

# **JOINT SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF CHINA (45<sup>th</sup> SESSION, JANUARY 2024)**

**Submitted by the Coalition to End Forced Labour in the Uyghur Region**

Contact email: [contact@enduyghurforcedlabour.org](mailto:contact@enduyghurforcedlabour.org)

## **STATE-IMPOSED FORCED LABOUR IN THE XINJIANG UYGHUR AUTONOMOUS REGION (THE UYGHUR REGION)**

### **INTRODUCTION**

1. This is a joint submission by the Coalition to End Forced Labour in the Uyghur Region (hereafter “Coalition”)<sup>1</sup> in advance of the fourth cycle Universal Periodic Review (hereafter “UPR”) of the People’s Republic of China (hereafter “China”).
2. In this submission, we examine the Government of China’s compliance with its international human rights obligations, including the prohibition of forced labour, and assess its implementation of related recommendations received during the third UPR cycle. We present evidence of extensive and systematic forced labour for agriculture and industry in or around internment camps, prisons, and workplaces across the Uyghur Region and China, perpetrated by the Chinese government.
3. This is relevant to the following themes:
  - Right to work and to just and favourable conditions of work
  - Prohibition of all forms of slavery
  - Right to life, liberty and security of person
  - Business and human rights
  - Scope of international obligations
4. During the reporting period, the Government of China has continued to perpetrate systematic forced labour on a widespread and systematic scale in the Uyghur Region and other regions of China targeting the Uyghur population and other Turkic and Muslim-majority peoples on the basis of their religion and ethnicity. Uyghur and other Turkic workers are often subject to invasive surveillance, monitoring, restrictions on freedom of movement, and other measures on the basis of their ethnicity in the workplace.<sup>2</sup>
5. There is no evidence that this policy of state-sponsored forced labour has been in any way ameliorated since the Government of China’s last review in 2018. In fact, extensive credible reporting and documentation suggests that it has intensified.

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<sup>1</sup> 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.

<sup>2</sup> Committee on the Application of Standards, 9 June 2022. Conclusions on individual cases 12 to 22 - 10 June 2022, CAN/PV.CCL, p.14, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_848055.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_848055.pdf).

## Forced Labour in the Uyghur Region

*Right to work and to just and favourable conditions of work; Prohibition of all forms of slavery; Scope of international obligations*

6. During the third cycle, the Government of China supported labour-related recommendations which were non-specific, including to “further improve laws and regulations regarding the rights and interests of workers and labour unions” or to “continue to guarantee the right to work, and build harmonious labour relations,”<sup>3</sup> whereas relevant stronger recommendations, and those specifically referencing the situation in the Uyghur Region (such as calling for the closure of all “re-education centres”<sup>4</sup>) were noted.
7. It is worth highlighting that despite merely noting a recommendation during the third cycle to “Ratify the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and its 2014 Protocol,”<sup>5</sup> the Government of China did in fact ratify the ILO Conventions No. 29 and No. 105 on forced labour and the abolition of forced labour, respectively, on 12 August 2022.<sup>6</sup> Governments must continue to press the Government of China to end the systematic forced labour of Uyghur and other Turkic and Muslim-majority workers. The ratification of these two Conventions will be meaningless if the Government of China does not work to immediately cease the exaction of forced labour throughout the country.
8. In addition, the Government of China is yet to ratify the Protocol of 2014 to the Forced Labour Convention, 1930 — which would represent a higher level of action to take measures regarding prevention, protection and remedy in giving effect to the Convention’s obligation to suppress forced labour.
9. There is a substantive body of evidence that the Government of China is subjecting the Uyghur population and other Turkic and Muslim-majority peoples to state imposed forced labour as part of a programme including so-called “poverty alleviation”, “vocational training”, “re-education through labour” and “de-extremification” focused on eliminating Uyghur culture and religious practices.<sup>7</sup>
10. This has been ongoing since the Government of China’s last UPR review in 2018. According to reports, at least 80,000 Uyghurs and other ethnic minorities were forcibly transferred from the Uyghur Region to factories in eastern and central China between 2017 and 2019<sup>8</sup> — and up to 1.6 million have been estimated to be at risk of

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<sup>3</sup> 28.246, Angola; 28.247, Mozambique.

<sup>4</sup> 28.35, Switzerland.

<sup>5</sup> 28.19, United Kingdom of Great Britain and Northern Ireland.

<sup>6</sup> ILO, ‘China ratifies the two ILO Fundamental Conventions on forced labour’ (12 August 2022) [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_853575/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_853575/lang--en/index.htm).

<sup>7</sup> Research organisations, including the Center for Strategic and International Studies, the Worker Rights Consortium, the Helena Kennedy Centre for International Justice at Sheffield Hallam University, and the Australian Strategic Policy Institute, and investigative journalists from The Wall Street Journal, the BBC Associated Press, The New York Times, The Globe and Mail, ABC Australia, Radio Free Asia, Reuters and other outlets have documented specific cases of forced labour in the apparel and textile industry, including in gloves and shoe manufacturing, in PPE production, in the solar industries, in the automotive industry, in electronics, in hair products and in tomato processing in the Uyghur Region and wider China.

