State-Imposed Forced Labour and Crimes Against Humanity in the Uyghur Region

The Corporate Responsibility to Act

November 2026

Published by Anti-Slavery International
The Foundry, 17 Oval Way, London SE11 5RR, United Kingdom.
antislavery.org

UK Registered Charity 1049160 • Company Limited by Guarantee 3079904
Registered in England and Wales

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Suggested citation: Thum, R., Jordash, W., Van Ho, T., (2026) State-imposed forced labour and crimes against humanity in the Uyghur Region: the corporate responsibility to act. London: Anti-Slavery International

Dedication

In tribute to survivors/victims of atrocity crimes, and to the witnesses, journalists, lawyers, and investigators who, often at immense personal risk, bring to light the evidence necessary for the international community to recognise, prevent, and respond to such crimes with urgency, resolve, and practical action.

anti-slavery

Anti-Slavery International is the world's oldest human rights organisation. Since 1839, we have challenged slavery in all its forms. But our work is far from over. Today, we challenge contemporary forms of slavery wherever they exist by tackling the root causes. As part of this mission, Anti-Slavery International has worked to tackle state-imposed forced labour for well over a decade. Today, our work in this area focuses on the Xinjiang Uyghur Autonomous Region (Uyghur Region) of China and Turkmenistan.

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Foreword

Anti-Slavery International commissioned this report in 2025, seeking an independent analysis on the role of state-imposed forced labour in the context of crimes against humanity in the Uyghur Region, and the need for detailed corresponding guidance for businesses on their responsibilities in this context.

In 2022, the Special Rapporteur on contemporary forms of slavery had found that some instances of this state-imposed forced labour "*may amount to enslavement as a crime against humanity, meriting a further independent analysis.*"[1] This report provides that analysis. We hope this report will establish greater international recognition of the egregious nature of forced labour as it is being imposed on Uyghurs and other Turkic and Muslim-majority peoples and lead to the appropriate corporate response.

State-imposed forced labour occurs when state authorities compel people to work against their will.[2] It can be imposed by state authorities, agents acting on behalf of state authorities and organisations with authority similar to the state.[3] In this way it is distinct from forced labour carried out by private actors, as the state itself is the perpetrator. It is one of the most egregious forms of labour exploitation; not only does the state fail in their duty to protect human rights, but it also actively uses its power to perpetrate abuses. Since 2017, the Government of China has been subjecting Uyghurs and other Turkic and Muslim-majority peoples to widespread and systemic state-imposed forced labour, based on their religion and ethnicity.[2]

International attention on Uyghur forced labour peaked from 2017 to 2019, when investigations uncovered highly securitised "re-education" camps.[1,2] It is understood that this international scrutiny led the Government of China to reduce the public visibility of the state-imposed forced labour systems. Since 2020, many internment camps have been shut down. However, forced labour transfers and arbitrary detention have increased. Despite ever greater information on corporate links to state-imposed forced labour, the business response has been inadequate.

Given the ongoing human rights crisis and the lack of global scrutiny, this report is timely. It aims to make clear that the forced labour systems continue and are no less egregious – despite having been adapted to be rendered less visible and detectible. As it becomes harder for companies to obtain information – including for purposes of complying with increasing legal requirements, from the Uyghur Region and increasingly in all parts of China – now is not the moment to look away.

1. United Nations Office of the High Commissioner for Human Rights (OHCHR), "A/HRC/51/26: Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata" (19 July 2022).

2. Amnesty International, ""Like We Were Enemies in a War": China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang" (June 2021); Human Rights Watch, ""Break Their Lineage, Break Their Roots": China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims" (19 April 2021); OHCHR, "OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China" (31 August 2022); See full list at ISHR Repository of United Nations recommendations on human rights in China.

Structure, methodology and authorship

This report has three sections, each drafted by an expert chosen for their independence, subject matter expertise and academic and/or legal rigour. The experts did not gather new testimony, but instead analysed existing testimonies, evidence and research. Each section of the report was peer reviewed by an additional independent expert, selected for their subject matter expertise and qualifications, objectivity and analytical rigour. Peer reviewers have chosen to remain anonymous, and we thank them for the time and expertise they gave to strengthening the report.

Given the three-part authorship, tone, style and terminology vary across each section. This reflects the differing disciplinary approaches of the contributors and has been retained deliberately.

The first section is authored by Professor Rian Thum, a specialist in the history and anthropology of Muslims in China at the University of Manchester, where he is Professor of Asian History. He is the author of *The Sacred Routes of Uyghur History* (Harvard University Press, 2014) and *Islamic China: An Asian History* (Harvard University Press, 2025). Thum is Associate Editor of *The Journal of Asian Studies* and a former fellow of the National Humanities Center and the American Council of Learned Societies. Thum has also written for *The New York Times*, *The Washington Post* and *The Nation*.

Wayne Jordash KC authored the second section. With internationally recognised expertise in international human rights law and international criminal law, Wayne has represented individuals and states throughout international tribunals, including the International Criminal Court (ICC) and the International Court of Justice (ICJ) addressing allegations of genocide, crimes against humanity, and war crimes. More generally, his practice involves advising states, multilateral organisations, businesses and trade bodies, and civil society organisations on ensuring compliance with international and domestic law and the UN Guiding Principles on Business and Human Rights (UNGPs). Jordash is Managing Partner of Global Rights Compliance[3] and Deputy Lead of the Atrocity Crimes Advisory Group for Ukraine[4], where he leads mobile justice teams supporting the Ukrainian Office of the Prosecution (OPG) to investigate and prosecute atrocity crimes.

The third section is authored by Dr Tara Van Ho, Associate Professor of Law at St. Mary's University School of Law in San Antonio, where she specialises in public international law, international human rights law, and business and human rights (BHR). She has advised the U.N. Working Group on Business and Human Rights, intergovernmental organisations, States, non-governmental organisations, and businesses on the business responsibility to respect human rights in complex environments, including conflict-affected and high-risk areas. Her scholarship engages closely with the UNGPs. Among her contributions is a five-factor framework for determining when a business causes, contributes to, or is directly linked to human rights harms, and ground-breaking analyses of the responsibility of institutional investors for human rights abuses in the occupied West Bank. Her current research examines corporate responsibility for serious breaches of peremptory norms, the intersection of international sanctions and BHR, and human rights due diligence and tort causation. Before joining St. Mary's, she was at the University of Essex and is now an honorary Senior Lecturer there.

3. Global Rights Compliance, "Who we Are".

4. Atrocity Crimes Advisory Group for Ukraine, "Who We Are".

Executive summary

Since 2017, the Government of China has been subjecting Uyghurs and other Turkic and Muslim-majority peoples to widespread and systemic state-imposed forced labour through three primary mechanisms: forced labour of internment camp detainees, forced labour transfers in and outside of the Uyghur Region, and forced prison labour. Critically, the forced labour systems are a key enabler of a wider system of government-orchestrated repression carried out on discriminatory grounds.[5] This is a direct contravention of Article 1(e) of the International Labour Organization's 1957 Abolition of Forced Labour Convention (No. 105), which prohibits forced or compulsory labour as a means of racial, social, national or religious discrimination.[6] While the use of forced labour generates economic gain for the Government of China, its ultimate purpose is to control and assimilate the Uyghur population.[7]

Despite this, major multinational companies continue to operate in the Region and countless supply chains across industries – including renewable energy sectors[8], cotton[9], produce[10] and hospitality[11] – are concentrated in the Uyghur Region or are linked to the coercive transfer of Uyghurs to workplaces across the country.

Legislative developments indicate an escalation in the Government of China's efforts to mitigate or block the impact of corporate accountability legislation across jurisdictions. These developments, such as the Regulations on the Security of Industrial and Supply Chains (Decree 834)[8], followed on 7 April 2026 by the Regulations on Countering Improper Extraterritorial Jurisdiction by Foreign States (Decree 835)[9], have created a material legal risk for multinationals that are required to comply with various due diligence and import ban regimes which may run afoul of countermeasures by the Government of China.

The government is also expanding existing laws and introducing new laws to maintain control over the population, including the 2026 Regulations on the Protection of State Secrets in the Xinjiang Uyghur Autonomous Region[10], which further criminalises sharing information regarding regional policies or conditions with foreign entities, journalists or investigators, and the 2026 Law on Promoting Ethnic Unity and Progress[11], which experts note will further degrade the rights of minoritised groups and push them toward a single, state-defined national identity.[12]

5. Laura Murphy et al., "Forced Labor in the Uyghur Region: Why is this Happening?", Sheffield Hallam University, Helena Kennedy Centre for International Justice, no. 2 (April 2023).

6. International Labour Organization, C.105 – Abolition of Forced Labor Convention (1957).

7. Laura Murphy et al., "Forced Labor in the Uyghur Region: The Evidence," Sheffield Hallam University Research Archive (April 2023).

8. Decree of the State Council of the People's Republic of China No. 834.

9. Decree of the State Council of the People's Republic of China No. 835.

10. 新疆维吾尔自治区第十四届人民代表大会常务委员会公告 [Announcement of the Standing Committee of the 14th People's Congress of the Xinjiang Uygur Autonomous Region (No. 71) Laws and Regulations | Regulations of the Xinjiang Uygur Autonomous Region on the Protection of State Secrets] (2 March 2026).

11. Council on Foreign Relations, "China's New Ethnic Unity Law: From Autonomy to Assimilation" (26 March 2026).

12. The Guardian, "China's ethnic unity law denounced as 'forced assimilation' by rights groups" (2 July 2026).

Section 1

Section 1 provides the foundational basis for the report. Professor Rian Thum gives a clear overview of the state-imposed forced labour programmes, before examining how they interact with and enable other policies of repression carried out by the Government of China against Uyghurs and other Turkic and Muslim-majority peoples. These repressive policies include mass internment and imprisonment, forced prevention of births, transfer of children to assimilationist residential schools, and land expropriation. Throughout, it situates the state-imposed forced labour programmes in the context of the Government of China's effort to forcibly assimilate Uyghurs and other Turkic and Muslim-majority peoples and to reduce their demographic prominence.

This section outlines that the repressive policies have an amplifying and enabling effect. For example, forced labour and extra-judicial internment are intertwined, with internees having been forced to work in internment camps or placed into work upon release. On an ongoing basis, the threat of arbitrary detention means that those targeted for labour transfers cannot refuse postings, and their resulting removal leads to the institutionalisation of their children and elders into Han-dominated state care, in furtherance of assimilation objectives. Land expropriation dispossesses people of the land they work on, turning them into 'surplus labourers' who are then coerced into labour transfer schemes, which in turn leads to the separation of families.

The policy of "population optimisation" aimed, in part, at reducing the concentration of Uyghurs and other Turkic and Muslim-majority peoples in areas where they constitute the majority, is also facilitated by the coercive labour transfer programmes. The labour transfer systems separate married couples via distant labour postings, contributing to the state's goal of reducing indigenous population growth. The internment camp system also involved the separation of married adults, effectively preventing new births in those families, alongside forced sterilisations and birth control.

Section 2

In Section 2, Wayne Jordash KC analyses the state-imposed forced labour outlined in Section 1 in the context of the crime against humanity of enslavement, using the Rome Statute of the International Criminal Court as the methodological framework.

He finds that the forced labour in the Vocational Education and Training Centres (VETCs) constitutes enslavement as a crime against humanity, due to the exercise of the power of ownership over detainees. In addition, the labour transfer policy has, in many instances, resulted in the commission of the crime against humanity of enslavement, due to the system operating within a profoundly coercive environment, including implicit and explicit threats of detention (and associated punishment and violence) linked to any work placement refusal, underpinned by the direct association made by the Chinese Government between refusal to agree to work, unemployment, and extremism/ terrorism.

Jordash finds that the design and implementation of these policies, forming an integral part of an attack against the civilian population, has been actively designed and implemented by the Government of China. There can be no reasonable doubt that the attack was/is both widespread and systematic and it is beyond

clear that the attack was committed pursuant to or in furtherance of a state policy to commit such an attack. The evidence shows that one of the key underlying motivations of the government was to target Uyghurs for their religious and cultural expression and identity.

While the focus of the analysis is on enslavement as a crime against humanity, Jordash also highlights that interrelated acts of severe violence – including imprisonment or other severe deprivation of physical liberty, torture, rape and other forms of sexual violence and persecution – reflect the high likelihood of the commission of a multitude of other crimes against humanity. In many cases, these additional crimes against humanity arise as either the intended criminal means by which the enslavement is achieved and/or the virtually certain consequences arising from the enslavement of the individual and the targeted group.

Section 3

In Section 3, Associate Professor Tara Van Ho lays out the responsibility of businesses to respond to the findings in Sections 1 and 2, using the framework of the UN Guiding Principles on Business and Human Rights (UNGPs). This section outlines that the legal findings laid out above – that the use of state-imposed forced labour amounts to the crime against humanity of enslavement – makes China a "high-risk area" and triggers the corporate duty to conduct heightened human rights due diligence (hHRDD). Conducting responsible human rights due diligence (HRDD)/hHRDD is currently impossible inside the Uyghur Region due to the lack of independent access and the inability of rightsholders to participate without fear of reprisal. Due diligence processes should therefore be closed with the conclusion that the business should not, and cannot, operate in the Uyghur Region under any circumstances.

Any business operating in or sourcing from the Uyghur Region (and, given the labour transfer system, potentially elsewhere in China) risks employing individuals whose very conditions of employment form the *actus reus* of a crime against humanity. Companies that fail to address this put themselves at risk of contributing to potential atrocity crimes with significant legal implications. In the case of a protracted state-imposed atrocity crime, the very existence of a foreign business's presence (or sourcing from the affected area/establishing a subsidiary) "normalises" the violation and amounts to "contribution" as per the UNGP's continuum framework of business responsibility. Foreign businesses (including locally incorporated subsidiaries) that operate in or supply from the Uyghur Region are therefore contributing to the crime against humanity of enslavement and carry a duty to end the harmful conduct and provide remedy for the harm caused. Reparations are not impossible, only delayed. Home states bear a complementary responsibility to investigate, prosecute and punish those complicit in these atrocity crimes and to facilitate reparations. Businesses must cooperate with, and should not hinder, those efforts.

Glossary

Atrocity crimes: considered to be the most serious violations of international criminal law, defined by the United Nations as genocide, war crimes and crimes against humanity. The broader umbrella term "atrocity crimes" is used in Section 3, in setting out guidance for businesses on responsible conduct in atrocity crime contexts. This includes, but is not limited to, the crime against humanity of enslavement as assessed in Section 2.

"Double concentration": refers to the large-scale building of nurseries for children and nursing homes for elders, which expanded dramatically after 2017. Terms in this glossary in quotation marks, including this one, are official Chinese government terminology that are euphemistic or otherwise contested.

Forced prevention of births: aimed at reducing the relative size of indigenous groups in comparison to the Han population. The state used a wide range of coercive policies that have compelled women to undergo forced sterilisations or take birth control measures against their will. Birth prevention is enforced by the threat of arbitrary detention. Separation of married adults in internment camps effectively prevented new births in those families. The labour transfer system, under which married couples are separated by a distant labour posting, likely also contributed to the state's goal of reducing indigenous population growth.

Kanshousuo: a type of jail for temporary, pre-trial detention and interrogation without formal charges. As Vocational Education and Training Centres (VETCs) were closed, the government continued to expand existing kanshousuo and build new ones. Many detainees were moved from closed VETCs into kanshousuo.

"Labour transfer": a system of forced labour that has assigned approximately three million individuals, mostly farmers of small household plots, to factory work or industrialised agriculture. From 2014 virtually all labour transfers in the Uyghur Region were involuntary under menace of penalty.

"Population optimisation": state policy aimed at both reducing the relative size of indigenous groups in comparison to the Han population and reducing the concentration of indigenous people in areas where they constitute the majority. The policy is considered crucial to the security of the Uyghur Region and assimilation of Turkic people. It was carried out through birth prevention programmes and increased settlement of Han people into the Region, and migration of indigenous populations to other parts of China.

"Poverty alleviation": used as a justification for labour transfer policies. Refusal to participate in "poverty alleviation" in the Uyghur Region is considered a sign of the "three evils"– terrorism, separatism and religious extremism – which are punishable by internment or imprisonment.

Strike Hard Campaign Against Violent Terrorism (also known as the Strike Hard Campaign): a government campaign launched in 2014 in response to resistance (in some cases violent) to government policies in the Uyghur Region. The campaign applied broadly to Uyghurs, Kazakhs, and Kirghiz, each of which are Turkic and majority-Muslim groups, to address "extremism". Policies were focused on coercive assimilation, mass internment and forced labour.

"Surplus labourers": The removal of land from Uyghur subsistence and small-scale farmers leaves them unemployed, rendering them as "surplus labourers" who are then coerced into factory work. Companies receive subsidies to absorb "surplus labourers" from local rural areas.

Vocational Education and Training Centres (VETCs): A euphemism for state-operated internment camps that were used, according to the government, to alleviate poverty, help combat religious extremism and provide occupational skills. A 2022 assessment of human rights concerns in the Uyghur Region by the Office of the High Commission for Human Rights concluded that a pattern of large-scale arbitrary detention occurred in VETC facilities, with detainees subject to abuses including torture, ill treatment and forced medical treatment. Factories were built within the walls of, or adjacent to, hundreds of VETCs where detainees were forced to work.

Xinjiang Uyghur Autonomous Region: referred to as "Uyghur Region" and "XUAR" by the authors in this report.

Acronyms and abbreviations

BHR: Business and human rights

CAH: Crimes against humanity

CAHRA: Conflict-affected and high-risk areas

CEACR: International Labour Organization's Committee of Experts on the Application of Conventions and Recommendations

CEDAW: Committee on the Elimination of Discrimination Against Women

hHRDD: Heightened human rights due diligence

HRDD: Human rights due diligence

ICC: International Criminal Court

ICCPR: International Covenant on Civil and Political Rights

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICL: International criminal law

IHRL: International human rights law

ILO: International Labour Organization

KC: King's Counsel, a senior barrister practising in England and Wales

NGOs: Non-governmental organisations

OHCHR: United Nations Office of the High Commissioner for Human Rights

PRC: People's Republic of China

SIFL: State-imposed forced labour

UDHR: Universal Declaration of Human Rights

UNGPs: United Nations Guiding Principles on Business and Human Rights

VETCs: Vocational Education and Training Centres

XPCC: Xinjiang Production and Construction Corps, a state-owned economic and paramilitary organisation

XRAR: Xinjiang Religious Affairs Regulation

XUAR: Xinjiang Uyghur Autonomous Region (also Uyghur Region)

SECTION 1

Evidence of state-imposed forced labour and its links to other forms of repression

Author: Professor Rian Thum

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1. Introduction

Since 2017, the Chinese Government has implemented a **large-scale programme of state-imposed forced labour, targeting minoritised ethnic groups in the Xinjiang Uyghur Autonomous Region (hereafter "Uyghur Region")**.[1] The state's forced labour programme is **part of a larger suite of repressive policies** implemented since 2017 that aim to transform indigenous ethnic groups in the Uyghur Region, with a focus on majority-Muslim, Turkic-speaking groups such as the Uyghurs, Kazakhs and Kirghiz. These related policies include mass internment and imprisonment, forced prevention of births, transfer of children to assimilationist residential schools, destruction of religious and heritage sites, land expropriation and mass surveillance.

Section 1 of this report synthesises academic studies and primary sources[2] to meet three overarching objectives:

- **Create an overview of the state-imposed forced labour programmes.**
- **Analyse the connections between state-imposed forced labour and other repressive policies.**
- **Situate the state-imposed forced labour programmes in the context of the Chinese state's comprehensive effort to forcibly assimilate indigenous groups in the Uyghur Region and reduce their demographic prominence.**

2. Background

In May 2014, the People's Republic of China (PRC) launched what it called a "Strike Hard Campaign Against Violent Terrorism" in the Uyghur Region. In practice, an expansive definition of what constituted disseminating extremist "propaganda" meant that **the campaign targeted nearly all forms of dissent among indigenous peoples toward Beijing's policies, as well as many peaceful expressions of ethnic and religious identity and practice.** In a handful of cases, resistance to PRC policies had taken the form of terrorist attacks on civilians. Rather than narrowly targeting the perpetrators of violence, the state enacted **a host of assimilationist and carceral policies** (see following paragraphs) that aimed to completely transform the demographics, culture, geography and economy of minoritised ethnic and religious groups in the Region, with special attention to Uyghurs, Kazakhs and Kirghiz, each of which are majority-Muslim, Turkic-speaking groups.

By 2017, these interconnected policies included all of those addressed in this report, namely forced labour, mass arbitrary internment/imprisonment, assimilationist residential schools for children, coercive measures to prevent births, family dispersal, and extreme forms of digital and human surveillance. **Each of these policies have affected at least a million victims**, in some cases many more.[3] These numbers represent a substantial portion of the roughly 15 million members of minoritised groups living in the Region,

1. Bold formatting throughout Section 1 has been added by Anti-Slavery International for emphasis and readability.

2. The main types of primary sources used in Section 1 of this report are: 1) published PRC government documents and state media reports; 2) leaked and hacked internal government documents; 3) satellite imagery; and 4) witness testimony.

3. Rian Thum, "Eight Years On, China's Repression of the Uyghurs Remains Dire: How China's Policies in the Uyghur Region Have and Have Not Changed," Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum (2025).

including about 11.6 million Uyghurs and 1.5 million Kazakhs, according to the Chinese Government's 2020 census.[4]

Although the policies reviewed here are addressed individually for clarity, it is important to note that they are **interdependent practices in pursuit of the same set of goals.** As the state's own documents demonstrate, these goals include:

- The assimilation of Turkic and Muslim-majority groups into Chinese culture;[5]
- The reduction of the proportion and concentration of these populations in the Region;[6]
- The interruption of intergenerational cultural transmission;[7]
- The elimination of dissent;
- The reshaping of the economy and geography to align with lifeways in the Chinese interior;
- Severe limits on indigenous cultural preservation;
- The removal of individuals with ethnic pride or anti-government opinions from society.

3. Systems of forced labour in the Uyghur Region

This report uses the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) to determine which phenomena qualify as forced labour. The convention limits the classification of forced labour to work performed "**under the menace of any penalty and for which the said person has not offered himself voluntarily.**"[8] The ILO has further clarified that voluntariness requires "free and informed consent."[9]

Since 2017, two systems of state-imposed forced labour in the Uyghur Region clearly meet the ILO convention's definition of forced labour: i) the "labour transfer" system; and ii) labour associated with extrajudicial internment and re-education camps. A third form, prison labour, may fall under an exception within the ILO convention for "work as a consequence of a conviction in a court of law and carried out under the control of a public authority." However, there are strong indications, discussed further below, that the processes by which many of the prison sentences were imposed may not qualify as "conviction in a court of law".[10]

4. Statistics Bureau of Xinjiang Uyghur Autonomous Region and Office of the Leading Group of Xinjiang Uyghur Autonomous Region for the Seventh National Population Census, "Main Data of Xinjiang Uyghur Autonomous Region from the Seventh National Population Census" (2021).

5. 教育部基础教育司 [Ministry of Education: Department of Elementary Education], "全国统筹县域内城乡义务教育一体化 改革发展现场推进会：交流材料 Quanguo Tongchou Xianyu Nei Chengxiang Yiwu Jiaoyu Yitihua Gaige Fazhan Xianchang Tuijin Hui: Jiaoliu Cailiao (Qingdao, 2017), 233–34.

6. Wei-chao Li and Li-juan Wang, "兵团发挥优化人口资源特殊作用问题研究 [A Discussion on Playing the Special Role of the XPCC in Optimizing the Population Resources]," 西北人口Northwest Population Journal 1 (2020): 116–26. For more state documents on diluting minority populations and analysis of those documents see Adrian Zenz, "'End the Dominance of the Uyghur Ethnic Group': An Analysis of Beijing's Population Optimization Strategy in Southern Xinjiang," Central Asian Survey 40, no. 3 (2021): 291–312.

7. 教育部基础教育司 [Ministry of Eduction: Department of Elementary Education], "全国统筹县域内城乡义务教育一体化 改革发展现场推进会：交流材料 Quanguo Tongchou Xianyu Nei Chengxiang Yiwu Jiaoyu Yitihua Gaige Fazhan Xianchang Tuijin Hui: Jiaoliu Cailiao [Discussion Materials for the on-Site Promotion Meeting on the Integration, Reform, and Development of Urban and Rural Compulsory Education]," 232.

8. International Labour Organization (ILO), C029 – Forced Labour Convention, 1930 (No. 29).

9. ILO, "Hard to see, harder to count: Handbook on forced labour surveys" (2024), 5.

10. ILO, C029 – Forced Labour Convention, 1930 (No. 29), article 2.

Of the three forms of state-imposed forced labour, the system that the Chinese Government documents call the **"labour transfer"** (转移就业) **system currently affects the largest number of people**. This policy has assigned roughly two million individuals, mostly farmers of small household plots, to factory work or industrialised agriculture[11] and **is justified as a form of "poverty alleviation"** (**扶贫**). Scholars and human rights groups have found that these "labour transfers" are based on widespread coercion and the threat of extra-legal detention.[12] The other two systems of forced labour have also affected substantial numbers of people and produced goods that have entered global supply chains.[13]

3.1. "Labour transfers"

The Chinese Government has long endeavoured to move small-holding farmers throughout the country into factory work as a means of industrialisation. In the Uyghur Region, state-led programmes encouraging the "transfer" of "surplus labourers" from agriculture into industrial work have existed since at least the early 2000s.[14] These have often involved instances of involuntariness or coercion,[15] likely in other parts of China as well. In 2014, two transformations of the "labour transfer" system in the Uyghur Region **expanded involuntariness under menace of penalty to virtually all "labour transfers" there**. The first change was the state's prioritisation of security over economic development. The second change came into effect in 2017 when, within the Uyghur Region, the state began to enforce participation in all its social programmes, ranging from health services to labour placements to flag-raising ceremonies, with the threat of arbitrary detention.[16]

Local governments within the Uyghur Region set targets for numbers of "labour transfers", for example 100,000 in Khotan Prefecture (population 2.5 million) in 2018.[17] State documents indicate that all workers identified as "surplus labourers" should be enrolled in state-managed work placements. Meeting targets is ultimately the responsibility of local governments, but the task of finding workers is spread among various state bodies, such as "poverty alleviation work teams" and private labour recruitment organisations. Standard methods include establishing local recruitment centres and "sending officials into homes." Private recruitment companies collect a fee from the companies that receive the workers, based on a percentage of each worker's salary. Some Uyghurs and members of other indigenous groups are likely persuaded that

11. Adrian Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region," Central Asian Survey 42, no. 4 (2023): 649–73.

12. Darren Byler, in Xinjiang Year Zero, ed. Nicholas Loubere et al. (ANU Press, n.d.), 162–73; Laura Murphy and Nyrola Elimä, "In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains", Sheffield Hallam University, Helena Kennedy Centre for International Justice (2021); Adrian Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region," Central Asian Survey 42, no. 4 (n.d.): 649–73; Human Rights Watch, "China: Events of 2024," in World Report 2025 (2025); Anti-Slavery International et al., "Joint Submission to the UN Special Rapporteur on Contemporary Forms of Slavery – State Imposed Forced Labour in the Uyghur Region" (February 2022).

