

US Begins Enforcement of Uyghur Forced Labor Prevention Act

By Rob Garver, VOA, 2022-06-20

The United States on Tuesday begins enforcing the Uyghur Forced Labor Prevention Act (UFLPA), which requires companies that import goods from China's Xinjiang region to provide "clear and convincing evidence" that no component was produced with slave labor.

The controversial rule has upset the Chinese government, which has characterized U.S. claims about its oppression of members of the ethnic Uyghur minority as "vicious lies." But the act is also causing concern among some U.S. businesses, which say the federal government has not provided sufficient

guidance on steps they must take to avoid having imports seized at the U.S. border.

Experts warn that compliance with the law will be difficult for many U.S. businesses because of the complexity of their supply chains and the lack of reliable third-party auditors in China who can testify that specific goods are not made with forced labor. Some are concerned it will force businesses to abandon suppliers in the region entirely.

"It is very likely that the UFLPA will amount to an effective ban on imports from Xinjiang and products that have Xinjiang-produced elements in their supply chains," Cullen



Hendrix, a nonresident senior fellow at the Peterson Institute for International Economics, told VOA.

Hendrix, who is also a professor at the Josef Korbel School of International Studies at the University of Denver, said that while some programs requiring importers to “prove a negative” have worked, the barriers to success are higher in Xinjiang.

“Other third-party certification schemes have been at least partially successful at proving negatives — for instance, that diamonds were not sourced from active conflict zones or mined with forced labor,” Hendrix said. “But those certification schemes typically weren’t being implemented in places like Xinjiang, which is perhaps the world’s most restrictive information environment.”

Hendrix added, “Third-party audits can work only if the auditors are allowed to do their jobs. They won’t be. For some, that is a feature, not a bug. Some want the policy not just to prevent products made with forced labor (from entering) the United States but to punish and to name and shame.”

Reaction to genocide

The UFLPA was passed with bipartisan support in Congress in December 2021 and signed into law by President Joe Biden. Tuesday marks 180 days since the bill was signed, the deadline for implementation.

The measure is meant to respond to the U.S. government’s determination that China is engaged in genocide in Xinjiang. The U.S. claims the Chinese Communist Party is

attempting to destroy the Uyghur people and their culture through mass surveillance, mass imprisonment, forced sterilization, forced intermarriage with non-Uyghurs and other measures.

The U.S. has claimed that the mass imprisonment program includes forced labor in factories and on farms.

The Chinese government has angrily denied the charges of genocide, but the United Kingdom, the Netherlands and Lithuania, as well as organizations such as Amnesty International, Human Rights Watch and the United States Holocaust Memorial Museum, have reached similar conclusions to the U.S. government.

Guidance needed

The UFLPA takes the unusual step of treating all goods with a connection to the Xinjiang Uyghur Autonomous Region of China as the product of forced labor unless the importer can provide “clear and convincing evidence” that they are not.

The U.S. has provided some instructions to importers about how to go about providing the evidence the law requires. On June 13, the U.S. Customs and Border Protection Service (CBP) issued a 17-page document called “Operational Guidance for Importers” that provides general guidelines for all goods and specific guidelines for cotton, tomatoes and polysilicon used in solar panels, all of which are widely produced in Xinjiang.

However, that leaves a large number of importers of other goods without specific



guidance on the kind of evidence the government would require them to present in order to avoid having their goods seized. Another piece of guidance from the Forced Labor Enforcement Task Force (FLETF) is expected to be released Tuesday, the same day that enforcement begins.

In a statement provided to VOA, U.S.-China Business Council President Craig Allen said the late release of the FLETF plan means “companies will find out what they have to comply with the day that they have to comply.”

He added, “We are expecting implementation to be messy. CBP has had to scramble to implement a complex piece of legislation in only six months. They have released limited information beforehand, and companies won’t know many of the details of what they must comply with until the date they must comply. This will create significant uncertainty, further snarl already stressed

supply chains and contribute to inflation.”

