End Uyghur
Forced Labour

Submission to the European Commission Public Consultation on the Corporate Sustainability Due Diligence Directive Guidelines

Annex: Due Diligence in Contexts of State-Imposed Forced Labour

Coalition to End Forced Labour in the Uyghur Region

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I. Introduction

The Coalition to End Forced Labour in the Uyghur Region (the "Coalition") welcomes the opportunity to contribute to the European Commission's development of Guidelines under the Corporate Sustainability Due Diligence Directive ("CSDDD"). The Coalition is a global network of civil society organisations, researchers, trade unions, and investors working to address state-imposed forced labour ("SIFL") and related human rights concerns affecting Uyghurs and other Turkic and Muslim-majority peoples in the Xinjiang Uyghur Autonomous Region ("Uyghur Region").[1]

Due diligence in state-imposed forced labour contexts cannot be treated as ordinary supplier compliance. The Coalition's expertise is specifically related to systemic, state-sponsored Uyghur forced labour, and the comments in this submission are not necessarily intended to be applicable to all other adverse impacts and geographies covered by the CSDDD. Where our recommendations draw on the Uyghur Region as an illustrative case, they reflect patterns of state-imposed coercion that the Guidelines should be equipped to address wherever they arise. This submission concerns how the Guidelines should apply to companies within the CSDDD's scope as narrowed by Directive (EU) 2026/470; it does not take a position on that scope reduction itself.[2]

II. Key Recommendations

1. Recognise state-imposed forced labour is likely to be among the more severe adverse human rights and labour rights impacts, warranting priority in due diligence.
2. Where there is evidence of state-imposed forced labour, it is almost certain that other fundamental labour rights are also being violated (or at risk of being violated); thus, companies must assess risks to the right to freedom of association and to collectively bargain whenever risks of forced labour have been identified.
3. Clarify that audits, certifications, and supplier assurances are insufficient where independent verification is obstructed.
4. Treat lack of access, data availability, supplier silence, and legal obstruction as risk indicators.

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[1] Coalition to End Forced Labour in the Uyghur Region. https://enduyghurforcedlabour.org/.

[2] Directive (EU) 2026/470 of the European Parliament and of the Council of 24 February 2026, amending, inter alia, Directive (EU) 2024/1760, narrowed the CSDDD's scope to undertakings with at least 5,000 employees and €1.5 billion in global net turnover (or, for non-EU undertakings, €1.5 billion in EU-generated net turnover). https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202600470.

5. Where direct worker engagement at the local level is unsafe for workers, the Guidelines should confirm that engaging with independent trade unions (at the national, regional or international level) and, where not available, other relevant and representative organisations, such as labour rights groups, NGOs, survivor groups, and diaspora organisations, satisfies Article 13(3).
6. Provide guidance on responsible disengagement where risk and impacts cannot be prevented or ceased.

III. State-Imposed Forced Labour Requires Specific Guidance

Coercion in state-imposed forced labour contexts may arise from state policy, security agencies, labour mobilisation or transfer systems, detention threats, surveillance, or political and social control.[3] Enterprise-level indicators alone are insufficient to identify this form of coercion. State-imposed forced labour constitutes a high-risk context. Recital 42 identifies conflict-affected and high-risk areas as “geographic and contextual risk factors,” the same category defined in Article 3(1)(u), requiring companies to adapt their due diligence processes, including prevention, mitigation, and stakeholder engagement, beyond what enterprise-level indicators alone would capture.[4] State-imposed forced labour presents a systemic, state-driven risk factor that ordinary enterprise-level due diligence cannot adequately identify. The International Labour Organization (ILO)’s 2025 Indicators of Forced Labour recognise that this form of coercion stems from national laws, policies, and practices, making it harder to detect than employer-level coercion.[5] The ILO’s *Hard to See, Harder to Count* handbook likewise treats SIFL as requiring a distinct methodology because it operates through a broader coercive social and political environment maintained by state institutions,[6] and the ILO and International Organisation of Employers (IOE)’s 2025 handbook for employers and business builds on this with a dedicated tool for assessing SIFL risk.[7]

The Commission’s own Guidelines on the Forced Labour Regulation reach the same conclusion, stating that, because of its systemic nature, SIFL is unlikely to occur only in isolated instances within a given geographical area and evidence gathered in one case will typically be of high relevance to other cases concerning the same region.[8]

Assessment should therefore follow a three-part methodology: (1) the existence of a state-directed labour mobilisation policy, (2) the state’s capacity to implement that policy, and (3)