13. For more information on Uyghur forced labour in global supply chains: Anti-Slavery International, Sheffield Hallam University, Investor Alliance for Human Rights, "Respecting Rights in Renewable Energy: Investor guidance to mitigate Uyghur forced labour risks in the renewable energy sector" (January 2024); BBC, 'Italian' purees in UK supermarkets likely to contain Chinese forced-labour tomatoes' (1 December 2024); Peter Irwin, Dr. Henryk Szadziewski, Ben Carrdus, anonymous researcher, "It Does Matter Where You Stay: International Hotel Chains in East Turkistan," Uyghur Human Rights Project (17 April 2025).

14. For an outline history of labour transfers in the Uyghur region, see Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region".

15. Ilham Tohti, We Uyghurs Have No Say: An Imprisoned Writer Speaks (Verso Books, 2022), 95; 马戎 [Ma Rong], "南疆维吾尔族农民工走向沿海城市: 新疆喀什地区疏附县劳务输出调查 [The Movement of Southern Xinjiang Uyghur Migrant Workers to Coastal Cities: A Survey of Labour Export in Shufu County, Kashgar Prefecture, Xinjiang]," Chinese Journal of Population Science 5 (2007): 30.

16. Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region."

17. Zhongguo caifu jingji yanjiuyuan 中国财富经济研究院 [China wealth and economics research institute], Xinjiang Hetian Diqu Weizu Laodongli Zhuanyi Jiuye Fupin Gongzuo Baogao 新疆和田地区维族劳动力转移就业扶贫工作报告 [Report on Labour Transfer Poverty Alleviation Work in the Khotan Prefecture of Xinjiang], China Institute of Wealth and Economics, Nankai University (2019).

"labour transfers" are an appealing opportunity, as suggested by a Chinese state-aligned research institute's report, which divides "labour transfers" into "voluntary" enrolments and state-directed enrolments.[18] At the same time, **state documents describe widespread unwillingness of farmers from targeted ethnic groups to participate as a major problem that local officials must overcome.**[19]

When these farmers are visited at their homes by recruiters or told by village organisations to enrol in "labour transfers", it is impossible to safely decline. Among the most prominent threats to those who refused was detention in an expanding system of internment camps. Beginning in 2017, hundreds of thousands of Uyghurs and other Turkic and Muslim-majority citizens were detained in extrajudicial internment facilities that the state euphemistically called "**Intensive Transformation Education Centres.**"[20] By the end of 2018, the number of individuals in these facilities was estimated at nearly one million, taken from an indigenous population of approximately 15 million.[21] **While internees were not charged with any legal infractions,[22] they were targeted based on vague signs of purported "extremism," including potential dissatisfaction with PRC rule or disinterest in government schemes, such as "labour transfer" programmes.** These signs are described in a 2017 government document, "Lawful Detention of Twenty-one Categories of Strike-Hard Targets"; among them is "unwillingness to enjoy various policies to benefit the people and not participating in various activities arranged by grassroots organisations."[23]

In 2022, one internment survivor reported that two of her cellmates were interned for resisting participation in "labour transfers".[24] The enormous scale and geographical ubiquity[25] of internments in the Uyghur Region have ensured that all residents from targeted ethnic groups of the Region are aware of the danger of resisting government programmes. Researchers have assembled substantial collections of state documents recording the use of various other forms of coercion in "labour transfer" enrolment, with many documents specifying that all individuals identified as "surplus labour" must enter state-managed employment.[26] A state television news report from 2017 is illustrative, with officials pressuring an unwilling 19-year-old Uyghur woman and her father in their home until the woman tearfully submits to a "labour transfer".[27]

18. Zhongguo caifu jingji yanjiuyuan 中国财富经济研究院 [China wealth and economics research institute], Xinjiang Hetian Diqu Weizu Laodongli Zhuanyi Jiuye Fupin Gongzuo Baogao 新疆和田地区维族劳动力转移就业扶贫工作报告 [Report on Labour Transfer Poverty Alleviation Work in the Khotan Prefecture of Xinjiang].

19. Laura Murphy, "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains," Sheffield Hallam University, Helena Kennedy Centre for International Justice (2021), 9–10; Laura Murphy and Nyrola Elimä, "In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains," Sheffield Hallam University, Helena Kennedy Centre for International Justice (2021), 9–13; Adrian Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region," Central Asian Survey 42, no. 4 (2023): 649–73.

20. Amnesty International, ""Like We Were Enemies in a War": China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang" (2021); Darren Byler, In the Camps: Life in China's High-Tech Penal Colony (Atlantic Books, 2022); John Sudworth, "Searching for Truth in China's Uighur 're-Education' Camps," *CNN* (21 June 2019).

21. Jessica Batke, "Where Did the One Million Figure for Detentions in Xinjiang's Camps Come From?," *China File* (8 January 2019); Adrian Zenz, "'Thoroughly Reforming Them towards a Healthy Heart Attitude': China's Political Re-Education Campaign in Xinjiang," Central Asian Survey 38, no. 1 (2019): 102–28.

22. Amnesty International, ""Like We Were Enemies in a War": China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang" (2021).

23. 喀什地区维护稳定工作领导小组 [Kashgar Prefecture Stability Maintenance Leadership Group], "依法收押二十一类严打重点对象工作指南 [Work Guide for the Lawful Detention of 21 Categories of Strike-Hard Targets]," 2017.

24. Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region," 666.

25. Nathan Ruser, "Documenting Xinjiang's Detention System," Australian Strategic Policy Institute (2020).

26. Laura Murphy and Nyrola Elimä, "In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains", Sheffield Hallam University, Helena Kennedy Centre for International Justice (2021); Vicky Xiuzhong Xu et al., "Uyghurs for Sale," Australian Strategic Policy Institute (2020); Zenz, "The Conceptual Evolution of Poverty Alleviation through Labour Transfer in the Xinjiang Uyghur Autonomous Region."

27. John Sudworth, "If the Others Go I'll Go': Inside China's Scheme to Transfer Uighurs into Work," *BBC* (3 February 2021).

"Labour transfers" assign workers to destinations of varying distances. The majority are given assignments near their homes, but **a large number are sent to distant locations within the Uyghur Region, especially in the northern part** which is more industrialised and is dominated by the Han ethnic majority. Smaller numbers are assigned to placements in other regions of China. For example, in the first ten months of 2018, rural labourers were "transferred" to placements near their homes 2.3 million times, to other prefectures within the Region 364,000 times, and to other provinces in the interior of China 25,378 times, according to state media.[28] Overall rates of "labour transfers" have increased since then, but the 2018 figures give the clearest sense of the geographical distribution of transfer destinations.

For distant assignments, workers are typically transported to factories in groups of several dozen to several hundred, escorted by one or more officials for "security and management."[29] **Labourers are typically housed in dormitories at the factories, and often not allowed to leave the factory campus without permission**. An official from the home region may be assigned for every 50 workers to live alongside them at the factory in a system called "bilingual cadre factory cooperation concentrated management" (双语干部驻厂配合集中管理).[30] Moreover, in many cases, workers in "labour transfer" placements, unconnected to the internment camp, prison and *kanshousuo* (pre-trial criminal centre) detention systems – described in more detail below – are forbidden from leaving the factory compound, creating a de-facto imprisonment situation for workers.

3.2. Forced labour through internment

Many of the internment camps implemented coerced vocational skills training, in some cases forcing detainees to do factory work within the internment camps.[31] State media described this labour and training as connected to employment after projected release from the camps, often in industrial parks co-located with the camps.[32] In 2018 and 2019, most camps were renamed as "Vocational Skills Education and Training Centres" (VETCs). A substantial portion of detainees released from them in 2019 and 2020 were assigned to labour placements.[33] It is unclear how many of these were sent directly from the camps and how many were released to their homes, where they were then enrolled through the ordinary "labour transfer" system. Others were moved to prisons.[34]

28. Li Chunxia, "Qian Shi Yue Xinjiang Nongcun Fuyu Laodongli Zhuanyi Jiuye 272.9 Wan Renci 前十月新疆农村富余劳动力转移就业272.9万人次 [In the First Ten Months of the Year, There Were 2.729 Million Transfers of Xinjiang Surplus Rural Labourers]," *Xinjiang Daily* (Urumqi) (13 November 2018). The state keeps records of labour transfers in "person times" (人次), denoting the number of times a transfer has taken place. Because the same person is sometimes transferred more than once within a single year, this number is slightly higher than the number of individuals subjected to transfers.

29. Zhongguo caifu jingji yanjiuyuan 中国财富经济研究院 [China wealth and economics research institute], *Xinjiang Hetian Diqu Weizu Laodongli Zhuanyi Jiuye Fupin Gongzuo Baogao* 新疆和田地区维族劳动力转移就业扶贫工作报告 *[Report on Labour Transfer Poverty Alleviation Work in the Khotan Prefecture of Xinjiang]*.

30. Adrian Zenz, "Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program A Process-Oriented Evaluation," The Jamestown Foundation (2021), 52.

31. "U.S. Sportswear Traced to Chinese Detention Camps Holding Minorities," *CBS News* (17 December 2018).

32. "Xinjiang Zhiyu Jineng Jiaoyu Peixun Xueyuan: Xiwang Quanshijie Dou Kan Dao Wo Xingfu de Xiaolian 新疆职业技能教育培训学员：希望全世界都看到我幸福的笑脸 [Xinjiang Vocational Skills Education and Training Student: I Hope the Whole World Can See My Happy Smile]," *Xinhua New* (29 October 2018).

33. Laura Murphy, "Laundering Cotton: How Xinjiang Cotton Is Obscured in International Supply Chains" (2021). For individual examples see "Uyghur Women Released From Camps Work Long Hours For Low Pay in Forced Labor Scheme," *Radio Free Asia* (1 October 2020).

34. Gene Bunin, "From Camps to Prisons: Xinjiang's next Great Human Rights Catastrophe," *The Art of Life in Chinese Central Asia* (2019); Rian Thum, "Eight Years On, China's Repression of the Uyghurs Remains Dire: How China's Policies in the Uyghur Region Have and Have Not Changed," Simon-Skjodt Center for the Prevention of Genocide, United States Holocaust Memorial Museum (2025), 4–9.

3.3. Prison labour

Mandatory labour is a common element of prison sentences throughout China.[35] While due process is uneven throughout the country, witnesses report particularly arbitrary processes for sentencing indigenous people in the Uyghur Region to prison. Many incarcerated people were sentenced within the internment camps.[36] Several former detainees reported that they were handed lists of crimes and pressured to confess to one or more, with no trial.[37] The UN Office of the High Commissioner for Human Rights, among other organisations, has documented substantial failures of due process in the judicial system more broadly.[38] These factors may indicate **that the ILO exclusion of prison labour from forced labour does not apply to prisons in the Uyghur Region**.

Additionally, ILO Convention No.105 on the Abolition of Forced Labour (1957) prohibits the use of "any form of forced or compulsory labour" as a "punishment for holding or expressing political views" or as a "as a means of racial, social, national or religious discrimination."[39] Prison sentences are often based on the victim's speech or media consumption, which are prosecuted under broadly defined crimes such as "splittism" (the pursuance of factional interests in opposition to official Communist Party policy), "inciting ethnic hatred and discrimination," "disturbing public order," and "extremism."[40] For example, a Uyghur man named Nebijan Ghoja Ehmet was convicted of "inciting ethnic hatred and discrimination," for telling people to pray and explaining what foods are permissible and impermissible according to his understanding of Islam.[41] Imprisonment rates are orders of magnitude higher for minoritised ethnic groups than the ethnic-majority Han, suggesting that the prison system serves as a means of ethnic discrimination. A 2024 analysis of government prosecution statistics estimated that members of **minoritised groups in the Uyghur Region constituted 34% of China's prison population, despite only making up about 1% of China's overall population**.[42]

35. Wu Huizhong, "Factbox: China's Use of Prison Labor," *Reuters* (4 December 2019).

36. The Xinjiang Victims Database includes 181 individuals reported to have been sentenced within the internment camps. Testimonies and evidence behind each case. See also Gene Bunin, "From Camps to Prisons" (2019). Adrian Zenz, "Innovating Repression: Policy Experimentation and the Evolution of Beijing's Re-Education Campaign in Xinjiang," *Journal of Contemporary China* (30 January 2024), 1–22.

37. Julia Bayer and Cherie Chan, "Exclusive: China's Sham Trials for Detained Uighurs," *Deutsche Welle* (8 June 2020).

38. 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," United Nations (31 August 2022).

39. ILO, C105 - Abolition of Forced Labour Convention, 1957 (No. 105).

40. Human Rights Watch, ""Break Their Lineage, Break Their Roots" China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims" (2021).

41. Xinjiang Victims Database, "Criminal Verdict of the Xinjiang Uyghur Autonomous Region Chaqiliq County People's Court."

42. Ben Carrdus and Peter Irwin, "UHRP Analysis Finds 1 in 26 Uyghurs Imprisoned in Region With World's Highest Prison Rate," *Uyghur Human Rights Project Insights* (2024).

4. Links to other forms of repression

At the level of national policy, "labour transfers" throughout China are described as part of a programme of economic development, contributing to goals of industrialisation and "poverty alleviation". Officials in both Beijing and the Uyghur Region – where the state formally subordinates economic development to "security" and "stability" – routinely discuss additional purposes for "labour transfers". These include lifting Uyghurs and other non-Han groups out of "backwards" ways of thinking, reducing the demographic concentration and dominance of the Uyghur population in the south of the Region, disciplining citizens, and generally contributing to "security."[43] **Officials commonly connect forced labour programmes to the other repressive policies that have been in place since 2017.**

4.1. Transfer of indigenous children and elderly to Han-dominated state care

State sources link the "labour transfer" programme to efforts to place most of the Uyghur Region's indigenous children in state-run, Han-dominated, residential schools.[44] Before 2018, the Uyghur Region was extraordinary within China for its low percentage of students in residential schools. China's national boarding rate in 2010[45] was 39% higher than the Uyghur Region's boarding rate in 2017.[46] However, the state rapidly expanded the residential school system in the Uyghur Region beginning in 2017. A report by the Xinjiang Education Department shows that over the course of two years from the end of 2017, the government expanded the residential school population in grades 1-9 by a remarkable 382,700 students in the Uyghur Region.[47] Another report by the same department stated that the primary aim of the residential school expansion is to reshape the language, ideas and religion of minoritised children in the Uyghur Region, or, in their words:

> *"To promote the teaching of the national standard language [Mandarin Chinese] and to create a stable and peaceful learning environment for students, blocking the influence of the family's religious atmosphere on the children to the greatest extent and reducing the occurrence of "teaching science in school, listening to the scriptures at home, with thinking and ideas suffering the shocks of moving back and forth.'"*[48]

43. For examples, see government sources cited in Laura Murphy et al., "Until Nothing Is Left China's Settler Corporation and Its Human Rights Violations in the Uyghur Region," Sheffield Hallam University, Helena Kennedy Centre for International Justice (2022), 28, 34, 44.

44. Amy Qin, "In China's Crackdown on Muslims, Children Have Not Been Spared," *The New York Times*, December 28, 2019; "China Muslims: Xinjiang Schools Used to Separate Children from Families," *BBC News* (4 July 2019).

45. Ministry of Education of the People's Republic of China, *2011 Nian Quanguo Jiaoyu Shiye Fazhan Tongji Gongbao 2011年全国教育事业发展统计公报 [Statistical Bulletin on the Development of National Education in 2011]* (2011).

46. 教育部基础教育司 [Ministry of Eduction: Department of Elementary Education], *全国统筹县域内城乡义务教育一体化 改革发展现场推进会：交流材料 Quanguo Tongchou Xianyu Nei Chengxiang Yiwu Jiaoyu Yitihua Gaige Fazhan Xianchang Tuijin Hui: Jiaoliu Cailiao [Discussion Materials for the on-Site Promotion Meeting on the Integration, Reform, and Development of Urban and Rural Compulsory Education]* (Qingdao, 2017). Note that this report has a discrepancy between the absolute number of residential school students (497,800) and the percentage of all students in residential schools (erroneously reported as 39.44%). The erroneous percentage is likely the boarding rate for middle schools, not all schools. The present study calculates a rate of 15.61% by dividing the total number of boarding students by the total number of students as reported in the 2018 China Statistical Yearbook (497,800 / 3,188,089). The total rate in 2018 was 21.67%, and in 2019 it was 24.57%.

47. *2019 年新疆维吾尔自治区教育事业发展统计公报 [Statistical Report on the Development of Education in the Uyghur Autonomous Region, 2019]* (Xinjiang Uyghur Autonomous Region Education Department, 2020).

48. 教育部基础教育司 [Ministry of Eduction: Department of Elementary Education], 全国统筹县域内城乡义务教育一体化 改革发展现场推进会：交流材料 Quanguo Tongchou Xianyu Nei Chengxiang Yiwu Jiaoyu Yitihua Gaige Fazhan Xianchang Tuijin Hui: Jiaoliu Cailiao [Discussion Materials for the on-Site Promotion Meeting on the Integration, Reform, and Development of Urban and Rural Compulsory Education], 232.

As this document makes clear, the residential school expansion is aimed at non-Mandarin speaking students, i.e. the indigenous groups of the Uyghur Region. Separation of children from their families is portrayed as desirable because it prevents the transmission of culture, framed here as "religious environment," and ways of thinking particular to the Uyghur Region's minoritised groups.

The Chinese Government's Education Department has celebrated "unprecedented" success in the recruitment of Han teachers to the Region, who by 2019 constituted the majority of teachers for grades 1-8, for a student body that was 77% non-Han at the time.[49] These Han teachers often act as the main parental figure in the upbringing of Uyghur children at the schools. According to a dormitory manager quoted in state media in January 2024, "Each dormitory is a little family, and each little family has a little parent… composed of teachers" who can help students "just like mum and dad."[50]

Schools use the Chinese language not only in instruction, but for general communication in daily life. Teachers and others who have resisted the language policy have been labelled as extremists, "enemies of the people," and "the scum of the Chinese nation."[51] Two former students who fled the Region described being beaten for speaking Uyghur, their mother tongue, and social media posts by Han users in the region have provided videos of Uyghur children who refuse to even give their own names in Uyghur, for fear of being punished.[52]

It is important to note that most of China has long had a high rate of boarding education, which emerged primarily to deal with a low concentration of rural students caused by large-scale rural-to-urban migration. However, before 2017 the Uyghur Region was an outlier, with a very low rate of boarding education. This was due to low rural-urban migration among Uyghurs and a widespread lack of interest from Uyghurs in sending their children to residential schools. As the Education Department documents cited above demonstrate, the push for residential schools in the Uyghur Region is aimed not at solving issues of population distribution but at breaking cultural transmission from Turkic parents to their children. In a 2017 compilation of reports from the education departments from all of China's provinces and regions, only the Xinjiang Education Department listed the expansion of residential education as a main goal.[53]

As in the case of "labour transfers", the pervasive fear of detention makes it difficult for families to reject residential school placements for their children. Numerous affected families' accounts of children taken to residential schools against the wishes of family members confirm that **the transfer of Uyghur children to Han-dominated state control is often achieved without parental consent**.[54]

The state uses "labour transfers" to pursue its goal of transferring Turkic children into the care of Han-dominated institutions and conversely, uses the transfer of those children to facilitate the expansions of "labour transfers". Forcing parents to work in distant factories creates a need for housing and education of children in these state institutions. Officials not only recognise this, but call for the establishment of childcare facilities for pre-school-aged children to facilitate "labour transfers".

49. 2019 年新疆维吾尔自治区教育事业发展统计公报 [Statistical Report on the Development of Education in the Uyghur Autonomous Region, 2019].

50. "人权行动看中国丨'天山南北，最美的建筑是学校' [Human Rights Activity Look at China: "North and South of the Tianshan Mountains, the Most Beautiful Buildings Are Schools]," 中工网-工人日报 [China Net - Worker's Daily]] (4 January 2024).

51. 古丽夏提·艾合买提 [Gulixiati Aihemaiti], "署名文章 | 古丽夏提·艾合买提：学好用好国家通用语言文字是热爱祖国的表现 [Signed Essay: Gulixiati Aihemaiti: Studying and Learning Well the Common Language Is a Display of Fervent Love for the Motherland]," *Sohu.Com* (14 February 2019).

52. Emily Feng, "Uyghur Kids Recall Physical and Mental Torment at Chinese Boarding Schools in Xinjiang," *All Things Considered, National Public Radio* (3 February 2022).

53. 教育部基础教育司 [Ministry of Education: Department of Elementary Education], "全国统筹县域内城乡义务教育一体化 改革发展现场推进会：交流材料 Quanguo Tongchou Xianyu Nei Chengxiang Yiwu Jiaoyu Yitihua Gaige Fazhan Xianchang Tuijin Hui: Jiaoliu Cailiao [Discussion Materials for the on-Site Promotion Meeting on the Integration, Reform, and Development of Urban and Rural Compulsory Education]."

54. Xinjiang Victims Database.

Region-wide planning addresses this perceived need through two policies. The first is the residential school expansion described above. The second is a policy called "double concentration," which refers to the large-scale building of nurseries for children and nursing homes for elderly people, both dramatic departures from previous conditions. Both nurseries and nursing homes existed only on a small scale in rural Uyghur communities before 2017, and existing facilities were under-utilised. Region-wide, 62.1% of the roughly 27,000 existing places in public nursing homes were unoccupied as of 2017.[55] In Uyghur communities, elderly relatives normally live in the same homes as their adult children, and their placement in nursing homes is widely regarded among Uyghurs as a moral outrage. A 2017 paper by the Xinjiang Civil Affairs Bureau named people's reluctance to enter such facilities as a major obstacle to the "double concentration" policy.[56] Despite the enormous vacancy rate in existing facilities, the government embarked on a large programme of nursing home construction, aiming to nearly triple the 2017 number of places by 2025, with a target of 80,000, according to a 2022 regional government planning document.[57] Thus, a report on the activities of the Khotan prefectural government's "labour transfer" programme says that "To alleviate the concerns of labour transfer workers, local governments have arranged free or subsidised childcare centres, care homes for the elderly, livestock foster care facilities, and centralised land exchange programmes."[58] The region's Civil Affairs department links the "double concentration" policy to "long-term peace and security."[59]

Expansion of the number of residential schools and nursing homes is ongoing. In April 2024, one county alone (Kucha) announced a plan to convert seven of its existing primary schools into residential schools.[60]

At the height of mass internments (2017-19), authorities were similarly drawing connections between extrajudicial detention, labour and the separation of children from their families, with a government directive explicitly calling for children of internees to be sent to residential schools.[61] In at least one case, a residential school was built specifically for the children of internees housed at a nearby camp.[62] Another residential school was maintained specifically for children of camp detainees undergoing "vocational skills training," training designed for labour placements in an industrial park surrounding the internment camp.[63] A *Xinjiang Daily* news report about an internment camp in Hotan describes an associated school that houses the children of those detained, noting that some of them call their teachers "mama."[64]

55. 新疆维吾尔自治区民政厅 [Xinjiang Uyghur Autonomous Region Civil Affairs Department], 38.

56. 新疆维吾尔自治区民政厅 [Xinjiang Uyghur Autonomous Region Civil Affairs Department], "正确认识 准确把握 合力完成'双集中'任务 [Correctly Understand and Accurately Grasp the Joint Effort to Complete the 'Double Concentration' Mission]," *中国民政 [China Civil Affairs]*, no. 17 (2017): 38–39.

57. Xinjiang Uyghur Autonomous Region People's Government, "新疆维吾尔自治区'十四五'老龄事业发展和养老服务体系规划 [Xinjiang Uyghur Autonomous Region's 14th Five-Year Plan for the Development of Aging Affairs and Elderly Care Service System]" (11 August 2022).

58. Zhongguo caifu jingji yanjiuyuan 中国财富经济研究院 [China wealth and economics research institute], *Xinjiang Hetian Diqu Weizu Laodongli Zhuanyi Jiuye Fupin Gongzuo Baogao 新疆和田地区维族劳动力转移就业扶贫工作报告 [Report on Labour Transfer Poverty Alleviation Work in the Khotan Prefecture of Xinjiang]*.

59. 新疆维吾尔自治区民政厅 [Xinjiang Uyghur Autonomous Region Civil Affairs Department], "正确认识 准确把握 合力完成'双集中'任务 [Correctly Understand and Accurately Grasp the Joint Effort to Complete the 'Double Concentration' Mission]," *中国民政 [China Civil Affairs]*, no. 17 (2017): 38–39.

60. "新疆阿克苏地区库车县7所乡镇中心小学改建国语寄宿制学校建设项目 [Xinjiang Aqsu Region, Kucha County Transformation of 7 Village and Township Center Primary Schools into National Language Residential Schools Construction Project]" (寻标宝, 10 April 2024). A screenshot of the page can be provided upon request.

61. Kashgar Government, "关于进一步做好困境学生寄宿制 教育管理工作的通知 [Notice on Further Improving the Management of Boarding Education for Students in Difficult Circumstances]," *Kashgar Government Network* (9 February 2018).

62. 温暖相伴成长路 ——新疆职业技能教育培训工作见闻（二） [Warmth Along the Path of Growth: Observations on Vocational Skills Education and Training in Xinjiang (Part Two)" *Xinjiang Daily* (13 November 2018).

63. 原标题：实地走访新疆职教培训中心：被西方挑刺的机构竟然是这样！ [A Field Visit to a Vocational Training Center in Xinjiang: This Is What the Institution Criticized by the West Is Really Like!] *Global Times* (22 October 2018).

