

# End Uyghur Forced Labour

## Coalition Comments on Section 301 Investigations of Forced Labor Import Prohibitions

(Docket No. USTR-2026-0133)

April 15, 2026

### Introduction

The Coalition to End Forced Labour in the Uyghur Region (the “Coalition”) submits the following comments in response to the U.S. Trade Representative’s Section 301 investigations into the failure of economies to impose and effectively enforce prohibitions on the importation of goods produced with forced labor.

The Coalition is a global network of civil society organisations, researchers, trade unions, and investors working to address state-imposed forced labor (SIFL) and related human rights concerns affecting Uyghurs and other Turkic and Muslim-majority peoples in the Xinjiang Uyghur Autonomous Region (“Uyghur Region”).<sup>1</sup> In this context, coercion is structured through state policy and independent verification is severely constrained.<sup>2</sup> The Coalition has contributed to multiple government consultations on forced labor import prohibitions, including in the United States, European Union, United Kingdom, Canada, and Australia.

As recognized in the International Labour Organization’s handbook *Harder to See, Harder to Count*, SIFL operates within a broader coercive political and social environment, making enterprise-level indicators insufficient for identifying forced labor.<sup>3</sup>

Effective forced labor import prohibitions must therefore include clear evidentiary standards, operational enforcement mechanisms at the border, the ability to address upstream supply chain risks, and sufficient institutional capacity.

This submission focuses on the gap between policy commitments and effective implementation and outlines the conditions under which such prohibitions can operate effectively. The considerations below are intended to support USTR in assessing not only whether prohibitions exist, but whether they are capable of meaningful enforcement.

### **This submission addresses the following economies:**

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<sup>1</sup> Coalition to End Forced Labour in the Uyghur Region, <https://enduyghurforcedlabour.org/>.

<sup>2</sup> International Labour Organization, “ILO Indicators of Forced Labour: 2025 Revised Edition,” November 2025, <https://www.ilo.org/sites/default/files/2025-11/ILO%20Indicators%20of%20Forced%20Labour%202025.pdf>.

<sup>3</sup> ILO, “9. Measurement of state-imposed forced labour,” *Hard to see, harder to count: Handbook on forced labour surveys*, 3rd edition, 2024, [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed\\_norm/%40pec/documents/publication/wcms\\_914768.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_norm/%40pec/documents/publication/wcms_914768.pdf).

This submission is not country-specific, but instead uses illustrative jurisdictions to identify common policy patterns, including high-risk forced labor contexts, evolving import ban frameworks, enforcement gaps, transshipment risks, and disclosure-based systems that do not function as effective import prohibitions.

### **Response to Question 1: Whether these economies maintain or are establishing forced labor import prohibitions, and whether such prohibitions are effectively enforced**

This submission begins with the People’s Republic of China as the anchor case, as it represents the most significant source of state-imposed forced labor risk globally and provides context for evaluating other jurisdictions.

In China, forced labor risks are systemic in the context of state-imposed forced labor in the Uyghur Region, where coercion is embedded in state policy and enforced through a broader political and security apparatus. While significant numbers of Uyghurs and other ethnic group members remain in forced labor placements linked to the re-education camps, coercive transfers of so-called rural surplus laborers have exceeded 3 million transfer instances in recent years.<sup>4</sup> In such conditions, independent verification is severely constrained, and traditional compliance tools such as social audits and certifications are not capable of identifying forced labor in practice.<sup>5</sup> As a result, goods produced in part with forced labor in China enter global supply chains and affect many jurisdictions that export to the United States. These risks are

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<sup>4</sup> Adrian Zenz, “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/>.

<sup>5</sup> Coalition to End Forced Labour in the Uyghur Region, “Testimonies for CECC Hearing on Social Audits,” April 30, 2024, <https://enduyghurforcedlabour.org/testimonies-for-cecc-hearing-on-social-audits/>; Scott Nova, “Testimony before the Congressional Executive Commission on China,” Worker Rights Consortium, April 30, 2024, [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](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); Adrian Zenz, “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,” Victims of Communism Memorial Foundation, April 30, 2024, [https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/hearings/2024-04%20Written%20Testimony%20CECC%20Zenz%20\(submitted\)\\_0.pdf](https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/hearings/2024-04%20Written%20Testimony%20CECC%20Zenz%20(submitted)_0.pdf); and Jim Wormington, “Testimony for Hearing: ‘Factories and Fraud in the PRC: How Human Rights Violations Make Reliable Audits Impossible’,” Human Rights Watch, April 30, 2024, <https://www.cecc.gov/sites/evo-subsites/cecc.house.gov/files/documents/hearings/JimWormingtonWrittenTestimonyFactoriesandFraudinthePRC04302024.pdf>.

present across globally integrated industries, including cotton<sup>6</sup> and textiles,<sup>7</sup> agriculture,<sup>8</sup> seafood processing,<sup>9</sup> extractives,<sup>10</sup> automotive,<sup>11</sup> renewables,<sup>12</sup> solar,<sup>13</sup> and critical minerals,<sup>14</sup> where multi-tiered sourcing can obscure the origin of inputs. This assessment is consistent with findings from the Office of the United States Trade Representative, which has documented widespread SIFL in the Uyghur Region and noted that credible third-party verification and supply chain auditing are severely constrained in this environment.<sup>15</sup> This underscores the need for import prohibition systems globally that are capable of identifying high-risk environments such

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<sup>6</sup> Adrian Zenz, “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), 2023, <https://online.ucpress.edu/cpcs/article/56/2/1/196124/Coercive-Labor-in-the-Cotton-Harvest-in-the>; Laura T. Murphy, et al., *Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains*, Sheffield Hallam University, Helena Kennedy Centre for International Justice, November 2021, [https://www.researchgate.net/publication/366812676\\_LAUNDERING\\_COTTON\\_HOW\\_XINJIANG\\_COTTON\\_IS\\_OBSCURED\\_IN\\_INTERNATIONAL\\_SUPPLY\\_CHAINS](https://www.researchgate.net/publication/366812676_LAUNDERING_COTTON_HOW_XINJIANG_COTTON_IS_OBSCURED_IN_INTERNATIONAL_SUPPLY_CHAINS).

<sup>7</sup> Yalkun Uluyol, *Tailoring Responsibility: Tracing Apparel Supply Chains from the Uyghur Region to Europe*. Sheffield Hallam University, Uyghur Rights Monitor, and Uyghur Center for Democracy and Human Rights, updated February 2024, <https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/EU-Tailoring-Responsibility-February-24.pdf>.

<sup>8</sup> Adrian Zenz and I-Lin Lin. *Forced Labor, Coercive Land-Use Transfers, and Forced Assimilation in Xinjiang’s Agricultural Production*, International Network for Critical China Studies, 2024, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5053281](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5053281).

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

<sup>10</sup> C4ADS, *Fractured Veins: The World’s Reliance on Minerals from the Uyghur Region*, October 11, 2023, <https://c4ads.org/reports/fractured-veins>.

<sup>11</sup> Laura Murphy, Kendyl Salcito, Yalkun Uluyol, Mia Rabkin, et al., *Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region*, December 2022, rev. October 2024, <https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/Driving-Force-Auto-Supply-Chains-and-UFL-Oct24.pdf>; Jim Wormington, *Asleep at the Wheel: Car Companies’ Complicity in Forced Labor in China*, Human Rights Watch, February 2024, [https://www.hrw.org/sites/default/files/media\\_2024/01/china0224web\\_1.pdf](https://www.hrw.org/sites/default/files/media_2024/01/china0224web_1.pdf).

<sup>12</sup> Chloe Cranston, Anita Dorett, Edie Martin, Laura T. Murphy, et al., *Respecting Rights in Renewable Energy: Addressing Forced Labour of Uyghurs and Other Muslim and Turkic-Majority Peoples in the Production of Green Technology*, Modern Slavery and Human Rights Policy and Evidence Centre, January 2024, [https://www.antislavery.org/wp-content/uploads/2024/01/MSPEC\\_Uyghur\\_Research\\_Summary.pdf](https://www.antislavery.org/wp-content/uploads/2024/01/MSPEC_Uyghur_Research_Summary.pdf).

<sup>13</sup> Alan Crawford and Laura T. Murphy, *Over-Exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing*, Sheffield Hallam University, Helena Kennedy Centre for International Justice, November 2023, <https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/Crawford-Murphy-et-al-Over-Exposed-November-2023.pdf>; Dan Murtaugh, Colum Murphy, James Mayger, and Brian Eckhouse, “Secrecy and Abuse Claims Haunt China’s Solar Factories in Xinjiang,” *Bloomberg*, April 13, 2021, <https://www.bloomberg.com/graphics/2021-xinjiang-solar/>; Keith Bradsher and Ana Swanson, “China’s Solar Companies Tied to Use of Forced Labor,” *The New York Times*, January 8, 2021, <https://www.nytimes.com/2021/01/08/business/economy/china-solar-companies-forced-labor-xinjiang.html>.

<sup>14</sup> Global Rights Compliance, *Risk at the Source: Critical Mineral Supply Chains and State-Imposed Forced Labour in the Uyghur Region*, June 2025, <https://globalrightscpliance.org/wp-content/uploads/2025/06/GRC-critical-minerals.pdf>.

<sup>15</sup> Office of the United States Trade Representative, *National Trade Estimate Report on Foreign Trade Barriers 2026*, pp. 110–112, March 2026, <https://ustr.gov/sites/default/files/files/Press/Releases/2026/National%20Trade%20Estimate%20Report%202026.pdf>.

as the Uyghur Region as well as export-oriented facilities receiving forced labor transfers from the region.<sup>16</sup>

Against this backdrop, the legal and policy landscape across the selected economies falls into several distinct categories.

First, some jurisdictions have adopted a comprehensive forced labor import ban framework, with implementing guidance still under development. The European Union falls into this category. The EU's Forced Labour Regulation represents the strongest forced labor import ban framework outside the United States. The current process of developing implementing guidelines presents an important opportunity to ensure that the framework functions effectively in practice, particularly for industries at high-risk of involving SIFL.<sup>17</sup>

Second, some jurisdictions have passed laws to prohibit the importation of goods produced with forced labor, but plans for achieving full implementation and adequate resourcing remain incomplete. Canada falls into this category, having established a statutory prohibition on the importation of goods produced with forced labor. However, further efforts are required to ensure that this prohibition is fully implemented, adequately resourced, and enforced in a consistent and effective manner, particularly in relation to SIFL.<sup>18</sup> El Salvador also falls into this category, having recently adopted a forced labor import prohibition following its commitment under an Agreement on Reciprocal Trade, although it remains too early to assess implementation or the adequacy of enforcement capacity.<sup>19</sup>

Third, some jurisdictions have begun translating commitments into domestic frameworks but have not yet established a comprehensive or operational enforcement system. Mexico falls into this category. Mexico has taken an important initial step through a Federal Official Gazette regulation implementing its commitment under the United States–Mexico–Canada Agreement (USMCA) to prohibit imports produced with forced labor.<sup>20</sup> However, this framework remains limited in scope and relies on administrative processes rather than a fully developed enforcement system. Further development of legal authority, institutional capacity, guidance,

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<sup>16</sup> Adrian Zenz, "The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region," *Central Asian Survey*, Vol. 42, 2023, <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>; Sheffield Hallam University, "Forced Labor in the Uyghur Region: The Evidence (Issue Brief 1)," April 2023, <https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/SHU-Brief-1-Forced-Labour-in-the-Uyghur-Region-The-Evidence.pdf>.

<sup>17</sup> Coalition to End Forced Labour in the Uyghur Region, "Submission to the European Commission on Guidelines for the Implementation of the EU Forced Labour Regulation," February 6, 2026, [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16292-Forced-labour-guidelines-on-the-implementation-of-the-EU-rules/F33378447\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/16292-Forced-labour-guidelines-on-the-implementation-of-the-EU-rules/F33378447_en).

<sup>18</sup> Coalition to End Forced Labour in the Uyghur Region, "Submission to the Consultation on Measures to Strengthen Canada's Import Ban on Goods Produced by Forced Labour," November 15, 2024, [https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/EUFL-CA-Import-Ban-Comments\\_Nov-2024.pdf](https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/EUFL-CA-Import-Ban-Comments_Nov-2024.pdf).

<sup>19</sup> A.M., "Reform approved to curb imports of child or forced labor," *Dinero*, March 4, 2026, <https://dinero.com.sv/en/economy/reform-approved-to-curb-imports-of-child-or-forced-labor/>.

<sup>20</sup> José Hoyos-Robles and Eunkyung Kim Shin, "Mexico's Implementation of USMCA Forced Labor Import Ban," *Global Supply Chain Compliance*, February 22, 2023, <https://supplychaincompliance.bakermckenzie.com/2023/02/22/mexicos-implementation-of-usmca-forced-labor-import-ban/>.

and operational enforcement mechanisms is required for the prohibition to function effectively in practice.

More broadly, the United States has recently secured commitments through Agreements on Reciprocal Trade (ARTs) from a number of trading partners<sup>21</sup>—including Argentina, Bangladesh, Cambodia, Ecuador, Guatemala, Indonesia, Malaysia, and Taiwan—to adopt forced labor import prohibitions. However, there has not yet been sufficient time in most cases for these commitments to be translated into domestic law or effective enforcement systems. Many jurisdictions have not yet developed the legal or operational capacity necessary to effectively implement and enforce such prohibitions.<sup>22</sup> In practice, this reflects limitations in enforcement resources and investigative capacity, particularly in jurisdictions with more constrained customs and administrative systems. Even in the United States, enforcement continues to face constraints related to staffing, data, and investigative capacity.<sup>23</sup> Some jurisdictions, such as Taiwan, have begun taking steps to strengthen forced labor-related guidance and oversight.<sup>24</sup> However, these measures do not yet constitute comprehensive import prohibition systems and are not specifically designed to address risks associated with state-imposed forced labor in the Uyghur Region.

This gap between international commitments and domestic implementation highlights the importance of a phased and enforceable approach, recognizing the need for sufficient resourcing to build and maintain the necessary capacity for effective implementation.

Fourth, some jurisdictions rely on disclosure-based frameworks that will require important updates in order to function as effective forced labor import bans. The United Kingdom and Australia fall into this category. Both countries have adopted Modern Slavery Acts that increase transparency in supply chains but do not prohibit the importation of goods produced with forced labor. As a result, these frameworks do not function as effective import bans. Important updates are needed to ensure that these systems include enforceable import prohibition mechanisms.

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<sup>21</sup> Office of the United States Trade Representative, “Agreements on Reciprocal Trade,” Accessed April 14, 2026, <https://ustr.gov/trade-agreements/agreements-reciprocal-trade>.

<sup>22</sup> Sofia Gonzalez De Aguinaga, “Evidence review (updated): Effectiveness of forced labour import bans in addressing modern slavery in global supply chains,” Modern Slavery & Human Rights Policy & Evidence Centre, February 2025, <https://files.modernslaverypec.org/production/assets/downloads/MSPEC-Import-Bans-Evidence-Review.pdf> (noting limited evidence of effective enforcement in several jurisdictions, including Canada and Mexico, and highlighting the role of institutional capacity in implementation).

<sup>23</sup> U.S. Government Accountability Office, *Forced Labor Imports: DHS Increased Resources and Enforcement Efforts, but Needs to Improve Workforce Planning and Monitoring*, October 2020, <https://www.gao.gov/assets/gao-21-106.pdf> (finding that enforcement effectiveness is constrained by staffing, data, and institutional capacity limitations).

<sup>24</sup> Yu-Yue Cheng, “Taiwan dispatch: ministry issues forced labor guidelines after US trade action, migrant workers’ rights at risk,” *JURIST Legal News & Research Services*, March 10, 2026, <https://www.jurist.org/news/2026/03/taiwan-dispatch-ministry-issues-forced-labour-guidelines-after-us-trade-action-migrant-workers-rights-at-risk/>.

The Coalition to End Forced Labour in the Uyghur Region's recent submissions to the governments of the United Kingdom<sup>25</sup> and Australia<sup>26</sup> set out these necessary reforms in detail.

Finally, some jurisdictions are best understood as high-risk supply chain integration or transit contexts that illustrate the practical challenges of enforcement and transshipment. For example, Malaysia, Vietnam, and Thailand fall into this category. These jurisdictions play significant roles in global manufacturing and trade networks and present risks related to multi-tiered sourcing and re-export, particularly where goods produced with state-imposed forced labor in the Uyghur Region may be finished in, or rerouted through, third countries. This risk is reflected in U.S. enforcement data under the Uyghur Forced Labor Prevention Act, which shows that shipments subject to enforcement actions frequently originate from third countries such as Malaysia (approximately \$1.62 billion), Vietnam (approximately \$1.03 billion), and Thailand (approximately \$546 million), far exceeding those reported as originating from China (approximately \$476 million), illustrating how transshipment and multi-country supply chains can obscure links to state-imposed forced labor.<sup>27</sup>

Across these categories, the central issue is the gap between legal adoption and operational effectiveness. Enforcement systems are frequently constrained by limited customs capacity, lack of clear evidentiary standards, and inconsistent application. These challenges are particularly acute in contexts involving the importation of goods linked to state-imposed forced labor. In such environments, the absence of evidence cannot be treated as evidence of absence, and enforcement systems that rely on traditional compliance mechanisms will not be capable of identifying forced labor in practice.

Effective forced labor import prohibitions must therefore be designed to operate in these conditions, including through system-level approaches to risk and enforcement mechanisms that do not depend solely on enterprise-level verification.