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[3] Zenz, Adrian (2023). “The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region.” *Central Asian Survey*, 42(4): 649–673. https://doi.org/10.1080/02634937.2023.2227225.
[4] Directive (EU) 2024/1760, Recital 42.
[5] International Labour Organization (November 2025). “ILO Indicators of Forced Labour: 2025 Revised Edition.” https://www.ilo.org/sites/default/files/2025-11/ILO%20Indicators%20of%20Forced%20Labour%202025.pdf.
[6] ILO (2024). *Hard to See, Harder to Count,* 3rd edition. Chapter 9. https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40ipec/documents/publication/wcms_914768.pdf.
[7] International Labour Organization and International Organisation of Employers (2025). *Combating Forced Labour: A Handbook for Employers and Business*, 3rd ed. Tool 5 (“Dealing with State-Imposed Forced Labour”). https://www.ilo.org/sites/default/files/2025-11/Combating%20forced%20labour%20-%20A%20handbook%20for%20employers%20and%20business.pdf.
[8] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.8.1.2. https://single-market-economy.ec.europa.eu/document/download/41642959-ab02-4bc9-8cb2-e6aae9024203_en.

evidence that the policy has in fact been implemented in the sector or region under review.[9] The Commission's Guidelines on the Forced Labour Regulation contain a closely aligned approach: for SIFL, the investigating authority must establish (i) that forced labour is imposed by state authorities, agents acting on their behalf, or entities with equivalent authority in a given geographical area, and (ii) that the product under investigation is linked to that practice or to that geographical area, without requiring proof of coercion at the level of an individual factory.[10] A comparably structured approach should guide the CSDDD Guidelines.

The Uyghur Region is one of the most extensively documented examples of what state-imposed forced labour looks like in practice. Labour transfer and mobilisation programmes, mass surveillance, restrictions on movement, and threats of detention for non-compliance define the conditions in the region.[11] As the region's mass internment camp system, used from approximately 2017 onward to detain an estimated one million or more Uyghurs and other Turkic Muslims, has partially receded, labour transfer programmes have only intensified in recent years and now function as the region's primary mechanism of forced labour.[12] Going forward, the Uyghur Region's 15th Five-Year Plan (2026–2030), a planning document issued by the People's Republic of China (PRC), commits to continuing and expanding labour-transfer-adjacent employment programmes for designated priority groups, alongside an expanded digital system for monitoring the Uyghur population and employment status.[13] The Five-Year Plan's designated manufacturing priority sectors offer a further leading indicator.

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[9] Following the three-pillar SIFL assessment methodology outlined in Zenz, Adrian (6 May 2026). "Architecture of Coercion: Conceptualizing and Measuring State-Imposed Forced Labor Based on ILO Standards," *Journal of Human Trafficking*. pp. 1–36. https://doi.org/10.1080/23322705.2026.2661024; ILO (2024). *Hard to See, Harder to Count*; Zenz, Adrian (2023). "Measuring Non-Internment State-Imposed Forced Labor in Xinjiang and Central Asia: An Assessment of ILO Measurement Guidelines." *Journal of Human Trafficking*. https://doi.org/10.1080/23322705.2023.2270366; Anti-Slavery International (2025). Conducting Human Rights Due Diligence in relation to State-Imposed Forced Labour. https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/Conducting-Human-Rights-Due-Diligence-in-relation-to-State-Imposed-Forced-Labour.pdf.

[10] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.8.1.2.

[11] Zenz, Adrian (2023). "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region." *Central Asian Survey*, 42(4): 649–673. https://doi.org/10.1080/02634937.2023.2227225; Amnesty International (June 2021). *"Like We Were Enemies in a War": China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang*. https://www.amnesty.org/en/documents/asa17/4137/2021/en/; Human Rights Watch (April 19, 2021). *"Break Their Lineage, Break Their Roots": China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims*. https://www.hrw.org/report/2021/04/19/break-their-lineage-break-their-roots/chinas-crimes-against-humanity-targeting; and Kashgar Stability Maintenance Group (2017). *Notice on Printing and Distributing Work Guidelines for the Lawful Detention of 21 Types of Strike-Hard Focus Targets*. Xinjiang Police Files. https://www.xinjiangpolicefiles.org/notice-on-printing-and-distributing-work-guidelines-for-the-lawful-detention-of-21-types-of-strike-hard-focus-targets-kashgar-2017/.

