

**Submission to the Foreign Affairs, Defence and Trade Legislation Committee the Customs  
Amendment of the Australian Parliament**

Banning Goods Produced by Uyghur Forced Labour- Bill 2020  
05 February 2021



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The World Uyghur Congress, established in April 2004, is an international umbrella organization that represents the collective interests of the Uyghur people both in China and abroad. The principal objective of the WUC is to promote democracy, human rights and freedom for the Uyghur people and to use peaceful, nonviolent and democratic means to determine their future.

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## I. Introduction

1. The present report provides information to the Foreign Affairs, Defence and Trade Legislation Committee the Customs Amendment of the Australian Parliament ahead of the *Banning Goods Produced by Uyghur Forced Labour Bill 2020* inquiry, with the view that the Committee members take into consideration the information regarding the treatment of the Uyghur people in China.
2. The World Uyghur Congress (WUC) is an international umbrella organization that represents the collective interests of the Uyghur people both in China and abroad. The principal objective of the WUC is to promote democracy, human and freedom for the Uyghur people and to use peaceful, nonviolent and democratic means to determine their future.
3. The WUC is submitting this report jointly with its partner Uyghur organisations: Arzu Uyghur Cultural Center; Australian East Turkestan Association; Australian Uyghur Tangritagh Women's Association; Australian Uyghur Association; Austria Uyghur Association; Belgium Uyghur Association; Bishkek Human Rights Committee; Campaign for Uyghurs; Canada East Turkestan Union; Darman Foundation; Dutch Uyghur Human Rights Foundation; Euro-Asia Foundation: Teklimakan Publishing House; East Turkistan Association of Canada; East Turkistan Association in Finland; East Turkistan Immigrants Association; Eastern Turkistan Foundation; East Turkistan New Generation Campaign Organization; East Turkistan Nuzugum Culture and Family Organization; East Turkistan Press and Media Organization; East Turkistan Union in Europe; Eastern Turkistan Uyghur Association in Netherlands; East Turkistan Youth and Cultural Association; European Uyghur Institute; Frankfurt Uyghur Cultural Center; Foundation Europe East Turkistan Education Center; France Uyghur Community; Ilham Tohti Initiative; International Uyghur Human Right and Democracy Foundation; "Ittipak" Uigur Society of the Kyrgyz Republic; Isa Yusup Alptekin Foundation; Japan Uyghur Association; Justice 4 Uyghurs; Kazakhstan National Culture Center; Kyrgyzstan Uyghur Alliance; Mavi Hilal Humanitarian Organization; Norwegian Uyghur Committee; Shukr Foundation; Society Union of Uyghur National Association; Sweden Uyghur Education Union; Switzerland East Turkestan Association; Uighur U.K. Association; Umer Uyghur Trust; Uyghur Academy; Uyghur Aid; Uyghur American Association; Uyghur Association of France; Uyghur Association of Victoria ; Uyghur Center for Human Rights and Democracy ; Uyghur Forum; Uyghur Human Right Project; Uyghur Mother's Union in Germany; Uyghur PEN; Uyghur Projects Foundation; Uyghur Refugee Relief Fund; Uyghur Research Institute; Uyghur Rights Advocacy Project; Uyghur Support Group Netherlands; Uyghur Transitional Justice; Uyghur Women's Committee in German; Uyghur Youth Union in Kazakhstan; Uzbekistan Uyghur Culture Center; Viktoria Uyghur Association.

## Key Takeaways

- The Chinese government is committing severe human rights abuses against the Uyghurs and other Turkic peoples, including the mass internment of between 1.8 - 3 million of Uyghurs and Turkic peoples; a policy intended to eliminate Islamic religious practices by criminalising nearly all aspects of Islam; the elimination of cultural expression by destroying physical structures such as Uyghur mosques, graveyards and shrines; the forced sterilisation and abortion of Uyghur women in an attempt to reduce the Uyghur population, supported by a system of mass surveillance.
- The Chinese government has implemented what it calls “poverty alleviation programmes”, such as the *Xinjiang Aid*, which in practice subjugates Uyghurs and Turkic individuals to forced labour.
- Along with a so-called public “re-education” scheme that involves arbitrary detainment accompanied by “vocational training”, indoctrination, as well as transfers to factories nearby or inside the camps.
- Uyghur forced labour is pervasive in the textile and garment sector, as well as in cotton picking. As East Turkistan accounts for over 20% of the world's cotton production, this has severe implications for global supply chains.