## **Response to Question 2: Whether failures are unreasonable, discriminatory, or constitute a persistent pattern of conduct**

While most economies have yet to establish or effectively enforce prohibitions on the importation of goods produced with Uyghur forced labor, an increasing number are taking initial steps toward doing so. These failures constitute a persistent pattern of conduct that is unreasonable and distortive of fair competition. In contexts involving state-imposed forced labor, addressing these failures requires measures that go beyond traditional approaches used for

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<sup>25</sup>Coalition to End Forced Labour in the Uyghur Region, "Submission to the UK House of Lords Committee on the Modern Slavery Act 2015," March 27, 2024, <https://committees.parliament.uk/writtenevidence/129155/pdf/>.

<sup>26</sup> Coalition to End Forced Labour in the Uyghur Region, "Submission to the Strengthening the Modern Slavery Act 2018 (Cth) Consultation," August 30, 2025, <https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/EUFL-submission-to-Australia-MSA-Consultation-30Aug2025.pdf>.

<sup>27</sup> U.S. Customs and Border Protection, "Uyghur Forced Labor Prevention Act Statistics," Accessed April 14, 2026, <https://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics>; and Coalition to End Forced Labour in the Uyghur Region, "Comment to the Office of the U.S. Trade Representative on State-Imposed Forced Labor in China as a Foreign Trade Barrier," October 30, 2025, <https://enduyghurforcedlabour.org/comment-to-the-ustr-on-foreign-trade-barriers/>.

private-sector forced labor, including mechanisms such as reversal of the burden of proof to importers where systemic risk is present.

Many existing prohibitions and commitments are very new, and the development of robust implementation mechanisms requires time, significant resources, and institutional capacity. In this context, the United States is well-positioned to support progress through targeted technical assistance on forced labor import ban implementation, information sharing on high-risk entities known for the use of forced labor at their facilities or upstream supply chains, and coordination on enforcement efforts with partner jurisdictions committed to adopting forced labor import bans.

These measures will help address the underlying capacity gaps that contribute to current patterns of conduct and support the development of effective and enforceable forced labor import prohibitions.

### **Response to Question 3: The extent to which these failures negatively affect U.S. commerce**

Setting aside the use of tariffs as a remedy under Section 301, the failure to implement and enforce effective forced labor import prohibitions distorts fair competition by allowing goods produced under coercive conditions to enter global markets and undercut goods produced in compliance with internationally recognized labor standards. This distortion affects not only U.S. commerce but also producers and workers worldwide, as no market benefits when goods are produced using forced or artificially suppressed labor costs.

Forced labor creates price distortion by artificially lowering production costs, allowing goods produced under coercive conditions to undercut fair-market prices. This contributes to market displacement, as firms that comply with labor standards lose competitiveness and market share. Forced labor also contributes to supply chain contamination, as inputs produced under coercive conditions are incorporated into downstream goods that enter global markets, making detection and exclusion more difficult.

In addition, re-export risks arise when goods restricted in one market due to the presence of forced labor are redirected through third countries and re-enter global trade, undermining enforcement efforts. Together, these dynamics distort competition and disadvantage producers that comply with internationally recognized labor standards.

### **Response to Question 4: What actions should be taken**

The United States may consider a range of measures to encourage trading partners to implement effective forced labor import prohibitions, with priority given to collaborative approaches that support implementation.

Regardless of the particular approach taken by the United States, a phased approach, with ample time provided, is essential. Many jurisdictions face genuine capacity constraints in designing and enforcing forced labor import prohibitions, particularly in high-risk supply chain contexts. For example, countries could be expected to signal, within a period not exceeding six months, their intent to adopt a forced labor import prohibition. This should be followed by the development of domestic legislation and a defined implementation period during which

guidance, institutional capacity, and enforcement systems are put in place. For comprehensive frameworks, such as the European Union’s Forced Labor Regulation, implementation periods of up to three years may be appropriate. For narrower or region-specific approaches addressing state-imposed forced labor in high-risk regions, shorter timelines may be appropriate, as demonstrated by the Uyghur Forced Labor Prevention Act which contained a six-month period from adoption of the law to initiation of implementation.

Where forced labor import bans are adopted, they should prioritize effective enforcement and meaningful impact for exploited workers. They should, where feasible, contribute to remedy for individuals impacted by forced labor, rather than solely restricting trade flows. Measures should be designed to improve outcomes for workers, including respect for labor rights, access to remedy, and protection from retaliation.