<sup>8</sup> Fergus Ryan, Danielle Cave, and Nathan Ruser, Mapping Xinjiang’s ‘re-education’ camps (Barton, Australia: Australian Strategic Policy Institute, 2018), <https://www.aspi.org.au/report/mapping-xinjiangs-re-educationcamps>.

forced or coercive labour through state-mandated transfers from 2017–2020.<sup>9</sup> In September 2020, the government of the Uyghur Region claimed to have conducted 2.6 million transfers of Uyghur and other people in state-sponsored programmes; in 2021, as many as 3.2 million transfers were reported.<sup>10</sup>

11. This is part of a state-sponsored transfer-of-labour scheme that goes beyond just the cotton and garment manufacturing sector, marketed as “Xinjiang Aid.” This “Xinjiang Aid” scheme allows companies to participate in two ways: (1) opening satellite factories inside the Uyghur Region or (2) hiring Uyghur workers for their factories located outside the Uyghur Region.
12. The vast majority of workers forced into these “labour transfer” schemes, however, have been transferred within the Uyghur Region itself — either to another prefecture or county.<sup>11</sup> Research indicates that extractive and manufacturing industries in particular have made use of workers through these programmes, including for solar energy,<sup>12</sup> PVC plastics,<sup>13</sup> and automotive parts.<sup>14</sup> Industries at risk of complicity in Uyghur forced labour include the global apparel and textiles sector, the solar sector, agriculture, electronics, toys, among numerous others.
13. The breadth of the forced labour policy creates significant risk of the presence of forced labour at virtually any workplace, industrial or agricultural, in the Uyghur Region. The Uyghur Region produces over 80% of all China’s cotton, which means that roughly one-fifth of all cotton products globally could be made with cotton and/or yarn from the region. An estimated 45% of the world’s supply of polysilicon in 2020, the key refined material comprising 95% of solar panels, came from the Uyghur Region.<sup>15</sup> In the automotive sector, every single major car manufacturer is at risk or has Uyghur forced labour in their supply chains.<sup>16</sup>

## **Forced labour in detention**

### *Right to life, liberty and security of person*

14. During the third cycle, the Government of China supported one recommendation to “Respect the rights of all detainees under the relevant human rights instruments and

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<sup>9</sup> Adrian Zenz, (March 2021). “Coercive Labor and Forced Displacement in Xinjiang’s Cross-Regional Labor Transfer Program,” Jamestown Foundation, p.18. Online: <https://jamestown.org/product/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>.

<sup>10</sup> Sheffield Hallam University, Helena Kennedy Centre for International Justice, ‘Forced Labour in the Uyghur Region: The Evidence’, Issue Brief 1 (April 2023), <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/evidence-briefs/1-forced-labor-in-the-uyghur-region-the-evidence.pdf>.

<sup>11</sup> Adrian Zenz, “Coercive Labor and Forced Displacement in Xinjiang’s Cross-Regional Labor Transfer Program,” p.17.

<sup>12</sup> Laura Murphy and Nyrola Elimä (May 2021). “In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains,” Helena Kennedy Centre for International Justice. Online: <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/in-broad-daylight>.

<sup>13</sup> Laura Murphy, Nyrola Elimä, Jim Vallette (June 2022). “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. Online: <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/built-on-repression>.

<sup>14</sup> Laura Murphy, Kendyl Salcito, Yalkun Uluyol, and Mia Rabkin (December 2022). “Driving Force Automotive Supply Chains and Forced Labour in the Uyghur Region,”(Helena Kennedy Centre for International Justice and NomoGaia. Online: <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/driving-force>.

<sup>15</sup> Laura Murphy and Nyrola Elimä, “In Broad Daylight.”

<sup>16</sup> Laura Murphy, Kendyl Salcito, Yalkun Uluyol, and Mia Rabkin, “Driving Force.”

the Vienna Convention on the Law of Treaties, including due process”<sup>17</sup> but noted all recommendations which specifically referenced or referred to the detention of Uyghurs or other Turkic Muslim-majority peoples in the Uyghur Region.

