

End Uyghur Forced Labour

November 15, 2024

Submission to the consultation on measures to strengthen Canada's import ban on all goods mined, manufactured, or produced wholly or in part, by forced labour

The Coalition to End Forced Labour in the Uyghur Region¹ acknowledges Canada's ban on the import of goods produced by forced labour under the Customs Tariff in July 2020 and welcomes the commitments made in the 2023² and 2024³ budgets to address Uyghur forced labour in supply chains. In order to meet these commitments, the government of Canada must strengthen its efforts to prohibit the import of forced labour made goods on the whole and implement mechanisms that more effectively address products made with state-imposed forced labour. This submission will focus on addressing Uyghur forced labour and outlines two actions that the government should prioritise to address state-imposed forced labour: **a) establishing a rebuttable presumption that products made in part or in whole in the Uyghur Region are made with forced labour, and b) regional and sector specific forced labour import bans in cases of state-imposed forced labour.**

The US has been effective at preventing goods made with Uyghur forced labour from entering its market through the Uyghur Forced Labor Prevention Act (UFLPA).⁴ The UFLPA establishes a rebuttable presumption of forced labour for goods from the Xinjiang Uyghur Autonomous Region (Uyghur Region) or from entities listed by the interagency Forced Labor Enforcement Task Force (UFLPA Entity List). Since the UFLPA was enacted, of the 10,160 shipments that have been targeted for scrutiny, 4,288 shipments have been denied entry to the US.⁵ There is a possibility that many of those goods were rerouted and imported into Canada. In comparison, since 2021, approximately 50 shipments have been intercepted by the Canada Border Services Agency under the suspicion that they were made with forced labour and most were released.⁶

¹ See <https://enduyghurforcedlabour.org>. The Coalition to End Forced Labour in the Uyghur Region is a coalition of civil society organisations and trade unions united to end state-sponsored forced labour and other egregious human rights abuses against people from the Uyghur Region in China, known to local people as East Turkistan.

² "Budget 2023," Government of Canada, Accessed November 15, 2024, <https://budget.canada.ca/2023/report-rapport/toc-tdm-en.html>.

³ "Budget 2024," Government of Canada, Accessed November 15, 2024, <https://budget.canada.ca/2024/home-accueil-en.html>.

⁴ "Uyghur Forced Labor Prevention Act," US Customs and Border Protection, accessed October 31, 2024, <https://www.cbp.gov/trade/forced-labor/UFLPA>.

⁵ "Uyghur Forced Labor Prevention Act Statistics," US Customs and Border Protection, accessed October 31, 2024, <https://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics>.

⁶ Ryan Tumilty, "U.S. legislators want Canada to do more to prevent slave-made goods from entering North America," *National Post*, September 24, 2024, <https://nationalpost.com/news/politics/u-s-legislators-want-canada-to-do-more-to-prevent-slave-made-goods-from-entering-north-america>.

Canada should be free of Uyghur forced labour imports

Currently, the forced labour import prohibition in Canada falls short of meaningfully addressing Uyghur forced labour. **The Coalition to End Forced Labour in the Uyghur Region strongly encourages the introduction and adoption of legislation which establishes a rebuttable presumption of forced labour on goods from a region or on specific product groups from specified countries or regions where there is state-imposed forced labour, such as all products made in part or in whole in the Uyghur Region.**

The adoption of this legislation must be followed with robust and transparent implementation; the implementation efforts should be adequately resourced by the government; and the government should engage in sharing of enforcement data with the US government to strengthen the enforcement efforts of both governments. Canada should consider establishing an interagency task force similar to the US Forced Labor Enforcement Task Force to support the development of a whole of government approach to addressing forced labour in supply chains.