[12] Zenz, Adrian and I-Lin Lin (2024). *Forced Labor, Coercive Land-Use Transfers, and Forced Assimilation in Xinjiang's Agricultural Production*. International Network for Critical China Studies. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5053281; and Zenz, Adrian (14 February 2024). "Forced Labor in the Xinjiang Uyghur Autonomous Region: Assessing the Continuation of Coercive Labor Transfers in 2023 and Early 2024." China Brief, Jamestown Foundation, 24(5). https://jamestown.org/program/forced-labor-in-the-xinjiang-uyghur-autonomous-region-assessing-the-continuation-of-coercive-labor-transfers-in-2023-and-early-2024/.; See, e.g., United Nations Office of the High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), documenting the scale and nature of the internment system.

[13] Murphy, Laura T. (31 May 2026). *Xinjiang Uyghur Autonomous Region's 15th Five-Year Plan (2026-2030): Relevant Aspects for International Trade*, Policy Notes. https://www.lauratmurphy.com/policy/xuar-15th-5year-plan-notes.

Sectors selected for regional development are the ones most likely to see state-directed labour programmes expand, so due diligence prioritisation should weight them accordingly.

IV. Risk Identification

Article 8(2) requires a scoping exercise, based solely on reasonably available information, to identify where adverse impacts are most likely to occur, and escalation to an in-depth assessment in the areas identified as most likely and severe. Under Article 8(2a), business partner requests are permitted only where "necessary," and for smaller partners, only where the information cannot be reasonably obtained elsewhere.[14] As discussed in Section III, the geographic and contextual risk-factor logic set out in Recital 42 and codified in Article 3(1)(u) treats certain adverse-impact risks as attaching to the area itself, not only to individual facilities; the same logic supports scoping that extends to the region as a whole rather than individual facilities in isolation.[15]

SIFL risk indicators meet the threshold for that escalation. The Directive's definition of "risk factors" includes geographic and contextual factors such as "the level of law enforcement with respect to the type of adverse impact."[16] A documented state-run labour transfer programme in a region is precisely such a factor, and its presence triggers escalation from scoping to in-depth assessment under Article 8. Upstream stages such as raw materials, processing, and subcontracting typically carry more risk than final assembly.[17]

However, SIFL conditions make such in-depth assessments difficult or impossible. As Section VI shows, the same state coercion and restricted access that make audits and worker interviews unreliable also foreclose facility-level verification. This does not relieve companies of their obligations under Articles 10 and 11, but it changes what those obligations require them to determine. Articles 10(1) and 11(1) do not require a verified factual record obtained through the compromised channels Section VI describes. Instead, they turn on the company's own relationship to the identified risk: whether the company is causing the impact, jointly causing it with a business partner, or merely linked to it through a business partner. That determination can be made using the evidentiary approach set out in Section IV. The "appropriate measures" required under Articles 10 and 11 should therefore concentrate on that relationship, not on facility-level verification that Section VI shows is unachievable.

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[14] Directive (EU) 2024/1760, Article 8(2), as replaced by Article 4(6)(a) of Directive (EU) 2026/470; Article 8(2a), as inserted by Article 4(6)(b) of Directive (EU) 2026/470.

[15] Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859, Recital 42 (treating conflict-affected and high-risk areas as "particular geographic and contextual risk factors" requiring companies to adapt due diligence processes accordingly). https://eur-lex.europa.eu/eli/dir/2024/1760/oj/eng.

[16] Directive (EU) 2024/1760, Article 3(1), point (u), as amended by Article 4(3)(b) of Directive (EU) 2026/470 of the European Parliament and of the Council of 24 February 2026, defining "risk factors" to include, at the level of geography and context, "the level of law enforcement with respect to the type of adverse impact."

[17] For a list of reports by academic experts and NGOs, see https://enduyghurforcedlabour.org/home/reports/; Zenz, Adrian (2023). "Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor." *Journal of Communist and Post-Communist Studies*, 56(2). https://online.ucpress.edu/cpcs/article/56/2/1/196124/Coercive-Labor-in-the-Cotton-Harvest-in-the.; and C4ADS (October 11, 2023). *Fractured Veins: The World's Reliance on Minerals from the Uyghur Region*. https://c4ads.org/reports/fractured-veins.

Public evidence such as customs data, ownership records, and sanctions lists can support the escalation function of Article 8(2): it can identify elevated regional or sectoral risk without direct information demands on small business partners. Such traceability, including on indirect business partners, requires ruling out exposure through multiple distinct pathways: labour transfers, corporate organisational affiliation, government programme relationships, and sourcing relationships.[18] Companies should not rely solely on published reports or digital monitoring tools, which primarily capture cases of forced labour that have already been publicly identified; the same proactive research methods used by academic and journalistic investigators are needed to identify risk before, rather than after, public exposure. Business partner questionnaires are among the least reliable methods available as they rarely yield sufficient information on their own, and a business partner is unlikely to voluntarily disclose its own connection to a state-run labour transfer programme.

