FORCED LABOR IN THE UYGHUR REGION: THE EVIDENCE

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The Issue

The People's Republic of China (PRC) has instituted an unprecedented system of state-sponsored forced labor for Uyghur, Kazakh, Kyrgyz, and other minoritized citizens in the Xinjiang Uyghur Autonomous Region (or XUAR or Uyghur Region, also known as East Turkestan by many people from this colonized region).

Reports of forced labor in the Uyghur Region are legitimate and well-supported by documentary evidence and first-person testimony. Due to the near ubiquity of forced labor in the region paired with the inability to conduct credible due diligence, all products made in the Uyghur Region or by transferred Uyghur laborers should be presumed to be made with forced labor.

The Situation in the Uyghur Region

Since at least 2014, the PRC has inflicted an increasingly expansive system of state control over the 13 million Uyghurs, Kazakhs, and other minoritized peoples of the Uyghur Region. The system utilizes internment camps, mass surveillance, and forced labor schemes. The PRC government purports that this is an effort to alleviate poverty and address perceived extremism in the region, but government directives, media, and announcements have revealed that it is explicitly designed as a program to control, forcibly migrate, surveille, and fundamentally transform the behaviors and beliefs of Uyghurs and other minoritized people. The government seeks to use these programs to erase Uyghur culture, practice, and unity and thereby remove any semblance of resistance to CCP control. Our "Why is this Happening Brief" discusses these motivations in more detail.

The first in a series of briefs about forced labor in the Uyghur Region of China, this brief explores the current state of knowledge about the extent and severity of the PRC's programs of repression and state-sponsored forced labor.

Key Points

- Significant evidence indicates that state-sponsored labor transfer programs operating in the Uyghur Region of China meet the definition of forced labor under the ILO.
- The widespread adoption of state-sponsored labor transfer programs in the Uyghur Region means that it is practically impossible to avoid forced-labor-tainted raw materials and manufactured goods if they are being sourced from the Uyghur Region under the current regime.
- Forced labor affects a wide range of industries in the region, as the government incentivizes companies to operate in the region and accept forcibly transferred laborers.
- Recent increased labor demands increase the vulnerability of minoritized citizens to the government's forced labor regime.
- Standard due diligence is insufficient in this repressive environment; therefore, companies should exit the region at every level of their supply chains.

