

CALL TO ACTION ON HUMAN RIGHTS ABUSES IN THE UYGHUR REGION IN THE APPAREL AND TEXTILES SECTOR

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The government of China is perpetrating human rights abuses on a massive scale in the Xinjiang Uyghur Autonomous Region (Uyghur Region), known to local people as East Turkistan, targeting the Uyghur population and other Turkic and Muslim-majority peoples on the basis of their religion and ethnicity. These abuses include arbitrary mass detention of an estimated range of 1 million to 1.8 million people¹ and a program to “cleanse” ethnic minorities of their “extremist” thoughts² through re-education and forced labour. This involves both detainee labour inside internment camps and multiple forms of involuntary labour at workplaces across the region and even in other parts of China. UN human rights experts have raised concerns that “these ‘centres’, due to their coercive character, amount to detention centres”,³ and taken note of “increasing practices of arbitrary detention, enforced disappearance, absence of judicial oversight and procedural safeguards and restrictions of ...[fundamental freedoms] within an increasingly securitized environment, particularly for designated minorities, notably Uyghurs [...]”⁴.

These repressive policies—which human rights practitioners have deemed likely “crimes against humanity”⁵—are bolstered by a pervasive, technology-enabled system of surveillance.⁶ United Nations (UN) anti-discrimination experts have called this system “alarming”, based on reports of practices “disproportionately targeting ethnic Uighurs, [*sic*] such as frequent baseless police stops and the scanning of mobile phones at police checkpoint stations; additional reports have been received of the mandatory collection of extensive biometric data in the Xinjiang Uighur [*sic*] Autonomous Region, including DNA samples and iris scans, of large groups of Uighur residents”.⁷

Despite obstacles to human rights investigation erected by the Chinese government, investigators have drawn on refugee accounts, satellite imagery, and government records to document cases of forced labour across the Uyghur Region⁸ and expose the government’s

¹ Luke Adams, Steve Andrews, Scott Flipse, Megan Fluker, and Amy Reger, “Staff Research Report: Global Supply Chains, Forced Labor, and the Xinjiang Uyghur Autonomous Region,” *Congressional-Executive Commission on China*, March 2020,

<https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Staff%20Report%20March%202020%20-%20Global%20Supply%20Chains%2C%20Forced%20Labor%2C%20and%20the%20Xinjiang%20Uyghur%20Autonomous%20Region.pdf>;

Adrian Zenz, “‘Wash Brains, Cleanse Hearts’: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign,” *Journal of Political Risk*, 7 (11), November 2019, <http://www.ipolrisk.com/wash-brains-cleanse-hearts/>;

Fergus Ryan, Danielle Cave, and Nathan Ruser, “Mapping Xinjiang’s ‘Re-Education’ Camps,” *Australian Strategic Policy Institute*, 1 November 2018, <https://www.aspi.org.au/report/mapping-xinjiangs-re-education-camps>; “World Report 2019: Events of 2018: China,” *Human Rights Watch*, 2019, <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet>.

² The Chinese government’s terminology, see, for example, “‘Eradicating Ideological Viruses’: China’s Campaign of Repression Against Xinjiang’s Muslims,” *Human Rights Watch*, 9 September 2018, <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

³ Statement by UN Special Rapporteurs and Working Groups, 12 November 2018,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24182>.

⁴ Statement by UN Special Rapporteurs and Working Groups, 1 November 2019,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24845>.

⁵ Naomi Kikoler, “Simon-Skjodt Center Director Delivers Remarks on China’s Systematic Persecution of Uyghurs,” *United States Holocaust Memorial Museum*, 6 March 2020, <https://www.ushmm.org/genocide-prevention/blog/simon-skjodt-center-director-delivers-remarks-on-chinas-systematic-persecut>.

⁶ Chris Buckley and Paul Mozur, “How China Uses High-Tech Surveillance to Subdue Minorities,” *The New York Times*, 22 May 2019, <https://www.nytimes.com/2019/05/22/world/asia/china-surveillance-xinjiang.html>.

⁷ All use of the spelling Uighurs, rather than the accepted Uyghurs, in this sentence is sourced from the original quotation. “Concluding Observations on the Combined Fourteenth to Seventeenth Periodic Reports of China (including Hong Kong, China and Macao, China),” *United Nations Committee on the Elimination of Racial Discrimination*, 19 September 2018,

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCHN%2fCO%2f14-17&Lang=en.