North America currently lacks harmonisation of import bans designed to address Uyghur forced labour, which encourages bifurcation of supply chains, and creates the risk that goods made with forced labour will be stopped by the US government and rerouted to Canada, subverting global efforts to end Uyghur forced labour in supply chains and turning Canada into a ‘dumping ground’ for products made with forced labour. An import ban with the ability to target products made in an entire region, like the Uyghur Region, or certain product groups, would establish consistency for companies importing into Canada that are also importing into the US and, therefore, must also comply with the UFLPA. It would also provide a level playing field to ensure Canadian companies are not competing with unethical companies that import Uyghur forced labour made goods into the Canadian market.⁷

The following sections will provide more details on the need for an import prohibition that **establishes a rebuttable presumption of forced labour on goods from a region or on specific product groups from specified countries or regions where there is state-imposed forced labour.**

State-imposed forced labour in the Uyghur Region

The government of China is perpetrating human rights abuses on a massive scale in the Uyghur Region targeting the Uyghur population and other Turkic and Muslim-majority peoples on the basis of their religion and ethnicity. An **estimated 1 to 1.8 million**⁸ Uyghurs have been subject to

⁷ For additional research on Uyghur forced labour, see: <https://enduyghurforcedlabour.org/home/reports/>.

⁸ Adrian Zenz, “Wash Brains, Cleanse Hearts”: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign”; Human Rights Watch, “Break Their Lineage, Break Their Roots”; Amnesty International, “Like We Were Enemies in a War”.

arbitrary mass detention in internment camps termed “re-education” camps by the Chinese government. Within these camps, detainees have been routinely subjected to physical and psychological torture, sexual violence, and forced labour.⁹

Since 2017, the government of China has been targeting the Uyghur population by subjecting them to widespread and systemic forced labour based on their religion and ethnicity through various state-imposed programmes under the guise of “fighting extremism”.¹⁰ The government’s persecution of the Uyghur population has been demonstrated by robust and credible evidence, gathered through witness testimony,¹¹ Chinese state media, Chinese government records,¹² and satellite imagery,¹³ and in reports from UN bodies,¹⁴ academic experts, non-governmental organisations,¹⁵ and survivors themselves.¹⁶ The state-imposed forced labour programmes have

⁹ Amnesty International, “*Like We Were Enemies in a War*”; Human Rights Watch, “*Break Their Lineage, Break Their Roots*”; Fergus Ryan, Danielle Cave, and Nathan Ruser, “Mapping Xinjiang’s ‘re-education’ camps,” Australian Strategic Policy Institute, November 1, 2018, <https://www.aspi.org.au/report/mapping-xinjiangs-re-education-camps/>; “World Report 2019: China Events of 2018,” Human Rights Watch, 2019, <https://www.hrw.org/world-report/2019/country-chapters/china>.

¹⁰ Amnesty International, “*Like We Were Enemies in a War*”: China’s Mass Internment, Torture, and Persecution of Muslims in Xinjiang, June 2021, <https://www.amnesty.org/en/documents/asa17/4137/2021/en/>; Human Rights Watch, “*Break Their Lineage, Break Their Roots*”: China’s Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims April 19, 2021, <https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting>.

¹¹ Evidence,” Uyghur Tribunal, accessed July 22, 2024, <https://uyghurtribunal.com/statements/>; Xinjiang Victims Database,” accessed July 22, 2024, <https://shahit.biz/>; “Uyghur Transitional Justice Database,” accessed July 22, 2024, <https://www.utjd.org/index.html>; Amnesty International, “*Like We Were Enemies in a War*”; Human Rights Watch, “*Break Their Lineage, Break Their Roots*”; 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.jpolarisk.com/wash-brains-cleanse-hearts/>.

¹² Adrian Zenz, “Forced Labor in the Xinjiang Uyghur Autonomous Region: Assessing the Continuation of Coercive Labor Transfers in 2023 and Early 2024,” *Jamestown Foundation China Brief* 24, no. 5, (February 14, 2024), <https://jamestown.org/program/forced-labor-in-the-xinjiang-uyghur-autonomous-region-assessing-the-continuation-of-coercive-labor-transfers-in-2023-and-early-2024/>; Laura Murphy, Peter Geller, Yalkun Uluyol, anonymous researchers. “Forced Labor in the Uyghur Region: Why is this Happening?” Sheffield Hallam University Helena Kennedy Centre for International Justice, no. 2, April 2023, <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/evidence-briefs>.

