similar concerns. And many of whom end up being stateless and the countries that they're living in, a lot of whom are too afraid to provide them with a local status as well. And we know there are tens of thousands of Uyghurs in Turkey. And many of them, they want to leave Turkey but they can't because their Chinese passports are not working, are no longer working, and they cannot have a Turkish passport or resident paper there either. And, now currently, there are 1,000 Uyghur newborn children that have no birth certificates because there's no place, there's no state will issue it to them.

So, I really think that we need a country, or countries, to stand up, especially the U.S., to provide a resettlement plan for these stateless Uyghur refugees. And also, beside that granting Uyghur organizations funds to help preserve Uyghur language and culture, building community centers for them, providing aids for education since many of their parents are locked up in prison or a concentration camp. Like me in my case I was lucky enough to get a scholarship, but not many Uyghurs were able to do that. Providing aids for

education for those Uyghur children's education and health care plans might not immediately end the numerous abuses that are happening in China, but will certainly directly help the member of the Uyghur community in the diaspora.

MR. HASS: Well I'm glad that you brought it up. Our country's a starter place with people like you and others contributing to it.

Cathy, what do you think on this?

MS. FEINGOLD: Well, I definitely think we need a plan, and we need to some new tools. And I will say that, you know, there's a lot of talk. I mean for those of us that were in this coalition, having this call to action, as I emphasized, only nine companies have stepped forward, which really reflects that despite all of the information, the personal stories we're hearing on this panel today, companies are still not willing to change their business model to address the fact they have forced labor in their supply chain.

So the various tools that we've been pushing for, we started with the withhold release order, but we also said that was a piecemeal approach, right? We really wanted a regional, and we sort of started with a whack 'em all approach, right? We do a withhold release order over here, and we already heard Jewher talk about that customs and border patrol has very limited resources to effectively enforce that.

And so I think the Uyghur Forced Labor Prevention Act is really important because of the rebuttable presumptions that the goods produced there are in whole or in part, you know, made with forced labor until you can prove otherwise. I think that's really important. I think we can't see that as the only tool though because we know there's going to be work around that tool, we know there's going to be resistance to effectively implementing that tool.

We need to see fines under the Tariff Act, civil and criminal sanctions under the Trafficking Victims and Protection Act. We need to get serious about having real

consequences for violating the law.

We heard that there are the business advisories that the National Security Council puts out. Those are nice frameworks that really don't hold anyone accountable. We go back to that issue of accountability. And so what we need are real tools that are going to create new guardrails for our global economy. The tension we also have seen in this Administration between trying to pit the urgency of the climate crisis and worker rights is unacceptable. We can do both. We can create clean energy supply chains that respect worker rights, that get us off of fossil fuel. But we need a plan.

And that would be my other point, Ryan, is that you cannot make changes if you don't have an industrial plan. How are we going to shift these supply chains? Let's put business and labor and, you know, allied organizations together to come up with that plan. In five years where do we want to be to have this kind of clean energy supply chain? Where do we want to be so that we have other ways of investing in the cotton industry?

It is about policies that we need to shape, and we can do it but to date we haven't seen, you know, we got lots of conversations happening but what we really need is a plan in five years.

And the last point I would land on is we can't do it alone. You know we know Germany used to have about 25 percent of solar production. Let's use this year's G7 to bring our allies along and talk about the supply chains as on the agenda, forced labors on the agenda, just transition climate policies. Let's bring our allies along to really come up with plans that create those new guardrails in the global economy that end forced labor and that are, you know, committed to human rights and worker rights.

MR. HASS: Thank you. Jessica.

MS. BRANDT: Sure. I guess I'd say, you know, in addition to the great ideas that Sophie, Cathy, and Jewher have laid out, you know, I think one important focus of

Washington's efforts should be to deny Chinese companies that are facilitating repression in Xinjiang access to U.S. technology and U.S. capital.

So I think it's great that the Administration added, you know, numerous companies to the entities list for enabling human rights abuses. These are measures that are designed to keep them from accessing U.S. technology and I think that it's great that the Administration has imposed investment bans on I would say about a handful of Chinese technology companies that are actively supporting biometric surveillance and the tracking of the ethnic minorities.