## II. Background

In the last decade, the Chinese government has been perpetuating severe human rights violations on a massive scale in East Turkistan - officially known as the Xinjiang Uyghur Autonomous Region of China (hereinafter referred to as East Turkistan) - that has escalated to crimes against humanity and genocide as set out in the UN Genocide Convention. These abuses include the mass arbitrary detention of between 1.8 to 3 million of Uyghurs and other Turkic peoples in internment camps (also called re-education camps), since 2017.<sup>1</sup> Those detained in the camps are detained indefinitely without charge, forced to undergo indoctrination classes, subjected to severe physical and mental abuse, provided very little food throughout the day, and housed in small rooms with many other inmates.<sup>2</sup> Detentions are extra-legal, with no legal representation allowed throughout the process of arrest and incarceration.

The Chinese government, in legislation and in practice, purposefully conflates extremism and terrorism with quotidian religious practices and expression and has detained Uyghurs and other Turkic peoples for such expression. The 2017 *Regulation on “De-extremification”*<sup>3</sup> explicitly criminalises basic tenets of Islam practiced by Uyghurs and other Turkic groups. Leaked documents show that Uyghurs have been extrajudicially detained in internment camps for wearing a veil, growing beards, going on Hajj, studying religion, or living in a household with a “dense religious atmosphere.”<sup>4</sup>

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<sup>1</sup> Adrian Zenz, Wash Brains, Cleanse Hearts: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign, *Journal of Political Risk*, Nov 2019, para 7, hereinafter “Zenz, Wash Brains, Cleanse Hearts.” available online at: <http://www.jpolarisk.com/wash-brains-cleanse-hearts/>.

<sup>2</sup> Special Correspondent (2018, February 28). A summer vacation in china’s Muslim gulag, *Foreign Policy*. Retrieved from: <http://foreignpolicy.com/2018/02/28/asummer-vacation-in-chinas-muslim-gulag/>.

<sup>3</sup> Elina Steinerte, “OL CHN 21/2018,” UN Special Procedures, November 12, 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24182>.

<sup>4</sup> UHRP. (February 2020). Ideological Transformation: Records of Mass Detention from Qaraqash County, Hotan. *Uyghur Human Rights Project*. Retrieved from: [https://docs.uhrp.org/pdf/UHRP\\_QaraqashDocument.pdf](https://docs.uhrp.org/pdf/UHRP_QaraqashDocument.pdf).

Along with the elimination of intangible forms of religious expression, China continues to demolish physical structures such as Uyghur mosques, graveyards, and shrines, in an attempt to destroy the ability of Uyghurs and others to practice Islam. Large-scale destruction of mosques began in late 2016 under the scope of a “Mosque Rectification” program, where Chinese authorities have conducted a systematic campaign to demolish or desecrate places of worship.<sup>5</sup> Destruction of physical manifestations of culture with no legitimate justification is a clear example of the intent to ultimately erase the Uyghur identity. The Australian Strategic Policy Institute estimated that since 2017, at least one third of Uyghur mosques have been destroyed or damaged.<sup>6</sup> When paired with the mass arbitrary detention of 1.8–3 million in political indoctrination camps, an incredibly intrusive surveillance network, the widespread construction of boarding schools for children to separate them from parents already detained, the use of education policies designed to eliminate the Uyghur language, and many other local level ordinances and regulations, it’s clear that a broad policy to totally culturally assimilate the Uyghur people is already underway.