¹³ Nathan Ruser, “Documenting Xinjiang’s detention system,” *Australian Strategic Policy Institute*, September 24, 2020, <https://xjdp.aspi.org.au/resources/documenting-xinjiangs-detention-system/>; Megha Rajagopalan, Alison Killing and Christo Buschek, “Built to Last,” *BuzzFeed News*, August 27, 2020 <https://www.buzzfeednews.com/article/meghara/china-new-internment-camps-xinjiang-uyghurs-muslims>; Helen Ann-Smith, “What’s Happened to China’s Uyghur Camps,” *Sky News*, May 10, 2023, <https://news.sky.com/story/whats-happened-to-chinas-uyghur-camps-12881984>.

¹⁴ Including the 2022 Office of the United Nations High Commissioner for Human Rights (OHCHR) Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China; see full list at ISHR Repository of United Nations recommendations on human rights in China <https://ishr.ch/defenders-toolbox/resources/repository-of-united-nations-recommendations-on-human-rights-in-china/#Uyghur-region>; further information can be found in the Uyghur Human Rights Project’s United Nations Tracker, <https://uhrp.org/uhrp-united-nations-tracker/>.

¹⁵ For a list of reports by academic experts and NGOs, see <https://enduyghurforcedlabour.org/home/reports/>.

¹⁶ See testimonies by survivors in the “Xinjiang Victims Database,” accessed July 22, 2024, <https://shahit.biz/>; “Uyghur Transitional Justice Database,” accessed July 22, 2024, <https://www.utjd.org/index.html>; “Evidence,” Uyghur Tribunal, accessed July 22, 2024, <https://uyghurtribunal.com/statements/>; and “Hearing on Uyghur Forced Labor Camps in China”,

been implemented through three primary mechanisms: forced labour of internment camp detainees, forced labour transfers in and outside of the Region, and forced prison labour.¹⁷ Forced labour has enabled, and been enabled by, other egregious human rights violations, such as mass surveillance, arbitrary detention, rape, torture, political ‘re-education’, and forced sterilisations.

Recent research has also documented the regional government’s increased efforts to forcibly transfer Uyghurs and other targeted groups *outside* of the Region as well, finding “[i]n 2023, Xinjiang significantly expanded the scale of the Pairing Assistance program, which facilitates cross-provincial labour transfers, aiming to increase transfers to other Chinese regions by 38 percent – levels exceeding those of any year since the mid-2010s”.¹⁸ Supporting this finding, a 2023 investigation into the seafood industry found that over 1,000 Uyghurs were placed in at least ten seafood processing facilities after being forcibly transferred thousands of miles from the Uyghur Region.¹⁹

State-imposed forced labour is distinct from forced labour carried out by private actors

State-imposed forced labour cannot be addressed using the same approaches used to combat other forms of forced labour. State-imposed forced labour is part of a state policy, meaning it is imposed and enforced by the state, at all levels of government. As such, it is widespread or systemic across entire regions or industries. In the Uyghur Region, all those able to work are required to do so.²⁰

Operating in the Uyghur Region in accordance with the UN Guiding Principles on Business and Human Rights is a practical impossibility. There are no valid means for companies to conduct credible due diligence on the ground to verify that any workplace in the Uyghur Region is free of forced labour. 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 internal or external auditors about forced labour or other human rights issues without placing themselves and their families at risk of brutal retaliation; there are

U.S. Select Committee on the CCP, Video recorded by CPSAN, March 23, 2023, <https://www.c-span.org/video/?526799-1/hearing-uyghur-forced-labor-camps-china#>.

¹⁷ Yalkun Uluyol and a team of anonymous researchers, *Tailoring Responsibility: Tracing Apparel Supply Chains from the Uyghur Region to Europe*, Sheffield Hallam University and Helena Kennedy Centre for International Justice, February 2024, <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/eu-apparel/>.