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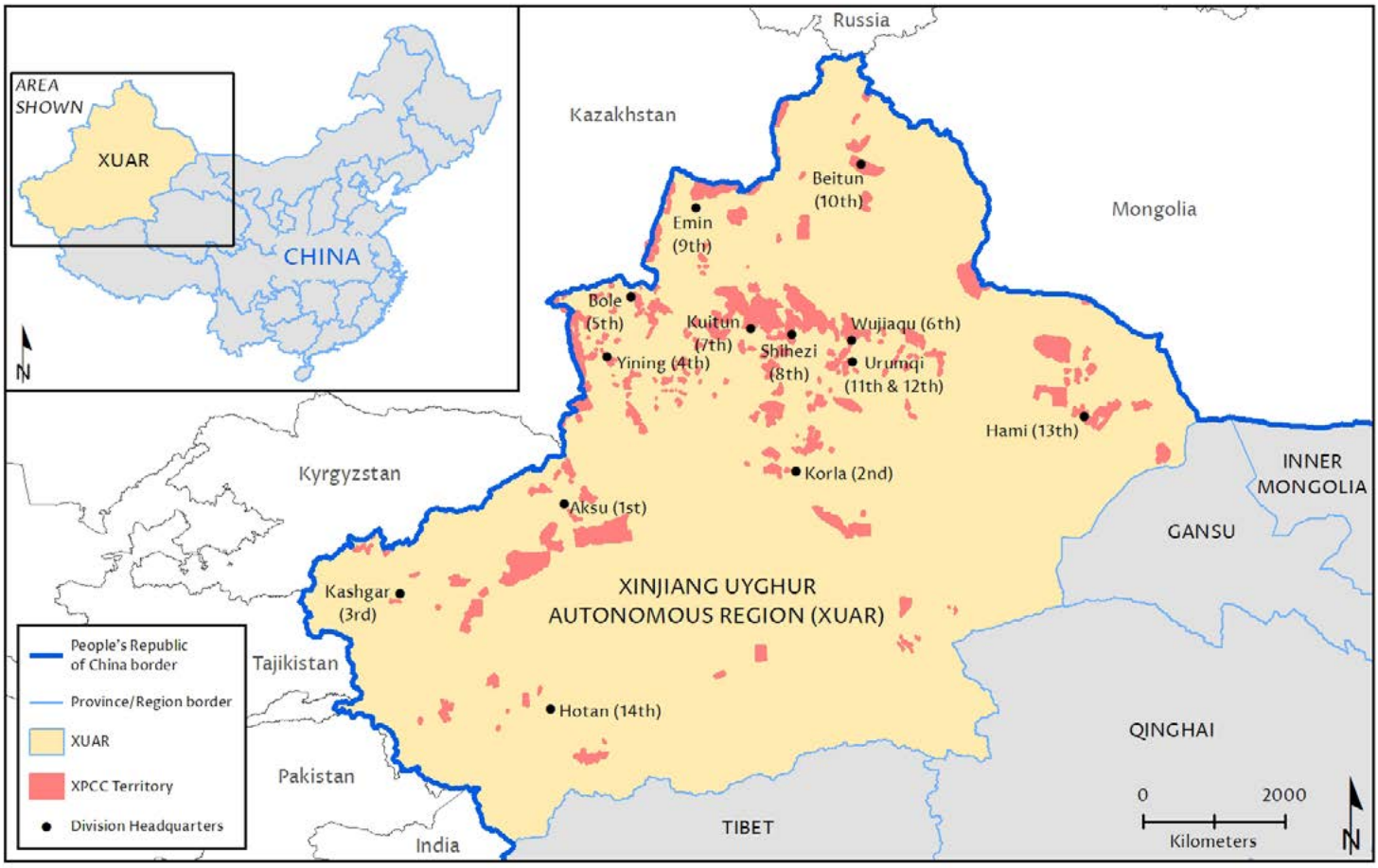

Map of Xinjiang Uyghur Autonomous Region (XUAR). Credit: Brian Edward Balsley, GISP

INTERNMENT CAMPS

Estimates have indicated that the number of people the PRC has detained in internment camps stands between 900,000 and 1.8 million minoritized citizens of the Uyghur Region. The government claims that people are interned for purposes of "re-education" (cultural and political indoctrination). In these internment camps, the Uyghurs and other groups are subject to psychological and physical torture – including rape, torture, and forced sterilization. Furthermore, the camps inflict forced cultural assimilation and political indoctrination upon the detainees, as evidenced by people being forced to attend Chinese language and culture, and CCP ideology classes. Moreover, many detainees in the extrajudicial internment camps (as well as in the official prison system) are compelled to work as part of their confinement. They are often released from the camps directly into labor placements, where they face both implicit and explicit threats of being sent back.

In 2021, the XUAR government reported as many as 3.2 million people transferred through state-sponsored labor transfer programs.

LABOR TRANSFERS

In addition to the labor imposed on detainees, the PRC has placed millions of citizens from the Uyghur Region into what they call "surplus labor" (富余劳动力) and "labor transfer" (劳动力转移) programs. Local governments and labor agencies are required to meet quotas for these programs. As of September 2020, the XUAR government claims to have conducted 2.6 million transfers of Uyghur and other people in these state-sponsored programs; in 2021, the government reported as many as 3.2 million transfers. It appears that the program is growing significantly. Those who are conscripted into the programs are compelled to transfer to work in farms and factories across the Uyghur Region, as well as into the interior of China. For those who don't come directly from the internment camps, the government required that at least one person from every household in Southern XUAR accept a state-mandated labor transfer to a factory or farm. In December 2021, government directives required that *all* people who were able to work must be in some form of work.