Compliance challenges differ

Attorney Richard A. Mojica, who leads the customs practice at law firm Miller & Chevalier in Washington, told VOA that getting up to speed on UFLPA compliance will be more difficult for some businesses than others.

“It may be easier for a solar company to say, ‘Clearly Customs is concerned about polysilicon, so we need to show progress around polysilicon,’” he said.

However, Mojica, a former CBP headquarters attorney, said things will be much less simple for an automaker with hundreds of suppliers.

“The company doesn’t really know where to start,” he said. “And it’s trying to find a way to prioritize and conduct due diligence in a way that is good enough, without knowing exactly what ‘good enough’ looks like.”

In every case, though, companies should

expect UFLPA compliance to be an ongoing task

“It’s going to require constant maintenance, because the (bill of materials) of a particular product can change at any given time,” Mojica said. Suppliers, he added, also frequently change. “So, the risk analysis changes, and this is ... something you have to be monitoring all the time.”

China reacts

China has repeatedly warned the U.S. of negative consequences if UFLPA is enforced, something Chinese embassy spokesperson

Liu Pengyu reiterated in a statement emailed to VOA.

“The so-called allegations of forced labor in Xinjiang are nothing but vicious lies concocted by anti-China forces,” he said, accusing the U.S. of working to undermine China’s economic development.

“The U.S. acts totally violate market principles and commercial ethics,” he said. “Such moves will only undermine the stability of global industrial and supply chains, disrupt international trade order and hurt the U.S.’s own interests and credibility.”

Lawyers Call on INTL Court to Investigate Uyghur Treatment

By Associated Press, 2022-06-20

Lawyers on Monday renewed calls for the International Criminal Court to open an investigation into China’s treatment of Uyghurs and other predominantly Muslim groups in China’s Xinjiang region as they presented a dossier of evidence to prosecutors.

Activists and lawyers accuse Beijing of crimes against humanity and genocide against the groups. China’s ruling Communist Party has vehemently denied all reports of human rights violations and genocide in Xinjiang.

Monday’s filing is the latest attempt to have the global court open an investigation into widespread allegations of abuse against

Uyghurs by Chinese authorities.

The group that submitted the evidence said it includes testimony from a witness who escaped from a camp in 2018 and alleges that he and others were tortured and forced to undergo medical procedures including “being injected with unknown substances.”

The latest dossier also seeks to support their assertion that ICC prosecutors have jurisdiction despite China not being a member of the court by arguing that Uyghurs and others are being rounded up on the territory of an ICC member state and transferred to China.

That assertion seeks to use a precedent set



when the court's judges ruled that the ICC has jurisdiction to investigate abuses against Myanmar's Rohingya minority, despite Myanmar not being a member of the court, because thousands of Rohingyas were forced to flee to Bangladesh, which is an ICC member.

British lawyer Rodney Dixon said evidence presented to the court's prosecutor's office uncovers "a pervasive plan to round up

Uyghurs in neighboring countries, including an ICC member State, and elsewhere, to force them back into China."

"The ICC has jurisdiction over these crimes that commence on ICC territory and continue into China, and is urged to act immediately to open an investigation," the group filing the dossier Monday said in a statement.

The filing comes a year after lawyers called on the ICC to open an investigation.

China's Ambassador to Australia Xiao Qian, Heckled, Called 'Representative of A Genocidal Dictatorship'

By WION, 2022-06-24

China's newly appointed ambassador to Australia Xiao Qian faced heckling as he gave a speech at a local university in Sydney. Qian, who took up the role in January was speaking about the future of frosty relations be-

tween China and Australia when multiple protestors interrupted him. The protestors wielded signs demanding freedom for Tibet and Hong Kong, while others criticised China's treatment of the Uyghur people as well



as the university for inviting a «representative of a genocidal dictatorship.»

Faced with the heckling the ambassador said: «People who are coming again and again to interrupt the process, that's not expression of freedom of speech... this should not be welcomed.»