¹⁸ Adrian Zenz, “Forced Labor in the Xinjiang Uyghur Autonomous Region.”

¹⁹ Ian Urbina, “The Uyghurs Forced to Process the World’s Fish” *The Outlaw Ocean Project*, October 9, 2023, <https://www.theoutlawocean.com/investigations/china-the-superpower-of-seafood/the-uyghurs-forced-to-process-the-worlds-fish/>

²⁰ Adrian Zenz, “Measuring Non-Internment State-Imposed Forced Labor in Xinjiang and Central Asia: An Assessment of ILO Measurement Guidelines,” *Journal of Human Trafficking*, November 2023, 1-27, <https://doi.org/10.1080/23322705.2023.2270366>.

widespread restrictions and repression of fundamental freedoms and human rights defenders, and civic space has been shut down. Numerous audit firms have pulled out of the Uyghur Region due to the impossibility to conduct safe and credible verification on the ground. Furthermore, **companies cannot use leverage to prevent, mitigate, or remedy the use of forced labour in these workplaces in a context where the government implements forced labour policies or mandates that businesses implement and participate in forced labour programmes.**

Given the pervasive scope of the abuses, buyers 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. Pursuant to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and the UN Guiding Principles on Business and Human Rights (UNGPs), in contexts like the Uyghur Region, where individual companies are unable to use their leverage to prevent, mitigate, or remediate forced labour at facilities in their supply chains, disengagement is the only responsible course of action. Disengagement means immediate termination of business relationships with direct suppliers operating in the Uyghur Region. If operations in the Uyghur Region take place at a sub-supplier level, companies should use leverage over direct suppliers to cut ties with the relevant sub-supplier; if leverage fails, companies should terminate the relation with the direct supplier as well.

In turn, the government of Canada should adopt legislation that allows for the establishment of a rebuttable presumption that the importation of any goods, wares, articles, and merchandise mined, produced, or manufactured wholly, or in part, in the Uyghur Region are made with forced labour and, therefore, not entitled to entry into Canada.

Industries impacted by Uyghur forced labour

State-imposed Uyghur forced labour is widespread within the supply chains of at least 17 global industries. Research indicates that **extractive and manufacturing industries in particular have made use of workers through state-imposed forced labour programmes, including for solar energy,²¹ PVC plastics,²² and automotive parts.²³**

²¹ Laura Murphy and Nyrola Elimä, "In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains," *Helena Kennedy Centre for International Justice*, May 2021, <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/in-broad-daylight>.

²² Laura Murphy, Nyrola Elimä, and Jim Vallette, "Built on Repression: PVC Building Materials' Reliance on Labor and Environmental Abuses in the Uyghur Region," *Helena Kennedy Centre for International Justice and Material Research*, June 2022, <https://www.shu.ac.uk/helenakennedy-centre-international-justice/research-and-projects/all-projects/built-on-repression>.

²³ Laura Murphy, Kendyl Salcito, Yalkun Uluyol, and Mia Rabkin, "Driving Force Automotive Supply Chains and Forced Labour in the Uyghur Region," *Helena Kennedy Centre for International Justice and NomoGaia*, December 2022, <https://www.shu.ac.uk/helena-kennedycentre-international-justice/research-and-projects/all-projects/driving-force>.