I think the problem though is that it's not really clear these security measures are working. I mean I would just take SenseTime as an example. SenseTime, I guess, is China's largest facial recognition startup; it recently debuted on the Hong Kong Stock Market. You know, the company wrote in its initial IPO Prospectus that it faced no material consequences for the entity designation. You know, and I think that's part what prompted the investment ban on SenseTime. It delayed the IPO but really just by a few days. And the company went on to secure half a billion dollars from the non-U.S. investors.

And I think this just points to the fact that it's genuinely hard for the United States to impose penalties on Chinese companies. And it's especially the case for software companies like SenseTime that, you know, unlike hardware companies, they're not reliant on U.S. exports for their supply chains.

This is not though to diminish the importance of naming and shaming. I think naming and shaming is actually very important because it is a basis of creating the kinds of coalitions and joint actions that I think Laura and Cathy were talking about. And I think these, you know, it's not just coalitions among like-minded governments, although those are enormously important, but coalitions between, you know, private sector, civil

society, you know, these kinds of designations enable, you know, civil society to do its activism and onwards. So I guess I'll leave it there.

MR. HASS: Well that's, we've put a lot of very powerful ideas on the table. I want to turn next to what tools or leverage might we have that hasn't been realized or used yet to try to advance some of these objectives that you each have identified.

Cathy, you've previously testified in Congress that the United States needs additional legal tools to address forced labor concerns in Xinjiang but also more broadly. I know that you just spoke to this a moment ago, but one more thing. Is more legislation needed, if so, what shape would that take, is it regulatory? What additional ideas that go beyond the Uyghur Forced Labor Act do you think that we need to be sort of turning our sights to as we look to the future?

MS. FEINGOLD: It's a great question. So, yes, first we need no more pledges, no more kind of advisories. We need actual tools that have real consequences and that can be effectively enforced. So I think that's sort of where we're at, that's the model that we're trying to build.

I think that we need to look at auditor liability when auditors have claimed that everything's okay and it's not okay, right? And so what kind of auditor liability is there?

I think that as we're seeing our partners, we just saw the EU directive on corporate due diligence come out. We're starting to see that there are these other countries and tools. I think, you know, the message is clear we're not going to be able to do this alone with just U.S. tools. That's just I think a very important message. We have to use our diplomacy, we have to use our global leadership to make sure that other countries are actually not just doing nice corporate social responsibility models, but binding, in the same way, that holding their companies accountable. Because if we don't have that, like we saw at the beginning, the model of the Chinese Investment Act with the EU, originally just have

nice language about worker rights and forced labor with no ability to enforce it. Well that's going to create a lopsided sort of enforcement in our global supply chain.

So I think working with partners, making sure that the UK has one, you know, making sure that in any trading arrangements, trading frameworks, that this is part of it. And I know we're talking about that in the Indo-pacific economic framework.

And I think also we need to start showing that we use some strategic cases, especially around transshipments. I think that's going to be, to Jessica's point, this is hard. It's hard when you have a lot of holes in the enforcement, you know, patchwork out there so that if, I think we saw an article that said the Chinese government was going to, they can respect the Uyghur Forced Labor Prevention Act and just ship everything through other countries. That means we're going to have to really build up tools with our partners. You know, it just cannot be us alone.

So I think, Ryan, that's my message as we head into, you know, some global forum. We heard we have the UN meetings coming up, we have the G7, we'll have the G20, we have negotiations around the Indo-Pacific framework where it's not going to be about market access to date in that framework. And so the question is perhaps it's something around investing and the investment that we make in countries, you know, through our finance corporation comes with conditionalities, right? So here's investment for creating, you know, solar industry or cotton, but it comes conditioned with worker rights protections.

MR. HASS: Right. Jewher, can I ask you to build on Cathy's comments because she's, you know, touched on some very important issues that speak to work that you're doing also.

Where is it that the United States should be prioritizing efforts to enlist other countries? What other countries should be top of mind in our efforts because we can't

prioritize everything. If we do, we prioritize nothing.

MS. BRANDT: Well I thought Cathy had a great point on like, you know, the enforcement of the bill and then how we have to as, Ryan you mentioned, about we need to have allies and we need to prioritize coordinating with other countries.

I'd like to know that besides working with other countries there are different tools that we have that can help us achieve our goals. As Cathy mentioned, we don't want the Chinese government just to ship the products to other countries. And what can we do on that? I would like to bring up an example, which is our Oritain technology. I think it's a very interesting and useful tool that we can use. I think we can treat it as an ally since it's going to really contribute to our goal of ending Uyghur forced labor.