Additionally, Chinese authorities have implemented an official scheme of targeted birth prevention measures against Uyghur women in an effort to reduce Uyghur birth rates. As part of this scheme, Chinese authorities systematically subject Uyghur women of childbearing age to forced abortions, intrauterine injections and sterilizations, with 80% of all new intrauterine device (IUD) placements in China in 2018 performed in the East Turkistan, despite the fact that it makes up only 1.8% of China’s population. Such measures to prevent births within the Uyghur population could meet the criteria for genocide, as set out in article 2 (d) United Nations Convention on the Prevention and Punishment of the Crime of Genocide.<sup>7</sup>

This series of abuses are paired with a grid-style system of total surveillance. The collection of biometric data, physical and biological information including DNA, blood type and facial structure, amongst others, has been an important component of the Chinese Communist Party’s efforts to monitor, control and repress Uyghurs, Kazakhs and other ethnic groups in East Turkistan. The Integrated Joint Operations Platform (IJOP) serves as a hub and database for mass data collection, including information related to religious practice and expression of all Uyghurs in the region. Comprehensive and intrusive surveillance of religious practice has created an environment in which Islam has been nearly totally criminalised.

### III. Forced Labour in East Turkistan

Evidence has shown that the scale of China’s forced labour programme creates significant risk of the presence of forced labour at practically any workplace, industrial or agricultural, in the East Turkistan.<sup>8</sup>

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<sup>5</sup> Hoshur, S. (December 19, 2016). Under the Guise of Public Safety, China Demolishes Thousands of Mosques, *Radio Free Asia*. Retrieved from: <https://www.rfa.org/english/news/uyghur/udner-the-guise-of-public-safety-12192016140127.html>.

<sup>6</sup> Australian Strategic Policy Institute, “Cultural Erasure: Tracing the destruction of Uyghur and Islamic Spaces in Xinjiang”, 24 September 2020. Available at: <https://www.aspi.org.au/report/cultural-erasure>.

<sup>7</sup> Adrian Zenz, *Sterilizations, IUDs, and Mandatory Birth Control: The CCP’s Campaign to Suppress Uyghur Birthrates in Xinjiang* (21 July 2020). <https://jamestown.org/wp-content/uploads/2020/06/Zenz-Internment-Sterilizations-and-IUDs-UPDATED-July-21-Rev2.pdf?x69018>

<sup>8</sup> Amy Lehr, *Addressing Forced Labor in the Xinjiang Uyghur Autonomous Region: Toward a Shared Agenda*, 30 July 2020, p3. Available online at: <https://www.csis.org/analysis/addressing-forced-labor-xinjiang-uyghur-autonomous-region-toward-shared-agenda>.

Beyond the textile and apparel production, forced labour is also widespread in cotton picking<sup>9</sup>, solar industry,<sup>10</sup> and various other industries.<sup>11</sup>

A key component of the government’s programme of forced labour against Uyghurs and other Turkic peoples is the use of forced or compulsory labour in or around internment camps, prisons, and workplaces inside East Turkistan, as well as across China. This system is paired with an extensive surveillance network.<sup>12</sup> Although an exact number of Uyghurs and other Turkic peoples that have been detained are subjected to forced labour is unknown, the current estimate is as many as 1.8 million people.<sup>13</sup> According to official government documents, “every year from 2014 to 2019 Xinjiang provided training sessions to an average of 1.29 million urban and rural workers, of which 451,400 were in southern Xinjiang”.<sup>14</sup>

Despite the fact that it is extremely difficult to obtain information, investigations and various reports have shown that the widespread use of forced labour as means of social control of this policy creates significant risk of forced labour at all workplaces, industrial or agricultural, in East Turkistan.<sup>15</sup> Chinese official government documents also indicate the mass transfer of Uyghur and other Turkic workers to other parts of China where they work in export factories under conditions that strongly indicate forced labour.<sup>16</sup> The extent to which these sectors are tainted by forced labour is still unknown, given that independent auditing is practically impossible in East Turkistan.<sup>17</sup> This is to be understood in a context of total repression and extreme surveillance.

### *Poverty alleviation programme and forced labour*

So-called “poverty alleviation programmes” are widely promoted by the Chinese government as the main method to eradicate poverty. This has become a priority for the Chinese government in East Turkistan, with a main focus on “industry-based poverty alleviation”.<sup>18</sup> This involves systematic training of rural surplus workers to then place them in low-skilled factory work.<sup>19</sup> The Chinese

<sup>9</sup> Zenz, Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton.

<https://cgpolicy.org/briefs/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>.