⁸ Research organisations, including the Center for Strategic and International Studies, the Worker Rights Consortium, and the Australian Strategic Policy Institute, and investigative journalists from *The Wall Street Journal*, *Associated Press*, *The*

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policy of using forced labour as a means of social control.⁹ **These investigations show that the breadth of this policy creates significant risk of the presence of forced labour at virtually any workplace, industrial or agricultural, in the Uyghur Region.**

The Chinese government is also transporting Uyghurs and other Turkic and Muslim-majority peoples to other parts of China, where they are working in factories under conditions that strongly indicate forced labour.¹⁰ Reports in 2020 revealed that the forced labour of Uyghurs and other Turkic and Muslim-majority peoples has been expanded beyond the Uyghur Region, with at least 80,000 Uyghurs or other Turkic and Muslim-majority peoples transferred to factories across China where they cannot leave, are under constant surveillance, and must undergo “ideological training” to abandon their religion and culture.¹¹ Recent video evidence shows that some of these transfers occurred earlier this year, when much of China was under lockdown as a result of the expanding COVID-19 outbreak. This means these labourers were forced to work and exposed to the virus while much of the country's population sheltered at home.¹²

There is grave risk that brands and retailers across sectors are benefiting from human rights violations, including forced labour, both *in* and *from* the Uyghur Region. This is especially true in the apparel and garment sector, which has been the focus of the majority of forced labour investigations in the region. More than 80 percent of China's cotton is grown in the Uyghur Region, approaching almost 20 percent of global production.¹³ There is also extensive yarn spinning, as well as textile and garment production.¹⁴ Fabric made with cotton or yarn from the Uyghur Region is used by apparel factories across China and across the world. **Almost every major apparel brand and retailer selling cotton products is potentially implicated.**

Meanwhile, operating in the Uyghur Region in accordance with the UN Guiding Principles on Business and Human Rights has become a practical impossibility. There are no valid means for companies to verify that any workplace in the Uyghur Region is free of forced labour or to prevent the use of forced labour in these workplaces in line with human rights due diligence.¹⁵ Worker interviews, which are essential to the methodology of any labour or human rights investigations, cannot generate reliable information in these circumstances. No worker can speak candidly to factory auditors about

New York Times, *The Globe and Mail*, *ABC Australia*, and other outlets have documented specific cases of forced labour in the apparel and textile industry in Aksu, Hotan, Korla, Yarkant, Artux, Huocheng, Kashgar, Ili, and other locations.

⁹ Chris Buckley and Austin Ramzy, “Inside China's Push to Turn Muslim Minorities into an Army of Workers,” *The New York Times*, 17 February 2020, <https://www.nytimes.com/2019/12/30/world/asia/china-xinjiang-muslims-labor.html>; Adrian Zenz, “Beyond the Camps: Beijing's Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang,” *SocArXiv*, 12 July 2019, <https://osf.io/preprints/socarxiv/8tsk2/>.

¹⁰ Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro, and Nathan Ruser, “Uyghurs for Sale: ‘Re-education’, Forced Labour and Surveillance beyond Xinjiang,” *Australian Strategic Policy Institute*, 1 March 2020, <https://www.aspi.org.au/report/uyghurs-sale>.

¹¹ *Ibid.*

Anna Fifield, “China Compels Uighurs to work in Shoe Factory That Supplies Nike,” *Washington Post*, 29 February 2020, https://www.washingtonpost.com/world/asia_pacific/china-compels-uighurs-to-work-in-shoe-factory-that-supplies-nike/2020/02/28/ebddf5f4-57b2-11ea-8efd-0f904bdd8057_story.html.

¹² “TikTok Videos Show Hundreds of Uyghurs Transferred to Chinese Factories,” *Radio Free Asia*, 26 March 2020, https://www.rfa.org/english/video?v=1_vjoodogr.

¹³ “The Australian Broadcasting Corporation's Exposé on Forced Labor in Xinjiang,” *Jernigan Global*, 1028, 22 July 2019, https://www.guicot.com/upload_files/news/Jernigan%20Global%202022-July-2019.pdf.

¹⁴ Jennifer Clever and Michael Ward, “Global Agricultural Information Network Report: People's Republic of China, Cotton and Products Annual,” *United States Department of Agriculture Foreign Agricultural Service*, 2 April 2018, https://apps.fas.usda.gov/newgainapi/api/Report/DownloadReportByFileName?fileName=Cotton%20and%20Products%20Annual_Beijing_China%20-%20Peoples%20Republic%20of_4-6-2018.

¹⁵ Nury Turkel, testimony presented at the Congressional-Executive Commission on China hearing, “Forced Labor, Mass Internment, and Social Control in Xinjiang,” *Congressional-Executive Commission on China*, 17 October 2019, https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/Turkel%20CECC%20Oct%2017%20Testimony_%2010152019%20Version.pdf.