64. "温暖相伴成长路 ——新疆职业技能教育培训工作见闻（二） [Warmth Accompanies Growth: Observations on Vocational Skills Education and Training in Xinjiang (Part Two)]," *Xinjiang Daily* (13 November 2018).

4.2. Population transfer and ethnic dilution

State documents, including a speech by chairman Xi Jinping, have repeatedly promoted a goal of transforming the ethnic makeup of the Uyghur Region and the distribution of ethnic groups. This policy is called "**population optimisation**." It is aimed at both reducing the relative size of indigenous groups in comparison to the Han population and reducing the concentration of indigenous people in areas where they constitute the majority. The former aspect is addressed in Section 2 of this report. The latter – reducing the concentration of minoritised ethnic groups – is achieved by moving indigenous people out of areas of high concentration and moving Han into those areas.

The Xinjiang Production and Construction Corps (XPCC) is an overwhelmingly Han, state-controlled, paramilitary organisation, which has been tasked with "expand[ing] the proportion of the population that is Han" in the south of the Uyghur Region, where Han people have long been vastly outnumbered by Uyghur and other Muslim and Turkic majority peoples.[65] The XPCC's "southward development" strategy included a goal of increasing the XPCC population in the south by 300,000 by 2022,[66] including by recruiting Han citizens to jobs in the Uyghur Region. Recruitment is facilitated by offers of high salaries and subsidised housing for Han people who join.[67]

The "labour transfer" system is the main mechanism for moving indigenous people out of the southern parts of the Uyghur Region. As noted above, in the first ten months of 2018, the state relocated 364,000 rural labourers to other prefectures and 25,378 outside of the Uyghur Region. This function of forced labour is explicitly promoted in the state-supported Nankai University report, which says,

> *"In particular, the labour export method not only reduces the population density of Uyghurs in Xinjiang, but is also an important way to influence, integrate and assimilate Uyghurs... Furthermore, greater efforts should be made to guide them to integrate into the more developed regions of the east and central regions, so that, in the changed environment and through their work, they can gradually change their thinking and understanding and transform their values and outlook on life."*[68]

Detentions also achieve some population redistribution by moving detainees to prisons in other parts of China. The scale of such prisoner transfers cannot be estimated with any certainty using currently available evidence.

4.3. Forced prevention of births

The state has counted four "problems" standing in the way of "population optimisation." One of these is that "the population of ethnic minorities is growing faster than that of Han people."[69] To address this

65. Laura Murphy et al., "Until Nothing Is Left China's Settler Corporation and Its Human Rights Violations in the Uyghur Region," Sheffield Hallam University, Helena Kennedy Centre for International Justice (2022), 34.

66. Ibid.

67. Ibid., 77.

68. Zhongguo caifu jingji yanjiuyuan 中国财富经济研究院 [China wealth and economics research institute], *Xinjiang Hetian Diqu Weizu Laodongli Zhuanyi Jiuye Fupin Gongzuo Baogao* 新疆和田地区维族劳动力转移就业扶贫工作报告 [Report on Labour Transfer Poverty Alleviation Work in the Khotan Prefecture of Xinjiang], China Institute of Wealth and Economics, Nankai University (2019).

69. Li Wei-chao and Wang Li-juan, "兵团发挥优化人口资源特殊作用问题研究[A Discussion on Playing the Special Role of the XPCC in Optimizing the Population Resources]", 西北人口 *Northwest Population Journal* (2020) 1: 116-126.

"problem," authorities have implemented strict controls on indigenous groups' reproduction, whilst simultaneously encouraging more births among the Han population.

On paper, the birth limits in the Uyghur Region are the same as the rest of China. However, enforcement is starkly divergent. In other parts of China, violators of birth restrictions face fines,[70] normally income contingent, though these are becoming obsolete as the government exhorts Han citizens to have more children.[71] For indigenous groups in the Uyghur Region, the range of punishments has included **extrajudicial internment**, which is not the case in any other part of China.

The so-called "problem" that "the population of ethnic minorities is growing faster than that of Han people" has been addressed through several practical means: i) placing over a million of the 14 million indigenous inhabitants of the Uyghur Region in gender-segregated internment or prison; ii) forcing indigenous women to use birth control; and iii) forcing pregnant women to undergo abortions. Forced sterilisation was also employed at an apparently smaller scale.[72]

Birth prevention is enforced by the threat of arbitrary detention. A 2019 leaked document from Qaraqash County in the Uyghur Region listed the reasons for the internment of nearly 500 individuals from a handful of neighbourhoods.[73] The single most common reason this document cites is giving birth to too many children, for which 149 people were interned. Testimonies from former detainees and family members of detainees, alongside research based on PRC Government documents[74], show that **internment has been used across the Uyghur Region to enforce birth control policies**. Internment is only one element in a wide range of coercive policies that have compelled women to undergo forced sterilisations or take birth control measures against their will. By 2022, the natural growth rate of the population of the Uyghur Region was brought down to a near-zero rate of less than 0.8 per mille, down from a rate of 11.4 per mille in 2017.[75] The figures are for the entirety of the Uyghur Region. The decline is even sharper when looking only at counties in which indigenous people make up the majority.[76] This may explain why, in 2021, the Uyghur Region became the only provincial-level administrative unit in China that ceased releasing population growth rates at the county and prefecture levels. Research published in 2021 concluded that the decline in birth rates in the Uyghur Region during this time is the most extreme the world has seen since 1950.[77]

Forced labour within the internment camps involved the separation of married adults, effectively preventing new births in those families. For the "labour transfer" system, official documents and internal studies often emphasise the provision of special dormitory accommodation for married couples.[78] However,

70. Kiki Zhao, "Chinese Who Violated One-Child Policy Remain Wary of Relaxed Rules," *The New York Time* (9 February 2016).

71. "China NPC: Three-child policy formally passed into law," *BBC News* (20 August 2021).

72. Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang," The Jamestown Foundation (2021).

73. A redacted selection. An analysis of the document, Adrian Zenz: "The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang | Journal of Political Risk," *The Journal of Political Risk* 8, no. 2 (February 2020).

74. Adrian Zenz, "Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang," The Jamestown Foundation (updated 17 March 2021).

75. "2022 Statistical Report on the National Economy and Social Development in the Xinjiang Uyghur Autonomous Region" (新疆维吾尔自治区国民经济和社会发展统计公报)

76. Nathan Ruser and James Leibold, "Family De-Planning The Coercive Campaign to Drive down Indigenous Birth-Rates in Xinjiang," no. 44/2021, Australian Strategic Policy Institute (2021).

77. Ruser and Leibold, *Family De-Planning The Coercive Campaign to Drive down Indigenous Birth-Rates in Xinjiang*.

78. Zhongguo caifu jingji yanjiuyuan 中国财富经济研究院 [China wealth and economics research institute], *Xinjiang Hetian Diqu Weizu Laodongli Zhuanyi Jiuye Fupin Gongzuo Baogao* 新疆和田地区维族劳动力转移就业扶贫工作报告 *[*Report on Labour Transfer Poverty Alleviation Work in the Khotan Prefecture of Xinjiang*]*, China Institute of Wealth and Economics, Nankai University (2019).

cases of married couples being separated by a distant labour posting suggest that **the "labour transfer" system has likely also contributed to the state's goal of reducing indigenous population growth**. No documentation has come to light showing officials themselves drawing connections between the separation of couples and the reduction of indigenous birthrates. However, employers in China have long been held responsible for implementing state policies, not only through Communist Party representation within companies but also through the *danwei* (work unit) system, in which the state delegates social and economic monitoring to employers. **In at least one case, a company using "labour transfers" has enforced the state's mandatory birth control policies.**[79]

4.4. Mass internment and imprisonment

While several connections between extra-judicial internment and forced labour are already described above, it is worth emphasising that **forced labour and internment are inextricably intertwined**. The entire network of internment camps was presented by the state as a system of "vocational skills training", with many internees forced to work while in internment camps or placed in required jobs upon release. Internment camps and prisons also serve as an ever-present menace of penalty. **Most or all internment camps closed by the end of 2020, but the buildings remain, as does the possibility of future rounds of internment**.

Formal imprisonment is ongoing, often under vague charges such as "extremism." A third category of detention facility, the *kanshousuo,* provides the state with an additional means of imprisonment without formal charges. The *kanshousuo* system in the Uyghur Region has a capacity of roughly 100,000 detainees.[80]

Witness reports of torture in prisons, *kanshousous* and internment camps are widespread, as are reports of poor diet and medical care.[81] Reported forms of torture include severe beatings, electric shock and restraint in stress positions for long periods.[82] A number of former women detainees have reported sexual violence in detention, including rape.[83] Over 500 deaths during detention or shortly after release have been reported.[84]

4.5. Land expropriation

Alongside moving workers from small-scale farming to industrial labour, the state has set goals for transferring control of land-use from households to state-owned entities and industrial agriculture companies. In the Uyghur Region, these transfers are often coercive, via pressured or coerced contracts by which farmers surrender their land-use rights to state-managed cooperatives and private sector

79. 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).

80. Thum, "Eight Years On," 7–8. Gene Bunin, "A Review of Pre-Trial Detention Centers in Xinjiang: II. A Complete List of Active and Retired Facilities - Xinjiang Victims Database Blog," *Xinjiang Victims Database Blog* (18 March 2025).

81. Amnesty International, ""Like We Were Enemies in a War": China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang" (2021); Human Rights Watch, ""Break Their Lineage, Break Their Roots" China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims" (2021), 19–21.

82. Amnesty International, ""Like We Were Enemies in a War": China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang" (2021).

83. Human Rights Watch, ""Break Their Lineage, Break Their Roots": China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims," 37; "'Their Goal Is to Destroy Everyone': Uighur Camp Detainees Allege Systematic Rape," *BBC News* (2 February 2021).

84. Xinjiang Victims Database. A spreadsheet with details of 548 individual cases.

corporations.[85] The government has set out ambitious goals to increase land transfers due to the direct correlation between consolidating agricultural land in industrial farms and the creation of "surplus labour" made up of dispossessed farmers. **There is, therefore, a direct interconnection between the two, whereby land transfers create surplus labourers who are coerced into "labour transfer" schemes.**

Officials and Chinese academics recognise Uyghurs' reticence to part with their land and frequently discuss this as a problem.[86] The land transfers often include the land on which people's homes are built, and even entire villages, built according to Uyghur cultural norms. These have been demolished and replaced by sterile, planned communities. Research has documented a wide range of cases of coercion reported by officials and state media, leading in many cases to the demolition of entire villages.[87]

The Chinese state has a long history of encouraging rural land transfers throughout the country, as part of an ongoing drive toward industrialisation of agriculture. In many parts of China, the land transfer system has been abused by developers and local officials to expropriate individuals' land for profit. At the same time, state-aligned Chinese researchers often point out that rural labourers can earn a "double income" by combining fees they receive from land transfer with wages earned through their "transfer" to industrial labour.[88] However, state-driven land transfers are distinctive in the Uyghur Region due to i) their scale and recent acceleration; ii) their explicit intertwining with other repressive policies described below; and iii) their deployment in a coercive context that precludes consent.

Officials speak directly about the connection between land transfers, "labour transfers" and the removal of children and elderly from rural Uyghur communities, which together disperse those communities and upend their lifeways. A 2024 state-media article entitled "'Land Transfer + Labour Transfer Promotes Farmers' Income Growth", boasts that "land transfers" in one county are "liberating twenty-three poor people to export labour services."[89] A 2020 report about Aqsu prefecture states that 58,000 households had been involved in land transfers, and that "after the land transfers, 73,000 farmers in the prefecture realised stable employment this year."[90]

Agricultural policies, such as the "land transfer" push, affect an enormous part of the minoritised population of the Uyghur Region. Before the "Strike Hard Campaign", the overwhelming majority of Uyghurs were farmers working small plots of family-controlled land. The Uyghur population was roughly 90% rural as of 2009.[91] Similar policies are directed at herders, with profound effects on rural Kazakh and Kirghiz communities.[92]

85. 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).

86. 阿穆龙 [A Mulong], 张新蕊 [Zhang Xinrui], and 石晶 [Shi Jing], "新疆农村土地流转思考 [Thoughts on Xinjiang Rural Land Transfer]," *合作经济与科技 [Cooperative Economy and Science]]* (2022).

87. For a collection of before and after images of demolished villages, see Laura Murphy, Nyrola Elimä, and David Tobin, "Until Nothing Is Left China's Settler Corporation and Its Human Rights Violations in the Uyghur Region," Sheffield Hallam University, Helena Kennedy Centre for International Justice (2022).

88. Wang Xuming 王旭明, *农村贫困就业收入增长与区域经济发展研究 [Research on the Growth of Rural Poverty-Stricken Employment Income and Regional Economic Development]* (China Statistics Press 中国统计出版社, 2019), 454–57.

89. "新疆阿合奇县：'土地流转+转移就业'促进农民增收 [Aqchi County, Xinjiang: 'Land Transfer + Labour Transfer' Promotes Farmers' Income Growth]," *人民网 People.Cn* (15 April 2024).

90. 刘红文 Liu Hongwen and 马现平 Ma Xianping, "土地流转'转'出好'钱景'地区土地流转面积突破231万余亩，7.3万农民实现稳就业增收 [Land Transfer Has Yielded Promising 'Financial Prospects,' with the Area of Land Transferred Exceeding 2.31 Million Mu, Enabling 73,000 Farmers to Realise Stable Employment and Increased Income.]," *阿克苏日报 [Aqsu Daily]* (Aqsu) (24 November 2020).

91. Ilham Tohti, "Isn't It Time to Rethink China's Ethnic Policies?," in *We Uyghurs Have No Say: An Imprisoned Writer Speaks*, trans. Yaqiu Wang (London: Verso Books, 2022), 23.

92. Guldana Salimjan, "Camp Land: Settler Ecotourism and Kazakh Removal in Contemporary Xinjiang," ed. D. Byler, I. Franceschini, and N. Loubere, *Xinjiang Year Zero* (2022), 145–61.

5. Intent and scope of policy in the Uyghur Region

The policies described above are part of a broad effort to reshape the demography, economy and culture of the Uyghur Region. The state began this policy shift in 2014 with its "Strike Hard Campaign," which aimed to eliminate the "three evil forces of terrorism, extremism and separatism." It was not until 2017 that the state began to implement the innovative policies described above at a region-wide scale. **With the exception of one form of detention, the internment camps or "vocational training and education centres", all these policies were continuing or expanding in scope as of 2025.**[93] **The internment camps may have been closed in response to international pressure.**[94]

5.1. Intent

Documents from the central government indicate that the overriding goal of these policies is security, or what the state calls "long term rule and stability."[95] Numerous government documents make clear that security threats are tied to ethnicity, namely that Uyghurs, Kazakhs and other Turkic-speaking, Muslim-majority ethnic groups are uniquely predisposed to undermining state security through terrorism, "extremism" and advocacy for independence from the PRC. Religion is perceived as one aspect of this threat, with Islam officially categorised as a "foreign" religion closely linked to terrorism. Individuals who are both members of Turkic-speaking ethnic groups and religiously devout are presented as a special threat. Chinese-speaking Muslims (the Hui ethnic group) are treated as less threatening, and they have been subjected to these policies at far lower rates. **With the exception of "labour transfers", the policies described in this report are, with extremely rare exceptions, not applied to members of the Han ethnic group.**

The ethnic targeting of these policies is visible in both practical deployment and state planning documents. Of the Xinjiang Victim's Database's 16,738 individuals specifically reported as detained in internment camps, only 51 Han people are reported as swept up in the detentions.[96] The "population optimisation" policy is explicitly targeted at reducing the proportion of the Uyghur population in the Region, and the "labour transfer" programme is touted as a means to achieve this ethnic population engineering. The forced birth prevention policies also fall under the ethnically specific "population optimisation" policy.[97] The Xinjiang Education Bureau states that its assimilationist Mandarin-language-only education programme is targeted to expand to "all ethnic minority students," even though many Han people also do not speak Mandarin as their first language.[98]

93. Thum, "Eight Years On".

94. Thum, "Eight Years On".

95. "习近平同志在新疆考察工作期间的讲话 [Comrade Xi Jinping's Speech during His Xinjiang Inspection Work]," Secretariat of the Central Committee of the Chinese Communist Party (30 April 2024).

96. Xinjiang Victims Database. A list of all reported internment victims. A list of reported Han victims of internment. Detailed reports for each victim can be found by searching the case number here. Total report numbers provided above are correct as of 24 November 2025. These may increase as new cases are reported.

97. For numerous documents explicitly linking birth prevention to population optimisation, see Adrian Zenz, "'End the Dominance of the Uyghur Ethnic Group': An Analysis of Beijing's Population Optimization Strategy in Southern Xinjiang," *Central Asian Survey* 40, no. 3 (2021): 291–312.

98. 教育部基础教育司 [Ministry of Eduction: Department of Elementary Education], *全国统筹县域内城乡义务教育一体化 改革发展现场推进会：交流材料 Quanguo Tongchou Xianyu Nei Chengxiang Yiwu Jiaoyu Yitihua Gaige Fazhan Xianchang Tuijin Hui: Jiaoliu Cailiao [Discussion Materials for the on-Site Promotion Meeting on the Integration, Reform, and Development of Urban and Rural Compulsory Education]*.

The over-arching effort to eradicate a "security threat" that the state perceives to be tied to ethnicity, religion and culture has led authorities to elaborate several subordinate goals: 1) limiting indigenous population growth and dispersing concentrations of indigenous people through "population optimisation"; 2) assimilating indigenous people, especially children, to Han culture and language through a "melting pot" policy[99] ultimately achieving an environment in which "ethnic boundaries and barriers are gradually weakened and eliminated";[100] 3) transforming the economic basis of indigenous communities.

Together, both the stated purposes of the policies and the effects of their implementation over a period of eight years demonstrate that central government planners aim for the following results, targeted at indigenous groups:

- Most indigenous children will be placed in assimilationist schools, speaking only Chinese, from primary through secondary education. As many as a million or more of these children are already placed in residential schools.
- All indigenous individuals who have demonstrated even the vaguest signs of resistance to PRC rule or interest in unofficial forms of Islam were, in the initial phase (2017-20), to be detained in internment camps for ideological re-education for a period ranging from months to years. Some portion of those were then sent to prison, others subjected to "labour transfers", and others returned to their homes. Millions of working age farmers are to be placed in industrial work. A subset of them will have their land-use rights expropriated and assigned to large companies or state entities that consolidate the land for industrial agriculture. Their young children will be placed in state care managed by Han workers, and their elder relatives will be placed in state nursing homes.
- The indigenous population will cease growing or shrink. Han migrants will dilute concentrations of indigenous people, as will the dispersal of indigenous workers to labour posts in northern prefectures or inland China.

There are clear indications that the Government of China is seeking to prevent information leaving the Uyghur Region which could implicate the government in the repressive policies outlined above. Notably, the local government administration in the Uyghur Region passed a new secrecy law in November 2025, entering into force on 1 March 2026.[101] This goes above and beyond the existing 2024 national state secrets law (which bound all of China's provinces, including the Uyghur Region), and imposes sweeping powers including movement restrictions on former government officials who had access to classified information (Article 32) and AI tracking of information flows (Article 22).[102]

99. See Xi Jinping's speech promoting a "melting pot" and "population optimization" in "新疆生产建设兵团：做屯垦戍边忠诚卫士 绘就新疆发展新宏图 [Xinjiang Production and Construction Corps: Be a Loyal Guardiang of the Frontier; Draw a Great New Map of Xinjiang Development]," *Guangming Daily* (7 June 2021).

100. Chen, Xiaohui, Hui Xu, and Xiaoyan Chen. 2018. "Xinjiang Hetianshi Tuanjiexincun Min Han Qianrushe Shequ Yanjiu [Research on Embedded Ethnic and Han Community of Tuanjie New Village in Hotan City, Xinjiang]." Agricultural Development & Equipments (08):92-93+105, 93, cited in Adrian Zenz, "'End the Dominance of the Uyghur Ethnic Group': An Analysis of Beijing's Population Optimization Strategy in Southern Xinjiang," *Social Science Research Network* (2021), 13.

101. 新疆维吾尔自治区第十四届人民代表大会常务委员会公告 [Announcement of the Standing Committee of the 14th People's Congress of the Xinjiang Uygur Autonomous Region (No. 71) Laws and Regulations | Regulations of the Xinjiang Uygur Autonomous Region on the Protection of State Secrets] (2 March 2026).

102. Ibid.

5.2. Scope

The indigenous population of the Uyghur Region is approximately 15 million, according to the most recent Chinese state census.[103] Of that number, 11.6 million are members of the Uyghur ethnic group. Members of the Han ethnic group, which constitutes the vast majority of China's population nationally, number 10.9 million in the Uyghur Region, or 42% of the population.[104]

The policies described in this report have been applied throughout the Uyghur Region, though more intensively in areas where the indigenous population constitutes the majority. They have been deployed at a scale that touches virtually every member of the indigenous population. Over one million indigenous people were sent to the internment camps, mainly in 2017-19.[105] The population currently in some form of detention has been estimated to be no lower than 500,000, possibly higher by several hundred thousand.[106] These numbers represent a substantial part of the working-age population. All Uyghurs are likely to have friends or family members who underwent internment or are currently detained.

The most recent state document providing numbers of children in residential schools, published in 2019, reported 880,500 children in residential primary and middle schools, with roughly 50% of the indigenous middle school children in residential schools.[107] The same report declared a goal of 100% of middle school children in residential schools, alongside dramatic increases in residential placements for primary and secondary school children.

State media regularly report numbers of "labour transfers", with numbers hovering around two to three million each year.[108] These reports count the number of times individuals have been "transferred," rather than the number of people currently in labour transfer assignments. While the government does not permit the kind of on-the-ground surveys that would permit more detailed numerical estimates, the regular succession of years in which the state has reported 2-3 million person-times[109] of "labour transfers" suggests that the number of people currently in "labour transfer" assignments numbers in the millions. Given that over 90% of indigenous working-age people were engaged in small-scale farming as of 2014, and in light of the state's goal of "transferring" all "surplus labour" (referring to small-holding agricultural workers), a number of multiple millions from the 15 million indigenous inhabitants of the region is consistent with both the available data and the state's explicit goals.

According to state statistics, forced prevention of births has been extremely effective, bringing the natural rate of increase in the Region's population from 11 per mille in 2017 to less than 0.7 per mille by 2022.[110] Prefectures with high percentages of indigenous inhabitants have seen even larger declines. For example, Chira County in the Uyghur Region, with an indigenous population of 98% saw a decline from 11.29

103. Statistics Bureau of Xinjiang Uyghur Autonomous Region and Office of the Leading Group of Xinjiang Uyghur Autonomous Region for the Seventh National Population Census, "Main Data of Xinjiang Uyghur Autonomous Region from the Seventh National Population Census" (2021).

104. 中国人口普查年鉴 [China Population Census Yearbook] (2020).

105. Batke, "Where Did the One Million Figure for Detentions in Xinjiang's Camps Come From?"

106. Thum, "Eight Years On".

107. "2019 年新疆维吾尔自治区教育事业发展统计公报 [Statistical Report on the Development of Education in the Uyghur Autonomous Region, 2019]," Xinjiang Uyghur Autonomous Region Education Department (2020).

108. For citations to recent documents, see Adrian Zenz, "Forced Labor in the Xinjiang Uyghur Autonomous Region: Assessing the Continuation of Coercive Labor Transfers in 2023 and Early 2024," *China Brief* 24, no. 5 (2024).

109. "Person-times" represent the number of times individuals were assigned to a new placement.

110. "2022 Statistical Report on the National Economy and Social Development in the Xinjiang Uyghur Autonomous Region" (新疆维吾尔自治区国民经济和社会发展统计公报).

per mille to -0.05 from 2016 to 2019, meaning that the population shrank.[111] Overall, the coercive birth prevention policy has transformed majority-indigenous counties in the Region from among the fastest growing populations in the world to populations that are only barely sustaining population replacement.

All the policies described above, in addition to their devastating individual effects, combine to amplify each other. The threat of arbitrary detention, for example, eliminates the possibility of resisting forced labour postings, which, by removing working-age adults from their communities, also results in the institutionalisation of children and elders. In their totality, the policies described in this report threaten to erase indigenous cultures and lifeways, interrupt cultural transmission across generations, dispossess indigenous populations, reduce the proportion of indigenous populations in the region, break apart families, and subordinate survivors to Han Chinese colonial goals. Evidence from the last three years suggests that the state's progress toward these ends continues, at the cost of immense suffering for millions of members of the targeted groups.

111. Chira 2016 data. Chira 2019 data.

SECTION 2

Analysis of state-imposed forced labour targeting ethnic groups in the Xinjiang Uyghur Autonomous Region, in the context of the crime against humanity of enslavement

Author: Wayne Jordash KC

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1. Preliminary information

1.1. Procedure

1. On 18 July 2025, Anti-Slavery International requested a three-part report analysing state-imposed forced labour perpetrated by the People's Republic of China (PRC) in the context of crimes against humanity and outlining the necessary business response. On 27 November 2025, a research report into forced labour practices and other forms of repression affecting Uyghurs and other Turkic and Muslim-majority peoples within the Xinjiang Uyghur Autonomous Region (XUAR) was shared with Wayne Jordash KC (Section 1). On 22 March 2026, supplementary research information was provided.

1.2. Methodology

2. In defining relevant crimes, this Advisory Note follows the Rome Statute of the International Criminal Court (ICC). This methodology has been adopted in order to avoid addressing distinctions in elements and standards between the Rome Statute and customary international criminal law. While it is understood that the ICC does not presently have jurisdiction over the crimes alleged in Section 1, and is also unlikely to do so in the future,[1] evaluation under the Rome Statute allows for a clearer reference point as to applicable law than customary law which is amenable to debate as to its limits.

3. Regarding the scope of analysis, Section 1 of this report is used as the primary basis from which to assess applicable international crimes. From this foundation, further research was conducted at the level required to make a legal assessment. As reflected in the analysis, this further research focused on sources that possessed sufficient indicia of independence, impartiality and rigour. In sum, select additional reports prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization's Committee of Experts on the Application of Conventions and Recommendations (CEACR), various non-governmental organisations, and academics were also relied upon to contextualise and clarify the evidence.[2]

1. Rome Statute, Articles 12, 13.

2. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021); International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022); International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2025 (10 February 2025); International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2026 (13 February 2026); Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018); Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021); Human Rights Watch, Asleep at the Wheel - Car Companies' Complicity in Forced Labor in China (February 2024); Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022); R. Thum, Eight Years On, China's Repression of the Uyghurs Remains Dire (Simon-Skjodt Center for the Prevention of Genocide, February 2025); L. Murphy, N. Elimä, In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains (Sheffield Hallam University, May 2021); L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021); L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022); L. Murphy, Forced Labor in the Uyghur Region: The Evidence (Sheffield Hallam University, April 2023); V. X. Xu, et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020); A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023); A. Zenz, 'End the dominance of the Uyghur ethnic group': an analysis of Beijing's population optimization strategy in southern Xinjiang', 40:3 *Central Asian Survey* 291 (2021); A. Zenz, Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation (The Jamestown Foundation, December 2021).