<sup>10</sup> Rajagopalan, M., & Alison Killing (January 14, 2021). “US Solar Companies Rely on Materials from Xinjiang, Where Forced Labour is Rampant”. Available at: <https://www.buzzfeednews.com/article/meghara/forced-labor-xinjiang-solar>.

<sup>11</sup> Zenz, Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton.

<https://cgpolicy.org/briefs/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>.

<sup>12</sup> Zenz, Wash Brains, Cleanse Hearts.”; Amy Lehr and Mariefaye Bechrakis, Connecting the Dots in Xinjiang: Forced Labor, Forced Assimilation, and Western Supply Chains, October 2019, p. 1, hereinafter “Lehr, Connecting the Dots.” Available online at:

<https://www.csis.org/analysis/connecting-dots-xinjiang-forced-labor-forced-assimilation-and-western-supply-chains>.

<sup>13</sup> Adrian Zenz, Wash Brains, Cleanse Hearts: Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang’s Extrajudicial Internment Campaign, Journal of Political Risk, Nov 2019, para 7, hereinafter “Zenz, Wash Brains, Cleanse Hearts.” available online at: <http://www.jpolarisk.com/wash-brains-cleanse-hearts/>.

<sup>14</sup> Xinhua Net. (17 September, 2020). “China Focus: China issues white paper on employment, labor rights in Xinjiang”. Available at: [http://www.xinhuanet.com/english/2020-09/17/c\\_139375657.htm](http://www.xinhuanet.com/english/2020-09/17/c_139375657.htm).

<sup>15</sup> Chris Buckley and Austin Ramzy. (2020, 17 February). Inside China’s Push to Turn Muslim Minorities Into an Army of Workers, NY Times. Available at:

<https://www.nytimes.com/2019/12/30/world/asia/china-xinjiang-muslims-labor.html>.

<sup>16</sup> Fifield, A. (2020, 29 February). China compels Uighurs to work in shoe factory that supplies Nike, Washington Post. Retrieved from: [https://www.washingtonpost.com/world/asia\\_pacific/china-compels-ughurs-to-work-in-shoe-factory-that-supplies-nike/2020/02/28/ebddf5f4-57b2-11ea-8efd-0f904bdd8057\\_story.html](https://www.washingtonpost.com/world/asia_pacific/china-compels-ughurs-to-work-in-shoe-factory-that-supplies-nike/2020/02/28/ebddf5f4-57b2-11ea-8efd-0f904bdd8057_story.html).

<sup>17</sup> Supra n.7, p.3.

<sup>18</sup> <http://www.xinjiang.gov.cn/2018/11/09/152523.html>

<sup>19</sup> Adrian Zenz, *Beyond the Camps: Beijing’s Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang*,” July 2019 at 13-14, hereinafter “Zenz, Beyond the Camps.” Online at

government aims to attain at least 1 million workers in the textile and garment industry, with at least 650 000 coming from East Turkistan by 2023.<sup>20</sup> To attain this objective, the authorities ensure these workers receive the required training and develop skills for the factory jobs. These training centres are not directly associated with the internment camps, but the infrastructure, the education and the overall setup is similar to that of those camps, with high fences, police watchtowers and barbed wire.<sup>21</sup> Resistance to these programs are considered a sign of extremism and refusing to cooperate with the poverty alleviation programs can be a sufficient reason to send individuals to an internment camp.<sup>22</sup>

New evidence suggests that the poverty alleviation programme scheme includes forced cotton picking, in which at least 570,000 Uyghurs and other Turkic peoples have been coerced into picking cotton by hand in three Uyghur regions alone.<sup>23</sup>

### *Forced labour of detainees in internment camps settings*

In parallel, the Chinese government has implemented a public “re-education” scheme that involves internment with vocational training, indoctrination, as well as transfer to factories nearby or camp factories.<sup>24</sup> Chinese official documents also indicate that following the release of detainees, they must look for job opportunities.<sup>25</sup> The estimated number of former detainees who have been subjected to forced labour in garment and textile factories, based on testimonies and government documents, is at least 100,000.<sup>26</sup> The government of Kashgar (a prefecture in East Turkistan), declared that it would send 100,000 former detainees who had completed their “vocational training” courses (which is an euphemism for detention in an internment camp) to work in factories, which represents 20% of the population of Kashgar.<sup>27</sup>