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forced labour or other human rights issues without placing themselves and their families at risk of brutal retaliation;¹⁶ there are widespread restrictions and repression of fundamental freedoms and human rights defenders, and civic space has been shut down. **Given the pervasive scope of the abuses, buyers therefore need to operate on the assumption that all products produced in part or in whole in the Uyghur Region are at high risk of being tainted by forced labour.**

Amidst the horror unfolding in the Uyghur Region, which is compounded by the concerns for the health of workers who are likely working in substandard conditions during the global COVID-19 pandemic, **the only way corporations can ensure they are not unwittingly bolstering the government's repression is, therefore, to fully extricate their supply chains from the Uyghur Region. Further, corporations must prevent the use of forced labour in facilities elsewhere that use workers forcibly transferred from the Uyghur Region, including by ending relationships, see [3C] in the Brand Commitment below.** Companies must take these steps in order to maintain compliance with laws in the United States, Europe, and other jurisdictions prohibiting the import of goods made with forced labour and mandating human rights due diligence and in order to meet the corporate responsibility to respect human rights as defined by the UN Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidance for Responsible Supply Chains in the Footwear and Garment Sector.¹⁷ Both the UN Guiding Principles (Principle 19) and OECD Due Diligence Guidance (3.2.5) note businesses should end or disengage from business relationships where prevention or mitigation of harm is not possible by other means.¹⁸

Only by taking the actions enumerated in the following “Brand Commitment to Exit the Uyghur Region and Prevent Use of Forced Labour of Uyghur and Other Turkic and Muslim-Majority Peoples” (“Brand Commitment to Exit the Uyghur Region”) can companies act responsibly and prevent their supply chains being linked to the forced labour of Uyghurs and other Turkic and Muslim-majority peoples.

We, a coalition of civil society and trade unions, call on brands and retailers in the apparel and textile sector to agree to take the actions in the Commitment and to memorialise their acceptance of these obligations by signing the “Brand Commitment to Exit the Uyghur Region”.

¹⁶ “The Mass Internment of Uyghurs: ‘We want to be respected as humans. Is it too much to ask?’,” *Uyghur Human Rights Project*, 23 August 2018, https://docs.uhrp.org/pdf/MassDetention_of_Uyghurs.pdf; “‘Eradicating Ideological Viruses,’ China’s Campaign of Repression Against Xinjiang’s Muslims” *Human Rights Watch*, 9 September 2018, <https://www.hrw.org/report/2018/09/09/eradicating-ideological-viruses/chinas-campaign-repression-against-xinjiangs>.

¹⁷ A 1 July 2020, business advisory issued by the US Departments of State, Commerce, Homeland Security, and Treasury, warns that human rights due diligence schemes used to monitor supply chains are not viable in the Uyghur Region and inadequate to the task of preventing exposure to these risks and violations of US law: “While human rights due diligence best practices for some businesses typically include having the ability to conduct independent onsite inspections and working with suppliers and local law enforcement to remediate forced and abusive labor practices, repressive conditions make it unlikely that businesses will have the necessary access to their suppliers in Xinjiang to support meaningful remediation.” “Xinjiang Supply Chain Business Advisory,” *Department of State, Department of the Treasury, Department of Commerce, and Department of Homeland Security*, 1 July 2020, https://www.dhs.gov/sites/default/files/publications/20_0701_xinjiang-supply-chain-business-advisory.pdf.

¹⁸ “Guiding Principles on Business and Human Rights,” *United Nations*, 2011, https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf; “OECD Due Diligence Guidance for Responsible Supply Chains in the Footwear and Garment Sector,” *OECD*, 7 March 2018, <https://www.oecd-ilibrary.org/docserver/9789264290587-en.pdf?expires=1587586987&id=id&accname=guest&checksum=A444BC30C3DFBE8EA2B0F622768F4F20>.

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BRAND COMMITMENT TO EXIT THE UYGHUR REGION AND PREVENT USE OF FORCED LABOUR OF UYGHUR AND OTHER TURKIC AND MUSLIM-MAJORITY PEOPLES

In order to ensure that [signatory] is not, in its supply chain, contributing to or benefitting from forced labour of the Uyghur and other Turkic and Muslim-majority peoples, [signatory] commits to undertaking the actions enumerated below *within no more than 365 days from signing this commitment*. The Coalition to End Forced Labour in the Uyghur Region will publicly list brands committing to this Call to Action, in consultation with the signatories.