4. The findings in this Advisory Note are based on **the "reasonable grounds to believe" standard of proof**. This standard is met when there exists sufficient, reliable and credible facts or information which would satisfy a reasonable and objective observer that an incident or pattern of conduct has occurred.[3]

5. As the request focuses on the Government of China's involvement in any underlying conduct which may constitute a crime pursuant to international criminal law, the Advisory Note omits assessing subjective requirements pertaining to establishing individual criminal responsibility.[4] These elements are irrelevant to a general determination of state involvement in conduct that qualifies as an international crime.[5] Ultimately, any question as to the individual criminal responsibility of either individual office holders of the Government of China, or indeed other corporate office holders otherwise involved with this conduct, would need to be assessed pursuant to these subjective requirements.

3. Rome Statute, Article 58; UNCAT, Article 12; ILC Draft Articles on the Prevention and Punishment of Crimes Against Humanity, Article 8;

4. Rome Statute, Articles 25, 28, 30.

5. Note: this paper does not purport to conduct a state responsibility analysis of the Government of China's involvement in acts constituting breaches of international human rights treaties pursuant to the ILC Draft Articles on State Responsibility as that is beyond the scope of the request.

2. Crimes against humanity: enslavement

2.1. Contextual elements

2.1.1. Applicable law

6. The main contextual element for crimes against humanity (CAH) is the requirement that underlying offences be linked to a "widespread or systematic attack directed against any civilian population".[6] The attack must be "**pursuant to or in furtherance of a state or organisational policy to commit such attack**".[7]

7. First, this requires showing that an "attack" was "directed against a civilian population". **The civilian population must be the *primary* target of the attack**.[8] An attack is defined as "**a course of conduct involving the multiple commission of [underlying offences]" against a civilian population, as opposed to a mere aggregation of random or isolated acts**.[9] This will consist of a multiplicity of underlying criminal acts as defined in the respective provisions on CAH (e.g., murder, extermination, enslavement, torture, rape, etc.) and other acts of violence.[10] Reflecting the fact that many underlying acts forming crimes against humanity are not required to be overtly violent (e.g., apartheid or persecution through discriminatory legislation), an attack need not be military in nature.[11]

8. Second, the attack must be "[either] **widespread or systematic"**.[12] The assessment of both notions should reflect the means, methods, resources and result of the attack upon the population.[13] **The notion of "widespread" concerns the large-scale nature of the attack and the number of targeted persons**.[14] This assessment is neither exclusively quantitative nor geographical, but must be carried out on the basis of all the relevant facts of the situation.[15] The principal evidentiary indicators are the number of crimes and victims, as well as the geographical and temporal spread.[16] The notion of **"systematic" concerns the**

6. Rome Statute, Article 7(1).

7. Rome Statute, Article 7(2)(a).

8. ICC, *Katanga*, Trial Judgement, para. 1104; ICC, *Ongwen*, Trial Judgement, para. 2675; ICTY, *Kunarac et al.*, Appeal Judgement, paras 91-92; ICTY, *Karadžić*, Trial Judgement, paras. 474-476.

9. Rome Statute, Article 7(2)(a). See also ICC, *Katanga*, Trial Judgement, para. 1101; ICC, *Ongwen*, Trial Judgement, para. 2674; ICC, *Ntaganda*, Appeal Judgement, para. 430.

10. K. Ambos, *Treatise on International Criminal Law – Volume II: The Crimes and Sentencing* (Oxford University Press, 2022), p. 58; D. Robinson et al., *An Introduction to International Criminal Law and Procedure* (Cambridge University Press, 2024), pp. 221-222; G. Mettraux, *International Crimes: Law and Practice – Volume II: Crimes Against Humanity* (Oxford University Press, 2020), pp. 201-204, 207-210.

11. Elements of Crimes, Article 7 – Introduction, para. 3; ICC, *Katanga*, Trial Judgement, para. 1101; MICT, *Šešelj*, Appeal Judgement, para. 69; ICTY, *Kunarac et al.*, Appeal Judgement, para. 86; ICTY, *Kordić and Čerkez*, Appeal Judgement, para. 666; ICTR, *Nahimana et al.*, Appeal Judgement, para. 916. See also K. Ambos, *Treatise on International Criminal Law – Volume II: The Crimes and Sentencing* (Oxford University Press, 2022), pp. 58-59.

12. Rome Statute, Article 7(1); ICC, *Ongwen*, Trial Judgement, para. 2680; ICTR, *Akayesu*, Trial Judgement, para. 579.

13. ICTY, *Kunarac et al.*, Appeal Judgement, para. 95.

14. ICC, *Katanga*, Trial Judgement, para. 1123; ICTY, *Kordić and Čerkez*, Appeal Judgement, para. 94; ICC, *Ongwen*, Trial Judgement, para. 2681; ICC, *Ntaganda*, Trial Judgement, para. 691; ICTY, *Blaškić*, Appeal Judgement, para. 101

15. ICC, *Ongwen*, Trial Judgement, para. 2681; ICC, *Abd-Al-Rahman*, Trial Judgment, para. 701.

16. ICTY, *Karadžić* Trial Judgment,, Trial Judgement, para. 477; ICC, *Bemba* Trial Judgment,, Trial Judgment, paras. 162-163, 688-689; ICC, *Katanga* Trial Judgment,, Trial Judgement, para. 1123; SCSL, *Taylor* Trial Judgment,, Trial Judgment, paras. 553-558; ICTY, *Stanišić* &*and Simatović* Trial Judgment,, Trial Judgment, para. 971. See also G. Mettraux, *International Crimes: Law and Practice*, – *Volume II: Crimes Against Humanity* (Oxford University Press, 2020), p. 272.

organised nature of the acts of violence, commonly reflected in patterns of crimes that demonstrate the non-accidental repetition of similar criminal conduct on a regular basis and the improbability of their random occurrence.[17] This may rest upon: (i) the organised nature of the crimes; (ii) the existence of a plan or policy to commit these crimes; (iii) identifiable identical or similar criminal practices; (iv) whether the same modus operandi was used; or (v) whether victims were treated in a similar manner across a wide geographic area.[18] Though the existence of a state policy or plan serves as a strong indicator of the systematic nature of the attack, it is insufficient to establish it on its own.[19]

9. Lastly, the attack must be committed **pursuant to or in furtherance of a state or organisational policy** to commit such an attack. **It requires a state or organisation to "actively promote or encourage" the attack.**[20] The policy may consist of a pre-established design or plan, but it may also crystallise and develop as actions are undertaken by the perpetrators.[21] The existence of the policy may be inferred from a variety of factors, including: (i) the fact that the attack was planned or directed; (ii) the existence of a recurrent pattern of violence, for example, repeated actions occurring according to a sequence; (iii) the use of public or private resources to further the policy; (iv) the involvement of state or organisational forces in the commission of crimes; (v) statements, instructions or documentation attributable to the state or organisation condoning or encouraging the commission of crimes; (vi) an underlying motivation; and (vii) the existence of preparations or collective mobilisation orchestrated and coordinated by that state or organisation.[22]

2.1.2. Relevant facts

10. In May 2014, following **Uyghur resistance to Chinese Government policies** in the Xinjiang Uyghur Autonomous Region (XUAR), including alleged terrorist attacks on civilians, China launched the "Strike Hard Campaign Against Violent Terrorism" in the XUAR.[23] Since then, the Chinese Government emphasised in official statements that "Xinjiang-related issues are in essence about countering violent terrorism and separatism".[24]

2.1.2.1. Legislative framework governing extremism and terrorism in the XUAR

11. The legislative framework governing extremism and terrorism in the XUAR provides the departure point for much of the harm that is the focus of this analysis. The Government of China's Counterterrorism Law of 2015 and the Xinjiang Implementing Measures for the Counterterrorism Law of 2016 (amended in 2018) define terrorism as: "propositions and actions that create

17. ICC, *Katanga*, Trial Judgement, para. 1123; ICTY, *Kordić and Čerkez*, Appeal Judgement, para. 94; ICC, *Ongwen*, Trial Judgement, para. 2682; ICC, *Ntaganda*, Trial Judgement, para. 692; ICTY, *Blaškić*, Appeal Judgement, para. 101

18. See generally ICC, *Abd-Al-Rahman*, Trial Judgment, para. 701; ICC, *Al Hassan*, Trial Judgment, para. 1114; ICC, *Ntaganda*, Trial Judgement, para. 693; ICTY, *Mladić*, Trial Judgment, paras. 3023, 3025.

19. ICC, *Katanga*, Trial Judgement, paras. 1111-1113.

20. Elements of Crimes, Article 7 – Introduction, para. 3.

21. ICC, *Ongwen*, Trial Judgement, para. 2679; ICC, *Ntaganda*, Trial Judgement, para. 674.

22. ICC, *Ongwen*, Trial Judgement, para. 2679; ICC, *Ntaganda*, Trial Judgement, para. 674; ICC, *Abd-Al-Rahman*, Trial Judgment, para. 698; ICC, *Yekatom and Ngaïssona*, Trial Judgment, para. 3776.

23. State Council Information Office of China, White Paper on The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang (March 2019). See also Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 12-13.

24. Remarks by H.E. Wang Yi, State Councilor and Foreign Minister of the People's Republic of China, at the High-level Segment of the 46th Session of The United Nations Human Rights Council – "A People-centered Approach for Global Human Rights Progress" (22 February 2021).

social panic, endanger public safety, attack persons or property, or coerce national organs or international organisations, through methods such as violence, destruction, intimidation, so as to achieve their political, ideological, or other objectives".[25] Notions such as "propositions", "social panic", and "other objectives" are not clearly defined and may encompass acts that fall **beneath the threshold** of seriousness or purpose of genuinely addressing terrorist conduct.[26] Further, the list of acts defined in the legislation as constituting "terrorist activities" include vague and/or subjective terms that would ordinarily not be defined as such, including, "[o]rganising, planning, preparing for, or conducting the activities which cause or attempt to cause [...] disruption of social order and other serious social harm".[27]

12. Further, the Xinjiang Religious Affairs Regulation of 2014 (XRAR) outlines a definition of "religious extremism" as "the distortion of religious teachings and the promotion of extremism, as well as other extremes of thought, speech and behaviour such as the promotion of violence, social hatred and anti-humanity".[28] **The XRAR prohibits "extremist... ideas", "thought", "activities", "clothing", "symbols", "signs" and "content," though does not clarify how these elements amount to extremism**.[29] Further, in 2014, the XUAR Government issued guidance on "Learning and Identifying 75 Religious Extreme Activities in Parts of Xinjiang" that encouraged community members to report individuals to police authorities for actions including "resisting and attacking current policies and regulations"; "having big beards"; "refusing to accept government, refusing to receive government subsidies, assistance"; "carrying illegal political and religious books and audio-visual products or checking them at the residence"; "resisting government propaganda and education"; "refusing to watch normal movies and TV networks", and "attacking development and management measures".[30]

13. The XUAR Regulation on De-extremification of 2017 (amended in 2018) (XRD) defines "extremism" as "propositions and conduct using distortion of religious teachings or other means to incite hatred or discrimination and advocate violence", and "extremification" as "speech and actions under the influence of extremism, that spread radical religious ideology, and reject and interfere with normal production and livelihood".[31] The XRD also contains an open-ended list of prohibited "primary expressions of extremification" including "interfering with normal cultural and recreational activities, rejecting or refusing public goods and services such as radio and television", "spreading religious fanaticism through irregular beards or name selection", "inducing others to boycott national policies", and "deliberately interfering with or undermining the implementation of family planning policies".[32]

25. Counterterrorism Law of the People's Republic of China, Article 3; Xinjiang Implementing Measures for the Counterterrorism Law of the People's Republic of China (unofficial translation), Article 3.

26. See Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 18.

27. Counterterrorism Law of the People's Republic of China (unofficial translation), Article 3. See also Xinjiang Implementing Measures for the Counterterrorism Law of the People's Republic of China (unofficial translation), Article 6.

28. Xinjiang Uyghur Autonomous Region Religious Affairs Regulations (unofficial translation), Article 65.

29. See Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 22.

30. XUAR Regional Committee of the Chinese Communist Party, Learning and Identifying 75 Religious Extreme Activities in Parts of Xinjiang (unofficial translation), Signs 2, 9, 16, 40, 43.

31. Xinjiang Uyghur Autonomous Region Regulation on De-extremification (unofficial translation), Article 3.

32. Xinjiang Uyghur Autonomous Region Regulation on De-extremification (unofficial translation), Article 9 (5, 8, 11, 14).

14. The scope of this legal regulation allows for acts of legitimate protest, expression of opinion/dissent and other human rights activities, or of genuine religious activity, to fall within the ambit of "extremist" behaviour or "terrorist" offences that the Chinese Government purports to target in the XUAR.[33] The promotion of these "counter-terrorism" efforts has remained a central policy of the XUAR Government in its five-year economic and social plan from 2021 to 2025.[34]

2.1.2.2. Mass arbitrary detentions in the XUAR

15. Beginning in late 2017, China began a process of **mass arbitrary detention of ethnic Uyghurs in so-called "Vocational Education and Training Centres"** (VETCs).[35] In subsequent policy papers, the Chinese Government presented these centres as part of its **strategy to counter terrorism and to prevent or counter "extremism" in the XUAR, while at the same time contributing to development, job creation and "poverty alleviation" in the Region**.[36]

16. The VETC system was recognised by the United Nation's Office of the High Commissioner for Human Rights (OHCHR) as constituting a system of arbitrary detention oriented towards political re-education.[37] This finding has been corroborated by other organisations relying on witness testimony that also determined that the VETC system had an assimilatory goal, aimed at eliminating most elements of Turkic and Islamic culture present in Uyghur and other Muslim-majority groups.[38] Chinese Government documents from Konasheher County (2018), Karakax County (2019) and Aksu Prefecture (2018) in the XUAR **outline reasons for referral of VETC detainees that underpin these conclusions: they include: untrustworthiness** (e.g., having too many children, being an "unsafe person", being born in certain years, being an ex-convict, downloading certain phone applications, using certain computer software such as a VPN); **anything religion-related** (e.g., wearing a veil, beard or religious clothing, reciting the Qur'an); **and anything linked to locations abroad** (e.g., having applied for a passport and not having left the country, having foreign connections, travelling abroad, and/or travelling domestically without permission).[39]

17. During their time in VETCs, detainees describe patterns of torture or other forms of cruel, inhumane or degrading treatment or punishment (including instances of sexual and gender-based violence), violations of the right to be treated humanely and with dignity, and violations of the right

33. See Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 21, 24, 28, 83-84.

34. XUAR Government, 新疆维吾尔自治区国民经济和社会发展第十四个五年规划和2035年远景目标纲要 [EN: 14th Five-Year Plan for National Economic and Social Development of Xinjiang Uyghur Autonomous Region and Outline of Vision and Objectives for 2035] (3 June 2021).

35. State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019); United Nations Human Rights Council, Communications, cases examined, observations and other activities conducted by the Working Group on Enforced or Involuntary Disappearances, UN Doc A/HRC/WGEID/115/1 (16 August 2018), Annex I: General Allegations; United Nations Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, UN Doc A/HRC/39/46 (30 July 2018), para. 88 and Annex I; United Nations Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), UN Doc CERD/C/CHN/CO/14-17 (19 September 2018), para. 40(a). See also Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 1-2.

36. State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019).

37. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 46-57. See also Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 37-47.

38. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 80-88.

39. Uyghur Human Rights Project, "Ideological Transformation": Records of Mass Detention in Qaraqash, Hotan (February 2020); A. Zenz, 'The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang', 8:2 *Journal of Political Risk* (2020); Xinjiang Police Files, Images of Detainees; Human Rights Watch, China: Big Data Program Targets Xinjiang's Muslims (9 December 2020).

to health (including non-consensual medical treatments).[40] As addressed below, VETCs involved many instances of forced labour amounting to the crime against humanity of enslavement (see paras. 63-64, 82-86). The **lengths of detention in VETCs varied but often involved somewhere between two and 18 months.**[41] Official local Chinese Government documents indicate that the VETC system involved the participation of, *inter alia*, state-owned enterprises and paramilitary organisations, local state officials, regional public security bureaus, regional justice bureaus, and regional state security bureaus.[42] Moreover, a variety of witness testimony show that **state police and security forces were involved in capture, detention and guarding facilities.**[43] **Eventually, even whilst denying the brutality, the Chinese Government itself acknowledged being responsible for the VETC system.**[44]

18. **VETCs appear to have closed around 2019-20.**[45] Following release, former detainees' testimony indicates that many were required to attend classes in Chinese language and political ideology, to openly disavow religion, praise the Chinese Government, and were forbidden from speaking their language.[46]

19. This VETC system appears to have operated on a wide scale, involving a multitude of facilities spanning the geographic entirety of the XUAR.[47] From 2017 to 2019, estimates by academics and international organisations (relying on data compiled by China's local governments and witness testimonies) indicate that between **several hundred thousand to over a million Turkic people (mostly ethnic Uyghurs) in the XUAR were sent to internment camps.**[48] One illustrative example – an internal memo from the XUAR Government – states **that 15,683 "suspicious persons" were sent to VETCs during a single week in June 2017.**[49] The OHCHR determined that, from 2017 to 2019, the number of individuals detained in VETC facilities was "very significant, comprising a substantial

40. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 70-78. See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 69-80, 90-92, 96-110; Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 48-55; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 19-21, 36-37.

41. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 42. See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 111-112.

42. L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), pp. 13-32, 44-52; Kashgar Prefecture Stability Maintenance Leadership Group, 依法收押二十一类严打重点对象工作指南 [EN: Work Guide for the Lawful Detention of 21 Categories of Strike-Hard Targets] (2017).

43. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 48-110.

44. State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019).

45. State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019). See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 136-137.

46. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 119-122; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 25-26; Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 4, 9-10, 38-40.

47. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 53, 56, 70.

48. A. Zenz, '"Wash Brains, Cleanse Hearts": Evidence from Chinese Government Documents about the Nature and Extent of Xinjiang's Extrajudicial Internment Campaign', 7:11 *Journal of Political Risk* (2019); Chinese Human Rights Defenders, China: Massive Numbers of Uyghurs and Other Ethnic Minorities Forced into Re-education Programs, (3 August 2018). See also United Nations Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), UN Doc CERD/C/CHN/CO/14-17 (19 September 2018), para. 40(a).

49. XUAR Regional Party Committee Command for Cracking Down and Assaulting on the Front Lines, "一体化联合作战平台"每日要情通报: 第 14 期 [EN: "Integrated Joint Operation Platform" Daily Essentials Bulletin No. 14] (25 June 2017).

proportion of the Uyghur and other predominantly Muslim minority populations".[50] The OHCHR concluded that, from at least 2017 to 2019, a "pattern of large-scale arbitrary detention" occurred in VETC facilities.[51]

20. Alongside VETCs, there is evidence that **significant increases in imprisonment** – both extrajudicial and official – **occurred from 2017 onwards within pre-trial detention centres and prisons**. In 2017, Chinese Government data indicates that arrests and indictments in the XUAR increased by an estimated 731% and 422% respectively from the prior year.[52] As indicated in official Chinese Government statistics, criminal prosecutions in the XUAR increased from the previous four-year average of around 36,000 from 2013-16 to 215,823 in 2017, 135,546 in 2018 (25.1% increase over the preceding five-year average), and 96,595 in 2019 (19.2% increase over the preceding five-year average).[53] Moreover, the number of persons sentenced for criminal offences in the XUAR increased from the previous five-year average of around 25,000-30,000 in 2012-16 to 99,326 in 2017 and 133,198 in 2018.[54] Overall, official government statistics indicate that 540,826 people were prosecuted in the XUAR from 2017 to 2021, compared to 297,000 cases from 2013 to 2017.[55] Once prosecuted, conviction was inevitable: since 2013 China's conviction rate year on year is above 99.9%.[56]

21. Further, from 2018 to 2020, the new construction or expansion of buildings with high security features analysed via satellite imagery suggests an increase in detention facilities being established to accommodate increases in detainees.[57] Through 2024 to 2026, certain international organisations allege that Uyghurs and other Turkic ethnic groups in the XUAR accounted for over a third of China's prison population, despite representing only around 1% of the total population in this Region.[58]

22. Relying on witness testimony, certain authoritative international organisations have held that many of these detentions within the formal prison system have occurred pursuant to clear violations of fair trial rights – including prosecution solely on the basis of ethnic identity and religious beliefs,

50. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 56.

51. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 57.

52. Chinese Human Rights Defenders, Criminal Arrests in Xinjiang Account for 21% of China's Total in 2017 (25 July 2018).

53. Human Rights Watch, China: Xinjiang Official Figures Reveal Higher Prisoner Count (14 September 2022); Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 59.

54. Human Rights Watch, China: Baseless Imprisonments Surge in Xinjiang (24 February 2021); C. Buckley, China's Prisons Swell After Deluge of Arrests Engulfs Muslims, *The New York Times* (31 August 2019).

55. Human Rights Watch, China: Xinjiang Official Figures Reveal Higher Prisoner Count (14 September 2022); Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 60.

56. Safeguard Defenders, China's Justice System 2024 Grows More Opaque (25 March 2025).

57. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 63; Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 138-141; L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), p. 23.

58. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2026 (13 February 2026), p. 403; Uyghur Human Rights Project, UHRP Analysis Finds 1 in 26 Uyghurs Imprisoned in Region With World's Highest Prison Rate (25 April 2024).

ill-defined crimes, lack of evidentiary basis, and coercive or obligatory guilty pleas.[59] There are clear indications that **non-violent religious behaviour has been prosecuted by judicial authorities as extremism or terrorism offences**.[60]

23. The OHCHR concluded that the trend of increased number and length of imprisonments through the criminal justice system in XUAR (in particular after 2019/20) strongly suggests a shift towards informal or formal incarcerations in regular detention centres or prisons (instead of VETCs) as the principal means for large-scale imprisonment and deprivation of liberty linked to alleged extremism or terrorism.[61]

2.1.2.3. Restrictions on religious and cultural identity

24. Moreover, **the above-mentioned conduct took place amidst other severe restrictions on religious and cultural identity and expression in the XUAR**.[62] Chinese Government policy papers express the position that "only by adapting themselves to the Chinese context can [religions] be accommodated within Chinese society" and that the state must "lead these religions, including Islam, onto the Chinese path of development".[63] In November 2022, the Secretary of the XUAR Chinese Communist Party (the highest-ranking political post in the XUAR), Ma Xingrui, vowed to continue "counterterrorism and stability maintenance" measures, to require "various ethnic groups [...] to fully embed" into the Chinese nation, "Sinicise" Islam so it is consistent with "socialist values," and deepen cultural and ideological control over the region.[64] Moreover, the Islamic Association of China's (i.e. the official Chinese Government supervisory organ for Islam) last two five-year policy plans on the "Sinicisation of Islam" (2018-22 and 2023-27) have outlined objectives such as absorbing or integrating with "the exceptional traditional Chinese culture" and "making Chinese aesthetics and Chinese elements appear more in Muslim religious and cultural activities".[65]

59. Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 16-19; Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 64-67.

60. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 64-66.

61. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 68, 144. See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 136-137; International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2025 (10 February 2025), pp. 362-363; Human Rights Watch, China: Xinjiang Official Figures Reveal Higher Prisoner Count (14 September 2022). See also G. Bunin, The Elephant in the XUAR: II. Brand new prisons, expanding old prisons, & hundreds of thousands of new inmates, *Art of Life in Chinese Central Asia* (4 January 2021); G. Bunin, The Elephant in the XUAR: III. "In accordance with the law", *Art of Life in Chinese Central Asia* (19 April 2021).

62. See, e.g., United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, UN Doc E/C.12/CHN/CO/2, (13 June 2014), para. 36; United Nations Committee on the Elimination of All Forms of Discrimination against Women, Concluding observations on the combined seventh and eighth periodic reports of China, UN Doc CEDAW/C/CHN/CO/7-8 (14 November 2014), paras. 35(b), 47; United Nations Committee on the Elimination of Racial Discrimination, Concluding Observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China), UN Doc CERD/C/CHN/CO/14-17 (19 September 2018), paras. 40(b), 40(c), 41(e), 41(f), 19 September 2018; United Nations Committee on Economic, Social and Cultural Rights, Concluding observations on the third periodic report of China, including Hong Kong, China, and Macao, China, UN Doc E/C.12/CHN/CO/3 (22 March 2023), para. 35. See also various communications by the Special Rapporteur on minority issues, Special Rapporteur on freedom of religion and belief, and other special procedures: UN Docs CHN 1/2018, CHN 21/2018, CHN 18/2019; Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 93; Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 71-74; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 27-31.

63. State Council of China, White Paper on Historical Matters Concerning Xinjiang (July 2019).

64. 新疆维吾尔自治区党委十届六次全会召开 [EN: The Sixth Plenary Session of the Tenth Party Committee of the Xinjiang Uyghur Autonomous Region was Held], *People's Daily* (21 November 2022).

65. China Islamic Association, Five-Year Planning Outline for Persisting in the Sinification of Islam (2018-2022) (unofficial translation); China Islamic Association, Outline of the Five-Year Work Plan for Thoroughly Promoting the Sinicization of Islam in Our Country (2023-2027) (unofficial translation).