Useful sources for risk identification include NGO reports, UN findings, customs and trade data, sanctions and import-enforcement records, shipping and transaction data, corporate ownership records, government documents, state media, satellite imagery, and survivor and diaspora testimony.[19] Customs and import records, shipping manifests, import detentions, forced-labour enforcement actions, sanctions lists, and beneficial ownership data have been central to identifying forced-labour-tainted goods in supply chains.[20]

Companies should not wait for this data revealing risks within their supply chains to be handed to them, however. Desk-based research, tracing (and investigating) suppliers and sub-suppliers through media mentions, corporate filings and academic and NGO reports, is the kind of resource Article 8(3) already recognises as appropriate for identifying and assessing adverse impacts, alongside independent reports and digital solutions.[21] Desk-based research should be treated as a core method for identifying and assessing adverse impacts. Companies that rely on this kind of research can identify exposure before it surfaces in an investigation. Sheffield Hallam University's Helena Kennedy Centre for International Justice has published step-by-step guidance for exactly this kind of tracing.[22] The EU Commission's Guidelines on the Forced Labour Regulation recognise open-source and desktop research as a legitimate evidentiary source in its own right, distinct from and not subordinate to audits or supplier-provided information, and separately direct competent authorities to draw on their own analyses, studies,

[18] Sheffield Hallam University, Helena Kennedy Centre for International Justice (June 2023). "Know Your Supply Chains: Desk-Based Research Strategies to Identify Uyghur Region Exposure." Issue Brief 5. https://www.lauratmurphy.com/resources/brief-5-know-your-supply-chains.

[19] Uyghur Tribunal (2021). "Evidence." https://www.uyghurtribunal.com/?page_id=16027; Xinjiang Victims Database (accessed 12 August 2026). https://shahit.biz; Uyghur Transitional Justice Database (accessed 12 August 2026). https://www.utjd.org/; Amnesty International (2021); Human Rights Watch (19 April 2021); Ruser, Nathan (24 September 2020). "Documenting Xinjiang's Detention System." Australian Strategic Policy Institute. https://xjdp.aspi.org.au/resources/documenting-xinjiangs-detention-system/; and Coalition to End Forced Labour in the Uyghur Region (accessed 12 August 2026). "Reports." https://enduyghurforcedlabour.org/home/reports/.

[20] Murphy, Laura T. and Anasuya Syam (8 December 2025). "The Manifest Modernization Act: Enhancing Visibility Into Forced Labor Risks in U.S. Supply Chains." Center for Strategic & International Studies. https://www.csis.org/analysis/manifest-modernization-act-enhancing-visibility-forced-labor-risks-us-supply-chains.

[21] Directive (EU) 2024/1760, Article 8(3), as replaced by Article 4(6)(c) of Directive (EU) 2026/470. https://eur-lex.europa.eu/eli/dir/2026/470/oj/eng.

[22] Sheffield Hallam University, Helena Kennedy Centre for International Justice (June 2023). "Know Your Supply Chains: Desk-Based Research Strategies to Identify Uyghur Region Exposure." Issue Brief 5. https://www.lauratmurphy.com/resources/brief-5-know-your-supply-chains.

and traceability tools when building a case.[23] The ILO's *Hard to See, Harder to Count* handbook takes the same approach, strengthening the role of desk research and directing users toward academic research and NGO reports as primary inputs.[24] The CSDDD Guidelines should make the same point explicit, so that companies are not able to treat the absence of a published third-party report as evidence that no risk exists.

To support this kind of research at scale, the Commission should create a centralised resource hub consolidating information on high-risk sectors, regions, entities, enforcement actions, and legal barriers to due diligence, to reduce duplication of investigative effort and support consistent risk assessment across companies.

V. Legal and Practical Barriers to Due Diligence in China

Section IV establishes that proactive desk-based research, not reliance on published third-party reports, is the appropriate method for identifying supply-chain risk. Recent PRC legislation creates a direct barrier to exactly this kind of research when it comes to China-linked supply chains.