There are already leading apparel brands that are using product origin tracing technology such as Oritain. For people who are not very familiar with this technology, the Oritain technology can now test and authenticate the origin of any cotton products. Well actually not only cotton but any kinds of synthetic fiber and also food at any stage in the supply chain, revealing if it has been blended or substituted, and ensuring the products' provenance.

The Oritain technology analyzes the actual fiber itself for elements that make this naturally and which are unique to the specific location the fiber was grown. Meaning that it is not relying on paper documentation, bar codes or additional foreign markers to the extent that these technologies, actually they do work. And from everything we know about Oritain now we can identify whether or not the cotton content in a garment is Xinjiang cotton by analyzing its elements. And CVP should really make full use of it for enforcement of not only the Uyghur Forced Labor Prevention Act but also for enforcement of other practices to verify, you know, whether a product is made by forced labor.

For example, using Oritain will make it really possible to verifiably find out if

a company like Walmart that refused to disclose even its cut and sew manufacturers is using Xinjiang cotton even after the passage of the Uyghur Forced Labor Prevention Act. And with this Act, shipments to the U.S. coming directly from China will come under increased scrutiny. But as we also know, the most recently shown in the supply chain research published by Sheffield Hallam University, the Laundering Cotton Report and also, as Cathy mentioned about shipments of clothing can be shipped to other countries. And with this report we know that shipments of clothing to the United States were from Vietnam, Indonesia, and Cambodia frequently contain Xinjiang cotton. And therefore, it will be very important that shipments from other countries are also equally under scrutiny as to whether they contain Xinjiang content. And that is where the use of technology leverage obtained will be especially helpful for scrutinizing corporate compliance and ensuring corporate accountability with the law.

And the Uyghur Forced Labor Prevention Act is going to be helpful with holding corporations accountable, but it can't really stop a U.S. corporation from deciding to sell a product made with Xinjiang cotton in the UK or elsewhere in Europe. This is really a moral question for these companies since legally they are free to sell these products outside of the U.S. and these U.S. corporations are free to buy as much Xinjiang cotton as before as long as they are not selling those products in the U.S.

So then it really answers to Ryan's question about what U.S. can do with like their allies. So we also need to ask those brands, what are they going to do, are you going to continue to source from the Uyghur Region and sell it in France, in Germany, in Canada, or in the UK? Or will the companies subject to the UFLPA and take a firm stance against forced labor? And will countries like the UK, France, Canada, also propose a similar act like the Uyghur Forced Labor Prevention Act. And I know that in the EU they propose the due diligence act but as Cathy earlier mentioned, that the due diligence mechanisms

don't work in China. And with a bill like that it's great to have a bill like that but is it really going to end Uyghur forced labor? I personally don't think so.

Therefore, we really need other countries to also collaborate. Not to collaborate with the U.S., but with the Uyghurs, with the victims, with these refugees, with the people who are vulnerable and who are directly impacted by this issue, forced labor issue. And I really do think if we are all thinking this forced labor issue, working toward this issue as a whole and we all, China might not be afraid of U.S., you know, banning products from the Uyghur Region, but China might have to rethink their actions once 10 countries, 20 countries, 30 countries propose a similar ban, propose a similar act in their countries' laws. And maybe in that case we will no longer see a report listing more than 50 manufacturers or more than 100 international brands, how they are involved in Uyghur forced labor and how they are trying to shift from one country to another country just to avoid being labeled as using Uyghur forced labor.

MR. HASS: Thank you. Jessica, Jewher was just talking about the power of collective action. And, you know, the United States has really I think been in the forefront of trying to address issues related to the spread of nefarious state use of surveillance technology. This is something that your research has dug very deeply into.

Is there some transferability between what Cathy and Jewher have been talking about as it relates to digital technology spread?

MS. BRANDT: Yes, definitely. I'm very happy to focus on the importance of coalition approaches and working with partners and allies to stand up for our shared values.

I think, you know, Washington should absolutely be working with, you know, like-minded partners and allies to develop a shared set of principles and some goals for pushing back on China's surveillance approach. And I think they sort of need two big buckets or two lines of effort that this could entail.