- In the solar industry, researchers have documented that “major producers and manufacturers, including the world’s largest metallurgical-grade silicon producer and several of the most significant polysilicon manufacturers, have actively recruited and employed ‘transferred surplus labour’ from rural villages with a pretext of “poverty alleviation.”²⁴
- According to researchers, the two largest PVC manufacturers in China are also active participants in the Chinese government’s ‘labour transfer’ programme, one of which the researchers document has transferred over 5,000 citizens deemed ‘surplus labourers’ – perhaps more than any other company in the Region.²⁵
- The automotive industry is deeply implicated in Uyghur forced labour – from raw materials mining and processing to auto parts manufacturing for both traditional and electric vehicles.²⁶ Horizon Advisory found in 2022 that eight of the top aluminium producers in the Uyghur Region have been involved in the government of China’s state-imposed labour transfer programs in the Region.²⁷
- In addition to extractives and manufacturing industries, the textile industry continues to be linked to Uyghur forced labour by researchers.²⁸ As of 2022, up to 90% of China’s cotton comes from the Uyghur Region²⁹ with the Region accounting for approximately 23% of the world’s cotton in 2020 and 2021.³⁰ Researchers have found that “[t]here is

²⁴ Laura Murphy, Peter Geller, Yalkun Uluyol, anonymous researchers. “Products Made with Forced Labor in the Uyghur Region” Sheffield Hallam University Helena Kennedy Centre for International Justice, no. 3, May 2023, <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/evidence-brief-s>. Regional and local government directives indicate that refusal to participate in “poverty alleviation” in the Uyghur Region is considered a sign of the “three evils”—terrorism, separatism, and religious extremism—which are punishable by internment or imprisonment. The State Council Information Office of the People’s Republic of China, “Employment and labor rights.” Section I, para. 1, Employment in Xinjiang, The State Council Information Office of the People’s Republic of China, “Employment and labor rights.” Section I, para. 1, Employment in Xinjiang, https://english.www.gov.cn/archive/whitepaper/202009/17/content_WS5f62cef6c6d0f7257693c192.html.

²⁵ Laura Murphy, Nyrola Elimä, and Jim Vallette, “Built on Repression: PVC Building Materials’ Reliance on Labor and Environmental Abuses in the Uyghur Region.”

²⁶ Laura Murphy, Kendyl Salcito, Yalkun Uluyol, and Mia Rabkin, “Driving Force Automotive Supply Chains and Forced Labour in the Uyghur Region.”

²⁷ Horizon Advisory, “Base Problem: Forced Labor Risks in China’s Aluminum Sector,” April 2022, https://issuu.com/horizonadvisory/docs/horizon_advisory_ccp_forced_labor_series_-_base_p/1.

²⁸ Yalkun Uluyol and a team of anonymous researchers, *Tailoring Responsibility: Tracing Apparel Supply Chains from the Uyghur Region to Europe*, Sheffield Hallam University and Helena Kennedy Centre for International Justice, February 2024,

<https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/eu-apparel>

²⁹ Eric C. Davis and Fred Gale, “Shift in Geography of China’s Cotton Production Reshapes Global Market,” Economic Research Service U.S. Department of Agriculture, December 5, 2022,

<https://www.ers.usda.gov/amber-waves/2022/december/shift-in-geography-of-china-s-cotton-production-reshapes-global-market/>.

³⁰ Arriana Mclymore, “Banned Chinese cotton found in 19% of US and global retailers’ merchandise, study shows,” *Reuters*, May 7 2024,

<https://www.reuters.com/markets/commodities/banned-chinese-cotton-found-19-us-retailers-merchandise-study-shows-2024-05-07/>.

significant and compelling evidence including first-person testimony that documents the continued use of forced labour to harvest and process cotton in the [R]egion.”³¹

There is an extensive body of evidence documenting the egregious human rights abuses and forced labour system in the Uyghur Region. For additional resources on supply chains linked to Uyghur forced labour, see the Coalition’s library of resources.³²

Necessary policy tools to address state-imposed forced labour: Regional forced labour import prohibitions and establishing a rebuttable presumption

Regional Import Ban: A forced labour import prohibition that allows for the ability to ban goods from an entire region, like the Uyghur Region, or certain product groups from certain countries or regions, like cotton from Turkmenistan, where there is evidence of state-imposed forced labour,³³ is an essential tool to put pressure on the governments perpetrating forced labour.