25. In line with this, Turkic Muslims in the XUAR describe being required to attend weekly – sometimes daily – Chinese flag-raising ceremonies, political indoctrination meetings, and Chinese language classes.[66] **In 2025, UN experts expressed "serious concern over the increasing criminalisation of Uyghur and other minority cultural expression in China" and "the use of expansive and ambiguous counter-extremism laws, such as the 2015 Counter-Terrorism Law and the Xinjiang Uyghur Autonomous Region De-extremification Regulation [...] to curtail minority cultural and religious expression".**[67]

26. As indicated in official regulations and policy, religious activities are allowed only in Chinese Government-approved locations, conducted by government-accredited personnel, and on the basis of government-approved teachings and publications.[68] From 2017 to at least 2021, testimony of locals in the XUAR indicates that **Chinese Government officials were involved in searching, removing and destroying religious and cultural artefacts related to Islam or Turkic culture found in private homes of Muslim minoritised populations.**[69] Moreover, the destruction or repurposing of a large number of mosques, shrines and gravesites in the XUAR from 2017 to 2021 has been well documented through satellite imagery.[70]

27. In March 2026, the Chinese Government adopted the "Law on Promoting Ethnic Unity and Progress".[71] This law supports the preservation of minority texts only to "protect languages from being completely forgotten rather than protecting their ongoing, everyday use by living people" (Article 15(5)); prohibits parents from "instilling in minors ideas detrimental to ethnic unity and progress" (Article 20(2)); declares a policy of "transforming outdated customs and traditions" and "promoting a new culture of civility and progress" (Article 40); and permits citizens to report conduct that "undermines ethnic unity and progress" (Article 54(1)).[72] It has been described by observer organisations as seeking to justify repression of minorities and erasing their language rights.[73]

2.1.2.4. Intensive surveillance

28. Further, from 2014 to 2021, **the XUAR has seen extensive forms of intensive surveillance and control directed towards ethnic Uyghurs** (and other predominantly Turkic and Muslim populations).[74] This includes: invasive electronic surveillance (whereby certain behaviours, such

66. Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 4, 69; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), p. 27.

67. UN experts urge China to end repression of Uyghur and cultural expression of minorities, United Nations press release (1 October 2025).

68. See Xinjiang Uyghur Autonomous Region Religious Affairs Regulations (unofficial translation); Religious Affairs Regulations 2017 (unofficial translation); State Council of China, White Paper on Freedom of Religious Belief in Xinjiang (June 2016).

69. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 31-34.

70. See, e.g., N. Ruser et al., Cultural erasure: Tracing the destruction of Islamic spaces in Xinjiang, (Australian Strategic Policy Institute, 24 September 2020); N. Waters, Are Historic Mosques in Xinjiang being Destroyed? (Bellingcat, 5 April 2019); Uyghur Human Rights Project, Demolishing Faith: The Destruction and Desecration of Uyghur Mosques and Shrines, (28 October 2019); C. Cadell, Mosques disappear as China strives to 'build a beautiful Xinjiang', *Reuters* (23 May 2021); C. Buckley, A. Ramzy, China is Erasing Mosques and Precious Shrines in Xinjiang, *The New York Times* (25 September 2020); L. Kuo, Revealed: new evidence of China's mission to raze the mosques of Xinjiang, *The Guardian* (6 May 2019). See also Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 29-30.

71. L. Bicker, China approves 'ethnic unity' law requiring minorities to learn Mandarin, *BBC* (12 March 2026).

72. NPC Observer, China Enshrines Xi-Era Ethnic Policy in New Law (5 March 2026); Ethnic Unity and Progress Law (unofficial translation).

73. Human Rights Watch, China: Draft 'Ethnic Unity' Law Tightens Ideological Control (28 September 2025); @UNHumanRights, X post of 13 March 2026 at 15:32.

74. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 94-103; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 22-25.

as downloading of Islamic religious materials or communicating with people abroad, can be automatically monitored and flagged to law enforcement as possible signs of "extremism" requiring police follow-up, including potential referral to VETC or other detention facilities);[75] extensive compulsory biometric data collection;[76] restrictions of movement (including proliferation of security checkpoints, requirements of permission from local authorities to leave home or travel to another village, and passport confiscation);[77] and homestay programmes (Chinese Government policy imposing involuntary, regular visits by cadres into private homes of predominantly Muslim minoritised populations, which from 2016 to 2020 had involved 1.1 million state officials being paired up with 1.6 million locals in the XUAR).[78]

2.1.2.5. Violations of reproductive rights

29. **From 2017 to 2022, the OHCHR determined that there were "credible indications of violations of reproductive rights through the coercive enforcement of family planning policies"** targeting the Uyghur population in the XUAR.[79] In 2017, as indicated in official documents and statements, the XUAR Government launched a "Special Campaign to Control Birth Control Violations" in the south of the XUAR, aiming to unearth and punish birth policy violations from the 1990s to the present.[80] In 2018, a XUAR-wide government directive ordered the continuation and expansion of this campaign through the issue of additional countywide implementation schemes.[81] In 2019, the Chinese Government launched a "Special Action Plan of the 'Two Thorough Investigations' of Illegal Births", directly requiring XUAR counties to more rigorously identify and

75. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 98. See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 35-36; Human Rights Watch, China's Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App (May 2019); Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 74-78.

76. Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 23-24.

77. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 99. See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 22, 40-47; Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 57-64.

78. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 100-101; Ministry of Foreign Affairs of China, What's False and What's True on China-related Human Rights Matters (2 July 2020). See also, Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 38-39; Human Rights Watch, China: Visiting Officials Occupy Homes in Muslim Region (13 May 2018); D. Byler, China's Nightmare Homestay: In Xinjiang, unwanted Chinese guests monitor Uighur homes 24/7, *Foreign Policy* (26 October 2018); Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 78-82.

79. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 114.

80. XUAR General Office Directive 38, 关于加强和改进南疆四地州计划生育工作的意见 [EN: Opinion on strengthening and improving family planning work in the four prefectures of southern Xinjiang] (2017). The full text of the original 2017 directive is no longer available online, but it is frequently cited in county-level implementation documents. See, e.g., Poskam County People's Hospital, 泽普县人民医院举办计划生育政策培训 [EN: Poskam County People's Hospital convenes a family planning policy training session] (22 April 2020); Toksu County Family Planning Committee, 项目支出绩效目标表 [EN: List of target accomplishments for expenditure items] (2020); Ruoqiang County Government, 关于对2017全县人口和计划生育工作半年督导检查的通报 [EN: Notice on the Six-Monthly Supervision and Inspection of Population and Family Planning Work in the County in 2017] (8 August 2017); Qiemo County Government, 关于印发《且末县2018年度违法生育专项治理工作实施方案》的通知 [EN: Notice on the Issuance of the Implementation Plan for the Special Governance of Illegal Births in the 2018 County] (30 May 2018); Hejing Town Government, 和静镇2018年度违法生育专项治理工作实施方案 [EN: Hejing Town 2018 illegal birth special governance work implementation plan] (2018); Midong Town Government, 关于印发《古牧地镇2019年违法生育"两个彻查"专项行动实施方案》的通知 [EN: Notice on Issuing the Implementation Plan for the "Two Thorough Investigation" Special Action for Illegal Births in Ancient Pastoral Towns in 2019] (21 July 2019); 新源县强力推进违法生育专项整治工作 [EN: Xinyuan County strongly promotes the special rectification of illegal fertility] (15 January 2018); 察布查尔县召开清理清查违法生育推进会 [EN: Qapqal County held a clean-up and inspection of illegal birth promotion meeting] (22 January 2018); 特克斯县召开2017年违法生育专项整治工作推进会 [EN: Tekes County held a special rectification meeting for illegal birth in 2017] (15 March 2017).

81. See, e.g., Wenquan County Government, 关于印发温泉县开展违法生育专项治理行动实施方案的通知 [EN: Notice on issuing Wenquan County's Implementation Plan for strike-hard campaign against Illegal childbirth] (16 August 2018); Chapchal County Health and Family Planning Commission, 关于持续深入开展违法生育专项治理工作的通知 [EN: Notice on continuing and deepening the strike-hard campaign against illegal childbirths] (28 May 2018).

punish those violating family planning laws via illegal births.[82] **By 2019, the XUAR Government planned for over 80% of women of childbearing age in prefectures of southern XUAR to be subjected to "birth control measures with long-term effectiveness"** i.e. intrauterine devices (IUDs) or sterilisation.[83] Official county government directives indicate that government health officials are to "ensure the implementation of long-term birth control measures" for "married women of childbearing age" and to conduct "early disposal of pregnant persons found in violation of the policy".[84] As outlined in further official county government documents, family planning violations have led to fines, detention, forced birth control (including sterilisation) and forced abortions.[85]

30. **Chinese Government documents** (including those outlining national, regional and county-level regulations) **associate frequency in childbirth with "extremism", leading to punitive responses premised on Chinese Government policies targeting terrorism.**[86] For example, a 2019 document emanating from county officials listing the basis for internment of nearly 500 persons in VETCs cited "giving birth to too many children" as the most common reason.[87]

2.1.2.6. Population engineering

31. Since 2014, the Chinese Government has also espoused a policy known as "population optimisation" – as referenced by President Xi Jinping.[88] Chinese state-sponsored academic

82. E.g. Hejing County Government, 2019年和静县卫生健康委员会工作总结及2020年工作计划 [EN: Summary of the 2019 work of the Hejing County Health and Health Committee and the 2020 Work Plan];
博州卫生健康委与州广播电台联合开展《997说法时间》以案释法计划生育工作 [EN: Bortala Prefecture Health Commission and the Prefectural Radio Station Jointly Launch '997 Legal Talk Time' to Explain Family-Planning Work Through Case Example] (20 December 2019); Zhaosu County Government, 昭苏县2019年计划生育和母婴安全工作汇报 [EN: Report on Family Planning and Maternal and Child Safety in Zhaosu County in 2019] (15 October 2019); Midong Town Government, 关于印发《古牧地镇2019年违法生育"两个彻查"专项行动实施方案》的通知 [EN: Notice on Issuing the Implementation Plan for the "Two Thorough Investigation" Special Action for Illegal Births in Ancient Pastoral Towns in 2019] (21 July 2019).

83. XUAR Health Commission, 自治区卫生健康委员会机关及直属（管）单位2019年度部门预算及"三公经费"信息公开报告 [EN: 2019 Annual Department Budget of the Health Commission of the Autonomous Region and the units directly under (administration) and "three public funds" information disclosure report] (29 January 2019) (archived download of the spreadsheet titled 2019 年自治区卫生健康委员会机关及直属（管）单位绩效目标.xls).

84. Qaba County Government, 《哈巴河县持续深入开展违法生育专项治理工作实施方案》政策解 [EN: Policy explainer "Continuing and deepening of the strike-hard program against illegal births in Qaba County"] (26 June 2020).

85. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 104, 106, 110-111, 113; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 37-39; Qiemo County Government, 关于印发《且末县2018年度违法生育专项治理工作实施方案》的通知 [EN: Notice on the Issuance of the Implementation Plan for the Special Governance of Illegal Births in the 2018 County] (30 May 2018); Nilka County Government, 关于印发《尼勒克县流动人口计划生育双向服务管理办法》的通知 [EN:] Notice on Issuing the "Nilka County Measures for the Two-Way Service and Management of Family Planning for the Floating Population"] (20 November 2019); 察布查尔县召开清理清查违法生育推进会 [EN: Qapqal County held a clean-up and inspection of illegal birth promotion meeting] (22 January 2018); Fukang City Government, 阜康市人民政府关于严肃查处违法生育依法征收社会抚养费的通知 [EN: Notice of the Fukang City People's Government on Strictly Investigating and Punishing Illegal Births and Levying Social Maintenance Fees in Accordance with the Law] (20 May 2018); Mulei County Government, 木垒县关于严肃查处违法生育依法 征收社会抚养费的公告 [EN: Mulei County Public Announcement on Strictly Investigating and Punishing Illegal Births and Levying Social Maintenance Fees in Accordance with the Law] (20 May 2018); Bayingolin Prefecture Health Bureau, 加强孕前型管理 提高妇幼健康和计划生育技术服务工作水平的实施方案 [EN: Implementation Plan for Strengthening Preconception Management and Raising the Level of Maternal-and-Child Health and Family-Planning Technical Service Work] (10 May 2018); Cherchen County Government, 关于印发《且末县2018年度违法生育专 治理工作实施方案》 的通知 [EN: Concerning the printing and distribution of the notice "Cherchen County 2018 Strike-hard campaign against illegal births"] (30 May 2018).

86. See, e.g., State Council of China, White Paper on Xinjiang Population Dynamics and Data (26 September 2021); Xinjiang Uyghur Autonomous Region Religious Affairs Regulations (unofficial translation), Article 5.3; Xinjiang Uyghur Autonomous Region Regulation on De-extremification (unofficial translation), Article 9.14; Qiemo County Government, 关于印发《且末县2018年度违法生育专项治理工作实施方案》的通知 [EN: Notice on the Issuance of the Implementation Plan for the Special Governance of Illegal Births in the 2018 County] (30 May 2018) Article 17(2); Nilka County Government, 关于印发《尼勒克县流动人口计划生育双向服务管理办法》的通知 [EN:] Notice on Issuing the "Nilka County Measures for the Two-Way Service and Management of Family Planning for the Floating Population"] (20 November 2019), Article 31.

87. Uyghur Human Rights Project, "Ideological Transformation": Records of Mass Detention in Qaraqash, Hotan (February 2020); A. Zenz, 'The Karakax List: Dissecting the Anatomy of Beijing's Internment Drive in Xinjiang', 8:2 *Journal of Political Risk* (2020).

88. 新疆生产建设兵团：做屯垦戍边忠诚卫士 绘就新疆发展新宏图 [EN: Xinjiang Production and Construction Corps: Be a Loyal Guardian of the Frontier; Draw a Great New Map of Xinjiang Development], *Guangming Daily* (7 June 2021); 习近平视察新疆生产建设兵团：屯垦兴则西域兴 [EN: Xi Jinping Visits Xinjiang Production and Construction Corps: Tunxing and Xie Xingxing], *Global Times* (30 April 2014); 习近平考察新疆：兵团要成为安边固疆的稳定器 [EN: Xi Jinping's Visit to Xinjiang: the Corps Wants to Become a Stabiliser for Anbian Guxian], *China News Network* (16 June 2014).

publications describe the Chinese Government as attaching "great importance to the problem of Xinjiang's population structure and population security".[89] The Xinjiang Production and Construction Corps (XPCC) – a state-run paramilitary corporate conglomerate that operates in the XUAR and functions as a regional government, a paramilitary organisation, a bureau of prisons, a media company, an educational system and a corporate enterprise[90] – was tasked by the Chinese Government to help implement "population optimisation".[91]

32. Academic papers from the XPCC define the policy, describing "population resources" as relating to "Han-ethnic composition" whereby "[h]ighly concentrated areas of ethnic minorities are likely to become targets of extremist ideological infiltration and erosion" and that "optimisation" is meant to address, *inter alia*, the issue that "the population of ethnic minorities is growing faster than that of Han people and their residence pattern is distinctly concentrated" (particularly in the XUAR).[92] The XPCC is engaged in providing subsidies specifically to ethnic Han migrants to resettle themselves into the XUAR.[93]

33. Further, a direct link seems to be drawn by Chinese Government bodies between restrictions of reproductive rights and ethnic recomposition of populations. In particular, initiatives to implement birth prevention campaigns in the XUAR have included the "optimisation" or "balancing" of population structure as an outcome indicator in local government documents.[94]

2.1.2.7. Labour transfers

34. The Chinese Government has outlined that **vocational training and employment are central to the "fight against terrorism and extremism"**.[95] Moreover, the **Chinese Government's official documents and public statements have linked VETC facilities and employment schemes;**

89. A. Zenz, 'End the dominance of the Uyghur ethnic group': an analysis of Beijing's population optimization strategy in southern Xinjiang', 40:3 *Central Asian Survey* 291 (2021), p. 5 (referencing Z. Liu, 优化南疆人口资源问题研究——以第三师为例 [EN: Research on Optimizing the Population Resources of Southern Xinjiang – Taking the Third Division as an Example] *Journal of the Party School of the XPCC* (2017), pp. 8-13).

90. L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), p. 4.

91. "新疆生产建设兵团：做屯垦戍边忠诚卫士 绘就新疆发展新宏图 [EN: Xinjiang Production and Construction Corps: Be a Loyal Guardian of the Frontier; Draw a Great New Map of Xinjiang Development], *Guangming Daily* (7 June 2021); 坚决落实党中央对兵团的定位要求 履行兵团职责使命 发挥兵团特殊作用 为维护新疆社会稳定和实现长治久安而奋斗 [EN: Resolutely implement the positioning requirements of the Party Central Committee for the Corps, fulfil the mission of the Corps' responsibilities and give full play to the special role of the Corps, and strive to maintain social stability in Xinjiang and achieve long-term peace and stability] (24 April 2017).

92. W. Li, L. Wang, 'A Discussion on Playing the Special Role of the XPCC in Optimizing the Population Resources', 41:1 *Northwest Population* (2019), pp. 116-126. See also XPCC, 新疆生产建设兵团2019年国民经济和社会发展统计公报 [EN: Statistical Communiqué of the Xinjiang Production and Construction Corps on National Economic and Social Development in 2019] (26 April 2020).

93. Subsidies For Han Settlers 'Engineering Demographics' in Uyghur-Majority Southern Xinjiang, Radio Free Asia (13 April 2020). See, e.g., 西吉县向新疆转移就业和移民安置好消息，附：兵团招工及落户政策 [EN: Good news about the transfer of employment and resettlement from Xiji County to Xinjiang, attached: the XPCC's recruitment and settlement policy], *Xiji City Net* (5 June 2017); 走，咱们一起去新疆！赴疆转移就业，政府有补贴!! [EN: Let's go to Xinjiang together! The government has subsidies for moving to Xinjiang for employment!!], *Xinzhai Wechat Platform* (27 March 2019).

94. Baicheng County Health Committee, 项目支出绩效目标表 [EN: Project Expenditure Performance Target Table] (2020); Midong Town Government, 关于印发《古牧地镇2019年违法生育"两个彻查"专项行动实施方案》的通知 [EN: Notice on Issuing the Implementation Plan for the "Two Thorough Investigation" Special Action for Illegal Births in Ancient Pastoral Towns in 2019] (21 July 2019); Hotan City Family Planning Commission, 和田市人口和计划生育委员会 2019 年部门 预算公开 [EN: Hotan City Population and Family Planning Commission 2019 Departmental Public Budget] (August 2019); Kuqa County Government, 阿克苏地区库车县计生委 2019年部门 预算公开 [EN: Kuqa County Family Planning Commission, Aksu Prefecture Departmental Public Budget for 2019] (27 August 2019); Xinhe County Government, 阿克苏地区新和县新和镇计划生育 服务站整体支出绩效自评报告 [EN: Self-Evaluation Report on the Overall Expenditure Performance of Family Planning Service Station in Xinhe Town, Xinhe County, Aksu Prefecture] (31 October 2020).

95. 2019 White Paper on "Vocational Education and Training in Xinjiang". State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019).

effectively describing a system promoting a pathway from VETC detention to subsequent employment in factories or enterprises.[96]

35. Since the early 2000s, employment schemes – including "labour transfers" – have formed an important component of the Chinese Government's "poverty alleviation" programmes in the XUAR.[97] Following the launch of the "Strike Hard Campaign Against Violent Terrorism" in 2014, Chinese Government policy began linking "surplus labour" to so-called regressive ethnic social practices and extremism.[98] That same year, Chinese President Xi Jinping stated that large numbers of the unemployed would "provoke trouble", while employment would help ethnic groups "resist religious extremist thinking".[99] Similar themes were echoed by Chinese Premier Li Keqiang, stating, *inter alia*, that those "without land, employment or a fixed income [...] will also be easily exploited by evildoers".[100] In its 13th Five-Year Plan for the National, Economic and Social Development from May 2016, the XUAR Government included "labour transfer" employment policies as "crucial to Xinjiang's social stability and long-term peace and security".[101] In its implementation notice shared with local governments in May 2017, the XUAR Government stated plainly that – in relation to "poverty alleviation" programmes including "labour transfers" – "curing poverty means to first cure ignorance and backwardness".[102]

36. In its 2020 White Paper on "Employment and Labour Rights in Xinjiang", the Chinese Government closely linked its "poverty alleviation" schemes to the prevention and countering of "extremism" and "terrorism".[103] In XUAR areas identified as extremely poor, the government noted that "terrorists, separatists and extremists [...] incite the public to resist learning the standard spoken and written Chinese language, reject modern science, and refuse to improve their vocational skills, economic conditions, and the ability to better their own lives".[104] In its 14th Five-Year Employment

96. See, e.g., State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019 White Paper on "Vocational Education and Training in Xinjiang";); Full transcript: Interview with Xinjiang government chief on counterterrorism, vocational education and training in Xinjiang, *Xinhua* news, "the Chairman of Xinjiang Uyghur Autonomous Region answered questions on the stability of anti-terrorism in Xinjiang and the development of vocational skills education and training" *News* (16 October 2018; Department of Public Information,); Kashgar, Prefecture Government, 关于印发《喀什地区困难群体就业培训工作实施方案》的通知 [EN: Notice on Issuing the Issuance of the "Implementation Plan for Employment Training for theof Difficult Groups in Kashgar, "] (7 August 2018.).

97. Government of China, 新疆的农村劳动力转移出现四个转变产生四大效应 [EN: Four shifts in rural labor force transfer in Xinjiang have four major effects] (18 June 2007); State Council of China, White Paper on Employment and Labour Rights in Xinjiang (17 September 2020).

98. See overall A. Zenz, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28-29, 2014) – Introduction, Authentication and Transcription (27 November 2021); A. Zenz, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28-30, 2014) – Transcript (13 December 2021).

99. A. Zenz, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28-29, 2014) – Introduction, Authentication and Transcription (27 November 2021); A. Zenz, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28-30, 2014) – Transcript (13 December 2021).

100. A. Zenz, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28-29, 2014) – Introduction, Authentication and Transcription (27 November 2021); A. Zenz, Speeches by Comrades Xi Jinping, Li Keqiang and Yu Zhengsheng at the Second Central Xinjiang Work Forum (May 28-30, 2014) – Transcript (13 December 2021).

101. XUAR Government, 新疆维吾尔自治区国民经济和社会发展 第十三个五年规划纲要 [EN: National, Economic, and Social Development of Xinjiang Uyghur Autonomous Region – 13th Five-Year Plan] (May 2016), pp. 96ss.

102. XUAR Government, 关于印发新疆维吾尔自治区"十三五"脱贫攻坚规划的通知 [EN: Notice on Issuing the 13th Five-Year Plan for Poverty Alleviation in Xinjiang Uyghur Autonomous Region] (2017).

103. State Council of China, White Paper on Employment and Labour Rights in Xinjiang (17 September 2020). See also Kashgar Party Office Bulletin No. 88 (2017) - Speeches of Comrades Li Ningping, Parhat Rozi, Chen Zhijiang and Dai Qing at the Meeting Promoting Poverty Alleviation to Reach Households and Persons with Precision

104. State Council of China, White Paper on Employment and Labour Rights in Xinjiang (17 September 2020). See also State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019).

Promotion Plan (2021-25), the XUAR Government aims for "every able-bodied person to achieve stable employment".[105]

37. The available evidence – much of it from the Chinese Government's own admissions – shows that "labour transfers" are widespread and systematic.[106] State-run labour mobilisation initiatives had already begun in the early 2000s.[107] In 2004, China's National Bureau of Statistics reported that over 1 million "labour transfers" occurred in the XUAR.[108] According to official state media, in 2007 this number had increased to over 1.44 million and in 2013 it had reached 2.7 million.[109] From 2014 to 2019, the Chinese Government stated that an average of 2.76 million "labour transfers" within and from the XUAR had occurred per year.[110] International organisations relying on Chinese state media have estimated that "labour transfers" from the XUAR to other provinces occurred 20,859 times in 2017, 28,000 times in 2018, and 32,000 times in 2019.[111] For 2020, the Chinese Government indicated that **the number of "labour transfers" had reached over 3.15 million.**[112] In 2021, the XUAR Government claimed that 3.2 million "labour transfers" had taken place.[113] In February 2023, the Chinese Government indicated its intention to increase the proportion of "poverty-alleviated" labourers "transferred" from the XUAR to other provinces, its goal being to transfer at least 1.087 million "surplus" rural workers (a significant increase of 37.8% in comparison to 2022 in cross-provincial labour transfers).[114] In 2024, the XUAR Government indicated 3.34 million instances where individuals were assigned to new jobs via "labour transfers."[115]

38. Additionally, the XUAR Government's official papers have outlined the so-called "double concentration" policy of increased development of child nurseries and elder homes as a tool to assist "labour transfer" programmes and support "long-term peace and security".[116] Various regional Chinese Government documents indicate plans to support these activities until at least 2025.[117]

105. XUAR Government, 关于印发新疆维吾尔自治区"十四五"就业促进规划的通知 [EN: Notice on Issuing the Xinjiang Uyghur Autonomous Region's 14th Five-Year Plan for Employment Promotion] (2021).

106. n.b. The statistics on labour transfers referred to herein are calculated in so-called "person times", which denotes the number of times a transfer has taken place (which can include multiple transfers for a single person).

107. A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), pp. 655-656.

108. National Bureau of Statistics of China, 转移农村劳动力是解决新疆"三农"问题的根本出路 [EN: Transferring rural labour is the fundamental way out for solving Xinjiang's "three rural issues"] (31 August 2005).

109. L. Qin, 新疆掀起农村富余劳动力转移热潮 [EN: Xinjiang set off a rural surplus labour transfer boom], Tianshan Net (22 April 2008); 2013年新疆270万人次农村富余劳动力转移就业 [EN: 2.7 million rural surplus labour force transfer jobs in Xinjiang in 2013], 新华网 [EN: *Xinhua News*] (2 January 2014).

110. State Council of China, White Paper on Employment and Labour Rights in Xinjiang (17 September 2020).

111. V. X. Xu, et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), p. 14.

112. XUAR Government, 关于印发新疆维吾尔自治区"十四五"就业促进规划的通知 [EN: Notice on Issuing the Xinjiang Uyghur Autonomous Region's 14th Five-Year Plan for Employment Promotion] (2021).

113. G. Feng, 2021 年新疆经济增长 7.0% [EN: Xinjiang's economy to grow by 7.0% in 2021], 新疆日报 [EN: *Xinjiang Daily*] (7 February 2022).

114. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2025 (10 February 2025), p. 887.

115. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2026 (13 February 2026) p. 399.

116. R. Thum, Eight Years On, China's Repression of the Uyghurs Remains Dire (Simon-Skjodt Center for the Prevention of Genocide, February 2025), pp. 16-17; XUAR Government, 《关于全面建立"五保"老人集中供养和孤儿集中收养制度的实施方案》的政策解读 [EN: Policy Interpretation of the 'Implementation Plan on Comprehensively Establishing the System of Centralized Support for "Five-Guarantee" Elderly and Centralized Adoption of Orphans] (13 April 2023). See also Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019).