You know, the first would be an effort to propose democracy-affirming standards and standard-setting bodies, including at the UN. I think we want to be, of course, careful to recognize that we want our engagement in these bodies to be science led, evidence driven. We want to avoid making them, you know, sites of geopolitical competition or casualties of geopolitical competition.

We also have to understand that the decisions that are made in these bodies I think effect the rights and freedoms of millions of people around the world and they need to be, you know, treated with that seriousness.

I guess the second bucket would be coordinating with partners and allies on export control policy. So, you know, the export control and human rights issues that Laura mentioned that the Administration launched in connection with the Summit for Democracy, I think that could be a really important pathway. Because two of the things it's planning to do is to, you know, work with partners to develop a written code of conduct, to be voluntary, but that would guide the application of human rights norms to export licensing policies and practices. And I think doing that, you know, can really, you know, help build alignment among like-minded, you know, like-minded partners. And I think that can lead to coordinated actions. Those are two places that I would want to see us continue to put our effort.

MR. HASS: Thank you. Sophie, I want to ask you a broad question and then a narrow question in anticipation of how you may respond.

The broad question is where does the United States have unrealized leverage that hasn't been tapped yet that could be? And then the narrow question picks up on a question that we received from a member of our audience, Dr. Badiium Novishev (phonetic) which asks on the point that you're making about accountability, how does that work? What is the mechanism? Because the ICC may not be able to do it. Who would do it?

How would it work?

MS. RICHARDSON: I'm delighted to take on both of these things. Well if I may very briefly make a quick pitch for an old tactic that I think has fallen a bit by the wayside but is as important now as ever.

Why did China let Liu Xia leave to go to Germany? It's because Angela Merkel made it clear to Xi that she wasn't going to stop asking for that. And in that spirit, I really think that the Biden Administration could use its leverage as, you know, a government that cares about these issues to unrelentingly call by name for the releases of the family members of U.S. citizens, legal permanent residents, and refugees and asylum seekers.

You know, that information is knowable, compliable, and deployable. That could also be done in conjunction with Germany, with Australia, with a number of other governments. You know, identify these people as human beings and be relentless in demanding their release. It can work. And, you know, it's not a particularly heavy lift to organize that information and do it. And it can produce good results. That's an important one to pursue.

Xi Jinping expects impunity. Chen Quanguo expects impunity. These people do not expect to be held accountable in any way for having committed crimes against humanity. It is imperative that that be proven wrong, for a variety of different reasons. You know, if we believe that no state is above the law and that governments that sign up to international human rights treaties are expected to abide by them. There has to be meaningful consequences and actions taken when they violate those.

So how can this actually come to pass? There are a number of different strategies that I think merit serious consideration and I would really like to see the Administration put real muscle and thought into doing this, especially again in conjunction with other governments.

It's true that the ICC avenue is an unlikely one. I think we should imagine the idea of some sort of ad hoc tribunal which, you know, I can hear all of the people on this call rolling their eyes and saying that that is impossible. But we have to understand that the Chinese government doesn't get a free pass. It has to play by the rules and suffer the consequences of violating those. And if governments are too uncreative or unwilling to make that happen, we have a serious problem.

So, there's the universe of ad hoc tribunals, there are strategies like, you know, universal jurisdiction prosecution. I am sure people are aware of the cases recently in Germany in which the Syrians accused of torture were prosecuted. There's no particular nexus to crimes being committed in Germany but there are certain crimes that are now considered a violation and can be prosecuted in other countries.

You know, let's imagine what would happen if, you know, the four or five governments that have been particularly consistent in calling out atrocity crimes, targeting Uyghurs, you know, Germany, the Netherlands, Canada, Australia, the U.S.. If in a coordinated fashion they decided to bring forward the universal jurisdiction cases against say two or three of the senior officials we know to be implicated in this vast architecture of repression, that is a meaningful outcome and that is, you know, that is a realistic goal.

There are other possibilities, you know, typically these sorts of investigations are driven either by UN bodies, they can be established by the Secretary General, tragically that's not going to happen. We are certainly still hoping that the High Commissioner for Human Rights will release this report and move ahead with a more formal investigation that would then make recommendations about avenues for prosecution that could be taken up by the Human Rights Council, and it can establish subsidiary bodies.