- 1. Engage with representatives in the Coalition to End Forced Labour in the Uyghur Region to: (1) provide a timeline for implementing the actions enumerated below, (2) provide regular reporting on the progress and completion of each committed action, and (3) agree to appropriate remedial action, endorsed by the Coalition to End Forced Labour in the Uyghur Region, including but not limited to compensation to affected workers. The signatories should aim, via this time-bound plan, to achieve compliance with the actions defined below as soon as possible and will do so no later than 365 days from signing this commitment.**

- 2. Identify and map through all credible means possible—including by reference to reports by human rights and labour rights organisations endorsed by the Coalition to End Forced Labour in the Uyghur Region—the following business relationships:**
 - A. Suppliers and sub-suppliers with any production facilities located in the Uyghur Region making apparel and other cotton-based goods.
 - B. Suppliers and sub-suppliers based outside the Uyghur Region that have subsidiaries or operations located in the Uyghur Region that have accepted Chinese government subsidies and/or employed workers provided by the government. These business relationships must be identified and mapped regardless of whether the products the supplier makes for [Signatory] are produced in the Uyghur Region. [Signatory] will conduct appropriate due diligence in facilities outside the Uyghur Region from which it sources its own products, and with respect to suppliers' facilities from which the brand does not source, refer to credible evidence from third party sources, including reports from other brands or from independent investigators.
 - C. Suppliers and sub-suppliers that have employed at a workplace outside the Uyghur Region workers from the Uyghur Region who were sent by the government. In the case of suppliers with multiple factories/workplaces, these suppliers must be identified and mapped, regardless of whether the specific factory/workplace providing goods to the [Signatory] employs workers from the Uyghur Region sent by the government.
 - D. Business relationships with any supplier in China *and* globally that source inputs produced in the Uyghur Region for a [Signatory]'s products, such as but not limited to fabric, yarn, or cotton.

- 3. Upon identification of any of the business relationships A–D in #2, [signatory] must operate on the assumption that its supply chain is linked to the forced labour of Uyghur and other Turkic and Muslim-majority groups. Accordingly, [signatory] commits to take action to prevent the use of Uyghur Region-linked forced labour through the following steps:**

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- A. Disengage from business relationships with any production facilities located in the Uyghur Region being utilised to make apparel and/or other cotton-based goods.
- B. Disengage from business relationships with any supplier based outside the Uyghur Region that has subsidiaries or operations in the Uyghur Region that have accepted Chinese government subsidies or employed workers provided by the government, regardless of whether the products the supplier makes for [Signatory] are produced in the Uyghur Region.
- C. Disengage from business relationships with any supplier whereby there is credible evidence that the supplier has employed, at a workplace outside the Uyghur Region, workers from the Uyghur Region who were sent by the government, regardless of whether the specific factory/workplace providing goods to the [Signatory] employs workers from the Uyghur Region sent by the government. *[Signatory] may refrain from ending the relationship if a supplier stops this employment and remediation is provided as agreed with the Coalition to End Forced Labour in the Uyghur Region (see #1).* [Signatory] will direct all suppliers not to use government-provided labour sent from the Uyghur Region for a [Signatory]'s own products and will conduct verification of facilities used for the manufacture or production of its own products via methods developed in consultation with human rights and labour organisations endorsed by the Coalition to End Forced Labour in the Uyghur Region.
- D. Instruct all suppliers in China *and* globally to end, no later than the 365 days from [Signatory] signing this Call to Action, all sourcing of all finished products or inputs produced in the Uyghur Region for a [Signatory]'s own products. [Signatory] will also instruct all suppliers globally to end their business relationships with any company that would be prohibited under A–C for the production, manufacture or extraction of inputs for a [Signatory]'s own products. [Signatory] will assist suppliers to identify alternate sources of finished products or inputs, where needed, so that suppliers can comply within the time-bound plan of no more than 365 days.
- E. Disengage from business relationships with all suppliers in China *and* globally that do not agree to take the steps in D , and do not provide proof that it has done so. Where exit of relationships is required, [Signatory] will adhere to responsible exit policies.
- F. As a matter of best practice, encourage all suppliers to end all sourcing from the Uyghur Region and any business relationships with any company that would be prohibited under A-C for *all* production, not just with respect to a [Signatory]'s products.

These commitments remain in force until human and labour rights organisations, endorsed by representatives of the Coalition to End Forced Labour in the Uyghur Region, report that the human rights situation in the Uyghur Region has improved, forced labour has ceased, and preventive reforms have been implemented.

Signed:

Date: