

**GOVERNMENT RESPONSE TO THE FOURTH REPORT OF THE STANDING
COMMITTEE OF FOREIGN AFFAIRS AND INTERNATIONAL DEVELOPMENT,
SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS: “THE HUMAN RIGHTS
SITUATION OF THE UYGHURS IN XINJIANG, CHINA”**

Recommendation 1: The Subcommittee recommends that the Government of Canada, in coordination with international allies, condemn the Government of the People’s Republic of China’s use of concentration camps to unjustly detain Uyghurs and other Turkic Muslims.

Recommendation 2: The Subcommittee recommends that Global Affairs Canada coordinate an international campaign calling on the Government of the People’s Republic of China to immediately release unjustly detained Uyghurs and other Turkic Muslims from its concentration camps.

RESPONSE: The Government agrees with these recommendations.

Canada has been involved in coordinated campaigns with international partners condemning the human rights situation in the Xinjiang Uyghur Autonomous Region (XUAR), including the mass arbitrary detention of Uyghurs and other Turkic Muslims in internment camps. Statements have been made in the United Nations Human Rights Council (UNHRC) and the United Nations General Assembly (UNGA). For example, in July 2019, during the 41st session of the UNHRC, Canada co-signed a letter addressed to the President of the UNHRC in which representatives from over 20 countries raised concerns over the situation of Uyghurs and other minorities in Xinjiang. Canada co-signed, along with 22 other countries, a joint statement on the human rights situation in Xinjiang during the Third Committee dialogue of the Committee for the Elimination of Racial Discrimination (CERD), which took place in New York in October 2019. In June 2020, during the 44th session of the HRC, Canada and 27 other countries signed a joint statement on the human rights situations in Hong Kong and Xinjiang. At the UNGA Third Committee in October 2020, Canada co-signed, along with 38 other countries, a joint statement on the human rights situations in Xinjiang and Hong Kong. Canada also co-sponsored side events with the Germany, the Netherlands, the U.S., and the U.K. on human rights in Xinjiang on the margins of the HRC’s 40th session in Geneva (March 2019) and on the margins of the UN General Assembly 74th session in New York (September 2019).

On January 12, 2021, Canada announced that it was adopting a comprehensive approach to defending the rights of Uyghurs and other ethnic minorities, including by advancing measures to address the risk of goods produced from forced labour. This announcement was made in coordination with the U.K. On March 22, 2021, Canada announced it was imposing new sanctions against 4 officials and 1 entity under the *Special Economic Measures (People’s Republic of China) Regulations*, based on their participation in gross and systematic human rights violations in the Xinjiang Uyghur Autonomous Region (XUAR). These measures were taken in coordination with the U.S. and the U.K. and in solidarity with the EU. That same day, Foreign Ministers of Canada and the U.K., and the U.S. Secretary of State issued a statement stating that they were united in their deep and ongoing concern regarding China’s human rights violations and abuses in Xinjiang and referenced the mass detention in internment camps. They also called for China to end its repressive practices against Uyghur Muslims and members of other ethnic and religious minority groups in Xinjiang, and to release those arbitrarily detained.

The Government of Canada will continue to collaborate with its international partners to condemn the human rights violations in the XUAR and to call for the release of those unjustly detained.

Recommendation 3: The Subcommittee recommends that Global Affairs Canada coordinate an international effort to pressure the Government of the People’s Republic of China to allow independent observers unfettered access to Xinjiang to evaluate the situation of Uyghurs and other Turkic Muslims.

RESPONSE: The Government agrees with this recommendation.

Global Affairs Canada has been involved in several coordinated efforts with international partners calling on the Government of the People’s Republic of China to allow independent observers unfettered access to the Xinjiang Uyghur Autonomous Region (XUAR) to evaluate the situation of Uyghurs and other Turkic Muslims. In July 2019, during the 41st session of the UN Human Rights Council (UNHRC), Canada co-signed a letter addressed to the President of the UNHRC in which representatives from over 20 countries raised concerns over the situation of Uyghurs and other minorities in Xinjiang. In this letter, the co-signatories urged China to allow meaningful access to Xinjiang for independent international observers, including for the UN High Commissioner for Human Rights. Subsequent calls were made including in a joint statement at the UN General Assembly’s Third Committee in October 2020, where Canada and 38 other countries called on China to allow immediate, meaningful and unfettered access to Xinjiang for independent observers including the UN High Commissioner for Human Rights and her Office, and relevant special procedure mandate holders.

The Government must work with others in the international community in ensuring that human right violations, which include allegations of genocide and crimes against humanity, are investigated by an independent international body of experts. In its March 22, 2021 statement, the Government of Canada continued to call on the People’s Republic of China to adhere to basic human rights and allow for meaningful, unfettered access to the XUAR so that impartial experts can observe and report on the situation first-hand. The Government stated that in the meantime, Canada would work collaboratively with partners to address the serious human rights situation in Xinjiang, including by ensuring consequences for this repression, with a view to ending it.

To date, the People’s Republic of China has denied the request for meaningful access and continues to deny that human rights violations are taking place. We must ensure that such allegations are investigated by independent experts who can review available information, including first-hand accounts if possible. The Government is also of the view that an unfettered visit by independent observers is not a precondition to taking other action, including actions described here, based on already available evidence of systematic human rights violations in the XUAR.

Recommendation 4: The Subcommittee recommends that Global Affairs Canada enhance its import control mechanisms to ensure products made with forced labour are not entering the Canadian market. This should include strong punitive measures for individuals and companies that benefit from the use of forced labour.

RESPONSE: The Government agrees with this recommendation.

The Government of Canada is committed to upholding human rights and international labour standards, and is taking measures to help eliminate exploitative labour conditions in global supply chains through trade agreements. For example, labour provisions of free trade agreements include enforceable obligations to address fundamental labour rights, including the elimination of child and forced labour. Free trade partners that do not live up to these obligations could have sanctions or penalties imposed upon them. Capacity building projects that support partner countries in meeting their obligations can also contribute to addressing these issues.

In January 2021, Global Affairs Canada published detailed information on measures related to the human rights situation in the Xinjiang Uyghur Autonomous Region (XUAR). In light of this publication, any company that is importing goods that were produced in whole or in part by forced labour, including from the XUAR, is at risk that these products will be intercepted at the border as a result of potential CBSA enforcement actions, following due diligence analysis by ESDC-Labour.

Furthermore, under the Canada-United States-Mexico Agreement (CUSMA), the Parties are obligated to prohibit the importation of goods that have been produced in whole or in part by forced or compulsory labour. Canada implemented the obligation by amending the *Customs Tariff* to include a prohibition on the importation of goods that are mined, manufactured or produced wholly or in part by forced labour. While the forced labour ban was implemented to fulfil a CUSMA obligation, it applies to all imports, regardless of origin. The Canada Border Services Agency (CBSA) is responsible for enforcing the Customs Tariff. If, based on the supporting evidence and analysis, the CBSA officer determines that the goods were produced by forced labour, the officer will apply the tariff classification under chapter 9897 and prohibit the goods from entering Canada.

The Government is working across a number of federal departments and agencies to combat forced labour in supply chains. The Labour Program of Employment and Social Development Canada (ESDC-Labour) is researching relevant facts related to problematic supply chains, and preparing reports signalling to the CBSA the likelihood that the goods were produced by forced labour. The CBSA may use this information to identify and intercept shipments containing goods that are suspected to have been produced by forced labour. ESDC-Labour and the CBSA continue to work together to make the forced labour prohibition enforcement regime as effective as possible.

In addition to working closely with CBSA, ESDC-Labour collaborates with GAC, as well as with Public Services and Procurement Canada, notably to facilitate the assessment of labour practices and identification of potential risk areas in supply chains, including government procurement supply chains.

Recommendation 5: The Subcommittee recommends that the Government of Canada enhance the mandate of the Canadian Ombudsperson for Responsible Enterprise to ensure the office has the power to conduct independent investigations, the authority to compel documents and testimony from companies and their executives, and the resources to investigate alleged human rights abuses.

RESPONSE: The Government takes note of this recommendation.

An Order in Council that sets out the CORE authorities was published on June 6, 2019, and updated on September 6, 2019. Non-judicial mechanisms are considered to be more accessible, faster and more cost-effective than other avenues. A non-judicial process, such as the CORE and Canada's National

Contact Point for Responsible Business Conduct (NCP), helps level the playing field between stakeholders and companies. Their purpose is to find solutions – to bring about Responsible Business Conduct change, potentially leading to a longer lasting improvement in a company’s behaviour and its relationship with the local community. Creating a quasi-judicial mechanism would impose a higher burden of proof and create a more adversarial situation that would likely impede the ability to reach an agreed upon solution. Bringing a complaint to either the CORE or the NCP does not preclude a party from pursuing a complaint in other fora.