The PRC claims that these labor transfer programs are part of a national campaign for "poverty alleviation." However, the programs involving Uyghurs and other minoritized citizens operate differently from other "poverty alleviation" programs throughout China, because for individuals from the Uyghur Region, the constant threat of internment makes refusing the state-sponsored work placement impossible. Labor transfers are deployed in the Uyghur Region within an environment of unprecedented fear and coercion. Refusal to participate in any government programs, such as labor transfers, for reasons perceived to be religious in any way, is viewed as equivalent to aligning oneself with the three evils — separatism, terrorism, and religious extremism — and thus anyone who refuses to work or attempts to walk away from their job, risks internment or imprisonment. Therefore, **the programs are tantamount to the forcible transfer of populations, forced labor, human trafficking, and enslavement by international definitions and protocols.**

Uyghur women work in apparel factory.

Xinjiang Production and Construction Corps

The Xinjiang Production and Construction Corps (also called the XPCC or bingtuan) is a state-operated paramilitary corporate conglomerate that had a GDP of nearly CNY 275 billion (US $40 billion) in 2019. It might be most easily understood as a prefectural government; it governs 2.43 million people across 10 distinct cities and 37 towns, dispersed across the vast XUAR like an archipelago. In addition to operating local governments, the XPCC also owns and operates a corporate empire that includes 14 publicly listed companies and (by one estimate) as many as 862,600 direct and indirect holdings. One metric of its importance in the Chinese economy is the fact that the XPCC grows 30% of the PRC's cotton.

The XPCC has come under increased scrutiny in recent years because it is also involved in operating and supporting some of the internment camps where minoritized citizens are being held for re-education in the Uyghur Region, and it facilitates forced labor transfers. As a result of its deployment of re-education, internment, and forced labor, **the XPCC has been subject to a targeted U.S. government Withhold Release Order that bans the importation of all products produced in whole or in part by the state conglomerate. It has been included among entities under Magnitsky sanctions, and is listed on the UFLPA entity list.**

The XPCC promises significant benefits to companies that locate in their industrial parks, with the motto of "You build the project; we will handle the procedures." Those procedures can include anything from reduced taxes, rents, and utilities for manufacturing sites to providing logistics, warehousing, and transport of finished goods.

Companies sourcing anything from the XPCC risk significant legal, reputational, and financial repercussions. In addition to U.S. prohibitions on the conglomerate, many products farmed, mined, or manufactured by the XPCC could also fall under various national prohibitions on importing goods made with prison labor. XPCC supply chains are particularly obscure and may elude many importers, as its subsidiaries do not all publish standard annual reports or advertise their customers. Furthermore, the XPCC's subsidiaries use warehouses, intermediary manufacturers, and logistics firms that do not reveal their XPCC connections.

Evidence of Forced Labor

STATE COMPULSION TO WORK

Analysis of a wide range of testimonies and media reports reveal the strategies of coercion that the government uses to compel people to work, including:

- Compulsory labor within internment camps, detention centers, and prisons
- The threat of being sent to internment camps for refusing government-sponsored labor transfers
- Repeated (sometimes daily; sometimes overnight) visits by state agents to pressure people to be transferred for labor
- Coercive land transfers that leave people unemployed and/or compel people to transfer for labor
- State conscription to seasonal farm labor
- False promises that family members will receive reduced sentences if a person accepts a labor transfer
- Representation of the labor as required ideological training or poverty alleviation

The Xinjiang Victims Database has archived the testimonies of tens of thousands of victims of the PRC's repression in the region and their family members, including thousands testifying to various kinds of forced labor.