117. See, e.g., XUAR Government, 新疆维吾尔自治区'十四五'老龄事业发展和养老服务体系规划 [EN: Xinjiang Uyghur Autonomous Region's 14th Five-Year Plan for the Development of Aging Affairs and Elderly Care Service System] (11 August 2022); R. Thum, Eight Years On, China's Repression of the Uyghurs Remains Dire (Simon-Skjodt Center for the Prevention of Genocide, February 2025), p. 11.

39. As also described by the XUAR Government, land transfer initiatives (i.e. indigenous farmers' land being transferred for state-run or private industrial farm use) are also used to support "labour transfer" goals.[118] Witness testimonies indicate instances of state coercion for land expropriation through state-mandated destruction of homes and threats of detention.[119] Documentation through satellite imagery and witness testimony indicates that expropriation may be followed by relocation to new state-built townships devoid of all typical or traditional Uyghur cultural and religious characteristics.[120]

2.1.3. Analysis

40. The OHCHR held that the Chinese Government's implementation of counter-terrorism and counter-extremism strategies and associated policies in the XUAR "has led to interlocking patterns of severe and undue restrictions on a wide range of human rights" that discriminatorily affect Uyghur and other predominantly Muslim communities.[121]

41. By 2017 and onwards, these include systems of deprivations of liberty (i.e. detention – notably mass internment and imprisonment (paras. 15-23 above), restrictions on religious and cultural identity (paras 24-27 above), intensive surveillance (para. 28 above), violations of reproductive rights (paras. 29-30 above), coerced labour transfers (paras. 32-35 above), and population transfer and ethnic re-composition (paras. 37-39 above) – all extensively targeting the Uyghur ethnic group. With the exception of internment in VETCs, there are no indications that these policies, or the resulting violence and/or coercion have ceased as of 2025.

42. As outlined below, **the forced labour in VETCs constitutes enslavement as a CAH** (paras. 85-86 below). **Further, as the available evidence shows, in many instances, the labour transfer policy has resulted in the commission of the CAH of enslavement against the civilian population, in particular the Uyghur ethnic group in the XUAR** (paras. 87-91 below). More broadly, the commission of imprisonment or other severe deprivation of liberty, torture, persecution, enforced disappearance, rape and other forms of sexual violence, and forcible transfer as CAH have been documented by a range of authoritative international organisations as occurring in the XUAR since 2017.[122]

43. As outlined above, **these policies have affected hundreds of thousands to millions of civilians since 2017 and have occurred throughout the entirety of the XUAR.** These policies, and their design and implementation in the form of an attack against the civilian population, have been **actively promoted**

118. XUAR Rural Cooperative Economic Development Centre, 推动农村土地流转促进新型农村经营主体发[EN: Promote the transfer of rural land and promote the development of new rural management entities] (20 April 2020). See also 土地流转"转"出好"钱景" [EN: Land circulation "turns" to a good "money scene"], *Aksu Daily* (24 November 2020. See also: [访惠聚]青河县："组团"就业 致富路上遍地开花 [EN: [Interview with Huiju] Qinghe County: "Groups" are blooming everywhere on the way to get rich], *Altay News*, (16 July 2019); Yecheng Public Security, 实施"土地流转+X"发展方略 打造现代农业"新型农村" [EN: Implement the "Land Circulation + X" development strategy to create a modern agricultural "new type of countryside], *Weixin* (13 March 2019).

119. L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), pp. 28-29, 32-33.

120. L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), pp. 29-30.

121. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 143.

122. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 147-148; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 45-48.

by the Chinese State in official documents and public statements. Moreover, since 2017 at least, there has been a **recurring pattern of violence** against civilians in the XUAR. It is self-evident that the massive scale of the policies requires significant government/public resources to implement. For example, the state forces implicated in the commission of the various widespread and systematic crimes include: the XPCC, security forces, local state officials, regional public security bureaus, regional justice bureaus, regional state security bureaus, regional health authorities. This is confirmed through various statements, instructions and directives that have been issued by state authorities to ensure the implementation of these policies and the associated commission of crimes that are (impliedly) excused by Chinese state officials as the means to eradicate alleged security threats purportedly linked to religious and cultural traits associated with the Uyghur ethnicity.

44. Accordingly, the goals of these various policies have been outlined by the Chinese State as including: (i) combatting terrorism and extremism (paras. 10-15, 28, 30-31, 35 above); (ii) "poverty alleviation" (paras. 15, 32-31, 35); and (iii) population optimisation by diluting the concentration of ethnic minoritised populations (including Uyghurs) proportionate to the Han majority (paras. 37-39).

45. In fact, the evidence shows that **these policies have as one of their principal aims the restriction of the religious and cultural identity and expression of Turkic peoples (including Uyghurs)** and their assimilation into Han Chinese culture (paras. 14, 16, 18, 21, 24-27 above). Beyond, they have further sought to impose political re-education (paras. 16, 18, 24 above). As made clear in official government policy statements and directives, these violations are an inherent consequence of the Chinese State associating the concepts of "terrorism" and "extremism" with religious and cultural practices and expressions of the Uyghur ethnic group.

46. **Consequently, there can be no reasonable doubt that there was/is an attack directed against a civilian population.** It is composed of the CAH of enslavement (established below) and other underlying conduct which may readily be qualified as CAH including forcible transfer (para. 35 above), imprisonment or other severe deprivation of physical liberty (paras. 15-23 above), torture (para. 17 above), rape and other forms of sexual violence (para. 17 above), enforced sterilisation (paras. 29-30 above), and persecution (paras. 24-28, 37-39 above). The underlying conduct constituting or likely to constitute CAH targeted at Turkic groups in the XUAR (mainly ethnic Uyghurs) comprises an attack directed predominantly against the Uyghur ethnic civilian population. From 2017 to 2019/20, this predominantly involved mass informal detention in VETCs and a significant level of formal detention in prisons. **From 2020 onwards (which research suggests is when most, or even all, of the VETCs were closed down), the misconduct shifted to focus on "labour transfer" programmes and increased informal or formal detention in detention centres and prisons).**[123]

47. **There can be no reasonable doubt that this attack was/is both widespread and systematic.** It was widespread as it occurred across the entire Uyghur Region and affected tens of thousands to millions of victims. It was systematic as it was achieved through a high degree of state organisation; supported by various state policies and significant use of state resources; and featured the identical deployment of these criminal practices against Uyghurs throughout the entire XUAR.

123. State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019). See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 136-137 and China Brief, A Zenz "Forced Labor in the Xinjiang Uyghur Autonomous Region Assessing the Continuation of Coercive Labor Transfers in 2023 and Early 2024" (Volume 24, Issue 5, 14 January 2024).

48. While the conduct described has not all occurred at the same time, and some aspects are no longer occurring, at least to the same scale, they nevertheless form part of an ongoing attack as they have all arisen from state policies continuously targeting terrorism/extremism, "poverty alleviation", population optimisation by diluting the concentration of ethnic minoritised populations, restriction of religious and cultural identity and expression, and political re-education of Turkic minoritised populations (including Uyghurs) in the XUAR since 2017. Given the multiplicity of criminal acts, the diminution or cessation of some practices, particularly detention in VETCs, and replacement by other equally violent or repressive practices, such as formal detention and "labour transfers", does not alter the fact of the existence of a continuing widespread and systematic attack of a coercive and violent nature against civilians in XUAR.

49. **As is obvious from the above, it is also beyond clear that the attack was committed pursuant to or in furtherance of a state policy to commit such an attack.** This is established by the recurring pattern of violence occurring since 2017, the use of public resources to implement relevant policies, the involvement of state forces, instructions/documentation attributable to the state encouraging and planning the crimes, and an underlying motivation to target Uyghurs for their religious and cultural expression. In conclusion, the evidence readily **establishes that from 2017 to 2025, an attack was directed against the Uyghur civilian population in the XUAR, pursuant to or in furtherance of China's state policy to commit such an attack for the purposes outlined. The attack is both violent and coercive and as a matter of practice and routine targets Uyghurs for nothing more than being Uyghurs.**

2.2. Underlying conduct: enslavement

50. The facts outlined in Section 1, concerning the conduct of Chinese authorities, reflects the high likelihood of the commission of a multitude of CAH. In circumstances where a state facilitates a widespread *and* systematic attack on a civilian population consisting of a range of interrelated acts of severe violence (including imprisonment or other severe deprivation of physical liberty, torture, rape and other forms of sexual violence and persecution), there is a high likelihood that the evidence will give rise to, and be able to be legally categorised as, a range of additional CAH. Indeed, in many instances, these additional CAH are either the intended criminal means by which the enslavement (that is the focus of this analysis) is achieved and/or the virtually certain consequences flowing from the concerted brutality that enslaves the individual and the targeted group. Concerning the means, forced labour that features transfers (both proximate and distant) and continued detention for extended periods of time will likely also amount to forcible transfer and severe deprivation of physical liberty as CAH.[124] As for the virtually certain consequences, the violent courses of conduct that constitute the enslavement may serve to provide opportunity and impetus for a range of associated violence and/or other inhumane acts that may amount to additional CAH, including torture, sexual violence and persecution.[125] These other CAH have not been comprehensively examined in the course of the present analysis.[126] Instead, the focus below is the CAH most relevant to the facts outlined in Section 1, namely, enslavement (linked to state-imposed forced labour).

124. Rome Statute, Article 7(1)(d), (e).

125. Rome Statute, Article 7(1)(f), (g),(h), and (k).

126. Uyghur Tribunal judgment (9th December 2021); Essex Court Chambers, International Criminal Responsibility for Crimes Against Humanity and Genocide Against the Uyghur Population in the Xinjiang Uyghur Autonomous Region (8 February 2021).

2.2.1. Applicable law

51. **For an act to qualify as a CAH, there must be a nexus between the underlying individual criminal act(s) committed and the overall attack against a civilian population**. In making this determination, due regard must be given to the characteristics, aims, nature and consequences of the acts concerned (and whether they align with that of the broader attack).[127] Relevant indicia to consider also include the temporal and geographical proximity of the concerned acts to the attack.[128] In addition, the manner in which the acts are associated with or further the policy underlying the attack is of particular significance.[129]

52. The CAH of enslavement is set out in Article 7(1)(c) of the Rome Statute and is defined as the "exercise of any or all of the powers attaching to the right of ownership over a person".[130] This notion **goes beyond the traditional concept of "chattel" slavery and includes contemporary forms of slavery**.[131] Of note, a commercial transaction is not required to establish enslavement.[132] Moreover, enslavement does not require any specific amount of ill-treatment.[133] Further, there is no minimum amount of time during which a victim must be enslaved for the crime to occur.[134]

53. For the purpose of establishing enslavement, "exercising powers attaching to the right of ownership" means the use, enjoyment and disposal of a person who is regarded as property, by placing them in a situation of dependence that entails depriving them of any form of autonomy.[135] This may include "purchasing, selling, lending or bartering such a person [...] or by imposing on them a similar deprivation of liberty".[136] The imposition of a "similar deprivation of liberty" may take various forms and may cover situations in which the victims may not have been physically confined, but were otherwise unable to leave as they would have nowhere else to go due to fear for their safety and their lives.[137] This involves considering the victim's perception of their situation as well as their reasonable fear.[138]

54. There is no exhaustive list of situations or circumstances that reflect the exercise of the power of ownership.[139] However, an assessment may consider the following relevant indicia: (i) detention or captivity; (ii) control or restriction of someone's movement and, more generally, measures taken to prevent or deter escape; (iii) control of physical environment; (iv) psychological control or pressure; (v) force, threat of force or coercion; (vi) duration of the exercise of powers attaching to the right of ownership; (vii) assertion of exclusivity; (viii) subjection to cruel treatment and abuse; (ix) control of sexuality; (x) forced

127. ICC, *Ongwen*, Trial Judgement, para. 2688; ICC, *Ntaganda*, Trial Judgement, para. 696; ICC, *Bemba*, Trial Judgment, para. 165; ICC, *Katanga*, Trial Judgement, para. 1124; ICTY, *Blagojević and Jokić*, Trial Judgement, para. 547; ICTR, *Semanza*, Trial Judgement, para. 326.

128. ICC, *Ntaganda*, Trial Judgement, para. 696.

129. K. Ambos, 'Article 7: Chapeau' in K. Ambos, ed., *Rome Statute of the International Criminal Court: Article-by-Article Commentary* (Bloomsbury, 2022), littera 18; K. Ambos, *Treatise on International Criminal Law – Volume II: The Crimes and Sentencing* (Oxford University Press, 2022), p. 60.

130. Rome Statute, Article 7(1)(c), (2)(c).

131. ICTY, *Kunarac et al.*, Appeal Judgement, para. 117.

132. ICC, *Ongwen*, Trial Judgement, para. 2713; ICC, *Katanga*, Trial Judgement, para. 976; ICC, *Ntaganda*, Trial Judgement, para. 952; SCSL, *Taylor*, Trial Judgment, para. 420; SCSL, *Brima et al.*, Trial Judgement, para. 709.

133. ICC, *Ongwen*, Trial Judgement, para. 2713; ICTY, *Kunarac et al.*, Appeal Judgement, para. 123; ECCC, Case 001 (Duch), Trial Judgement, para. 344.

134. ICC, *Ongwen*, Trial Judgement, para. 2714; ICTY, *Kunarac et al.*, Appeal Judgement, para. 121.

135. ICC, *Katanga*, Trial Judgement, para. 975.

136. Elements of Crimes, Article 7(1)(c).

137. ICC, *Ongwen*, Trial Judgement, para. 2713; ICC, *Ntaganda*, Trial Judgement, para. 952; SCSL, *Taylor*, Trial Judgment, para. 420; SCSL, *Brima et al.*, Trial Judgement, para. 709.

138. ICC, *Katanga*, Trial Judgement, para. 977.

139. ICC, *Katanga*, Trial Judgement, para. 975; ICC, *Ntaganda*, Trial Judgement, para. 952; ICTY, *Kunarac et al.*, Appeal Judgement, para. 119; SCSL, *Sesay et al.*, Trial Judgement, para. 160.

labour or subjecting the person to servile status; and (xi) the person's vulnerability and the socio-economic conditions in which the power is exerted.[140] The lack of consent on the part of the victim is a useful indicia as well, though not a constituent element of the crime.[141]

55. It is accepted that **the requisite deprivation of liberty constituting enslavement may, in some circumstances, include exacting forced labour.**[142] **However, not all forms of forced labour will rise to the level of enslavement.** Notably, the definition of forced labour provided by Article 2(1) of the International Labour Organization (ILO) Forced Labour Convention (No. 29) – "all work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily" – applies beyond the exercise of powers of ownership over someone required by enslavement.[143] In fact, as indicated below, **forced labour is an indicator of enslavement (and thus not inherently constituting it).**[144]

56. In determining whether labour is forced (which in turn is an indicia of enslavement), the central consideration is whether "the relevant persons had no choice as to whether they would work".[145] This must be supported by objective evidence (relying on the relevant indicia outlined above), as the subjective belief of labourers that they were forced to work is insufficient.[146] For forced labour in particular, relevant indicators are: physical hardship; human trafficking; vulnerable position of labourers; punishment for inability or unwillingness to work; conditions of imprisonment; and absence of remuneration (pecuniary or in kind).[147] However, the presence of some form of remuneration will not necessarily exclude labour being forced.[148]

57. The general principle is well summarised in the judgement of the Subsequent Nuremberg Trials' *Pohl* case, cited with approval by the ICTY's *Kunarac* Appeals Chamber, that:

> *"Slaves may be well fed, well clothed, and comfortably housed, but they are still slaves if without lawful process they are deprived of their freedom by forceful restraint. We might eliminate all proof of ill-treatment, [...] but the admitted fact of slavery – compulsory uncompensated labour – would still remain. There is no such thing as benevolent slavery. Involuntary servitude, even if tempered by humane treatment, is still slavery."*[149]

140. ICC, *Ongwen*, Trial Judgement, para. 2712; ICC, *Katanga*, Trial Judgement, para. 976; ICTY, *Kunarac et al.*, Appeal Judgement, paras. 119, 121; ICTY, *Krnojelac*, Appeal Judgement, paras. 194-195; SCSL, *Sesay et al.*, Trial Judgement, para. 160; SCSL, *Taylor*, Trial Judgment, para. 420; ICC, *Ntaganda*, Trial Judgement, para. 952.

141. ICTY, *Kunarac et al.*, Appeal Judgement, paras 120-123; SCSL, *Taylor*, Trial Judgment, para. 447; ECCC, Case 001 (Duch), Trial Judgement, para. 343.

142. Elements of Crimes, Article 7(1)(c), fn 11. See also SCSL, *Taylor*, Trial Judgment, para. 420; SCSL, *Brima et al.*, Trial Judgement, para. 709; ICTY, *Kunarac et al.*, Trial Judgement, para. 541; ICTY, *Kunarac et al.*, Appeal Judgement, para. 117; ICTY, *Krnojelac*, Trial Judgment, para. 359.

143. Forced Labour Convention No 29, Article 2(1); Protocol of 2014 to the Forced Labour Convention No 29, Article 1(3). See in a similar vein *Faure v. Australia*, UN Doc CCPR/C/85/D/1036/2001, para. 7.5. Consider C. Stahn in in K. Ambos, ed., *Rome Statute of the International Criminal Court: Article-by-Article Commentary* (Bloomsbury, 2022), littera 50; G. Werle, F. Jessberger, *Principles of International Criminal Law* (Oxford University Press, 2020), littera 1043; SCSL, *Brima et al.*, Trial Judgement, para. 742; ECCC, Case 002/ 02 (Nuon and Khieu), Trial Judgment, para. 669.

144. ICTY, *Kunarac et al.*, Trial Judgement, para. 542; SCSL, *Brima et al.*, Trial Judgement, para. 745; ECCC, Case 002/ 02 (Nuon and Khieu), Trial Judgment, para. 669; ICC OTP, Policy on Slavery Crimes (December 2024), paras. 47, 70.

145. SCSL, *Taylor*, Trial Judgment, para. 448; SCSL, *Sesay et al.*, Trial Judgement, para. 202. See also ICTY, *Krnojelac*, Appeal Judgement, paras. 194-195.

146. SCSL, *Taylor*, Trial Judgment, para. 448; SCSL, *Sesay et al.*, Trial Judgement, para. 202; ICTY, *Krnojelac*, Appeal Judgement, paras. 195; ECCC, Case 002/ 02 (Nuon and Khieu), Trial Judgment, para. 666.

147. SCSL, *Sesay et al.*, Appeal Judgment, para. 1082; ICTY, *Kunarac et al.*, Trial Judgement, para. 542; ICTY, *Krnojelac*, Appeal Judgement, paras. 191-192.

148. SCSL, *Sesay et al.*, Appeal Judgment, paras. 1083-1085; ICTY, *Kunarac et al.*, Appeal Judgement, para. 123.

149. ICTY, *Kunarac et al.*, Appeal Judgement, para. 123.

58. However, international instruments prohibiting forced labour do recognise exceptions for labour, including that imposed as lawful punishment for crime or normally required in the ordinary course of lawful court-ordered detention.[150] For the former, it can only be imposed after a conviction has been pronounced by a court following the due process of law.[151] This implicitly demands that penal labour can only be imposed if existing international norms and principles relating to procedural fairness and due process of law are observed, such as the presumption of innocence, equality before the law, regularity and impartiality of proceedings, independence and impartiality of courts, guarantees necessary for defence, clear definition of the offence and non-retroactivity of penal law.[152] Moreover, the ILO Forced Labour Convention (No. 29) indicates this exception only applies when the "work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations" (with exceptions for situations approximating free employment relationships with regards to consent, wages, social security and occupational safety and health).[153] In all cases, labour during incarceration should not have a punitive purpose or effect, and must rather be premised on facilitating rehabilitation and reintegration.[154]

59. For the latter, the types of labour covered concern ordinary prison work which those under detention pursuant to a court order might be required to do, such as routine work performed in the course of detention and work done to promote a prisoner's rehabilitation (i.e., work normally required to promote rehabilitation).[155] It does not include hard labour (i.e., intense manual work).[156]

60. In particular, the ILO Abolition of Forced Labour Convention, 1957 (No. 105) specifies in Article 1 that forced labour cannot be imposed, *inter alia*, (a) as a means of political coercion or education or as a punishment for holding views ideologically opposed to the established political, social or economic system; (b) as a method for mobilising and using labour for purposes of economic development; (c) as a means of labour discipline; and (e) as a means of social or religious discrimination.[157] Detention as a punishment for the legitimate exercise of rights – including freedom of opinion and expression, freedom of religion, and

150. International Covenant on Civil and Political Rights, Article 8(3); Forced Labour Convention No 29, Article 2(2)(c); European Convention on Human Rights, Article 4(3).

151. International Labour Organization, Committee of Experts on the Application of Conventions and Recommendations, Eradication of Forced Labour: General Survey concerning the Forced Labour Convention 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), paras. 51-52; M. Taylor, *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights* (Cambridge University Press, 2020), p. 233; S. Joseph, M. Castan, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary* (Oxford University Press, 2013), littera 10.04.

152. See United Nations Human Rights Council, Contemporary forms of slavery as affecting currently and formerly incarcerated people. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/57/46 (19 July 2024), para. 7; International Labour Organization, Committee of Experts on the Application of Conventions and Recommendations, Eradication of Forced Labour: General Survey concerning the Forced Labour Convention 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), para. 52.

153. Forced Labour Convention No 29, Article 2(2)(c); International Labour Organization, Committee of Experts on the Application of Conventions and Recommendations, Eradication of Forced Labour: General Survey concerning the Forced Labour Convention 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105), paras. 59-60; United Nations Human Rights Council, Contemporary forms of slavery as affecting currently and formerly incarcerated people. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/57/46 (19 July 2024), paras. 8-9.

154. See Human Rights Committee, *Nyaya v. Nepal*, UN Doc CCPR/C/125/D/2556/2015, para. 7.5; United Nations Human Rights Council, Contemporary forms of slavery as affecting currently and formerly incarcerated people. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/57/46 (19 July 2024), para. 5.

155. M. Taylor, *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights* (Cambridge University Press, 2020), p. 234.

156. M. Taylor, *A Commentary on the International Covenant on Civil and Political Rights: The UN Human Rights Committee's Monitoring of ICCPR Rights* (Cambridge University Press, 2020), p. 234.

157. ILO Abolition of Forced Labour Convention, 1957 (No. 105), Article 1. See also United Nations Human Rights Council, Contemporary forms of slavery as affecting currently and formerly incarcerated people. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/57/46 (19 July 2024), para. 11.

the right of minorities to enjoy their own culture, to profess and practise their own religion, or to use their own language – is inherently arbitrary and any labour subsequently imposed must be assessed as forced.[158]

2.2.2. Relevant facts

61. Section 1 alleges that, since 2017, three systems of forced labour have been applied to the Uyghur ethnic group in the XUAR – namely, (i) labour transfers; (ii) labour linked to extrajudicial internment in VETCs; and (iii) regular incarceration labour system (i.e. in detention centres and prisons).

62. As a preliminary issue, the regular incarceration labour system in detention centres and prisons will not be addressed in the below analysis. Undoubtedly, there are clear indices pointing towards clear discrimination, arbitrariness and brutality in the incarceration of indigenous people in the Uyghur Region. These include an analysis of the Chinese Government's own 2024 prosecution statistics which points to members of minoritised groups in the Uyghur Region constituting 34% of China's prison population, despite making up only about 1% of China's overall population.[159] They also include evidence of due process violations occurring in those prosecutions and imprisonment, including evidence confirming forced confessions[160] and imprisonment arising from charges premised upon political views (in violation of ILO Convention No.105 on the Abolition of Forced Labour, 1957).[161]

63. However, although inferences may be drawn concerning the plethora of violations that ordinarily arise in the course of systemic, arbitrary and/or inhumane detention in any location, it has not been possible in this analysis to examine the precise conditions of detention or any labour imposed therein. Therefore, out of an abundance of caution, and despite mandatory labour being a common element of prison sentences throughout China,[162] no conclusions have been drawn concerning the nature and scope of any labour, forced or otherwise.

2.2.2.1. Labour linked to VETCs

64. The labour linked to extrajudicial internment took place in so-called VETCs. These facilities seem to have been mainly closed down since around 2019-20 (para. 18 above). At these facilities, detainees could not exit the facility or go home for a visit.[163] The facilities featured a significant security presence and guards armed with guns and/or batons (including electric ones) and mostly wearing police uniforms.[164] Lengths of stays varied but often were between at least two and 18 months (para.

158. United Nations Human Rights Council, Contemporary forms of slavery as affecting currently and formerly incarcerated people. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/57/46 (19 July 2024), para. 11.

159. Ben Carrdus and Pete Irwin, "UHRP Analysis Finds 1 in 26 Uyghurs Imprisoned in Region With World's Highest Prison Rate," Uyghur Human Rights Project Insights, 2024.

160. Julia Bayer and Cherie Chan, "Exclusive: China's Sham Trials for Detained Uighurs," *Deutsche Welle*, June 8, 2020,

161. Office of the United Nations High Commissioner for Human Rights, OHCHR Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (United Nations, 2022).

162. Wu Huizhong, "Factbox: China's Use of Prison Labor," *Reuters*, December 4, 2019.

163. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 42. See also United Nations Human Rights Council, Working Group on Arbitrary Detention, Opinions adopted by the Working Group on Arbitrary Detention at its ninety-third session, 30 March–8 April 2022, UN Doc A/HRC/WGAD/2022/6 (23 May 2022), paras. 28 and 29; Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 48-49, 63-112.

164. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 42; Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 63, 68, 72, 76, 81, 101-109; Autonomous Region Party Political and Legal Affairs Commission, 关于进一步加强和规范职业技能教育培训中心工作的意见 [EN: Opinions on further strengthening and standardizing vocational skills education and training centers work], para. 14.