A forced labor import ban may serve as one tool among several to detect, remedy, and prevent forced labor, and its effectiveness will depend on complementary measures, including clear enforcement guidance, system-level risk assessment, sustained investment in capacity building of civil society organizations, and international coordination and sharing of technical assistance between governments.

In high-risk contexts involving state-imposed forced labor, enforcement frameworks must operate where traditional verification is constrained. This requires reliance on system-level evidence, including state policy, implementation capacity, and credible indicators of enforcement, rather than solely on enterprise-level verification.<sup>28</sup> Where access to information is restricted or cooperation is limited, authorities should rely on available evidence, including indirect and circumstantial sources as well as inferences adverse to the exporting entity, to assess risk and take appropriate action.

Data transparency is critical to effective enforcement.<sup>29</sup> This includes making manifest data publicly available to ensure governments, the trade community, and civil society can scrutinize supply chains for risk. The United States’ disclosure requirements should also be expanded to include rail, road, and air imports, consistent with maritime reporting requirements. In addition, Customs and Border Protection should significantly limit the use of manifest confidentiality to rare cases of demonstrated necessity, to prevent misuse that obscures supply chains. Strengthened transparency in the United States will improve supply chain visibility, support enforcement actions, and reduce the risk of transshipment, while encouraging alignment in other jurisdictions, including the European Union.

International coordination should include information sharing on identified violators, including through mechanisms such as the Uyghur Forced Labor Prevention Act Entity List and public Withhold Release Orders, as well as data on shipments denied entry due to forced labor

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<sup>28</sup> Following the three-pillar SIFL assessment methodology outlined in Adrian Zenz, “Architecture of Coercion: Conceptualizing and Measuring State-Imposed Forced Labor Based on ILO Standards,” *Journal of Human Trafficking*, forthcoming (2026).

<sup>29</sup> U.S. Customs and Border Protection, “Electronic Vessel Manifest Confidentiality,” May 23, 2024, <https://www.cbp.gov/trade/automated/electronic-vessel-manifest-confidentiality>; and Sandra G. Schafhäutle and Gurpal S. Sran, “Redacted Identities in Shipment Records: Evidence from Forced Labor Scrutiny in Supply Chains,” The Wharton School Research Paper, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5140247](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5140247).

concerns. This coordination is necessary to prevent other markets from becoming destinations for goods turned away at the border, thereby avoiding displacement rather than reduction of forced labor, and to reduce the risk of transshipment.

Capacity building should include support for customs authorities and civil society organizations, alongside technical assistance to strengthen institutional enforcement systems.

All measures must be capable of functioning in high-risk environments where verification is constrained.

### **Response to Question 5: Appropriate scope of trade measures**

Any trade measures adopted should be risk-based and targeted. Measures should focus on high-risk sectors and supply chains, using credible evidence and appropriate inferences to inform scope and application. A targeted approach is more likely to address underlying risks while minimizing unintended consequences.

In determining scope, it is important to account for the time required for countries to adopt and implement new commitments related to forced labor import prohibitions. Measures should be calibrated in a manner that allows for a phased transition from commitment to implementation, recognizing that the development of legislation, guidance, and enforcement systems requires time and institutional capacity.

In addition, consideration should be given to the infrastructure necessary to support effective implementation of new measures. This includes customs systems, data transparency mechanisms, interagency coordination, and the capacity of relevant institutions to enforce import prohibitions in practice. Trade measures are more likely to be effective where they are aligned with and reinforce the development of such infrastructure.

Tariffs could potentially function as a tool of last resort, applied in a targeted and evidence-based manner where there is a longstanding demonstrated failure to implement and enforce effective systems and an absence of willingness to begin taking appropriate actions to tackle forced labor. Premature or poorly designed measures risk failing to curb forced labor goods or improve conditions for workers in upstream supply chains. Overly broad measures may also shift trade flows or create inefficiencies without addressing underlying risks.

### **General comments**

Effective forced labor import prohibitions require more than legal commitments; they depend on operational systems capable of identifying and addressing forced labor in practice. In high-risk contexts, particularly those involving state-imposed forced labor, traditional due diligence tools such as social audits are unreliable. Alternative approaches are required, including system-level evidence frameworks and, where appropriate, regionally focused presumptions of risk.

Coordination between governments and engagement with civil society organizations are essential to ensure effective and credible implementation. Addressing forced labor in global supply chains requires a phased and coordinated approach that moves from commitment to implementation and sustained enforcement.