CONDITIONS IN THE LABOR PROGRAMS

Workers forcibly transferred are not free to come and go from the factories. They are often housed in segregated and locked dorms or are escorted to and from work by a state official. Many of the factories employing supposedly free Uyghur Region citizens are surrounded by razor-wire fences, iron gates, and security cameras, and are monitored by police and/or additional security. Transferred laborers are typically assigned ideological

study during after-work hours, reducing whatever free time they may be allotted. While labor transfers may occur in other parts of China, these restrictions are specific to labor transfers in the Uyghur Region and to Uyghurs transferred outside of the region to other parts of China.

Testimonies, Chinese media, and corporate publicity suggest that once a Uyghur or other minoritized person from the XUAR is assigned to a factory or farm, they often encounter the following conditions:

- Lack of freedom of movement
- Inability to return home at will
- Inability to quit a job
- Retaliation for voicing grievances
- Segregated and guarded housing
- High-tech surveillance
- Monitoring by special security officers
- "Militarized discipline"
- Withholding of identification/confiscation of documents
- Indefinite terms of contracts
- Contracts signed between companies and labor agencies rather than with workers
- Non-contractual deductions in wages
- Failure to pay promised wages
- Payment of wages far below government-mandated minimum
- Unrealistic production norms

For these reasons, the PRC's "surplus labor" and "labor transfer" initiatives should be considered mechanisms of a massive program of compulsory labor. That program also includes internment camp and prison labor.

CORPORATE PARTICIPATION IN FORCED LABOR

The PRC encourages and incentivizes all companies that operate in the Uyghur Region to participate in the state-sponsored labor programs, which are touted as corporate social responsibility and are linked to assessment measures for executives and administration. Thus, it is highly likely that *any company* that operates in the

Defining Forced Labor and Human Trafficking

The evidence regarding labor transfers for the indigenous people of XUAR clearly meets the definition of human trafficking and compulsory labor provided by international conventions regarding labor rights.

The International Labor Organization (ILO) defines forced labor as: "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily." The ILO also identifies eleven indicators of forced labor: abuse of vulnerability, deception, restriction of movement, isolation, intimidation and threats, retention of identity documents, withholding of wages, and in some cases debt bondage.

Analysis of over 500 testimonies of people who have worked in camps and in labor transfer programs in the Uyghur Region, as well as the publicity campaigns and corporate reports of participating companies provides overwhelming evidence of all eleven ILO indicators of forced or compulsory labor. In particular, victims who disclosed experiences in both the camps and in labor transfer programs in the Uyghur Region have reported the use of threat of internment, coercive government tactics, and fraudulent and deceptive promises (such as rates of pay, freedom to come and go from work) to force them to work against their will.

Experts agree that the state-sponsored labor programs the PRC operates in the Uyghur Region constitute forced labor and a breach of international protocols. In August of 2022, the United Nations Special Rapporteur on Contemporary Forms of Slavery determined in his report that it is reasonable to conclude that forced labor has been occuring in the Uyghur Region.

region would be participating in these forced labor programs. State-owned enterprises are likely all engaged in the state's labor transfer programs. Furthermore, companies that move operations or set up manufacturing in the Uyghur Region receive subsidies from local government bodies tied to extrajudicial internment camps. All companies sourcing from companies operating in the region put themselves at high risk of being complicit in forced labor and legitimizing the PRC's program of repression in the region.

The rapid expansion of key sectors in the Uyghur Region is closely linked to compulsory labor transfers, in that increased labor demands increase the vulnerability of minoritized citizens to the government's forced labor regime. The PRC government has significantly encouraged and incentivized particular industries to move to the Uyghur Region. Those industries include renewable energy technology, cotton ginning and spinning, apparel and other fabric manufacturing, raw material and rare earth mineral mining, electronics, automotive, and agriculture. The goods produced by these affected industries in the region have been incorporated into a wide array of finished products (e.g. clothing and solar panels). Unfortunately, there is still the possibility that certain finished products that seem safe – as they are not manufactured in the region – can still be connected to Uyghur forced labor through their supply chains. All this poses serious reputational, legal, and financial risks to international companies, as complex supply chains may be unknowingly contaminated with forced labor. Thus, it is necessary for *all companies* to trace their supply chains to the raw materials to ensure there are no linkages with Uyghur forced labor.