State Council Decree No. 834, the *Provisions on the Security of Industrial and Supply Chains*, restricts "investigation and other information-collection activities" relating to industrial and supply chains conducted within China without prior approval, and authorises countermeasures against foreign entities implementing measures the PRC deems discriminatory toward Chinese supply chains.[25] State Council Decree No. 835, the *Regulation on Countering Foreign Unwarranted Extraterritorial Jurisdiction*, separately prohibits PRC organisations and individuals from executing or assisting in the implementation of foreign measures (including forced-labour import bans and associated compliance requirements) that the PRC designates as improper extraterritorial jurisdiction, and establishes a "malicious entity list" and countermeasures for non-compliant actors.[26] Decree No. 834 took effect immediately upon promulgation on March 31, 2026. Decree No. 835 took effect six days after promulgation, on 13 April 2026, with no meaningful transition period for affected companies to adjust their compliance practices. It has already been invoked at least once, in relation to a European Commission investigation under the EU Foreign Subsidies Regulation.[27]

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[23] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.4.2 and §4.8.1.1.
[24] ILO (2024). *Hard to See, Harder to Count*. Chapter 9.
[25] State Council of the People's Republic of China, *Provisions on the Security of Industrial and Supply Chains* (国务院关于产业链供应链安全的规定), State Council Order No. 834, promulgated 31 March 2026, published 8 April 2026, arts. 13–16. https://www.mee.gov.cn/zcwj/gwywj/202604/t20260408_1148459.shtml.
[26] State Council of the People's Republic of China, *Regulation on Countering Foreign Unwarranted Extraterritorial Jurisdiction* (中华人民共和国反外国不当域外管辖条例), State Council Order No. 835, promulgated 7 April 2026, effective 13 April 2026. https://www.gov.cn/zhengce/content/202604/content_7065398.htm.
[27] Paul Hastings LLP (2026). "China Expands Legal Toolkit to Counter Foreign Extraterritorial Jurisdiction." https://www.paulhastings.com/insights/client-alerts/china-expands-legal-toolkit-to-counter-foreign-extraterritorial-jurisdiction; Wysong, Wendy, Ali Burney, Wilson Zhao, and Sophia Yang (30 April 2026). "Two Regulations, One Direction: China's Expanding Economic Security Playbook." Steptoe. https://www.steptoe.com/en/news-publications/international-compliance-blog/two-regulations-one-direction-chinas-expanding-economic-security-playbook.html; Liao, Todd, Margaret Luo, Mudan He, Sylvia Hu, and Fan Shi (15 April 2026). "China Issues New Regulations on Countering Foreign Extraterritorial Jurisdiction: What MNCs Need to Know." Morgan Lewis. https://www.morganlewis.com/pubs/2026/04/china-issues-new-regulations-on-countering-foreign-extraterritorial-jurisdiction-what-mncs-need-to-know; and Alex Roberts, Ellen (Qidi) Zhang and Tiantian Ke (21 May 2026). "China – New Rules on Supply

This is a significant and rapidly developing risk. Companies are increasingly advised by legal and compliance consultancies to reassess their PRC-facing due diligence approaches in light of these decrees, which create a direct conflict between the supply-chain investigation obligations expected under regimes such as the CSDDD or the U.S. Uyghur Forced Labor Prevention Act and the restrictions imposed by Chinese law on the same investigative activity.[28] These decrees compound existing legal barriers, including the 2021 Anti-Foreign Sanctions Law and its 2025 implementing regulations, on which Decree No. 835 explicitly builds.[29]

Such laws create risk for the companies conducting due diligence and, just as much, for the auditors, researchers, suppliers, workers, and civil society actors who might otherwise supply, verify, or corroborate relevant information. This further strengthens the case that state-imposed forced labour requires an evidentiary approach distinct from ordinary supplier compliance monitoring.

Verifier independence and credibility cannot be assumed where domestic law penalises supply-chain investigations or compliance with foreign forced-labour measures, since a verifier operating under Decrees No. 834 and No. 835 faces the same legal exposure as the company it is meant to assess.

Legal obstruction of this kind as it constitutes highly pertinent 'available information' under Article 8. It should not reduce the company's due diligence expectations, and supplier silence or lack of access should never be treated as evidence of low risk and should rather warrant the opposite inference.[30] This approach is consistent with the Commission's Guidelines on the Forced Labour Regulation, which treat non-cooperation (including cooperation obstructed by conflicting third-country law) as evidence that, combined with other available factual and legal elements, will generally be sufficient to establish a violation, with indirect and circumstantial evidence playing an important role where direct evidence cannot be obtained.[31] Companies facing such legal barriers should not be excused from compliance. The CSDDD should instead be enforced strictly, so that retaliatory legislation of this kind does not interfere with the EU's right to regulate companies conducting business within its market. Companies facing legal barriers to due diligence in contexts with high risk of SIFL should be expected to diversify their supply chains and responsibly exit relationships with suppliers that will not, or cannot, comply with due diligence requirements; anything short of that expectation would substantially undermine the CSDDD's effectiveness in precisely the contexts where it is needed most.