17 above). **The OHCHR recognised this as a system of arbitrary detention oriented towards political re-education** (para. 16 above). The conditions of detention included: beatings and abuse throughout interrogations for alleged crimes and as punishment for alleged wrongdoing; lack of food; sleep deprivation; prohibition of speaking chosen languages or practicing religion; ideological trainings; non-consensual medical procedures (e.g., pills, injections, and collection of blood samples); and various instances of sexual violence.[165] Detainees were under constant observation, and schedules were tightly controlled (including meals, classes, exercise, and sleep).[166]

65. State and international media sources have described instances where vocational skills training were imposed within VETCs – in certain cases forcing detainees to work at factories within their premises or in a separate location, with no opportunity of refusal for fear of being kept longer at the facilities.[167] Official Chinese Government policy papers and state-media sources describe this labour as bridging to employment following release.[168] This is supported by testimonies of former detainees and reports of international organisations alleging forced labour within the VETCs.[169] It is further corroborated by satellite imagery showing the development of factories connected to or near VETCs.[170]

2.2.2.2. Labour transfer system

66. The labour transfer system is justified by Chinese authorities as a "poverty alleviation" programme for the XUAR, as well as tackling risks of terrorism, and extremism through increased control of Uyghur workers (paras. 31-32 above). It is rooted in the economic strategy of shifting "surplus labourers" in the agricultural sector (i.e. those whose presence does not significantly improve yield)

165. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 70-78. See also Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 69-80, 90-92, 96-110; Human Rights Watch, "Eradicating Ideological Viruses" - China's Campaign of Repression Against Xinjiang's Muslims (September 2018), pp. 48-55; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), pp. 19-21, 36-37.

166. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 69-73, 78-79.

167. 新疆职业技能教育培训学员：希望全世界都看到我幸福的笑脸 [EN: Xinjiang Vocational Skills Education and Training Student: I Hope the Whole World Can See My Happy Smile], *Xinhua News* (29 October 2018); Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), p. 34; Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 121; R. Thum, Eight Years On, China's Repression of the Uyghurs Remains Dire (Simon-Skjodt Center for the Prevention of Genocide, February 2025), p. 14; S. Hoshur, Internment Camp Assigned Uyghur Forced Laborers to Xinjiang Textile Factory: Official, *Radio Free Asia* (14 November 2019); People's Government of Xinjiang Uyghur Autonomous Region, 关于进一步完善自治区纺织服装产业政策的通知 [EN: Notice on Further Improving the Policies for the Textile and Garment Industry in the Autonomous Region] (6 April 2018). For local level mention see, e.g. Ili Prefecture Government, 1-4月份州直纺织服装产业运行情况分析 [EN: Analysis of the operation of the textile and garment industry in the prefecture from January to April] (7 June 2018); People's Government of Xinjiang Uyghur Autonomous Region, 关于进一步完善自治区纺织服装产业政策的通知 [EN: Notice on Further Improving the Policies for the Textile and Garment Industry in the Autonomous Region] (6 April 2018); People's Government of Xinjiang Uyghur Autonomous Region, 关于进一步完善自治区纺织服装产业政策的通知 [EN: Notice on Further Improving the Policies for the Textile and Garment Industry in the Autonomous Region] (7 April 2018); State Economic and Information Commission, 1-5月州直纺织服装产业运行情况良好 [EN: The textile and garment industry in the prefecture operated well from January to May] (19 June 2018); Vice Chairman of the Xinjiang Uyghur Autonomous Region, 以坚如磐石的信念推动工作落实为实现社会稳定和长治久安总目标贡献力量 [EN: With unwavering conviction, we will advance our work and contribute to achieving the overall goal of social stability and lasting peace] (28 November 2018).

168. State Council of China, White Paper on Vocational Education and Training in Xinjiang (17 August 2019); 新疆职业技能教育培训学员：希望全世界都看到我幸福的笑脸 [EN: Xinjiang Vocational Skills Education and Training Student: I Hope the Whole World Can See My Happy Smile], *Xinhua News* (29 October 2018).

169. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 515; S. Hoshur, Internment Camp Assigned Uyghur Forced Laborers to Xinjiang Textile Factory: Official, *Radio Free Asia* (14 November 2019); L. Murphy, N. Elimä, In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains (Sheffield Hallam University, May 2021), p. 10; L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 18.

170. C. Buckley, A. Ramzy, China's Detention Camps for Muslims Turn to Forced Labor, *New York Times* (16 December 2018); S. Zhang, Satellite Imagery of Xinjiang "Re-education Camp" №63 新疆再教育集中营卫星图 63, *Medium* (18 October 2018).

into the industrial sector.[171] These state-led programmes involved in the transfer of labourers to industrial work placements have existed since at least the early 2000s.[172] However, since 2017, the Chinese Government has increasingly associated the objectives of this system with ensuring security and stability in the XUAR, including through the transformation of minoritised populations into a disciplined, motivated, patriotic, Chinese-speaking workforce.[173] The XUAR Government official work plans mandate that every citizen capable of working be trained and employed.[174]

67. Prior to being included into the labour transfer system, XUAR and lower-level local government documents – supported by media reports – indicate that "surplus labourers" must be trained in state or company-run vocational facilities in "military-style fashion" which focuses on military discipline, thought education, skills training and Chinese language study.[175]

68. As noted in Chinese state-sponsored academic reports, local governments (i.e. prefecture level) set yearly targets for the number of "labour transfers" that must be achieved.[176] Under the policy, the Chinese Government has stated that it aims to shift those identified as "surplus" agricultural labourers into state-managed work placements – taking significant numbers of "surplus rural labour" to be "relocated" to industrial and agricultural employment sites located inside and outside the XUAR under "structured conditions" of "labour management".[177]

69. As per Chinese state-sponsored academic studies, these "labour transfer" processes may be supported by prefecture governments (e.g. Hotan Prefecture) issuing labour export mandates based

171. See A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), p. 654; R. Thum, Eight Years On, China's Repression of the Uyghurs Remains Dire (Simon-Skjodt Center for the Prevention of Genocide, February 2025), pp. 13-14.

172. See, e.g., A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), p. 655.

173. Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), p. 35; A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), pp. 658-659.

174. 政府工作报告 ——2019年1月14日在新疆维吾尔自治区第十三届人民代表大会第二次会议上 自治区主席 雪克来提·扎克尔 [EN: Government Work Report - On 14 January 2019, at the Second Session of the 13th People's Congress of Xinjiang Uyghur Autonomous Region. Chairman of the Autonomous Region, Shohrat Zakir], *Tianshan Net* (21 January 2019). See also 阿瓦提县召开"冬季攻势"推进会暨2019年脱贫攻坚领导小组第一次会议 [EN: Awat County held a meeting to advance the "Winter Offensive" and the first meeting of the Leading Group for Poverty Alleviation in 2019], *Aksu Government Website* (11 January 2019).

175. 新疆自治区人社厅制定《南疆四地州深度贫困地区就业扶贫培训促进计划（2018—2020年）》 [EN: Xinjiang Autonomous Region Human Resources and Social Affairs Department formulates the "Promotion Plan for Employment and Poverty Alleviation Training in Deeply Poor Areas in Four Southern Xinjiang Regions (2018-2020)"], *Snowflake News* (28 June 2018); 新疆多项就业"红利"助力脱贫攻坚 [EN: Multiple employment "dividends" in Xinjiang help alleviate poverty], *Xinhua News Agency* (4 March 2019); D. Yanrong, 喀什地区全方位推进职业教育培训工作 [EN: Kashgar Prefecture is comprehensively promoting vocational education and training], *Regional Human Resources and Social Security Bureau* (24 February 2017); 预计到"十三五"末可实现纺纱800万锭：阿克苏纺织产业发展全产业链逐步形成 [EN: It is projected that by the end of the 13th Five-Year Plan period, the spinning capacity will reach 8 million spindles: Aksu's textile industry is gradually forming a complete industrial chain], *Heart Network - Xinjiang Economic Daily* (9 November 2018); 沙雅县：技能培训促进就业创业 [EN: Shaya County: Skills training promotes employment and entrepreneurship], *Xinjiang Daily* (31 August 2018); County Human Resources and Social Security Bureau, 关于做好服务察布查尔县城乡富余劳动力转移就业工作实施方案 [EN: Regarding providing services to surplus urban and rural labor force in Chabuchar County Implementation Plan for Employment Transfer] (22 March 2018); Bole City Human Resources and Social Security Bureau, 博乐市固投项目促进农村劳动力转移就业基础技能培训开班啦 [EN: The basic skills training program for rural labor transfer and employment promotion under the fixed asset investment project in Bole City has started!] (8 June 2017); Turpan Municipal Human Resources and Social Security Bureau, 关于整建制组织城乡富余劳动力转移到湖南省蓝思科技集团就业的通知 [EN: Notice on the Transfer of Surplus Urban and Rural Labor Force to Employment at Lens Technology Group in Hunan Province] (30 August 2018); Aksu Government, 关于组织富余劳动力开展转移就业岗前培训的通知 [EN: Notice on Organizing Pre-Employment Training for Surplus Labor Force for Transfer Employment] (6 February 2019); Aksu Government, 就业惠民政策百问 [EN: 100 Questions about Employment and People's Livelihood Policies] (8 June 2018); L. Chunxia, 一份满意的就业"成绩单" 确保重点群体就业 [EN: A satisfactory employment report card ensures employment for key groups], *Xinjiang Daily* (15 December 2016).

176. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019); International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 689.

177. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), pp. 688-689.

on demand; with towns then organising labourers to compulsorily attend training centres (e.g. only 30% of cases reported as "voluntary" in Hotan Prefecture).[178] The resulting trained workforce is either directed to employment positions by the government or to act as labour reserves.[179]

70. Official local Chinese government documents, Chinese state-sponsored academic reports, and witness testimony indicate that this process is coordinated on the ground by both state officials and private labour recruitment organisations (operating jointly with government officials), who use methods such as establishing local recruitment centres and sending officials directly into private homes.[180] **Official county government documents indicate that implementation of labour transfers should involve "militarised management" and "iron discipline" so that workers "devote themselves fully to daily production".**[181] Prospective employers can employ Uyghurs, for example, via government aid programmes (which support the opening of "satellite" factories inside the XUAR or the direct export of Uyghur workers) or through companies advertising "government-sponsored Uyghur labour" online.[182] The Chinese Government provides extensive incentives and subsidies (e.g. reduced rents in industrial parks, subsidised electricity and water, elimination or significant reduction in taxes) to companies who engage in XUAR "labour transfers".[183]

71. In general, Chinese state documents and state-sponsored academic studies emphasise the **widespread unwillingness of Uyghur farmers to participate in "labour transfers"** as a major

178. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019).

179. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019).

180. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019); International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 689; Human Rights Watch, Asleep at the Wheel - Car Companies' Complicity in Forced Labor in China (February 2024), p. 25; A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), p. 659; Qapqal County Human Resources and Social Security Board, 关于做好服务察布查尔县城乡富余劳动力转移就业工作实施方案 [EN: Implementation plan for serving the transfer and employment work for the urban and rural surplus labour force in Qapqal County] (22 March 2018); Keling Township, 克令乡劳务输出工作方案 [EN: Keling Township Labor Export Work Plan] (27 March 2020).

181. . Murphy, N. Elimä, In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains (Sheffield Hallam University, May 2021), p. 11 (citing Qapqal County Human Resources and Social Security Board, "Regarding the implementation plan").

182. V. X. Xu et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), pp. 12-17. See also 新疆聚焦22个深度贫困县（市）计划3年转移就业10万人 [EN: Xinjiang focuses on 22 deeply impoverished counties (cities) planning to transfer 100,000 jobs in 3 years], *Xinhua News* (10 January 2018); H. Qin, 产业援疆促发展 [EN: Industry aids Xinjiang for development], *Xinhua News* (3 January 2020); 新疆新源县农牧民实现家门口就业 [EN: Farmers and herdsmen in Kunas County, Xinjiang achieve employment at their doorsteps], *Xinhua* (12 October 2017); Kunas County Human Resources and Social Security Bureau, 关于新源县2020年新疆晶科能源有限公司一次性吸纳就业补贴的公示 [EN: Announcement on Kunas County's 2020 Xinjiang Jinko Energy Co., Ltd. one-time subsidy for absorption of employees] (30 April 2020); Qapqal County Human Resources and Social Security Board, 关于做好服务察布查尔县城乡富余劳动力转移就业工作实施方案 [EN: Implementation plan for serving the transfer and employment work for the urban and rural surplus labour force in Qapqal County] (22 March 2018).

183. See, for example, 兵团石河子国家高新区技术产业开发区关于鼓励创新创业发展的若干规定 [EN: Several Provisions of the Xinjiang Production and Construction Corps Shihezi National High-tech Industrial Development Zone on Encouraging Innovation and Entrepreneurship], *Shihezi Yimaitong Innovation and Entrepreneurship Service Platform* (19 June 2018); Turpan Municipal Bureau of Human Resources and Social Security, 吐鲁番市职业技能提升行动实施方案（2019-2021年） [EN: Turpan city vocational skills upgrading action implementation plan (2019-2021)] (17 September 2020); Xinjiang Autonomous Region Tax Service, State Taxation Administration, 减税降费助力新疆脱贫攻坚 [EN: Tax cuts and fee reductions to help Xinjiang fight poverty] (11 June 2020); 新疆：让扶贫举措更细让脱贫效果更实 [EN: Xinjiang: Making poverty alleviation measures more detailed, making poverty alleviation more effective], *People's Daily Online* (2019); Hotan Prefecture Investment Promotion Bureau, 和田纺织服装产业投资政策 [EN: Hetian Textile and Apparel Industry Investment Policy] (23 May 2017); 新疆：重点支持南疆纺织服装产业发展 [EN: Xinjiang: Focus on supporting the development of textile and garment industry in southern Xinjiang], *China Business News Network* (17 April 2018). See also L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region – A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), p. 46.

problem that state officials must overcome.[184] Notably, Chinese state-sponsored academic reports distinguish between "voluntary participation" versus **"government-led" "labour transfers", showing the involuntary nature of the latter.**[185]

72. These "labour transfers" assign workers to destinations of varying distances. It seems that the significant majority are given proximate assignments (i.e. near their domicile), a certain minority – but still a significant overall number – are given distant assignments (i.e. in other XUAR prefectures), and the smallest minority are given remote assignments (i.e. in other provinces of China). By way of example, Chinese state-media reports indicate that in the first 10 months of 2018, "surplus labourers" in the XUAR (all ethnicities included) were transferred to proximate assignments near their domicile 2.3 million times, to distant assignments in other prefectures 364,000 times, and to remote assignments in other regions of China 25,378 times.[186] Once assigned to a placement, workers do not appear to have the ability to freely change employers.[187]

73. For **proximate assignments**, there is evidence from witness testimony that workers can be confined to factory grounds and dormitories (adjacent or separate) during the week, sometimes with permission to return home for one day.[188] XUAR Government documents, witness testimony and media reports indicate they may be escorted in groups to and from work by government officials.[189]

74. For **distant/remote assignments**, Chinese Government documents, Chinese academic studies, and related media indicate that workers are usually initially transported to destination factories in large groups escorted by one or more officials and guards for management and security.[190] They are then typically housed in dormitories at the factories and often not allowed to leave the factory

184. XUAR Government, 关于印发新疆维吾尔自治区"十三五"脱贫攻坚规划的通知 [EN: Notice on Issuing the 13th Five-Year Plan for Poverty Alleviation in Xinjiang Uyghur Autonomous Region] (2017); Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 122-123 (citing County Human Resources and Social Security Bureau, Implementation plan on the good service to transfer employment of surplus urban and rural labour in Chabchal County, 22 March 2018); Yarkand Government, 近期脱贫攻坚重点工作 [EN: Recent key work on poverty alleviation] (2019); Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019).

185. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019).

186. Li Chunxia, 前十月新疆农村富余劳动力转移就业272.9万人次 [EN: In the First Ten Months of the Year, There Were 2.729 Million Transfers of Xinjiang Surplus Rural Laborers], *Xinjiang Daily* (13 November 2018).

187. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 689; Human Rights Watch, Asleep at the Wheel - Car Companies' Complicity in Forced Labor in China (February 2024), p. 25.

188. L. Murphy, Forced Labor in the Uyghur Region: The Evidence (Sheffield Hallam University, April 2023), p. 4; C. Buckley, A. Ramzy, Inside China's Push to Turn Muslim Minorities Into an Army of Workers, *New York Times* (30 December 2019).

189. L. Murphy, Forced Labor in the Uyghur Region: The Evidence (Sheffield Hallam University, April 2023), p. 4; Ministry of Human Resources and Social Security, People's Republic of China, 新疆自治区人力资源和社会保障厅：强化区内劳务协作促进长期稳定就业 [EN: Xinjiang Autonomous Region Human Resources and Social Security Department: Strengthening labour cooperation in the region to promote long-term stable employment] (11 January 2019); Wujin Party Building Net, 武进援疆工作组：巧做'加法'冲刺收官年 [EN: Wujin, Jiangsu's Xinjiang Aid team: Cleverly Doing 'Addition' Sprint in Final Year') (29 July 2019).

190. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019); International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 689; A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), p. 659; Guangdong Employment Service Administration, 广东企业招用新疆籍劳动者指引 (试用) [EN: Guidelines for Guangdong Enterprises to hire Xinjiang Workers (Trial)] (18 January 2019); Xinjiang Uyghur Autonomous Region Human Resources Market, 新疆尼勒克：多措并举探索提升农村劳动力疆外有组织转移就业新模式 [EN: Nileke County, Xinjiang: Exploring New Models for Organized Transfer of Rural Labor to Other Regions Through Multiple Measures] (25 June 2019); Liu Li, 外出务工既鼓口袋又富脑袋 阿瓦提县组织劳务输出整建制转移就业扶贫效果好 [EN: Migrant workers gain both in pockets and in minds: Awat county's labour export system organised for transfer employment and reduction of poverty], 新疆日报 [EN: *Xinjiang Daily*] (27 August 2018).

grounds without permission.[191] For the duration of their placement, state officials and security guards are assigned to groups of workers to provide oversight.[192] Witness testimony supports the prevalence of low salaries and severe pay deductions.[193]

75. In both cases, there is evidence from witness testimony and Chinese state-sponsored academic studies that workers are subjected to mandatory Chinese language lessons and political re-education, under close supervision by government officials or company employees.[194] Though lacking mention of restrictions to either dormitory or factory grounds, Chinese state-sponsored academic studies indicate that most other aspects of these processes are standardised within certain regions (e.g. Hotan Prefecture).[195]

76. **Additionally, there are also situations involving released VETC detainees being assigned to labour placements. It is unclear whether they are subjected to a separate regime, or whether their experiences** in the labour transfer system reflect those of non-former detainees. According to various international organisations, witness testimonies, and local Chinese government documents, **a significant number of released detainees, especially following the closure of VETCs, were assigned to labour placements** – though it remains unclear how many were directly enrolled from the camps and how many were only enrolled after they returned home through the regular "labour transfer" system.[196] In 2017, official state documents show a Chinese Government issued directive that once re-education training was deemed completed for an individual, they were to enter a "vocational skills improvement class" for "intensive training" before making "every effort [...] to fix employment work

191. A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), pp. 659-660. See also International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), pp. 515-516, 689; A. Zenz, Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation (The Jamestown Foundation, December 2021), p. 24; 伟改变家庭命运 这些新疆农村女工来到青岛 她们经历了什么？[EN: 'To change a family's destiny, these rural women workers from Xinjiang came to Qingdao. What did they experience?'], 新浪财经 [EN: Sina Finance] (21 September 2016).

192. See International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), pp. 515-516, 689; V. X. Xu et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), p. 6; A. Zenz, Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation (The Jamestown Foundation, December 2021), p. 24.

193. International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 516; V. X. Xu et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), p. 6.

194. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019); Human Rights Watch, Asleep at the Wheel - Car Companies' Complicity in Forced Labor in China (February 2024), p. 25. See International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 515; 加强爱国主义教育搭建民族团结连心桥 EN: Strengthening patriotism education and building a bridge of national unity], 中国民族宗教网 [EN: China Ethnic News Electronic Newspaper] (7 November 2019); V. X. Xu et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), p. 6, 8.

195. Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019).

196. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), pp. 126-129; Uyghur Women Released From Camps Work Long Hours For Low Pay in Forced Labor Scheme, *Radio Free Asia* (1 October 2020); V. X. Xu et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), p. 18. See also L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 18; International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2026 (13 February 2026), p. 403; Government Information Public Platform of KaShi, 关于印发《喀什地区困难群体就业培训工作实施方案》的通知 [EN: Notice on Issuing the "Implementation Plan for Employment Training for Disadvantaged Groups in Kashgar Region"] (10 August 2018).

for completed graduates".[197] Both local police stations and judicial offices were tasked with providing "follow-up help and education" to former detainees and instructed that after release "students should not leave the line of sight for one year".[198]

77. Former VETC detainees later incorporated into the labour transfer system describe coercion to engage in labour, including threats of detention;[199] confiscation of identification papers;[200] compulsory transport to and from assigned worksites;[201] relatively low wages, often subjected to retention/deduction;[202] compulsory language and ideological training after work hours;[203] excessive work hours;[204] and constant surveillance and confinement to dormitories or factory grounds, including the use of guards.[205] Some workers could apparently secure release through a policy that allowed them to return to their homes if another employer was willing to sign a letter of guarantee taking responsibility for them.[206]

78. **Labour transfers take place in the context of widespread coercion and the threat of detention**.[207] The mass internment in VETCs of ethnic Uyghurs in the XUAR from 2017 to 2019/20 involved hundreds of thousands to millions of individuals (para. 19 above). Notably, the grounds for detention included "unwillingness to enjoy various policies to benefit the people and not participating in various activities arranged by grassroots organisations", which included refusal to engage in state "labour transfer" programmes.[208] The scale and ubiquity of internments into VETCs

197. Autonomous Region Party Political and Legal Affairs Commission, 关于进一步加强和规范职业技能 教育培训中心工作的意见 [EN: Opinions on further strengthening and standardizing vocational skills education and training centers work], paras. 19-20; Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), p. 126; 2019年墨玉县人民政府工作报告 (EN: Work report of the People's government of Moyu county in 2019), *Moyu County Government Network* (12 November 2019). See also Trainees in Xinjiang education, training program have all graduated, *Xinhua* (9 December 2019); 新疆维吾尔自治区主席就新疆反恐维稳情况及 开展职业技能教育培训工作答记者问 [EN: Xue Laiti Zakir, Chairman of Xinjiang Uyghur Autonomous Region, Responds to Reporters' Questions on Xinjiang's Counter-Terrorism and Stability Maintenance and Vocational Skills Education and Training], *Xinhua News* (16 October 2018); Kashgar Prefecture Government, 关于印发《喀什地区困难群体就业培训工作实施方案》的通知 [EN: Notice on Issuing the "Implementation Plan for Employment Training of Difficult Groups in Kashgar"] (7 August 2018).

198. Autonomous Region Party Political and Legal Affairs Commission, 关于进一步加强和规范职业技能 教育培训中心工作的意见 [EN: Opinions on further strengthening and standardizing vocational skills education and training centers work], para. 21; V. X. Xu et al., Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (Australian Strategic Policy Institute, 1 March 2020), p. 13; 高位推动 通力协作 喀什地区冬季青年教育培训工作如火如荼 [EN: High level collaboration in Winter Youth Education and Training in Kashgar], *Kashgar Zero Distance* (16 February 2017).

199. L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), pp. 15, 17-18.

200. L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), pp. 15, 17.

201. L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 17.

202. L. Murphy et al., Laundering Cotton – How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), pp. 15, 19; Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), p. 127; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), p. 34.

203. L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 20.

204. L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 21.

205. L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), pp. 18, 21-22; Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), p. 127; Human Rights Watch, "Break Their Lineage, Break Their Roots" - China's Crimes against Humanity Targeting Uyghurs and Other Turkic Muslims (April 2021), p. 34.

206. Amnesty International, "Like We Were Enemies in a War" - China's Mass Internment, Torture, and Persecution of Muslims in Xinjiang (10 June 2021), p. 127.

207. See International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), pp. 688-689; International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2025 (10 February 2025), p. 363; United Nations Human Rights Council, Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/51/26 (19 July 2022), para. 25.

208. 关于印发《依法收押二是一类严打重点对象工作指南》通知 [EN: Notice on Printing and Distributing "Work Guidelines for the Lawful Detention of 21 Types of Strike-Hard Focus Targets"] (Kashgar, 2017).

implies that most ethnic Uyghurs would be aware of the strong risk of detention for perceived resistance to state "labour transfer" programmes.[209] This is especially the case where the Chinese Government openly and explicitly makes the link between perceived low levels of employment in the XUAR and its fight against extremism/terrorism (para. 3 above). Moreover, there is documented testimonial evidence that refusal to join "labour transfers" risks internment of the worker and/or their family members.[210]

79. However, the opportunity to leave the countryside and increase financial incomes does sometimes exist, meaning that there may be elements, or instances, of voluntariness.[211] For example, there are indicators that certain ethnic Uyghurs may enter the "labour transfer" system without direct coercive government involvement in recruitment (e.g. about 30% in Hotan Prefecture).[212] However, these elements/instances must be approached with a degree of caution. As described in this analysis, the Chinese Government has designed and implemented a policy involving a widespread and systematic attack on the civilian population extensively targeting the Uyghur ethnic group. As outlined above, **these policies have affected hundreds of thousands to millions of civilians since 2017 and have occurred throughout the entirety of the XUAR**. Undoubtedly, incorporating a wide range of likely crimes against humanity (including forcible transfer (para. 35 above), imprisonment or other severe deprivation of physical liberty (paras. 15-23 above), torture (para. 17 above), rape and other forms of sexual violence (para. 17 above), enforced sterilisation (paras. 29-30 above), and persecution (paras. 24-28, 37-39 above) has created an overwhelmingly coercive environment with the capability of controlling all aspects of life which makes genuine consent to "labour transfers" unlikely, if not impossible.

80. Thus, whilst genuine voluntary participation might exist in individual circumstances, the systemic nature of the coercive environment gives rise to the strongest of presumptions of involuntariness. Clear and reliable evidence to the contrary would be required to rebut this presumption.

81. In the circumstances, apparent voluntariness is an indication but without context and/or corroboration cannot suffice to demonstrate actual autonomy, agency and/or choice. For example, even without any reference to the attack on the Uyghurs outlined above, official local Chinese Government documents indicate that those defined as "surplus labourers" are monitored and subjected to specific measures to compel participation in employment schemes, including management by a point system that features deductions if "any person is found to be reluctant to participate in the training despite having the conditions to attend, not actively employed despite

209. See, e.g., L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 19.

210. Human Rights Watch, Asleep at the Wheel - Car Companies' Complicity in Forced Labor in China (February 2024), p. 25; A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), pp. 665-666; L. Murphy, et al., "Until nothing is left": China's Settler Corporation and its Human Rights Violations in the Uyghur Region - A report on the Xinjiang Production and Construction Corps (Sheffield Hallam University, July 2022), p. 45; L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 18; International Labour Organization, Report of the Committee of Experts on the Application of Conventions and Recommendations 2022 (9 February 2022), p. 689.