The university «welcomes freedom of speech on campus... that right, however, does not extend to speaking over the top of invited guests,» said James Laurenson, head of the Australia-China Relations Institute, which had invited Xiao to the campus.

A placard that read «Free Tibet, Free East Turkistan» was snatched from the hands of one of the protesters. Another protestor was escorted out by security while yelling «The University of Technology cannot platform a representative of a genocidal dictatorship.»

Since Canberra cracked down on foreign involvement and demanded a probe into the causes of COVID-19, and Beijing retaliated with broad economic restrictions, China and

Australia have been at odds.

Attempts to placate are being made, however. The first ministerial meeting between the two countries in three years took place in recent weeks when Australian Defence Minister Richard Marles met with his Chinese counterpart outside of the Shangri-La Dialogue in Singapore.

In his speech, Xiao asserted that the centre-left Labor party's victory in Australia's May elections had given the two nations' ties an «opportunity of possible improvement.»



Uyghur American Lawyer Elected as US Commission on International Religious Freedom Chair

By Anwesha Majumdar, Republic World, 2022-06-25

Uyghur-American lawyer Nury Turkel has been unanimously chosen by the United States Commission on International Religious Freedom (USCIRF) to serve as the US commission's chair from 2022 to 2023. According to a press release by USCIRF, he is the Chairman of the «Board for the Uyghur Human Rights Project (UHRP)», a Council on Foreign Relations member and a Senior Fellow at the Hudson Institute.

Nury Turkel who is a lawyer, foreign policy expert, as well as a human rights advocate, is considered to be the first Uyghur-American appointed to the Commission by House Speaker Nancy Pelosi (D-CA) in May 2020. Further, she reappointed him in May 2022. He has taken part in several hearings, gatherings, and delegations organised by USCIRF, including trips to Uzbekistan.

«Working to addressing threats to freedom of religion and belief around the world»: Nury Turkel

According to the press release, Turkel, who was born in a re-education camp at the time of China's turbulent Cultural Revolution and spent the first few months of his life detained with his mother, said, "I am truly honoured to be elected as Chair of the United States Commission on International Religious Free-

dom and privileged to lead the Commission as we work towards addressing threats to freedom of religion and belief around the world – a fundamental human right".

The Uyghur American lawyer went on to say that the bipartisan group of USCIRF Commissioners offers a variety of complementing experiences and a common dedication to the promotion of religious freedom of all faiths, which includes those who choose not to exercise a belief. He also said, "I look forward to working with Vice-Chair Cooper and my fellow Commissioners in urging the White House, State Department, and Congress to implement USCIRF's policy recommendations."

As per an ANI report, the 12 million Uyghurs living in the Chinese-controlled Xinjiang Uyghur Autonomous Region have suffered much during the course of Turkel's lengthy career in advocacy.

It is worth mentioning that the US and other western nations have labelled China's persecution of Uyghurs in XUAR as genocide. This persecution of the minority community and its language, religion, and culture became more severe in 2017. As part of his objectives as USCIRF chair from 2022 to 2023, Turkel told RFA, that they will keep monitor-



ing China's atrocities against the Uyghurs and other vulnerable ethnic and religious groups, ensuring that their government continues to «call China out for the ongoing Uyghur genocide and advocate for a strong policy response to stop the atrocities committed against the Uyghurs and others in communist China.»

When asked about the USCIRF's outreach to Muslim nations to raise China's genocide against Uyghur Muslims, Nury Turkel added that the organisation will collaborate with US State Department counterparts to work with Muslim majority nations in order to speak out against China's horrific acts and support US-led efforts to put an end to it.



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Contact Us:

Adres: Kartaltepe Mah. Geçit Sok. No: 6 Dükkan: 2
Küçükçekmece / İSTANBUL

Tel: +90 212 540 31 15 Gsm: +90 553 895 19 33
+90 541 797 77 00 info@turkistanmedia.com