VI. Limits of Audits, Certifications, Third-Party Verification, and Industry Initiatives

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Chain Security and Measures to Counter Extraterritorial Jurisdiction," Linklaters. https://www.linklaters.com/insights/blogs/digilinks/2026/may/china-new-rules-on-supply-chain-security-and-measures-to-counter-extraterritorial-jurisdiction.

[28] Ibid.

[29] Ibid.

[30] Directive (EU) 2024/1760, Article 3(1), point (u), as amended by Article 4(3)(b) of Directive (EU) 2026/470, defining "risk factors" to include, at the level of geography and context, "the level of law enforcement with respect to the type of adverse impact." Legal obstruction of investigation and remediation is direct evidence of weak law enforcement in this sense. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202600470.

[31] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.8.2 and §4.8.2.1.

In state-imposed forced labour contexts, local authorities and factory management may monitor workers, stage interviews, control records, restrict auditors, and coach suppliers in advance of an inspection. Such conditions are well documented in the Uyghur Region. Under these conditions, audit-based due diligence tools (which have shown indicia of unreliability even in the absence of coercive state policy) cannot credibly rebut a forced-labour finding.[32]

Because independent worker interviews and unrestricted site access cannot be guaranteed in the Uyghur Region, standard compliance tools are wholly inadequate even where a specific audit shows no violation. Where unions, workers, auditors, journalists, or civil society actors face surveillance, retaliation, or restrictions on access, the absence of an adverse audit finding should not be considered evidence that forced labour is absent.[33]

The Commission's Guidelines on the Forced Labour Regulation likewise direct that social audits conducted in geographical areas affected by SIFL should not be treated as credible evidence, insofar as they are not conducted with unrestricted access to the relevant facilities and without the capacity of workers to speak freely and unsupervised.[34] Equivalent language belongs in the CSDDD Guidelines: audits, certifications, and social-compliance schemes conducted in SIFL-affected regions should not be considered credible evidence of the absence of forced labour, and reliance on them should not be treated as satisfying a company's due diligence obligations.

The Forced Labour Regulation Guidelines further recognise that establishing a violation will often require a combination of evidence types, including indirect and circumstantial evidence, given the practical difficulty of obtaining direct evidence in these contexts.[35] Notably, the Guidelines' list of relevant evidence includes "documents of public bodies indicating state-imposed forced labour programmes" and information indicating a supplier's participation in such programmes. These evidentiary categories squarely align with the type of documentation available on the Uyghur Region's labour transfer system.[36]

[32] Coalition to End Forced Labour in the Uyghur Region (30 April 2024). "Testimonies for CECC Hearing on Social Audits." https://enduyghurforcedlabour.org/testimonies-for-cecc-hearing-on-social-audits/; Nova, Scott (30 April 2024). "Testimony before the Congressional-Executive Commission on China." https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/hearings/Testimony%20by%20Scott%20Nova%20for%20CECC%20Hearing%20on%204-30-2024_1.pdf.; Zenz, Adrian (30 April 2024). State-Imposed Forced Labor in the Xinjiang Uyghur Autonomous Region: Current State, Latest Evidence, Impossibility of Credible Social Audits, and Ongoing Western Complicity and Audit-Washing." https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/hearings/2024-04%20Written%20Testimony%20CECC%20Zenz%20%28submitted%29_0.pdf; and Wormington, Jim (April 30, 2024). "Testimony for Hearing: 'Factories and Fraud in the PRC: How Human Rights Violations Make Reliable Audits Impossible'." https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/hearings/JimWormingtonWrittenTestimonyFactoriesandFraudinthePRC04302024.pdf.

[33] Ibid.; and Anti-Slavery International (November 2025). *Conducting Human Rights Due Diligence in relation to State Imposed Forced Labour: Implications for the Upcoming EU Regulation on Forced Labour*. https://www.antislavery.org/wp-content/uploads/2025/11/Conducting-Human-Rights-Due-Diligence-in-relation-to-State-Imposed-Forced-Labour.pdf.

[34] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.8.1.2.

[35] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.8.1.1.

[36] Ibid.