### *Forced labour in the apparel and garment industry*

Outside of the internment camp system, Uyghurs and other Turkic peoples are also targeted disproportionately by the traditional prison system. In 2017 and 2018, more than 230,000 individuals were sentenced by courts in the region, mostly with prison terms of five years or more, which was higher than any other period or region in China.<sup>28</sup> The Xinjiang Production and Construction Corps (XPCC) is an important entity to take into account regarding prison labour. The XPCC is a paramilitary organisation that operates autonomously in East Turkistan- reports directly to the

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<https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/Beyond%20the%20Camps%20CECC%20testimony%20version%20%28Zenz%20Oct%202019%29.pdf>.

<sup>20</sup> Id.

<sup>21</sup> Zenz, *Beyond the Camps*, supra n. 33 at p 14.

<sup>22</sup> Supra n.17, p.5.

<sup>23</sup> Supra n.8.

<sup>24</sup> Id.

<sup>25</sup> The Associated Press, “*Secret documents reveal how China mass detention camps work*,” November 25, 2019

<https://apnews.com/4ab0b341a4ec4e648423f2ec47ea5c47>.

<sup>26</sup> Lehr, *Connecting the Dots*, supra n. 11 at p. 8; Deutsche Welle, Exclusive: China's systematic tracking, arrests of Uighurs exposed in new Xinjiang leak, Feb 17, 2020, online at <https://www.dw.com/en/exclusive-chinas-systematic-tracking-arrests-of-uighurs-exposed-in-new-xinjiang-leak/a-52397824>.

<sup>27</sup> Id., p.8.

<sup>28</sup> “China’s Prisons Swell After Deluge of Arrests Engulfs Muslims,” *NY Times*, Aug. 31, 2019, online at <https://www.nytimes.com/2019/08/31/world/asia/xinjiang-china-uighurs-prisons.html>

Chinese Communist Party (CCP) -, and administers its own prison system and factories.<sup>29</sup> This quasi-governmental paramilitary body uses prison labour, particularly in cotton harvesting and production.<sup>30</sup> In 2018, it produced 2.0465 million tons of cotton in East Turkistan, accounting for 33.5% of China’s cotton production<sup>31</sup>, and exported about 47.3 billion RMB worth of apparel, textile, footwear and hat products.<sup>32</sup> East Turkistan accounts for over 20% of the world’s production of cotton.<sup>33</sup> The Citizen Power Initiative (CPI) notes that starting 2017, the prison population of Uyghur and Turkic backgrounds had considerably increased<sup>34</sup>, which coincides with the beginning of mass incarceration of Uyghurs and others in internment camps.<sup>35</sup>

China is the world’s biggest yarn producer and exporter, which makes it the world’s largest importer of non-retail pure cotton yarn, importing almost five times as much as it exports.<sup>36</sup>The cotton yarn produced in China likely for the most part uses cotton from East Turkistan, as well as imported yarn to attain the desired quality.<sup>37</sup> The production of yarn in East Turkistan is rapidly increasing. In 2018, the Region has produced 5.9 percent of the country’s total production, up from 3.8 percent in 2017,<sup>38</sup>and the XPCC produced 30 percent of the Region’s yarn, most likely to be cotton yarn.<sup>39</sup> China is also the world’s largest producer and exporter of textiles, exporting to countries such as Bangladesh, Cambodia and Vietnam.<sup>40</sup>

In April 2020, the Global Action Legal Network (GLAN) and WUC submitted evidence to the UK’s revenue and customs authority (HMRC) reporting that Muji, Uniqlo, IKEA and H&M with substantial operations in the UK sourced cotton-based materials from East Turkistan.<sup>41</sup>

For the reasons mentioned above, it is critical that companies work with suppliers both in China and globally to cease all sourcing activities from East Turkistan and diversify their supply chain. In July 2020, the Coalition to End Forced Labour in East Turkistan launched its Call to Action, defining in the ‘Brand Commitment to Exit the Uyghur Region’<sup>42</sup>the steps brands and retailers must take in order to ensure they are not benefiting from the coerced labour of Uyghurs and other Turkic peoples.

### *The government’s program of massive subsidies*

The Chinese government has put in place a policy of incentives to Chinese-owned companies to incorporate Uyghur workers into their businesses<sup>43</sup>, which has resulted in almost every major Chinese

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<sup>29</sup> Id.

<sup>30</sup> Id.

<sup>31</sup> <https://www.glanlaw.org/uyghur-forced-labour>, para.45.

<sup>32</sup> Supra, n.7

<sup>33</sup> Id.

<sup>34</sup>The most comprehensive research on the prison system in the Uyghur Region comes from the Citizen Power Initiative: 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. p. 14. Available via Kindle at <https://www.amazon.co.uk/Cotton-Fabric-report-Xinjiang-Monograph-ebook/dp/B07V5JHNGZ>

<sup>35</sup> Supra, n.1.

<sup>36</sup> Supra n.7, p.7.

<sup>37</sup> Id.

<sup>38</sup> Id.

<sup>39</sup> Id.

<sup>40</sup> Supra n.7, p.8.

<sup>41</sup> Supra n.28.

<sup>42</sup> Coalition to End Uyghur Forced Labour, ‘Call to Action’, July 23, 2020, available at: <https://enduyghurforcedlabour.org/call-to-action/>.

<sup>43</sup> Supra n. 10 at p. 6.

textile and apparel company to locate a factory in East Turkistan.<sup>44</sup> These subsidies include free land, lower electricity cost, low cost loans, transportation subsidies, and even subsidised labour.<sup>45</sup> Dr. Adrien Zenz has reported that based on thousands of documents from Chinese companies operating in the Region, and from public Xinjiang government documents, a massive forced labour program was underway, stating that factories were paid 5 000 RMB (about 724 USD), for each prisoner it trained and hired for three years.<sup>46</sup> Dr. Zenz writes<sup>47</sup>:

*“The first layer of the scheme is the most blatantly coercive. Under the label “vocational education and training plus,” the region is wooing mainland enterprises to train and employ internment camp detainees. Participating companies receive 1,800 RMB per camp detainee they train, and a further 5,000 RMB for each detainee they employ.*

State documents indicate that the Chinese government is in the process of significantly increasing textile and apparel manufacturing in East Turkistan, through company subsidies and underpaid workers.<sup>48</sup>

The government encourages Chinese companies to invest and build factories within the “vocational training compounds”, right next to such facilities. Additionally, companies also are encouraged to build “satellite” factories in villages to ensure every capable individual is coerced to work.<sup>49</sup>

### *Forced labour transfers*

According to the Australian Strategy Policy Institute, at least 80,000 Uyghurs and other Turkic peoples were transferred from East Turkistan to factories across China, as part of the state-sponsored transfer-of-labour program “Xinjiang Aid”.<sup>50</sup> The program that covers beyond the cotton and garment industry allows companies to either open satellite factories in East Turkistan (see paragraph above) or be part of the transfer program by hiring Uyghur workers for their factories outside of East Turkistan.<sup>51</sup> The “Xinjiang Aid” program is an extension of the ‘poverty alleviation’ and ‘re-education’ programs the Chinese government has put in place.<sup>52</sup> These transfers have continued throughout the pandemic and the national lockdown in China, putting the lives of Uyghur and Turkic workers at risk.<sup>53</sup>

<sup>44</sup> Supra n.28, para.43.

<sup>45</sup> Jernigan Global. *Xinjiang Cotton Textile Industry Under Threat Due to Forced Labor*, July 22, 2019. Available at: [https://docs.wixstatic.com/ugd/181b3d\\_c440cbd7f65a446da081f82a6a21e0e4.pdf](https://docs.wixstatic.com/ugd/181b3d_c440cbd7f65a446da081f82a6a21e0e4.pdf)

<sup>46</sup> Id.

<sup>47</sup> Foreign Policy “*Xinjiang’s New Slavery: Coerced Uighur Labour Touches Almost Every Part of the Supply Chain*”, December 11, 2019. Available at: <https://foreignpolicy.com/2019/12/11/cotton-china-uyghur-labor-xinjiang-new-slavery/>

<sup>48</sup> Supra n.28, para.46.