If a Canadian company does not act in good faith during the review process, the CORE and NCP can recommend trade measures, such as the withdrawal of trade advocacy support and the refusal of future Export Development Canada funding. These measures can also carry significant reputational costs for companies. CORE has the ability to initiate a review, undertake joint or independent fact finding, make recommendations, report publically and follow up on the implementation of those recommendations. At her SDIR appearance, CORE stated that she has the resources necessary to do her job. As with any program, CORE can be reviewed once it has been given sufficient time to become established and produce results. Budget 2021 proposed an additional \$16.0 million over five years starting in 2021-22, and \$3.3 million per year ongoing, to Global Affairs Canada to support the CORE. This will further support the CORE in fulfilling its mandate.

Recommendation 6: The Subcommittee recommends that the Department of Justice develop a comprehensive human rights due diligence law that compels businesses to respect the most current international human rights standards across their global operations and supply chains and be held accountable for harms caused in relation to their operations.

RESPONSE: The Government takes note of this recommendation.

It should be clarified that the Department of Justice does not take policy positions, as suggested by this recommendation. There are mechanisms already in place that address the concerns under the Recommendation, and they are aimed at ensuring businesses exercise due diligence in their supply chains.

The Government of Canada expects Canadian companies active abroad to abide by all relevant laws, to respect human rights in their operations, and to adopt voluntary best practices and internationally respected guidelines on responsible business conduct such as the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*. As importers are ultimately responsible for ensuring compliance with the Customs Tariff, they are encouraged to work with their foreign suppliers to ensure that any goods being imported into Canada have not been mined, manufactured or produced wholly or in part by forced labour. Canadian businesses that do not meet the standards under relevant regulatory statutes would face penalties for regulatory offences, rather than criminal offences.

The Trade Commissioner Service (TCS) can also provide information to Canadian companies on due diligence best practices for responsible business conduct. Further, as of January 2021 any clients of the TCS sourcing from or active in Xinjiang are required to sign an *Integrity Declaration on Doing Business with Xinjiang Entities* attesting that they have not knowingly sourced, directly or indirectly, products or services from a supplier implicated in forced labour or other human rights violations connected to the repression of Uyghurs and other ethnic minorities in the Xinjiang region. The TCS is also providing

enhanced advice to Canadian businesses on due diligence and risk mitigation related to supply chains and forced labour. Since July 2020, updated guidance has been shared with the TCS network to raise issues related to human rights and other China-related risks with Canadian clients operating in and doing business with China.

Canadian companies can also contact the National Contact Point for Responsible Business Conduct or the Canadian Ombudsperson for Responsible Enterprise whose mandates include promoting Responsible Business Conduct, and in the case of CORE, and advising Canadian companies on meeting high standards.

In Spring 2019, the Government of Canada conducted public consultations with a range of stakeholders on possible measures to address labour exploitation in supply chains. Various international models of supply chain legislation were discussed with stakeholders to consider lessons learned, best practices, and whether elements of these models could be appropriate in a Canadian context. On March 30, 2021, Bill S-216 entitled *An Act to enact the Modern Slavery Act and to amend the Customs Tariff* was adopted in the Senate at Second Reading and was referred to the Senate Standing Committee on Banking, Trade and Commerce (BANC) for further study. The Bill would impose an obligation on organizations that meet certain criteria (e.g., are listed on a stock exchange in Canada, or meet certain thresholds, such as annual revenues) to report on the measures taken to prevent and reduce the risk that forced labour or child labour is used at any step in the production of goods in Canada or elsewhere by the entity or in the production of goods imported into Canada. The Act would provide for an inspection regime and designates the Minister of Public Safety and Emergency Preparedness as being responsible for its implementation. The government has not yet taken a position on Bill S-216 but will continue monitor and review it as it goes through the legislative process.

Developing effective measures to address forced labour and other human rights issues in global supply chains is a challenging endeavour that requires a comprehensive approach across government, as well as collaboration with the private sector, civil society organizations, and international partners. The Government of Canada continues to examine ways to further strengthen the prevention of human and labour rights violations and will continue to advocate for the promotion of these fundamental rights in global supply chains.

Recommendation 7: The Subcommittee recommends that Global Affairs Canada undertake a review of Canadian equipment and technologies exported to China to better understand how they are being utilized by end-users in that country. Further to that review, the Government of Canada should implement measures to ensure Canadian individuals, companies and public bodies are not supplying information or technologies that could be used in support of the violation of fundamental human rights.

RESPONSE: The Government takes note of this recommendation.

Canada controls the export of military, dual-use, and other strategic goods that are listed on the *Export Control List*; which is mainly derived from Canada's commitments to partner countries that participate in the main multilateral export control regimes. The export of technology which includes information, technical data, technical assistance, software, and services that can be used to develop, produce, or operate controlled goods, regardless of the means of delivery, is also controlled under Canada's legislation.

Respect for human rights is enshrined in Canada's export control legislation. All export permit applications for controlled items are reviewed against a robust risk-assessment framework, including the U.N. Arms Trade Treaty (ATT) criteria, which are set out in the *Export and Import Permits Act* (EIPA). The Government of Canada reviews every export permit application on a case-by-case basis to determine what the goods, services or technology will be used for, where they will be used, and who will use them, among other factors. Controlled goods and technology will not be exported from Canada where, after taking into account available mitigating measures, there remains a substantial risk that they could be used to commit or to facilitate serious violations of international humanitarian law, international human rights law, or serious acts of gender-based violence or violence against women and children. Beyond the determination of substantial risk, the Minister has broad discretion to deny any export permit application that is not consistent with Canada's foreign, defence, or national security policies.

Moreover, on September 17, 2019, Canada became a State Party to the ATT. Article 6 of the ATT prohibits States Parties from authorizing the export of conventional arms if they have knowledge at the time of authorization that the items would be used in the commission of genocide, crimes against humanity or other war crimes. Through its risk assessment process, Canada applies the ATT Article 6 assessment criteria to all export permit applications for controlled military and strategic items.

On January 12, 2021, the previous Minister of Foreign Affairs and the Minister of Small Business, Export Promotion, and International Trade announced that particular scrutiny is applied to exports of advanced Canadian technology and services that could be misused or diverted towards government surveillance, repression, arbitrary detention or forced labour in the Xinjiang Uyghur Autonomous Region.

Recommendation 8: The Subcommittee recommends that Public Safety Canada systematically track cases of harassment, by Chinese authorities, of Uyghurs and other Turkic Muslims living in Canada, as well as individuals and groups advocating on their behalf. The Subcommittee also urges the Government of Canada to respond punitively to attempts to repress freedom of expression in Canada and urges it to continue raising the issue with the Government of the People's Republic of China officials.

RESPONSE: The Government of Canada takes note of this recommendation.

The Government of Canada is aware that foreign states, including the People's Republic of China or its proxies, may attempt to harass, threaten and intimidate Canadians, persons residing in Canada, or their families, in Canada or abroad, particularly Chinese diaspora or ethno-cultural communities. The Government of Canada is unequivocal in its belief that this type of activity is unacceptable.

Public Safety Canada does not have the mandate to systematically track these types of cases. However, the Public Safety portfolio operational agencies support the whole-of-government approach to countering threats from foreign actors by working to protect the safety and security of Canadians within their respective mandates. The Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Service (CSIS) both have telephone and online reporting mechanisms for threats to national security, this includes threats related to foreign interference where individuals feel threatened or intimidated by a foreign state.

CSIS uses the full mandate of the *CSIS Act* to investigate allegations of interference by foreign states that would undermine Canada's democratic institutions, threaten the privacy of Canadians, or intimidate Canadian communities. The RCMP has a broad, multi-faceted mandate that allows it to investigate and disrupt foreign interference (FI), drawing upon various legislative statutes, with a view to laying charges under the Criminal Code of Canada. Collaboration between the RCMP, the police of local jurisdiction (PoJ) and other domestic partners is integral for investigations, as much of the reporting for these types of criminality are almost always brought to the attention of the local police first.

Reports of harassment and intimidation of individuals in Canada are deeply troubling and allegations of such acts being carried out by foreign agents are taken very seriously. Chinese government representatives in Canada, like all foreign government representatives in this country, have a duty under international law to respect the laws and regulations of Canada. The Government of Canada firmly supports the protection and promotion of freedom of expression, which is a cornerstone of our democracy. The Government has warned Chinese authorities against interference activities, raised concerns directly over attempts to intimidate Canadians from freely expressing their views and will continue to do so.

Recommendation 9: The Subcommittee recommends that Immigration, Refugees and Citizenship Canada use existing refugee programs and create an exceptional stream to expedite entry into Canada for Uyghurs and other Turkic Muslims in need of protection, especially human rights defenders, because they are fleeing persecution in Xinjiang and elsewhere. The Canada Border Services Agency should suspend the removal of Uyghurs and other Turkic Muslims to China or other states where they are at risk of deportation.

RESPONSE: The Government generally agrees with this recommendation.

Uyghurs identified as refugees, and referred by UNHCR or by a private sponsor to Canada, are eligible for resettlement under current refugee processing streams: Government Assisted, Privately Sponsored or Blended Visa Officer Referred. While resettlement has slowed due to the global pandemic, and associated challenges related to Canada's ability to operate in visa offices overseas, as well as international border and travel restrictions, cases requiring urgent protection continue to arrive in Canada.

Canada's existing refugee resettlement program offers protection to human rights defenders who have fled their home countries, as identified by the United Nations Refugee Agency or private sponsors in Canada. Uyghur and other Turkic Muslim human rights defenders from China would be eligible for resettlement to Canada under existing programs. In addition, the Government of Canada has committed to implement a dedicated refugee stream to provide safe haven to human rights defenders at risk, for a total of up to 250 persons annually, including family members. This commitment is over and above existing refugee resettlement targets, and 250 additional government-assisted refugee spaces have been added to Canada's Immigration Levels Plan beginning in 2021.

The new refugee stream for human rights defenders at risk will make a significant contribution to the international human rights defenders protection regime by dedicating specific resettlement spaces to eligible individuals. This new refugee resettlement stream is being created in recognition of the particular risks that human rights defenders face. Those fleeing persecution in Xinjiang and elsewhere may be eligible. The Government of Canada is working with international organizations and experts, as

well as Canadian organizations to ensure that this new stream best meets the needs of human rights defenders by reaching those most in need and providing them with the necessary supports upon arrival in Canada. These organizations are well aware of the challenges and risks facing Uyghurs and other Turkic Muslim human rights defenders in need of protection, and will be able to refer them to Canada when appropriate under the new stream or the existing refugee processing streams.

With respect to the recommendation for the Canada Border Services Agency (CBSA), the Government of Canada remains committed to *non-refoulement* by ensuring that foreign nationals are not removed from Canada to any country where they would be at risk.

Persons in Canada who have a well-founded fear of persecution under *the Convention Relating to the Status of Refugees* or a danger of torture under the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, or a risk to their life or of cruel and unusual treatment or punishment in other countries can request Canada's protection by making an asylum claim. Asylum claims made in Canada are adjudicated by the Immigration and Refugee Board of Canada (IRB), an independent administrative tribunal, based on an individual assessment of the merits of each claim.

Persons facing removal, including individuals whose asylum claims have been refused, may also be eligible to apply for a Pre-Removal Risk Assessment (PRRA), which assesses an individual's risk under the same grounds as the IRB prior to their removal from Canada. In most cases, a positive PRRA decision results in the granting of protected person status and the ability to apply for permanent residence.

The Minister of Immigration, Refugees and Citizenship may also exempt certain foreign nationals from the 12-month bar on applying on applying for a PRRA following a negative decision regarding their refugee claim from the IRB or the Federal Court, or a previously rejected PRRA application, should it be determined that these persons may face new risks as a result of sudden changes in their home country.

Finally, foreign nationals can apply for a judicial review of their protection and removal decisions, including requesting a stay of the removal order. It is only when all available recourse avenues have been exhausted that a removal order becomes enforceable and the Agency would proceed with the removal. Given the above, an additional suspension of removal by the CBSA is not required.

Recommendation 10: The Subcommittee recommends that Global Affairs Canada use all the tools at its disposal to secure the release of Huseyin Celil, including but not limited to the appointment of a special envoy specifically tasked with seeking his release and return.

RESPONSE: The Government agrees with the recommendation.

The longstanding consular case of Mr. Celil is of the utmost importance to the Government of Canada. China does not recognize Mr. Celil's Canadian citizenship and despite repeated attempts, consular officials have not had access to Mr. Celil since he was extradited from Uzbekistan to China in 2006. Since then, Canada has raised Mr. Celil's case with Chinese counterparts at the highest levels, including by the Prime Minister, Ministers and senior officials. Since his initial detention, Canadian government representatives have made over 170 representations to Uzbek and Chinese authorities on Mr. Celil's behalf. Canada continues to raise Mr. Celil's case with Chinese authorities and assert his Canadian

citizenship and his right to regular family visits.

In the current context, Canada's diplomatic mission in Beijing is the appropriate focal point for advocacy. Global Affairs Canada will continue to use all consular and diplomatic tools available, including the office of Canada's Ambassador to China and continues to explore how it can best leverage emerging opportunities to further advance Mr. Celil's case.

Recommendation 11: The Subcommittee recommended that the House of Commons adopt a motion recognizing the Government of the People's Republic of China's persecution of Uyghurs and other Turkic Muslims in Xinjiang as constitutive of genocide.

Recommendation 12: The Subcommittee recommended that the Government of Canada declare the Government of the People's Republic of China's oppression of Uyghurs and other Turkic Muslims in Xinjiang as constitutive of genocide. As such, the Government of Canada should also condemn the Government of the People's Republic of China for its organized and systematic persecution of Uyghurs and other Turkic Muslims in Xinjiang.

RESPONSE: The Government of Canada acknowledges the motion introduced and carried on February 22, 2021, by the House of Commons that recognizes that a genocide is currently being carried out by the People's Republic of China against Uyghurs and other Turkic Muslims. The motion received support from all parties, with a final vote of 266 to 0 against. On February 22, 2021, the Minister of Foreign Affairs issued a statement indicating that Canada is deeply concerned by the allegations of genocide in Xinjiang, and recognized that the free vote in Parliament ensured each member could make a determination based on available evidence.

The Government of Canada takes allegations of genocide and crimes against humanity very seriously. There are credible reports and existing evidence of a sustained and systematic campaign of repression of Uyghurs and other Turkic Muslims in the Xinjiang Uyghur Autonomous Region (XUAR) by the Chinese government. This includes: reporting from the UN Committee on the Elimination of Racial Discrimination; statements of concern by UN Special Procedures; research and reporting from human rights organizations, investigative journalists, academics and research institutes; leaked Chinese government documents; satellite imagery; as well as testimonies, including those in Canadian Parliamentary committee hearings.

The Government of Canada condemns the People's Republic of China for its organized and systematic persecution of Uyghurs and other Turkic Muslims in the XUAR, and will continue to work with the international community towards a determination of genocide or crimes against humanity. The Government took action when it announced on March 22, 2021, that it was imposing new sanctions against 4 officials and 1 entity under the *Special Economic Measures (People's Republic of China) Regulations*, based on their participation in gross and systematic human rights violations in the XUAR. The imposition of sanctions underscores Canada's grave concerns with mounting evidence pointing to systematic, state-led human rights violations by Chinese authorities, affecting Uyghurs and other Turkic Muslims in the XUAR. The Government will continue to call on China to halt the repression.

The Government is of the view that the serious human rights violations in the XUAR warrant an immediate international, impartial and independent investigation to conclusively establish the facts on the ground. Rigorous and comprehensive investigation and evaluation should occur in cooperation

with our allies. Canada has repeatedly called for an investigation so that impartial experts can observe, collect information and report on the situation first-hand. We must ensure that such allegations are investigated by independent experts who can review available information, including first-hand accounts, if possible. The onus remains on the Chinese government to demonstrate that human rights violations have ceased and that its obligations to prevent genocide are being fulfilled.

Recommendation 13: The Subcommittee recommends that the Government of Canada support the request of Canada's ambassador to the United Nations Human Rights Council to gather evidence and investigate the Government of the People's Republic of China's persecution of Uyghurs and other Turkic Muslims in Xinjiang.

RESPONSE: The Government of Canada agrees with this recommendation.

We strongly support the gathering of evidence and investigation of the persecution of Uyghurs and other Turkic Muslims in Xinjiang.

In the UN Human Rights Council in Geneva, we have called on China: to allow immediate, meaningful and unfettered access to Xinjiang for independent observers, including the UN High Commissioner for Human Rights and her Office, as well as relevant special procedure mandate holders; and to urgently implement the Committee on the Elimination of Racial Discrimination's (CERD) eight recommendations related to Xinjiang, including by refraining from the arbitrary detention of Uyghurs and members of other minorities.

Recommendation 14: The Subcommittee recommends that the Government of Canada call for the establishment of an impartial and independent United Nations mechanism to monitor and report on the human rights situation of Uyghurs and other Turkic Muslims in Xinjiang.

RESPONSE: The Government of Canada agrees with this recommendation.

The Government of Canada works in close collaboration with our allies to push for an investigation conducted by an international independent body so that impartial experts can observe the situation firsthand. The establishment of a UN mechanism requires strong support from the international community. This is why Canada must work with international partners to continue to build support and speak out, publicly and privately, in multilateral and bilateral dialogues, to raise concerns regarding the gross human rights violations in Xinjiang.

Together with other countries, Canada has raised this issue on numerous occasions at the UN, including before the UN Human Rights Council (UNHRC) and at the UN General Assembly (UNGA). Canada, in a national capacity, recently raised concerns about the human rights situation in Xinjiang and Hong Kong at the UNHRC in Geneva in March 2021 and September 2020 and, in joint initiatives, in June 2020 and July 2019. In October 2020, Canada, along with 38 other countries, signed a joint statement on the situation in Xinjiang and Hong Kong read at UNGA's Third Committee in New York. Canada's foreign ministers also raised the issue directly with Michelle Bachelet, the UN High Commissioner for Human Rights, in March 2021, and August 2020.

The Government of Canada believes that the successful establishment of any such UN mechanisms, should not be a pre-requisite for further action by Canada and its partners given the substantial, credible, and deeply troubling evidence that we already have regarding ongoing systematic human rights violations in the XUAR.

Recommendation 15: The Subcommittee recommends that the Government of Canada apply targeted sanctions under the Justice for Victims of Corrupt Foreign Officials Act against officials responsible for committing gross violations of human rights against Uyghurs and other Turkic Muslims in Xinjiang. The Government of Canada should also encourage international allies and like-minded countries to pursue similar sanctions.

RESPONSE: The Government of Canada takes note of the recommendation.

The Government of Canada is judicious in its approach regarding when to deploy sanctions and/or draw on other courses of action in its diplomatic toolkit based on foreign policy priorities. To this end, we have established a rigorous due diligence process to consider and evaluate possible causes of human rights violations, corruption or other circumstances that may warrant the use of sanctions. The Government tailors its responses to the specifics of each unique situation and, wherever possible, coordinates closely with international partners to maximize the effectiveness of sanctions. We will continue to work with international partners to advance respect for human rights around the world with consideration of all tools at our disposal.

On March 22, 2021, Canada announced it was imposing new sanctions against 4 officials and 1 entity under the *Special Economic Measures (People's Republic of China) Regulations*, based on their participation in gross and systematic human rights violations in the XUAR. These new sanctions impose a dealings prohibition, an effective asset freeze, on all listed persons, which includes both individuals and entities. They also render all listed individuals inadmissible to Canada under the *Immigration and Refugee Protection Act*. These measures were taken in coordination with the United States and the United Kingdom, and in solidarity with the European Union. The imposition of sanctions underscores Canada's grave concerns with mounting evidence pointing to systematic, state-led human rights violations by Chinese authorities, affecting Uyghurs and other Muslim ethnic minorities in the XUAR. This action also meant ending impunity for those who commit human rights violations, and demonstrated accountability and consequences for state actions.

The choice of legal instrument to apply sanctions is considered on a case-by-case basis in the context of the specific circumstances at issue. When the *Justice for Victims of Corrupt Foreign Officials Act* (JVCFOA) was enacted in 2017, it also broadened the circumstances for imposing sanctions under the *Special Economic Measures Act* (SEMA) to include gross and systematic human rights violations. In addition to China, Canada has collaborated with like-minded countries on a series of important autonomous sanctions measures through the SEMA in relation to gross and systematic human rights violations in Belarus, Nicaragua, and Russia.