The CSDDD Guidelines should adopt the same approach to prioritisation, recognising that state-imposed forced labour is, by its structural and systemic nature, likely to be of large scale and severity and should be prioritised accordingly.[37]

This extends to industry and multi-stakeholder initiatives more broadly. Many such initiatives are created and funded by companies that are themselves engaged in, or profiting from, forced labour, including state-imposed forced labour, and often conduct only cursory audits of a small segment of a company's supply chain — allowing the initiative to function as social washing rather than genuine risk reduction. For a multi-stakeholder initiative to be credible, it must involve binding and enforceable obligations on companies and include meaningful participation and leadership from independent trade unions or worker-rights NGOs from inception, rather than have its standards set by participating corporations alone.

VII. High-Risk Contexts

High-risk indicators should include mass detention, pervasive digital and physical surveillance, ethnic and religious persecution, state-organised labour transfers, suppression of civil society, restrictions on unions and independent researchers, retaliation against workers or their families, and legal barriers to independent verification. The ILO's structural indicators of state-imposed forced labour provide a detailed and directly applicable framework for identifying these contexts and should be expressly referenced in the Guidelines. These include imprisonment and detention, manipulation of custodial conditions, state-imposed financial penalties, withdrawal of legal status or social entitlements, state-imposed employment sanctions, legal prohibitions on employment termination, surveillance and social monitoring, state-induced psychological or ideological pressure, and collective or third-party penalties.[38]

VIII. Meaningful Stakeholder Engagement and Retaliation Protection

Direct worker engagement may be unsafe or impossible in state-imposed forced labour contexts, where workers who speak candidly to investigators, auditors, or company representatives risk retaliation against themselves or their families.[39] In these circumstances, companies should work with trusted NGOs, labour rights groups, trade unions, diaspora organisations, independent researchers, and other legitimate representatives who can safely relay concerns and verify conditions without placing individual workers at risk.[40] As discussed in Section IV, this desk-based research is a recognised evidentiary source in its own right. Article 13(3), as amended, limits mandatory stakeholder consultation to the identification stage, the development of action and enhanced action plans, and the design of remediation measures. The Guidelines

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[37] Directive (EU) 2024/1760, Article 9(1)-(2) (severity and likelihood as the criteria for prioritising adverse impacts); Article 9(4), as inserted by Article 4(7) of Directive (EU) 2026/470 (confirming that prioritisation decisions made in accordance with Article 9 do not expose a company to penalties for less significant impacts left unaddressed); European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.3.1.
[38] ILO (2024). *Hard to See, Harder to Count*. Chapter 9.; and International Labour Organization and International Organisation of Employers (2025). *Combating Forced Labour: A Handbook for Employers and Business*.
[39] Ibid.
[40] Uyghur Tribunal (2021). "Evidence." https://www.uyghurtribunal.com/?page_id=16027; Xinjiang Victims Database (accessed 12 August 2026). https://shahit.biz; Uyghur Transitional Justice Database (accessed 12 August 2026). https://www.utjd.org/; Amnesty International (2021); Human Rights Watch (19 April 2021); and Coalition to End Forced Labour in the Uyghur Region (accessed 12 August 2026). "Reports." https://enduyghurforcedlabour.org/home/reports/.

should confirm that consultation carried out through the intermediaries described above satisfies Article 13(3) within these stages.[41]

Engagement should follow "do no harm" principles, prioritising the safety and confidentiality of workers, survivors, and their advocates above the completeness of any individual company's information-gathering. Article 13(5) requires companies to identify and address barriers to stakeholder engagement and to ensure participants are not subject to retaliation or retribution, including through maintaining confidentiality or anonymity.[42] Companies should document how stakeholder input affected their due diligence decisions, so that engagement functions as a genuine input into risk assessment and corrective action rather than as a procedural formality.

IX. Remediation, Contractual Assurances, and Responsible Disengagement

Contractual assurances alone are insufficient to address adverse impacts, particularly in high-risk contexts such as state-imposed forced labour, where independent verification of compliance is obstructed and a supplier's contractual commitments cannot be meaningfully checked against conditions on the ground.

Under the directive as amended, a company facing an unresolved adverse impact must, as a last resort, refrain from entering into new or extended relationships with the business partner in question and, where its governing law permits, suspend the relationship, both "as a last resort and until the impact is addressed."[43] A corrective action plan is viable instead of suspension only where there is a reasonable expectation that it will succeed. Not all state involvement in labour is state-imposed forced labour, and the ILO recognises narrow, legitimate exceptions, such as properly-supervised prison labour, and treats only their misuse as SIFL.[44] Where legitimate channels exist to challenge misuse, a corrective plan may still succeed. But where, as in the Uyghur Region, the state actively obstructs independent verification and enforces the coercive practice as a matter of policy, no corrective plan a supplier could adopt has a reasonable chance of ending it, because the supplier has no more power to change state policy than the company does.