<sup>49</sup> Supra n.10, p.6.

<sup>50</sup> ASPI Report; Washington Post, *China compels Uyghurs to work in a shoe factory that supplies Nike*, Feb. 29, 2020.

[https://www.washingtonpost.com/gdpr-consent/?next\\_url=https%3a%2f%2fwww.washingtonpost.com%2fworld%2fasia\\_pacific%2fchina-compels-uyghurs-to-work-in-shoe-factory-that-supplies-nike%2f2020%2f02%2f28%2febddf5f4-57b2-11ea-8efd-0f904bdd8057\\_story.html](https://www.washingtonpost.com/gdpr-consent/?next_url=https%3a%2f%2fwww.washingtonpost.com%2fworld%2fasia_pacific%2fchina-compels-uyghurs-to-work-in-shoe-factory-that-supplies-nike%2f2020%2f02%2f28%2febddf5f4-57b2-11ea-8efd-0f904bdd8057_story.html)

<sup>51</sup> Id, p.12.

<sup>52</sup> Id.

<sup>53</sup> Radio Free Asia, “*Xinjiang Authorities Sending Uyghurs to Work in China’s Factories, Despite Coronavirus Risks*”, February 27 2020, <https://www.rfa.org/english/news/uyghur/work-02272020160853.html>

### *Connections to the Australian apparel industry*

China is the world's largest apparel producer, and based on the evidence presented above, the entire Australian apparel industry and companies operating in Australia are at risk of being connected to the system of forced labour in East Turkistan and across China.<sup>54</sup> The government's aim to grow the textile industry in East Turkistan includes a significant emphasis on apparel production, which seems inevitable as the poverty alleviation programs are designed to recruit workers for relatively unskilled labour.<sup>55</sup>

Similarly, the structure of apparel supply chains, which are structured through a series of tiers of outsourcing to sub-suppliers down to the level of yarn spinning and cotton pressing, means that direct relationships with entities in East Turkistan by Australian apparel brands are less common than other linkages.<sup>56</sup> This results in creating a major risk of forced labour for global supply chains.<sup>57</sup> It is therefore crucial that brands are able to identify and address the risks associated with sourcing apparel and other furnished products directly from East Turkistan.<sup>58</sup> Moreover, it is also important to scrutinize the linkages between the apparel industry and forced labour on Uyghurs and other Turkic peoples analysing both direct linkages to East Turkistan, and indirect linkages through supplier relationships.<sup>59</sup>

## **IV. Recommendations**

- Given the mounting and credible evidence regarding the gravity of the forced labour schemes in East Turkistan, the Australian authorities must consider the ban of goods that are produced by forced labour, particularly cotton from East Turkistan, which includes the adoption of the *“Banning Goods Produced by Uyghur Forced Labour” Bill* by Parliament.
- The authorities should also request all Australian brands and retailers from the textile and apparel industries to disclose any business relationships with suppliers or sub-suppliers operating in East Turkistan.
- The authorities should ban imports linked to the prison labour of Uyghurs and other Turkic peoples from East Turkistan and across China.
- Issue a guide to the Australian apparel and textile industry on the ways by which the Australian apparel industry is exposed to the risk of being linked to the use of Uyghur forced labour.
- Take all appropriate measures to ensure Australian brands practice due diligence and operate according to the UN Guiding Principles on Business and Human Rights (UNGPs) and Article 8 of the International Covenant on Civil and Political Rights and related international conventions against slavery and forced labour. This includes adopting a National Action Plan on Business and Human Rights (NAP) to implement the UNGPs.
- Implement targeted sanctions against individuals or entities (such as the XPCC), that are implicated in the crimes such as forced labour against Uyghurs and other Turkic people.

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<sup>54</sup> Supra n.7, p.8.

<sup>55</sup> Id.

<sup>56</sup> Coalition to End Uyghur Forced Labour, *“Related Actions”*, November 3, 2020, available at:

<https://enduyghurforcedlabour.org/news/press-release-uk-parliament-calls-leading-apparel-brands-to-testify-on-their-potential-complicity-in-forced-uyghur-labour/>.

<sup>57</sup> Id.

<sup>58</sup> Id.

<sup>59</sup> Id.