



# Strengthening Canada's Response to Forced Labour

Comparative Insights and Uyghur Forced Labour in the  
Electric Vehicle Supply Chain

## Introduction

Anti-Slavery International and Uyghur Rights Advocacy Project welcome the Government of Canada's commitment to strengthen legislation to address forced labour in global supply chains. Bill C-35, An Act respecting the prohibition of the importation of goods produced with forced labour, is an opportunity for the government to replace the existing ban under the Customs Tariff with one that is more effective, comprehensive, properly resourced and robustly enforced. The government is also considering due diligence and civil liability measures to address labour exploitation in operations, subsidiaries and value chains. This signals an important progression from the reporting law currently in place, *Fighting Against Forced Labour and Child Labour in Supply Chains Act*.<sup>1</sup>

This briefing is designed to outline key elements for Canadian lawmakers to consider, referencing comparative lessons from other jurisdictions. It uses state-imposed forced labour in the Uyghur Region, and the electric vehicle supply chain in this context, as a geographic and sectoral case study.

## State-imposed forced labour case study: Xinjiang Uyghur Autonomous Region (Uyghur Region)

Since 2017, the Government of China has been subjecting Uyghurs and other Turkic and Muslim-majority peoples to widespread and systemic forced labour based on their religion and ethnicity through various state-imposed programmes under the guise of “fighting extremism”.<sup>2</sup> This persecution has been demonstrated by robust and credible evidence, gathered through witness testimony,<sup>3</sup> Chinese state media, Chinese Government records,<sup>4</sup> satellite imagery,<sup>5</sup> and reports from UN bodies,<sup>6</sup> academic experts, and non-governmental organisations.<sup>7</sup>

The state-imposed forced labour programmes have been implemented through three primary mechanisms: forced labour of internment camp detainees, forced labour transfers in and outside of the Uyghur Region, and forced prison labour. As the Region's mass internment camp system has partially receded, labour transfer programmes have only intensified in recent years and now function as the Region's primary mechanism of forced labour.<sup>8</sup>

### Violation of international labour standards

The Chinese State's forced labour programmes should be understood as a direct contravention of ILO Convention No. 105,<sup>9</sup> which focuses on state-imposed forced labour. It prohibits ratifying States - including the People's Republic of China - from using forced labour:

- as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- as a method of mobilising and using labour for purposes of economic development;
- as a means of labour discipline;
- as a punishment for having participated in strikes;
- as a means of racial, social, national or religious discrimination.

Supply chains across industries are concentrated in the Uyghur Region or are linked to the coercive transfer of Uyghurs to workplaces across the country, including renewable energy sectors,<sup>10</sup> cotton,<sup>11</sup> agriculture,<sup>12</sup> and hospitality.<sup>13</sup> The 15<sup>th</sup> Five-Year Plan (2026-2030) sets out development in the Uyghur Region in new industries including advanced technology and innovation, next-generation green energy and advanced minerals and rare earths.<sup>14</sup> There will likely be heavy investment in these industries over the coming years, which will involve the use of state-imposed forced labour, including labour transfers. Given this trajectory, in the absence of robust legislation, it is a virtual certainty that significant quantities of goods tainted by forced labour will enter Canadian supply chains and markets in the coming years.

## Complementarity of import bans and supply chain legislation

We welcome the Government of Canada's recognition that prohibiting goods made with forced labour and due diligence legislation are distinct but complementary measures.<sup>15</sup> Anti-Slavery International has long advocated that both laws are needed to address forced labour.

If effectively designed and implemented, mandatory human rights due diligence would require companies to undertake due diligence to identify, assess, address, monitor, account for human rights and environmental risks, and remedy impacts across their operations, subsidiaries and entire value chains. This standard of conduct should require companies to undertake meaningful stakeholder engagement and focus efforts on addressing the most severe impacts, including by using leverage and examining the impact of their business models and strategies on the ability of direct and indirect business partners to meet labour, health and safety standards.

Alongside an obligation to conduct human rights due diligence, Canada should also consider adopting a duty to prevent human rights abuse approach. Norway, France, Germany and the Netherlands already have such laws. All European Economic Area members should in the future have such laws in place as a result of the Corporate Sustainability Due Diligence Directive (CSDDD). In addition, the Government of Australia recently announced its intention to propose a 'failure to prevent' forced labour law. In the UK, Anti-Slavery International is calling on the government to introduce such a law.<sup>16</sup>

Prohibiting goods made with forced labour is especially appropriate in situations where human rights due diligence efforts are impossible, for example, in cases of systemic state-imposed forced labour. It is also useful as an enforcement option, to compel companies whose products are intended for the Canadian market to undertake meaningful preventative and remedial actions on forced labour where current actions are insufficient, unlikely to produce results, or wholly lacking.