In the context of SIFL that cannot be remedied, the company is left with the underlying rule: suspend the relationship until the impact is addressed. Article 11(7) sets no fixed end date for that suspension; it lasts as long as the addressing condition remains unmet. Where the impact cannot be addressed by the business partner at all, that condition is never met, and the suspension continues indefinitely. Earlier drafts of the CSDDD included a separate termination step as a further last resort beyond suspension; the 2026 amendment removed it. This does not reintroduce the removed termination obligation. Termination under the original text was mandatory and

[41] Directive (EU) 2024/1760, Article 13(3), as amended by Article 4(10) of Directive (EU) 2026/470 (limiting mandatory stakeholder consultation to the identification stage, the development of action and enhanced action plans, and the design of remediation measures).
[42] Directive (EU) 2024/1760, Article 13(5).
[43] Directive (EU) 2024/1760, Article 11(7), as replaced by Article 4(9) of Directive (EU) 2026/470 of the European Parliament and of the Council of 24 February 2026 amending Directives 2006/43/EC, 2013/34/EU, (EU) 2022/2464 and (EU) 2024/1760, OJ L, 26 February 2026 (in force 18 March 2026).

[44] ILO, Indicators of Forced Labour: 2025 Revised Edition (Geneva, 2025), Section 5, distinguishing legitimate use of narrow exceptions from their misuse.

permanent, foreclosing any future resumption of the relationship even if the supplier's circumstances later changed. Indefinite suspension preserves that possibility: the relationship remains legally capable of resuming if the underlying state policy changes, while in practice producing no business activity for as long as the impact remains unaddressed.[45]

This conclusion is consistent with the Commission's own due diligence guidance under the Forced Labour Regulation Guidelines, which recognises that addressing SIFL within a short timeframe is often unrealistic, since the economic operator typically has little to no leverage over the state policies driving it, and that responsible disengagement may therefore be the only available response in most such cases.[46] It is reinforced by the same practical obstacles set out in Sections VI and VIII above: without independent verification, safe worker consultation, or credible remediation, a company has no reliable way to confirm that the condition for ending a suspension has actually been met, even if it wanted to resume the relationship.

In the specific case of the Uyghur Region, the Coalition to End Forced Labour in the Uyghur Region's Call to Action recommends that companies indefinitely suspend activity with their business from any supplier or sub-supplier located in the Region, from suppliers based outside the Region with subsidiaries or operations inside it, and from suppliers anywhere that have participated in state-sponsored labour transfer programmes of Uyghurs or other Turkic and Muslim-majority peoples, regardless of whether the specific facility supplying the company was the site of such a placement.[47] The Coalition considers this the appropriate application of Article 11(7)'s suspension standard given the impossibility of case-by-case verification described in Sections V and VI.

This standard also extends to indirect relationships. Where a company's contractor or intermediate supplier in a third country refuses to cease its own business relationships with subcontractors located in, or sourcing labour transfers from, the Uyghur Region, the company should treat that refusal as grounds for indefinitely suspending its own relationship with the contractor, applying the same non-retaliation and worker-protection safeguards that would apply to any other responsible exit.[48]

X. Conclusion

The CSDDD Guidelines should prevent formalistic due diligence from legitimising supply chains linked to state-imposed forced labour. They should require heightened risk assessment, independent evidence, safe stakeholder engagement, supervisory scrutiny, and responsible disengagement where necessary. This requires an evidentiary approach that recognises the structural, systemic, and often legally obstructed nature of state-imposed forced labour.

[45] Compare Directive (EU) 2024/1760, Article 11(7) (original version) ("...terminate the business relationship with respect to the activities concerned if the actual adverse impact is severe"), with Article 11(7) as replaced by Article 4(9) of Directive (EU) 2026/470 (omitting the termination requirement).
[46] European Commission (26 June 2026). *Guidelines on the application of Regulation (EU) 2024/3015 on prohibiting products made with forced labour on the Union market*. §4.5.3.2 and §6.4.3.
[47] Coalition to End Forced Labour in the Uyghur Region (updated July 2025). "Call to Action." https://enduyghurforcedlabour.org/call-to-action/.
[48] Ibid.