In the case of the Uyghur Region, the loss of market access sends a powerful message to the government of China that Canada will not tolerate the abuses facing the Uyghur people. Banning all goods made in part or in whole from the Uyghur Region would help to ensure that Canadian companies and Canada’s market are not complicit in the egregious human rights abuses occurring in the Region. This is particularly important given that state-imposed forced labour can constitute a crime against humanity under international law.³⁴

In the case of the Uyghur Region, a regional, rather than sector-specific, ban is necessary given that forced labour is widespread or systemic across different sectors and industries, and companies have no valid means to conduct credible and safe due diligence on the ground that would allow them to verify that a specific sector or workplace is free from forced labour. A company’s only recourse to make sure it is not using or benefiting from state-imposed forced labour is to end all ties with the region.

A regional import ban would also provide legal certainty to companies. A clear prohibition on the importation of goods sourced from and produced in the Uyghur Region is the most effective mechanism to incentivise companies to shift their supply chains to locations where they are

³¹ Laura Murphy, Peter Geller, Yalkun Uluyol, anonymous researchers. “Products Made with Forced Labor in the Uyghur Region”.

³² For a list of reports by academic experts and NGOs, see <https://enduyghurforcedlabour.org/home/reports/>.

³³ “Leading the Fight Against State-Imposed Forced Labor in the Cotton Fields of Turkmenistan,” Cotton Campaign, accessed November 15, 2024, <https://www.cottoncampaign.org/turkmenistan>.

³⁴ United Nations Human Rights Office of the High Commissioner, “A/HRC/51/26: Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata,” July 19, 2022, <https://www.ohchr.org/en/documents/thematic-reports/ahrc5126-contemporary-forms-slavery-affecting-persons-belonging-ethnic>.

able to operate in accordance with the UNGPs and OECD guidelines and conduct safe and credible human rights due diligence.

Rebuttable Presumption: The UFLPA establishes a ‘rebuttable presumption’, meaning it assumes that all goods produced in whole or in part in the Uyghur Region are made by forced labour, unless proven otherwise by the importer through ‘clear and convincing’ evidence. To date, no importers have provided the evidence necessary to rebut the presumption.

This shift of the burden of proof onto importers is key to the effectiveness of the UFLPA. **This shift also lessens the enforcement burden on customs agencies**, rather than being tasked with proving that individual imports linked to the Uyghur Region are tainted by forced labour. Customs agents instead ask for the necessary supply chain data from importers to demonstrate that the import has no link to the Region or certain listed entities.³⁵

The robust implementation of the UFLPA across multiple industries has demonstrated that companies are able to map their supply chains as well as create alternative supply chains not linked to the Uyghur Region. The rebuttable presumption has created a legal obligation on companies to fully trace their supply chains and address links to the Uyghur Region if they want to sell their products in the US. This has created a strong financial and legal incentive for companies to fully trace their supply chains. Without full supply chain traceability, companies cannot say with any confidence that there is not forced labour occurring in their supply chains.

Further, such mechanisms would help to level the playing field among business, as it would compel all companies wanting market access to ensure their supply chains were not exposed to, and therefore not benefiting from, systemic forced labour in specific regions or supply chains.

Representatives of impacted communities support these recommendations.³⁶ A regional ban against products made with state-imposed forced labour paired with a rebuttable presumption will increase economic pressure on the government of China and help put an end to its egregious forced labour systems.

Regional forced labour import prohibitions and establishing a rebuttable presumption are effective in addressing state-imposed forced labour

Regional import prohibitions paired with a rebuttable presumption can effectively address state-imposed forced labour. Since implementation of the UFLPA began, US Customs and Border Protection has inspected over 10,000 shipments, valued at \$3.62 billion, of which 4,288

³⁵ UFLPA Entity List,” Department of Homeland Security , accessed October 31, 2024, <https://www.dhs.gov/uflpa-entity-list>.