So there are a number of different options available. It requires imagining that people like Chen Quanguo be prosecuted and working backwards in coordination as the

U.S. has done with other governments in other situations.

To realize that oh, I think there's no dispute that atrocity crimes have been committed and are continuing to be committed as we speak. And that one strategy that hasn't yet been pursued is this idea of actual legal accountability.

MR. HASS: Thank you. We've put a lot on the table, a lot of ideas that I hope will help to stimulate thinking and sort of push thinking forward on how to deal with this challenge in Xinjiang.

We've received a lot of questions, as you would anticipate from our global audience, as you all have been speaking. I want to just spend the last couple minutes presenting a few of those questions to you. You're welcome to pick them up or interpret them however you'd like in your response.

The first question relates to views within the United States government. Are there divisions inside the United States government, certain parts of the government that are less inclined to take a head-on approach or more sensitive to risk of doing so? This question comes from Uechia Hanazowa (phonetic).

Cathy, Jewher, or Sophie, maybe we'll start with you on this one, if any of you have any thoughts on this question. Cathy, go ahead.

MS. FEINGOLD: I mean I'm happy to follow up. Absolutely, I think there are divisions within the Administration. You know, I highlighted one of them which I think you saw quite publicly, especially around the climate. There was all, you know, public discussion by folks at the State Department about, you know, we can't be too tough. If we talk about what's happening to the Uyghur community, then they may not come along with us on climate.

Those issues cannot be pitted against each other. We need to address the urgency of the climate crisis and we need to address what is happening in the Uyghur

Region. It is not either or, this is the framework that we're building.

So that's just one concrete example. And I still hear that when I push on the solar question. I still get that from folks at USAID, but, yes, that's going to slow down the transition. And again, I just want to say that if we don't ever have an interagency plan, if it is all kind of zero sum, then we're never going to shift this dynamic, we're never going to coordinate how we're actually going to, you know, put some pressure on by shifting our economic investments in the region around clean energy supply chain.

So I absolutely think we have a major problem amongst agencies about how we're going to address this. I think there's a lot of lobbying, you know, in the business community. We saw with the Uyghur Forced Labor Prevention Act didn't want it. So instead of saying let's solve this problem, they wanted to try to weaken the tool. So we have a lot of, you know, so the debate has not been won. I mean I think as someone that's worked on workers' rights issues for a long time, this is a really interesting moment where you do have companies understanding this is genocide, this is a problem. What they're not willing to do is change their business model in the name of addressing the genocide that's happening.

So huge problem among the agencies. We do not have a unified vision amongst our government about how to address this.

MR. HASS: Sophie, would you like to add anything to that, or should we go to the next --

MS. RICHARDSON: Go ahead, I can't improve on what Cathy just said.

MR. HASS: Okay. The next question that we received has to do with attitudes inside China. What is the attitude of the Chinese public with regard to this situation in Xinjiang? Is there any possibility of public attitudes inside China shifting and influencing government policy there? This question comes from Howard Xuan at Georgetown.

Does anyone have anything that they'd like to offer on this? Jewher.

MS. ILHAM: Real quickly I'll react to that. So we had mentioned that surveillance, the level of surveillance in China. It does not only happen in the Uyghur Region. It covers the entire China, including Hong Kong. And we know that there's no freedom of expression.

I do know there's increased awareness inside China even though given the limited access to information and news since most of the news outlets they have access to its state-backed information. But I personally don't, at least for the next few years, I don't see a big possibility on the Chinese public influencing China's decision. It comes only from outside forces. That's my personal perspective. Because of the level of control that the Chinese government has for the communities there. Not only the Uyghur communities but also Chinese community, we know that the Chinese Christians and Chinese human rights defenders, and, you know, Tibetans and other communities, have been persecuted for decades and it's still happening. And the people have been aware of all these human rights abuses happening, and we knew that the Tiananmen Massacre happened. But what has been done about it? Just another incident of human rights abuses happening again and again and again.

So if the world doesn't interfere, I'm afraid we will find the next Uyghur community just, it could be another ethnic minority group, maybe it will be Mongolians, maybe it will be the Hui minority groups, maybe it will be another religious groups. We don't know who's next.

MR. HASS: Jessica.