### Due diligence and import bans in the context of state-imposed forced labour

In state-imposed forced labour contexts, such as in the Uyghur Region, due diligence efforts should be focused on identification of exposure or links to state-imposed forced labour – see endnote 17 for more information on human rights due diligence in state-imposed forced labour contexts.<sup>17</sup> Companies should also make use of the extensive publicly available research that evidences the use of state-imposed forced labour in numerous sectors and supply chains. Engagement with advocates from impacted communities working in the diaspora will also highlight potential risks to companies that will require further inquiry and human rights due diligence. Once identified, companies will need to promptly conclude that they must initiate disengagement from those relationships.

Individual companies are unlikely to prevent or mitigate forced labour policies implemented systematically by state actors across all levels of government. The more effective response in these cases is a collective ban on products made wholly or in part by state-imposed forced labour. By removing the market for such goods, import bans compel businesses to identify their exposure and take the steps needed to ensure they do not benefit from or are complicit in egregious human rights harms.

## Design and enforcement of a prohibition of products made with forced labour

Prohibiting products made with forced labour is a powerful tool the Government of Canada can use to protect its own citizens and consumers from tainted goods and ensure that companies do not profit from forced labour. Forced labour prohibitions can and should be used to incentivise positive outcomes on the ground for actual or potential victims of forced labour where human rights due diligence and worker-driven efforts have failed or are implausible. Anti-Slavery International calls on the Government of Canada and legislators to consider the following to ensure Bill C-35 is as effective a tool as possible. Most, if not all, of these measures would also ensure greater alignment with both the US and EU systems of forced labour prohibition:

### *Competent authorities*

- Competent authorities need to be adequately staffed, resourced and empowered to investigate allegations of products made or transported, wholly or partially, with forced labour. The competent authority for investigation should not necessarily be the same body that enforces decisions.

### *Investigations*

- Competent Authorities should be given the mandate to investigate (either ex officio or as a result of a petition), make determinations, and enforce import controls.
- The evidentiary threshold used should be of an administrative nature and well-suited to the difficulties in identifying and documenting instances of forced labour.
- Workers, communities or their representative groups (trade unions or other credible representatives, and CSOs/NGOs) should have the right to petition through a formalised procedure to Competent Authorities regarding the existence of forced labour in the value chain of products intended/destined for the Canadian market, with the ability to do so anonymously.
- Forced labour determinations should be qualified against the ILO definition of forced labour, and where relevant, forced labour indicators,<sup>18</sup> adding explicit inclusion of state-imposed forced labour, including labour transfers.
- Upon being alerted, Competent Authorities must consult with credible, independent and legitimate representatives of potentially affected stakeholders, and allow additional observations of stakeholders, prior to the issuing of any import ban, as part of an impact assessment.

### *Decisions*

- The decision should be disclosed publicly and should include the reasoning behind it. Once a determination has been made that forced labour-produced goods have been imported, the burden of proof must shift to the named importers to provide evidence refuting that the good is not made or transported (wholly or partially) by the entity where forced labour was found, or that remediation took place and forced labour is no longer present. The use of audits or certification schemes must not be qualified on its own as sufficient evidence.
- Remediation must be central to the design of any enforcement decisions. No decision should be lifted or modified unless comprehensive and demonstrable remediation has been undertaken by the responsible economic operators. Remediation processes and payments should also be based on and closely follow international standards of best practice, including through consultation with trade unions.

In state-imposed forced labour, remediation to affected individuals is often impossible as efforts to identify, contact, and provide compensation can be very challenging and potentially dangerous for direct victims themselves. Alternative forms of remediation include support for communities in exile and non-financial compensation measures such as restitution, rehabilitation, and guarantee of non-repetition. Affected communities should be engaged to identify the appropriate measure.

- To ensure enforcement is able to deal with the wide variety of forced labour cases, the Competent Authority should be able to take decisions on specific products, facilities, and also specific sectors in cases of systemic forced labour.

#### *Enforcement, monitoring and withdrawal of the decision*

- A public list should be created and regularly updated to include any new allegations/abuses against the same entity/relating to the same ban. Competent authorities should also publicly disclose details of enforcement – i.e. all cases where imports have been withheld, including the name of the importer/supplier/manufacturer/vessel.
- Import bans should be lifted, in consultation with affected stakeholders, when abuses have been ended, effective remedy provided and corrective preventative action plans set in place, to ensure compliance with ILO standards, with a period of ongoing monitoring. Competent authorities should be transparent about defined criteria for withdrawing decisions.
- Monitoring of corrective actions/improvement should be undertaken in cooperation with the authorities of the home country of the sanctioned entity, where credible. This will not be feasible in scenarios of state-imposed forced labour where the authorities are the perpetrator of forced labour.

#### *International cooperation*

- Competent authorities should seek cooperation with authorities in other jurisdictions – i.e. the EU and the USA – to share evidence. Competent authorities should automatically investigate products/importers implicated in determinations of competent authorities from third countries to identify the import of potentially tainted products to the Canadian market and consider the need to introduce parallel import controls.