15. The Government’s refusal to support recommendations on detention in the Uyghur Region is demonstrative of its unwillingness to acknowledge that arbitrary detention is even taking place — despite a recent Opinion by the Working Group on Arbitrary Detention, which found that there is a “systemic problem with arbitrary detention in China, which amounts to a serious violation of international law.”<sup>18</sup> Indeed, since the third cycle there has been no progress towards ending forced labour in arbitrary detention of Uyghurs and other Muslim Turkic-majority peoples.
16. The Government’s ongoing public “re-education” policy involves internment in centres with high fences, police watchtowers, and barbed wire. Internees are then released to factories in nearby industrial parks or camp factories. The exact number of former detainees who have been coerced into working in a factory is not known, but estimates based on interviews and government statements put the number in the hundreds of thousands forced to work in garment and textile factories.<sup>19</sup>
17. Some Uyghurs and other Turkic and Muslim-majority peoples are within the traditional prison population rather than in the internment system discussed above. The Xinjiang Production and Construction Corps (XPCC), for example, administers its own prison system and factories. XPCC — a quasi-governmental paramilitary organisation — is reported to force its own prison population to conduct commercial activities, mainly in cotton harvesting and production.<sup>20</sup> In addition to harvesting cotton, the Citizen Power Initiative (CPI)’s evidence suggests that prisoners are responsible for the manufacture of textiles, apparel and footwear.<sup>21</sup>

## **Businesses implicated in forced labour**

### *Business and human rights*

18. During the third cycle, the Government of China supported two recommendations on business and human rights, to “[t]ake further measures on business and human rights in line with its international obligations and ensure that companies operating in high-risk or conflict areas conduct human rights due diligence in line with the Guiding Principles on Business and Human Rights”,<sup>22</sup> and to “[e]stablish a regulatory

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<sup>17</sup> 28.171, Sweden.

<sup>18</sup> Human Rights Council Working Group on Arbitrary Detention, ‘Opinions adopted by the Working Group on Arbitrary Detention at its ninety-fourth session, 29 August–2 September 2022 - Opinion No. 41/2022 concerning Qin Yongpei (China)’ A/HRC/WGAD/2022/41 (28 September 2022).

<sup>19</sup> Adrian Zenz (June 5, 2022). “Unemployment Monitoring and Early Warning: New Trends in Xinjiang’s Coercive Labor Placement Systems,” Jamestown Foundation China Brief Volume: 22 Issue: 11. Online: <https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>. See also Amy Lehr and Mariefaye Bechrakis (October 16, 2019). “Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains,” Center for Strategic & International Studies.

<sup>20</sup> Ibid.

<sup>21</sup> Lianchao Han, Cotton: The Fabric Full of Lies: A report on forced and prison labor in Xinjiang, China, and the nexus to global supply chains (CPIFC Monograph Series Book 2) (p. 4). Citizen Press.

<sup>22</sup> 28.133, State of Palestine.

framework to assess the human rights and environmental impacts of corporations headquartered in China”.<sup>23</sup>

19. However, since the last review, the Government of China has continued to place explicit focus on the development of industries in the Uyghur Region, including in the textile/apparel, agricultural, and renewable energy sectors — despite the widespread and systematic use of forced labour in this area.<sup>24</sup> China’s 13th and 14th Five-Year Plans for National Economic and Social Development of the Xinjiang Uyghur Autonomous Region (covering the years 2016–2020 and 2021–2025 respectively) have encouraged rapid raw materials mining/processing and industrial growth in the Uyghur Region.<sup>25</sup>
20. There are also highly concerning Government policies which encourage businesses to participate in the state-sponsored forced labour programmes in the Uyghur Region.<sup>26</sup> The Government offers subsidies to State-owned and private companies to make use of forced labour from the Uyghur Region in their operations.<sup>27</sup> The Government of the Uyghur Region has offered subsidies and inducements to encourage Chinese-owned companies to invest and build factories within the “vocational training compounds,” right next to such compounds.<sup>28</sup> Additionally, according to CSIS, companies have been encouraged to build “satellite” factories in villages to ensure that they are able to control and coerce every member to work.<sup>29</sup>

## Recommendations to the Government of China

- Swiftly bring about the end of the systematic forced labour of Uyghur and other Turkic and Muslim-majority workers.
- Provide all victims of forced labour and wider human rights violations, including Uyghurs and other Turkic and Muslim-majority peoples, with adequate and effective remedies and reparation.

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<sup>23</sup> 28.134, Haiti.

<sup>24</sup> Sheffield Hallam University, Helena Kennedy Centre for International Justice, ‘Products Made With Forced Labor in the Uyghur Region’, Issue Brief 3 (May 2023), <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/evidence-briefs/shu-brief-3-products-made-with-forced-labor-in-the-uyghur-region.pdf>.

<sup>25</sup> Ibid.

<sup>26</sup> Sheffield Hallam University, Helena Kennedy Centre for International Justice, ‘Forced Labour in the Uyghur Region: The Evidence’, Issue Brief 1 (April 2023) <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/evidence-briefs/1-forced-labor-in-the-uyghur-region-the-evidence.pdf>.

<sup>27</sup> Amy Lehr and Mariefaye Bechrakis (October 16, 2019). “Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains.” Center for Strategic & International Studies.

<sup>28</sup> Adrian Zenz (July 2019). “Beyond the Camps: Beijing’s Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang.” <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/Beyond%20the%20Camps%20CECC%20testimony%20version%20%28Zenz%20Oct%202019%29.pdf>.

<sup>29</sup> Ibid.