MS. BRANDT: You know I would echo that wholeheartedly. And I think about this in the context of, you know, what's now described as the authoritarian information paradox. I mean authoritarians view information as a weapon to be wielded abroad but they're very concerned about it, right, and its uses at home, right, and the information is

something to be tightly controlled at home.

And so long as that's the, you know, dynamic in which we're operating in, I agree with Jewher, it's probably not going to be the primary lever for change. You know, I think about that and actually reasonably sharp contrast with the context that's unfolding in Ukraine today, right? I mean authoritarian regimes are not all the same and I think there actually is maybe the possibility of reaching some of the Russian public with, for example, the costs of Putin's exploits in Ukraine and changing public perception, you know. And exploiting that, frankly, that vulnerability, you know, that Putin has. But I think the, you know, the strict control over information that, you know, Xi has enacted in China is such that I think it would be just extraordinarily difficult to leverage, you know, to leverage that fragility. And so I don't see it as a realistic prospect in the near term.

MR. HASS: Another question that has come in from India. Is there any prospect of the situation changing or evolving in Xinjiang after Xi Jinping secures a third term?

Sophie, any thoughts?

MS. RICHARDSON: Yeah, I can take a stab at that. There are I think prospects of change, I certainly wouldn't suggest that they're good. In that I think Xi has sought to establish a particular kind of permanent authoritarianism and a destruction of an identity that will be extremely difficult to repair in a long term such that even if, for example, everyone who continues to be or has been in the past arbitrarily detained is released and allowed to return home, the reality is they will not be able to use their own language or worship freely or be in contact with their family members overseas or even in other parts of the region or other parts of the country.

I think the scope and the scale of the destruction is so pervasive that even if, you know, the tactics are perhaps a little bit less heavy handed, the damage is

extraordinary.

MS. ILHAM: I have one quick response to that. I personally think unless there are more countries going to be involved and stop Chinese government from continuing this, these repressive policies will not stop until the entire Uyghur identity and culture, religious identity and ethnic identify be wiped out completely from the Uyghur people. I don't think it will stop until that day happens.

MR. HASS: Well let's hope that day never happens, and let's work towards it. Today's conversation is a small contribution to that broader effort, and these conversations must continue.

One of the questions that we received from multiple people has to do with America's own performance at home. And we received this multiple times over the course of your conversations, one from Harold Calishman (Phonetic), who says what right does the United States have to criticize China given our own treatment of minorities in the United States.

I think the broader point is how does our own performance at home impact our ability, our effectiveness to address these related issues in Xinjiang. This is an open question if anyone would like to jump in. Cathy.

MS. FEINGOLD: Excellent question. Because, you know, I often would get that kind of zero sum from folks in the Administration. Well, you know, if just U.S. corporations would be better than, you know, when we're talking about the Belt Road initiative or, you know, Chinese investment in other countries.

And I think what's clear is, you know, we are at a time where we need to kind of redefine, you know, the model. Because absolutely overseas, you know, painting it as if it's us or them, I mean our "us" has not necessarily been that good, at least from a worker perspective. If you ask workers around the world about how some U.S. investment

has worked for them and their worker rights, it has not always been positive.

So I think there is the need to walk our own walk here at home, right? If we're talking about high support for worker rights, for human rights in our country, then we need to walk our own walk, and we do have a gap in this country. And I think it's a serious issue for anyone that works on worker or human rights, the first thing countries say to you when you go somewhere is, you guys haven't ratified any of these conventions, you have outdated labor laws, right? So, I think there is a lot for us to look at internally about our own moral compass, what needs to be strengthened, improved.

And so I think it's a really important part of the conversation. And it's the right time. This is a time of crisis, a time of rupture. We need to rethink our economic assumptions. We need to rethink how we have built many of these models. And so, I think it is a really important time to look both domestically and globally and how do we have sort of a unified vision for what's right.

MR. HASS: Thank you. I want to give everyone one last chance to have a parting shot because our time is running out.

So this has been an incredibly rich conversation. You each have brought a unique perspective that together has I think has contributed and combined to a really fulsome picture of what is happening and what can and should be done about the challenges that have surfaced.

Sophie, if it's all right why don't we start with you, then we'll go to Cathy, Jewher, and Jessica.

MS. RICHARDSON: Ryan, you should know better than to invite me to give a parting shot. But actually what I'd like to do is make an offer since we've come to this conversation and trying to look for solutions to extraordinary problems.