### **Sectoral case study: Uyghur forced labour in electric vehicle supply chains**

The electric vehicle (EV) sector is a rapidly growing industry and has a critical role in the transition away from fossil fuels. However, the industry's supply chain is heavily implicated in Uyghur forced labour, due to its reliance on the Uyghur Region for the processing and manufacturing of critical raw materials. These materials include copper, steel, aluminium, nickel, cobalt, graphite, lithium and manganese.<sup>19</sup> For example:

- **Aluminium:** Almost a tenth of the world's aluminium is produced in the Uyghur Region. This material is used in automotive parts; its light weight allows EVs to travel further before needing to be recharged.<sup>20</sup>
- **Battery production:** 44% of the world's chemical lithium, 78% of cathodes, 91% of anodes, and 70% of lithium-ion battery cells are estimated to be processed in China, with an increasing percentage in the Uyghur Region.<sup>21</sup> Lithium-ion batteries are critical to electric vehicles as they replace the power of a traditional engine.<sup>22</sup>
- **Copper:** The majority of the world's copper processing occurs in China, with some of the most significant activity located in the Uyghur Region.<sup>23</sup> Copper is a component in many EV batteries, is required for EV charging stations, and is used for EV wiring, motors and inverters.<sup>24</sup>

Such activity has been found by researchers to be heavily implicated in the Government of China's state-imposed forced labour programmes.<sup>25</sup> The rapid expansion of the EV sector in China has been supported by this reliance on state-imposed forced labour, alongside disregard for environmental standards and heavy subsidisation of the sector. This has led to the overproduction and export of EVs into global markets, undercutting of local manufacturers, and the decimation of domestic industries. This is evidenced by large-scale plant closures across Europe, including in Germany<sup>26</sup> and France.<sup>27</sup>

**How this affects Canada:** Following the January 2026 announcement that Canada would allow up to 49,000 Chinese-made EVs into the Canadian market at the 6.1% most-favoured-nation tariff rate, trade unions and Ontario's premier have warned about the risks to the Canadian auto industry and its workers who are highly exposed.<sup>28</sup> As mentioned above, it opens the Canadian market further to a sector which is reliant on systemic state-imposed forced labour. Robust legislation in line with the recommendations in this briefing is necessary to prevent significant quantities of forced labour-tainted goods from entering Canada in the coming years.

There is an urgent need for a prohibition of goods made with forced labour in response to state-imposed forced labour in the Uyghur Region as exemplified by the Uyghur Forced Labor Prevention Act (UFLPA)<sup>29</sup> in the United States. Such prohibitions should cover all raw materials and finished products made or transported in whole and in part with state-imposed forced labour and at a regional level.

An assessment of the UFLPA,<sup>30</sup> three years after implementation, found that companies have increased efforts to trace their supply chains and document them down to the raw material level. Such efforts are now part of routine compliance due diligence as companies do not want to incur the cost of lengthy shipment detention and associated costs. Perhaps more relevant, there have been industry-wide changes and shifts in supply chains out of areas of pervasive state-imposed forced labour as a result of the law,<sup>31</sup> particularly in the auto, cotton and solar sectors. To date, no importers have provided the evidence necessary to rebut the presumption.

The use of prohibitions in response to state-imposed forced labour is a dissuasive tool to prevent both Canadian and non-Canadian companies from importing forced labour goods into the Canadian market and to put pressure on the Chinese Government to end such practices. Tangibly, it would compel companies importing products to the Canadian market to undertake meaningful supply chain mapping and traceability to identify and eliminate the sourcing of raw materials and other inputs from the Uyghur Region in their products, and to end relationships with suppliers using Uyghur forced labour in their facilities.

## Conclusion

Global trends increasingly reflect a shift towards complementary mandatory human rights due diligence and import control legislations to respond to forced labour. As governments move forward on import prohibitions, they must ensure these tools serve not only to protect domestic markets and consumers from tainted goods but must also be a vehicle to protect and remediate workers. Canada has the opportunity to develop a prohibition of products made with forced labour that reflects best practice and creates a harmonised global response to forced labour, including state-imposed forced labour.

Achieving this requires attention to two distinct sets of measures. First, the legislation must include certain elements including: the right to petition, confidential procedures, delineated powers of the competent authority, evidentiary burden and standards, stakeholder engagement, public disclosure, sectoral determinations, grace periods and remedial requirements. Second, the government must ensure adequate enforcement with additional measures essential to the legislation's effectiveness, including cross-jurisdictional cooperation, adequate staffing and resourcing, and application to public procurement.

The prohibition of the importation of goods produced with forced labour is a crucial tool in removing market access for goods made with Uyghur forced labour. This could protect both the Canadian market and significantly increase economic pressure on the Chinese Government to bring an end to the forced labour of Uyghur and other Turkic and Muslim-majority peoples.

## Endnotes

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- <sup>18</sup> ILO indicators of forced labour (2025 revised edition), <https://www.ilo.org/publications/ilo-indicators-forced-labour-1>.
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