³⁶ See list of organisational endorsements here: <https://enduyghurforcedlabour.org/>.

shipments have been denied entry to the US market.³⁷ Enforcement efforts have occurred across at least nine different industries. Additionally, the Forced Labor Enforcement Task Force has added 78 companies to the UFLPA Entity List, including companies in the sectors of apparel, aluminium, steel, and seafood.³⁸ In comparison since 2021, approximately 50 shipments have been intercepted by the Canada Border Services Agency under the suspicion that they were made with forced labour and most were released.³⁹

As of March 2023, shipments from the Uyghur Region to the US have reportedly decreased by 90% since the Uyghur Forced Labor Prevention Act (UFLPA) went into force.⁴⁰ Additionally, the global percentage of polysilicon sourced from the Uyghur Region has decreased by 10% since 2020.⁴¹ Between June 2021 and June 2022, sales of ginned Uyghur Region cotton decreased by over 40%.⁴² These developments demonstrate that it is possible for companies to exit the Uyghur Region and develop alternative sourcing.

Concerns about unintended consequences of banning the importation of goods made in part or in whole from the Uyghur Region

Uyghurs in the diaspora, who are able to exercise free expression, uniformly demand that all businesses exit the Uyghur Region, and comply with the steps outlined in the Coalition's Call to Action.⁴³ Over 70 Uyghur groups have endorsed the Call to Action. Businesses and governments must listen to what these groups – who act as the credible representatives of the victims in the Uyghur Region – demand.

Private sector employers profiting from forced labour in the Uyghur Region cannot be identified, engaged, or screened out through traditional human rights due diligence methods pursuant to the UNGPs. There are no valid means for companies to verify that any workplace in the Uyghur

³⁷ "Uyghur Forced Labor Prevention Act Statistics," US Customs and Border Protection, accessed October 31, 2024, <https://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics>.

³⁸ "UFLPA Entity List," Department of Homeland Security, accessed October 31, 2024, <https://www.dhs.gov/uflpa-entity-list>.

³⁹ Ryan Tumilty, "U.S. legislators want Canada to do more to prevent slave-made goods from entering North America," *National Post*, September 24, 2024, <https://nationalpost.com/news/politics/u-s-legislators-want-canada-to-do-more-to-prevent-slave-made-goods-from-entering-north-america>.

⁴⁰ Simon Glover, "Xinjiang exports to US down 90% since UFLPA," *Ecotextile News*, March 28, 2023, <https://www.ecotextile.com/2023032830532/labels-legislation-news/xinjiang-exports-to-us-down-90-since-uflpa.html>

⁴¹ Alan Crawford, Laura Murphy, anonymous researcher, "Over-Exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing," Helena Kennedy Centre for International Justice, July 2023, <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/over-exposed>.

⁴² Nathaniel Taplin, "Xinjiang Law Shows Reach—and Limits—of U.S. Economic Power," *The Wall Street Journal*, June 27, 2022, <https://www.wsj.com/amp/articles/xinjiang-law-shows-reach-and-limits-of-u-s-economic-power-11656325980>.

⁴³ "Call to Action," End Uyghur Forced Labour, accessed November 15, 2024, <https://enduyghurforcedlabour.org/call-to-action/>.

Region is free of forced labour or to prevent the use of forced labour in these workplaces in line with human rights due diligence.

The government of China is perpetrating systematic state-imposed forced labour against Uyghurs and other Turkic and Muslim-majority peoples as an instrument of repression. When forced labour is a widespread or systematic violation committed in furtherance of a state policy, it constitutes a crime against humanity under international law.⁴⁴ The widespread forced labour scheme is an integral part of a broader Chinese government strategy of persecution. These repressive government policies have cultivated an acute climate of fear that prevents Uyghur workers from choosing employment freely, refusing employment in government schemes, and prevents individual companies from using their leverage to put an end to these abuses at a given workplace. Continuing to source from the Uyghur Region legitimises and enables this repressive system to continue.

⁴⁴ "Definition of Genocides and Related Crimes," UN Office on Genocide Prevention and the Responsibility to Protect, accessed November 15, 2024, <https://www.un.org/en/genocide-prevention/definition>.