See Sheffield Hallam's evidence brief titled "Products Made with Uyghur Forced Labor" for a more detailed discussion of the various affected industries. See "Know Your Supply Chains: Desk-Based Research Strategies to Identify Uyghur Region Exposure" for tips on how to conduct research on supply chains links to the Uyghur Region.

THE FAILURE OF AUDITING IN THE UYGHUR REGION

Standard due diligence is no longer sufficient to rule out exposure to forced labor in the Uyghur Region, because auditors are not allowed free and unfettered access to facilities in the region, much less to workers. Uyghurs and other minoritized citizens in the region would be put at very high risk of internment if they were to air grievances to an external auditor; therefore, it would be unethical to put them at risk by conducting an complete investigation of working conditions. All credible firms now refuse to conduct audits in the Uyghur Region and they are equally unable to conduct reliable social audits in other parts of China when it comes to Uyghur workers, since they cannot speak freely no matter where they live.

Even when it comes to suppliers located in other parts of China, it is difficult to ensure accurate information regarding sourcing, supply chains, and relationships to the Uyghur Region or to goods that contravene international sanctions. In the summer of 2021, new legislation from the PRC government made it illegal to assist in the implementation of a foreign sanction on China, which means that no auditor can conduct necessary due diligence or entirely reliable supply chain auditing regarding the Uyghur Region anywhere in China. All auditors and consultants operating in China or with agents working in China that attempt to address forced labor in the Uyghur Region are at risk of deportation, asset seizure, and prohibitions on doing business in China (applicable to the company, its agents, and their families). Auditors have reported that they have encountered fraud and misinformation in supply chain data, refusal on the part of suppliers to respond to information requests, and threats from government agents. Some auditors continue to accept clients for audits despite full knowledge that they are not able to conduct a legitimate audit, due diligence, or supply chain tracing.

Amidst international outrage at the pervasiveness of the state-sponsored forced labor in the Uyghur Region and the inability to conduct even the most basic due diligence, the U.S. passed the Uyghur Forced Labor Prevention Act (UFLPA), which went into effect in June of 2022 and bans the import of all goods made wholly or in part in the Uyghur Region or by Uyghurs and other minoritized groups forcibly transferred to work outside of the Region. The European Union's proposed Directive on Corporate Due Diligence and Corporate Accountability and forced labor product ban, if effectively implemented, would together have a similar effect of functionally banning Uyghur-made goods.

CONCLUSION

The situation in the Uyghur Region may be the worst human rights crisis we face in our lifetimes. The PRC government is deliberately seeking to transform the region through force, deploying an unprecedented apparatus of repression. All minoritized people live in the cross hairs of government surveillance and control, and they are unable to resist without the most severe penalties. As a result, PRC government labor programs have become coercive to the point of constituting forced labor. The labor of that region affects a vast array of industries, such that the international community is compelled to significantly increase scrutiny of all supply chains to avoid complicity. Standard protocols and practices are simply insufficient to protect the affected communities. Businesses, governments, and consumers must address this crisis immediately.

OTHER USEFUL RESOURCES IN THIS SERIES

Sheffield Hallam University's Helena Kennedy Centre for International Justice has produced a series of evidence briefs designed to assist stakeholders in addressing Uyghur forced labor. Briefs in this series cover the context of forced labor in the region, products made with Uyghur forced labor, common concerns about addressing the issue, and various guidance for businesses, journalists, governments, affected community members, advocates, consumers, and others seeking to address the issue. Readers who want to learn more should visit our website.

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Forced labor in the Uyghur region: the evidence

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