I think one of the problems or the concerns that we hear most from people

across the Uyghur community we talked to is, you know, just the acute sense of loss. Not having access to the region anymore, to family members, to culture, you know, to places. You know at the same time we are aware that other actors, particularly businesses and political actors, do have access to the region, you know.

And, Ryan, I don't mean to put you on the spot, but you know that ranges from Burton snowboards to VW, to apparently John Thornton visiting last summer. And I think there is in this moment a moral obligation for those who do have access to the region to share anything they can, insights, thoughts, impressions, photographs, anything, with those who can't access the region. So in the spirit of collaborative suggestions, I would happily offer HRW as a host for anyone who fits that bill, who's been able to travel to the region and is willing to meet with people from across the community to try to ease at least a little bit that pain and that sense of loss. I'm easy to find. I'd be happy to host here. Australia, Germany, Turkey, we'll do it anywhere people are willing to come forward and thank you in advance for doing that.

MR. HASS: Thank you for that. Cathy.

MS. FEINGOLD: Yeah. I mean I think building off of what Sophie just so beautifully laid out as an offer. And we will readily work with Human Rights Watch on that. I think all solutions need to be rooted in the impacted communities. And so I think that is just the, you know, bringing us back to that reality.

And then I guess, you know, our offer is one also bring us all to the table. You know, we have so many working groups in the Administration right now on resilient supply chains, on the solar industry, but they have never brought everyone together.

Let's do a negotiation like, you know, we call it social dialogue in the labor movement where you bring these hard issues together, whether it's around, you know, ending forced labor or climate issues. And you bring folks, the key players, together to make

the negotiation, figure out what is the way forward.

How we're currently doing it isn't going to work. A lot of talking, a lot of sub working groups across different agencies. We need a plan. And so I would just put forward the labor movement is ready, we need to change the economics, we're ready to help shape one that is going to be positive for workers here and around the world, and in particularly to end forced labor for the Uyghur community.

MR. HASS: Thank you. Jewher.

MS. ILHAM: So today three of the speakers, including me here, are members of the Coalition to end Uyghur Forced Labor. And Sophie knows I'm going to bring up that for sure. And here I'm making an offer, and a request, it's half and half.

So as a member of the Coalition, I know for sure that there are brands who are listening to this or will end up listening to some of us talking in the future, in one of the panels in the future. But I really do hope if you have not signed on the coalition that's launched by the Coalition to end Uyghur forced labor, please have a read. The Coalition's call to action, brand commitment to exit the Uyghur Region. List specific steps for you, we are doing your job for you, to help you to know what to do next to choose to be ethical and choose to be on the right side of the history. But what's most important is that you do the final step, which is to actually commit to those steps that are listed in the call to action.

Please have a read, discuss it internally with your team. And I hope tomorrow you can be the 10th brand, 11th brand, 12th brand, listed on our website as the brands that have signed the call to action and committed to end Uyghur forced labor in the Uyghur Region. That's how I'd like to end my part.

MR. HASS: Thank you. Jessica.

MS. BRANDT: That's great, and thank you for your important work on that. I realize we're overtime so I'll be extremely brief and just say one thing we

didn't have a chance to talk about today is Beijing's concerted campaign to shape the information environment and to deflect culpability for its human rights abuses.

And I hope we don't lose sight of that campaign because it's important to understand how it operates and how we can push back. So subject for our next conversation, which I hope we'll be able to have soon.

MR. HASS: I can assure you that this conversation will carry forward. We will continue to work to stimulate and generate good ideas to push the thinking forward on addressing this very important issue.

Thank you all for your time, your insights, and I look forward to staying in touch.

MS. BRANDT: Thank you.

* * * * *

CERTIFICATE OF NOTARY PUBLIC

I, Carleton J. Anderson, III do hereby certify that the forgoing electronic file when originally transmitted was reduced to text at my direction; that said transcript is a true record of the proceedings therein referenced; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, furthermore, that I am neither a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Carleton J. Anderson, III

(Signature and Seal on File)

Notary Public in and for the Commonwealth of Virginia

Commission No. 351998

Expires: November 30, 2024

ANDERSON COURT REPORTING
1800 Diagonal Road, Suite 600
Alexandria, VA 22314
Phone (703) 519-7180 Fax (703) 519-7190