211. A. Zenz, 'The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region', 42:4 *Central Asian Survey* 649 (2023), p. 665; United Nations Human Rights Council, Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/51/26 (19 July 2022), para. 25.

212. See also Nankai University China Institute of Wealth and Economics, 新疆和田地区维族劳动力转移就业扶贫工作 报告 [EN: Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang] (23 December 2019); L. Murphy et al., Laundering Cotton: How Xinjiang Cotton is Obscured in International Supply Chains (Sheffield Hallam University, November 2021), p. 19.

being able to go out for employment, or having old-fashioned and stubborn ideas".[213] Of particular note, official state media has reported that in 2021 the XUAR Government sent over 400,000 cadres to map the income situation of over 12 million people and identity 774,000 people for "real-time monitoring".[214] State directives indicate that officials who manage "labour transfers" should "criticise and educate or even punish those who do a bad job".[215] Local Chinese Government reports indicate that, in these regions, "poor families" and those afflicted by "laziness" were subjected to strengthened "motivational education" and "education activities" to compel their participation in "labour transfer" programmes.[216]

82. In addition, officials engaged in the homestay programmes described above (para. 28 above) have been mandated by official documents to report those who resist "poverty alleviation" programmes such as "labour transfers".[217] Social policies are also linked to "labour transfers", with state authorities outlining the so-called "double concentration" policy of child nurseries and elder homes as a tool to assist "labour transfer" programmes (para. 35 above).

83. Accordingly, as indicated by even a conservative view of the evidence, genuine voluntariness is difficult to envisage or conclude. Concerning both forced labour, linked to detention in VETCs, and labour transfers, the UN Special Rapporteur on contemporary forms of slavery concluded in a 2022 report that "given the nature and extent of powers exercised over affected workers during forced labour, including excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment, **some instances may amount to enslavement as a crime against humanity**".[218] On the basis of the evidence underpinning this analysis – see below – this must be considered an **overly conservative view. It appears to fail to consider in depth the central question of how any individual's choice to engage *could* genuinely be voluntary considering the threat of a myriad of violence (implied by the aforementioned policies) and those acts shown by the evidence to be integral to the commission of a widespread and systematic attack against a civilian population. The evidence shows both these threats and the overall attack to be a clear and present danger to any "recalcitrant" Uyghur. Any conclusion of voluntariness must address this coercive environment and explain how it was *not* an operative factor in the "decision" to work.**

213. Kashgar Prefecture Government, 喀什地区2018-2020年贫困户精准扶贫信息采集表 [EN: Kashgar Prefecture 2018-2020 Targeted Poverty Alleviation Poor Households Information Collection Form] (date unknown); Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), paras. 122-123 (citing County Human Resources and Social Security Bureau, Implementation plan on the good service to transfer employment of surplus urban and rural labour in Chabchal County, 22 March 2018); 乔拉克铁热克镇齐巴尔托布勒格村2018年工作总结及2019年工作思路 [EN: Chipartopluk Village (Cholaq Terek Township) 2018 Work Summary and 2019 Work Ideas] (date unknown). See also Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 122.

214. 新疆动态监测"一户一策"防返贫 [EN: Xinjiang implements dynamic monitoring and a "one household, one policy" approach to prevent a return to poverty], *China Daily* (11 January 2021).

215. Office of the United Nations High Commissioner for Human Rights, Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China (31 August 2022), para. 122. See also 莎车乡（村）脱贫攻坚短板情况摸底方案 [EN: Shache Township (Village) Poverty Alleviation Shortcomings Assessment Plan].

216. Khotan County Work Team, 欧吐拉艾日克村社会扶贫工作总结 [EN: Summary of Social Poverty Alleviation Work in Ottur Eriq Village] (5 December 2018).

217. The University of British Columbia, Xinjiang Documentation Project: The 'Four Togethers' and 'Three Gifts' Handbook.

218. United Nations Human Rights Council, Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, UN Doc A/HRC/51/26 (19 July 2022), para. 24.

2.2.3. Analysis

84. **The evidence shows that labour transfer and (prior to 2019-20) labour linked to extrajudicial internment in VETCs have formed part of an attack against the Uyghur civilian population.** The imposition of state-imposed forced labour became and remains an integral component of China's unlawful counter-extremism policies directed at ethnically Turkic populations (predominantly ethnic Uyghurs) in the XUAR.

85. As noted earlier, labour transfer initiatives have been implemented in the XUAR for many decades. The overall number of transfers does not seem to have changed significantly from 2013 to 2020 (para. 32 above). This may indicate that the policy was not initially expanded in scope in relation to the "Strike Hard Campaign Against Violent Terrorism" launched in 2014. Regardless, two elements support an interlinking between counter-extremism policies and labour transfers. The first is that from 2014, the Chinese Government increasingly associated the objectives of "poverty alleviation" programmes through labour transfer with countering terrorism (paras. 31-33 above). The second is that a notable increase in labour transfers occurred from 2019 to 2020, the year during which VETCs were purportedly closed in their entirety (para. 34 above). Alongside the continuous linking of unemployment and terrorism by the Chinese Government (para. 33 above), this suggests that stronger implementation of labour transfer programmes was a mere substitution for mass VETC detentions.

86. Generally, the labour transfer system shares the objectives of the broader attack in targeting purported extremism/terrorism (i.e. considering the clear linkage of both by official Chinese Government policy – paras. 31-33 above), as well as securing political re-education and cultural assimilation of ethnic Uyghurs (i.e., considering the imposition of ideological and linguistic lessons in association with labour transfers – paras. 65-66, 74, 76 above). The labour in extrajudicial internment systems is even more directly linked as it occurs within and through support of the broader VETC internment policy, which was a central element of the attack through 2017-19/20 (paras. 15-23 above). In sum, the labour transfer and extrajudicial internment labour systems have been closely associated with and furthered the Chinese Government's policy to commit an attack against the Uyghur civilian population.

2.2.3.1. Labour linked to VETCs

87. **The evidence shows that the extrajudicial internment labour system in VETCs prior to 2019-20 constituted enslavement as a CAH. The work imposed was forced labour.** The exceptions of labour imposed as lawful punishment for crime, or labour normally required in the ordinary course of lawful court-ordered detention, do not apply as the detentions were arbitrary (paras. 16, 63 above). Moreover, imposed vocational training or industrial work does not constitute the routine work that can be lawfully performed during detention. Given the vulnerable position of detainees and the harsh conditions of imprisonment, any consent by them could not be considered meaningful or voluntary (paras. 63-64above). This conclusion becomes even clearer when considered alongside the objectives of VETCs as re-education camps targeting protected religious, cultural and political expression of Turkic Muslims (including ethnic Uyghurs) (paras. 16, 18, 63 above). In other words, this forced labour was effectively imposed by the Government of China as a means of political coercion and social/religious discrimination, in particular against the legitimate exercise of freedom of opinion/expression and religion and specific minority rights to enjoy their culture, practice their religion, and use their language.

88. **This state-imposed forced labour through the VETC extrajudicial internment system rises to the level of enslavement due to the exercise of power of ownership over detainees.** Persons were detained arbitrarily in prison-like conditions and surrounded by extensive security (para. 63 above). Virtually all aspects of their lives were monitored and controlled (e.g. food, sleep, medical procedures, language spoken, religion practiced, ideological training imposed), with no tangible liberty being granted (paras. 17, 63 above). The conditions involved constant surveillance, beatings and other forms of abuse amounting to torture or inhumane acts, food and sleep deprivation, and sexual violence (paras. 17, 63 above). In sum, given the conditions of detention, control of movement and physical environment, psychological control, force and coercion, cruel treatment and abuse, the imposition of forced labour in the context of the VETC extrajudicial internment system involved a deprivation of autonomy that **readily meets the threshold of enslavement**.

2.2.3.2. Labour transfer system

89. **The evidence shows that the broader labour transfer system as implemented by the Chinese Government against persons from XUAR does, in many instances, involve enslavement as a CAH. The work done pursuant to labour transfers may generally be qualified as forced labour.** The system operates within a profoundly coercive environment, particularly due to implicit and explicit threats of detention (and thus punishment) linked to any work placement refusal and the direct association made by the Chinese State between unemployment and extremism/terrorism (paras. 32-31, 65, 76-77, 79 above). The system of labour transfers is aggravated by government policies mandating that all able-bodied citizens be trained and employed (para. 66), seemingly regardless of any external factors precluding involvement in industrial labour. Given the breadth of harmful policies targeting Uyghurs since 2017, the labourers involved in the transfer system are inherently in a vulnerable position (para. 77 above). This is exacerbated by the severe restrictions on movement imposed on ethnic Uyghurs in China for internal and external movement/travel (para. 28 above). Indeed, the process of recruitment into the labour transfer system is inherently coercive. So-called surplus labourers are made to attend military-style vocational training (para. 66 above), targets of numbers of labour transfers to achieve yearly are set by governments (see paras. 67-68 above), state officials and private labour recruitment organisations seek out locals to mobilise (para. 69 above), and the pool of surplus labourers is monitored through databases, scores/rankings, and in-person visits (para. 79 above). Labourers are then seemingly transported to work placements in groups escorted by government officials and security guards (paras. 72-73 above). Moreover, the labour conditions may involve both restrictions to physical liberty to factory/dormitory grounds and inadequate remuneration (paras. 72-73, 76 above).

90. The unlawfulness of this forced labour is further underscored by China's state policies linking it to political coercion and social/religious discrimination, as well as a punishment for the legitimate exercise of freedom of opinion/expression and religion and specific minority rights to enjoy their culture, practice their religion, and use their language (i.e. as particularly seen via land expropriation and relocation to prefabricated townships devoid of cultural and religious elements; the policy goal of transforming ethnic minorities into a patriotic Chinese-speaking workforce; and the imposition of ideological/political and language trainings (paras. 35, 65, 74, 76 above).

91. **The evidence shows that the forced labour occurring through the broader labour transfer system will, in most instances, be readily categorised as enslavement as a CAH.** Labourers

transferred both to proximate and distant/remote assignments appear to face control or restrictions of movement and physical environment amounting to detention (e.g., escort to work by state officials, confinement to factory grounds and dormitories, presence of security guards (paras. 72-73, 76 above); psychological pressure and coercion to engage in compulsory labour – e.g., threats of internment (paras. 77, 79 above); abusive work conditions – e.g., low wages, excessive hours, constant surveillance (paras. 73, 76 above); extreme vulnerability (i.e., considering the situation of Uyghurs in the XUAR having been systematically targeted by these harmful policies since at least 2017); and an unclear end to the exercise of this power over their lives (e.g., forced participation in the system having no definite end or means to exercise control over it). In particular, extending beyond the imposition of labour, and encompassing extensive control over the labourer's autonomy outside of work, is one of the defining factors demonstrating a clear situation of dependence that deprives the victim of any form of autonomy (e.g., controlling movement to/from factories, confinement to factory and/or dormitory grounds, mandatory ideological and language trainings after work (paras. 72-74, 76 above).

92. **However, more evidence remains to be gathered prior to a legal determination being made as to whether the entire system of labour transfers constitutes enslavement as a CAH.** It remains unclear whether all of the conditions discussed above materialise in a widespread and systematic fashion in relation to all cases of labour transfer. In particular, the main issues remain that: (i) not all labourers seem to be subjected to the same level of control, meaning that only certain of the situations where this control is most extensive will qualify as persons subject to enslavement (e.g., para. 72 above); (ii) distant/remote assignments (which form a minority of labour transfers) seem to involve significantly more control over labourers than proximate ones (which form a significant majority of labour transfers) (e.g., paras. 71-73 above); and (iii) it is unclear whether there is a marked difference between labour transfer conditions faced by former VETC detainees and those lacking this background (e.g., para. 75 above).

93. **Accordingly, the evidence shows that forced labour transfers do amount to enslavement as a CAH in some instances (particularly those subject to distant / remote assignments). Beyond this finding, although the labour is plainly forced, in other cases of forced labour transfers, the specific *prevalence* of the forced labour which constitutes enslavement as a CAH of the remainder remains unclear.**

94. As observed in paragraphs 40-51, the enslavement as a CAH found in the aforementioned analysis does not happen in an abuse-free or otherwise rights compliant environment. As found, and an essential element of a CAH, is that it occurs in the context of a widespread and systematic violent and/or coercive attack on the Uyghur civilian population. This demonstrable context is highly likely to involve the occurrence of a multitude of additional CAH. In many instances, such additional CAH are either the intended criminal means by which the enslavement is achieved and/or the virtually certain consequences of the brutality which has been utilised to enslave the individual and the targeted group. These other CAH have not been comprehensively examined during the present analysis but likely include forcible transfer, severe deprivation of physical liberty, torture, sexual violence and persecution.[219]

219. Rome Statute, Article 7(1)(d), (e), (f), (g),(h), and (k).

SECTION 3

The business responsibility to respond to state-imposed forced labour

Author: Associate Professor Tara Van Ho

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Executive summary

This report analyses the responsibilities that businesses owe under the 2011 UN Guiding Principles on Business and Human Rights (UNGPs) in response to the Chinese Government's use of state-imposed forced labour (SIFL) against Uyghurs and other Turkic peoples in the Xinjiang Uyghur Autonomous Region (XUAR). It builds on Professor Rian Thum's factual findings and Wayne Jordash KC's legal conclusion that SIFL in the Region amounts to the crime against humanity of enslavement, and it confines itself to corporate responsibilities under the UNGPs rather than the individual criminal liability or transnational civil liability that businesses may separately face.

Because a credible accusation of an atrocity crime from authoritative sources transforms China into a "high-risk area," it triggers a duty of heightened human rights due diligence (hHRDD) for any business operating in, or sourcing from, anywhere in China – not only XUAR. It is the gravity of the allegations rather than their precise legal label that gives rise to these responsibilities, and the government's "counter-terrorism" framing cannot diminish a business' human rights responsibilities.

Applying these standards, the report concludes that responsible due diligence is presently impossible inside XUAR: rightsholders cannot speak without fear of reprisal and even the Office of the High Commissioner for Human Rights (OHCHR) was denied unimpeded access, so no business can responsibly operate there. Through their presence, operations, subsidiaries or supply-chain sourcing in XUAR, foreign businesses (including locally incorporated subsidiaries) "normalise" the crime and thereby contribute to it, incurring a duty both to cease the harm by responsibly exiting XUAR and terminating affected supplier contracts, and to provide remedies.

Reparations are never impossible, only delayed: businesses must use the period before they exit, and before the Government of China ends SIFL, to build grievance mechanisms, preserve documentation and establish reparations funds. They must not mistake reparations for corporate social responsibility or humanitarian aid. Instead, businesses should prepare to offer full remedies and reparations for victims of SIFL, including: satisfaction (the acknowledgement of wrongdoing and the production of evidence needed to establish the truth behind their treatment); restitution; rehabilitation (including economic, social and cultural rehabilitation); guarantees of non-repetition (changes to corporate policies and practices to ensure participation in such harms does not occur again); and compensation for all moral and material harms that cannot be addressed through these other actions. Vigilance must extend across the rest of China with possible full disengagement from the mainland should SIFL spread as businesses leave XUAR.

Finally, while criminal liability is not the focus of this report, home states carry complementary duties to regulate business conduct in XUAR and to investigate, prosecute and punish those responsible, including business leaders who are complicit in SIFL.

Part 1. Introduction

1.1. Introduction to standards and the remit of this section of the report

1. This report builds on earlier expert findings to analyse the responsibility of businesses under international law to respond to the use of state-imposed forced labour (SIFL) by the Chinese Government against the Uyghurs and other Turkic peoples[1] in the Xinjiang Uyghur Autonomous Region (XUAR). There are a number of domestic and foreign businesses that are credibly alleged to be operating in XUAR.[2] In turn, many of these companies function as suppliers to foreign corporations.[3]

2. The facts on the ground regarding the use of SIFL by the Chinese Government in XUAR were identified by Professor Rian Thum. Those facts have been legally analysed by Wayne Jordash KC under international criminal law (ICL). Mr Jordash KC has concluded that the nature of SIFL in the Uyghur Region meets the legal classification of enslavement as a crime against humanity. While other sources were consulted to verify facts or understand contexts, to ensure coherence between the three sections in this report, where this section includes factual accusations on the treatment of Uyghurs and other Turkic peoples by the Chinese Government, those accusations stem from Professor Thum's and Mr Jordash's reports or from the 2022 report *Assessment of Human Rights Concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China* produced by the United Nations Office of the High Commissioner for Human Rights (OHCHR).[4] Where this section of the report references or draws upon legal conclusions on ICL and the existence of atrocity crimes, this report relies on Mr Jordash's analysis.

3. This section of the report is limited to considering business' human rights responsibilities as identified in the 2011 United Nations Guiding Principles on Business and Human Rights (UNGPs).[5] It explicitly does not address the responsibility individual business leaders may incur for complicity in atrocity crimes under ICL. Recent prosecutions of corporate officials in Sweden and France demonstrate the potential for business leaders to be criminally responsible in ICL.[6] The Lundin case in Sweden, in particular, demonstrates that a business leader may potentially incur criminal responsibility under ICL for activities linked to the conduct of state actors. The decision on this case will not be issued until December 2026, but the conclusion here remains true even if the court dismisses the charges against the executives.

1. As Mr. Thum explains, Turkic-speaking groups in the Uyghur Region include Uyghurs, Kazakhs, and Kirghiz.

2. *See*, *e.g.*, Laura Murphy, et al., Driving Force: Automotive Supply Chains and Forced Labor in the Uyghur Region, revised (2025).

3. *Id.*; Tara Van Ho, *Defining the Relationships: 'Cause, Contribute, and Directly Linked to' in the UN Guiding Principles on Business and Human Rights*, Human Rights Quarterly, vol. 43(4) 625 (2021).

4. 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 (2022) ("OHCHR XUAR Report"),

5. United Nations Guiding Principles on Business and Human Rights, U.N. Doc A/HRC/17/31 (2011) ("UNGPs").

6. *See*, *e.g.*, [U.S.] Federal Bureau of Investigation, "Lafarge CEO and Seven Others Convicted and Sentenced in French Court for Financing Terrorism," (Apr. 30, 2026), (noting a previous prosecution and guilty plea in U.S. courts); European Center for Constitutional and Human Rights, "Lafarge in Syria: Accusations of complicity in grave human rights violations," (explaining the decision to date and noting that Lafarge remains under investigation for complicity in crimes against humanity); M. Gessen, "Can a Corporation be Complicit in War Crimes? Sweden is Trying to Find Out." *New York Times* (Dec. 30, 2025),; Martin Schibbye, "End of Lundin Trial: Money Matters on the Table," JusticeInfo.Net (June 2, 2026), (providing noting that the company claims to have spent €75 million in defence fees).

4. Similarly, potential means of transnational civil liability are not considered here. It is worth noting, however, that businesses have faced civil litigation for their role in human rights and humanitarian law violations in different states. These cases have included allegations that by relying on, utilising or complying with an oppressive state's legal system the business has caused or contributed to human rights violations.[7] These cases have had varying results, but several have ended in either judgments against them or (more commonly) settlements incurring millions of dollars in liability.[8]

1.2. The United Nations Guiding Principles on Business and Human Rights

5. The UNGPs are currently the most authoritative statement of business' responsibilities for human rights under international law. Unanimously endorsed by the United Nations Human Rights Council, they have been implemented into national legislation and policy documents in dozens of states,[9] and endorsed, welcomed and employed by corporations worldwide.[10] The provisions in the UNGPs are the standards by which businesses' compliance with human rights is assessed, both globally and within the confines of this report.

6. The UNGPs affirmed that states hold a primary obligation under international human rights law (IHRL) to respect, protect and fulfil human rights. It further recognised that businesses have an independent and complementary responsibility to respect human rights throughout their operations, product chains and business relationships.[11] The business responsibility to respect human rights operates independently of any state's ability or willingness to meet its own human rights responsibilities or to enforce the responsibility to respect.[12] Businesses can (and often do) incur a responsibility under the UNGPs to remediate harms even when complying with domestic laws.[13]

7. To fulfil its responsibility to respect human rights, a business is expected to undertake human rights due diligence (HRDD), which is an ongoing and iterative process in which a business identifies actual or potential adverse impacts on human rights posed by the business' operations, products and relationships. HRDD should be undertaken in consultation and collaboration with rightsholders and stakeholders.[14]

7. *See*, *e.g.*, *Doe I v. Unocal Corp*, 395 F.3d 932 (9th Cir. 2002); *In re South African Apartheid Litigation*, 617 F.Supp.2d 228 (S.D.N.Y. 2009); *Kiobel v. Royal Dutch Shell PLC*, Rb.-Den haag 1 mei 2019, ECLI:NL:RBDHA:2019:4233; *Araya v. Nevsun Resources Ltd.*, Canada, 2020 SCC 5 (2020).

8. *See*, *Doe v. Unocal*, *ibid* (settled for an undisclosed amount); *Araya*, *ibid* (settled for an undisclosed amount); *Wiwa v. Royal Dutch Shell Co.*, 226 F.3d 88 (2d Cir. 2000) (cert. denied 532 U.S. 941 (2001)) (settled in part for an undisclosed amount); *In re Chiquita Brands International Inc. Litigation*, U.S. Southern Distr. Florida, Case No. 0:08-md-01916 (2024 jury verdict awarded $38.3 million in damages to the family members of eight Colombian men murdered by a paramilitary organization Chiquita funded); *SUD PTT v. La Poste*, [France] Case No. RG 24/05193 (Decided June 17, 2025); *Akpan and Others v. Royal Dutch Shell*, Case No. C/09/337050/HA ZA 09-1580 (later settled for approximately €15 million); *John Doe I. v. Exxon Mobil Corp.,* Case No. 1:01-cv-01357 (U.S. Distr. Distr. Columbia) (settled out of court for an undisclosed amount); *Lungowe v Vedanta* [2019] U.K. Supreme Court 20 (subsequently settled out of court); *Jabir and others v. KiK Textilen und Non-Food GmbH*, [Germany] Case no. 7 O 95/15 (resulting in a settlement for €4.69 million. *See also*, David Smith, General Motors Settles with Victims of Apartheid Regime, The Guardian (Mar. 2, 2012), detailing settlement in a case related to South African apartheid). For a list of many ongoing cases, *see*, European Coalition for Corporate Justice, et al., "Cases" BHR-Law.Org.

9. *See*, *e.g.*, 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, Article 2(1)(a); French Corporate Duty of Vigilance Law, Loi No. 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des enterprises donneuses d'ordre, Article 1 [French Corporate Duty of Vigilance Law]; Act relating to Enterprises' Transparency and Work on Fundamental Human Rights and Decent Working Conditions, Regjeringen [Norwegian Parliament], English translation, Danish Institute for Human Rights, Global NAPs.

10. *See*, UN Guiding Principles Reporting Framework, Companies.

11. United Nations Guiding Principles on Business and Human Rights, U.N.Doc. A/HRC/17/31 (2011) ("UNGPs").

12. *Ibid*, Principle 11, Commentary.

13. *Ibid*, Principle 23, Commentary.

14. *Ibid*, at Principles 11-22.

Rightsholders are those individuals and groups whose rights are directly affected, while stakeholders include a larger community of actors including interested non-governmental organisations.[15]

8. During the HRDD process, mitigation efforts should be developed and applied where possible to avoid the realisation or exacerbation of harms.

9. **Where a business has *caused* or *contributed to* an actual adverse impact, it is expected to cease that problematic conduct (which may require terminating a relationship or exiting a territory) and provide procedural and substantive remediation.** Businesses that are only *directly linked to* an adverse impact are expected to use their leverage to affect change in the conduct of their business partners. A business that cannot use leverage or fails to effectively use its leverage needs to consider whether it must terminate the relationship. The more severe the harms, the more likely it is that a business must terminate the relationship if it cannot positively affect change.[16] This can include leaving a territory if its relationship with a state actor is the cause of the problem. A business that fails to terminate a relationship when it is necessary to do so can start *contributing to* the adverse impacts and incur a responsibility to remediate the harm. The provision of reparations is the culmination of HRDD on a particular issue or with a particular rightsholder group. A business will not have properly addressed a risk without mitigation (if it can be avoided) or reparation efforts (where actual harms have arisen). This is not, however, the conclusion of HRDD but rather the lessons learned should inform the next steps of an ongoing HRDD process.

10. This report examines the terms "cause", "contribute to", "directly linked to" and "adverse impact" in detail, and analyses the factors necessary for determining whether a business must terminate a relationship. Before doing so, however, it is necessary to note that in certain circumstances, including situations where the state has been credibly accused of committing an atrocity crime, a business cannot solely rely on HRDD.

1.3. Situating atrocity crimes in the context of "conflict-affected and high-risk areas"

11. At the core of the UNGPs is an expectation that businesses will respect human rights in all contexts.[17] Yet, the UNGPs also recognise that certain situations carry inherently greater risks for human rights.[18] The focus to be given and the steps to be taken in response should be proportionate to the risks presented in a particular context or by a particular activity.[19] In situations where there is a heightened risk of gross abuses of human rights, businesses are to undertake *heightened human rights due diligence* (hHRDD).

12. The need for hHRDD is most prevalent in *conflict-affected and high-risk areas* (CAHRA). The term "CAHRA" incorporates two distinct categories of situations. First, the term "conflict-affected areas" applies to situations of ongoing armed conflict or occupation; "pre-conflict situations" in which the social conditions that give rise to conflicts; and "post-conflict situations" in which the state is undergoing efforts

15. *See*, *e.g.*, Surya Deva, Report of the Special Rapporteur on the right to development: Role of Business in Realizing the Right to Development, U.N. Doc. A/78/160 ¶ 29 (2023); European Network of National Human Rights Institutions, Human Rights-Based Approach.

16. UNGPs, *supra* at Principles 14, and 19, Commentary; Office of the High Commissioner for Human Rights, Business and Human Rights in Challenging Contexts: Considerations for Remaining and Exiting 9 (Aug. 2023),

17. UNGPs, *supra* at Principle 11.

18. *Ibid* at Principles 7, 23 and Commentary.

19. *Ibid* at Principles 11, 14.

at transitional justice.[20] The term "high-risk areas" is broader and incorporates any situations in which there is a risk of gross human rights abuses.[21] In international law, "gross violations" of human rights refers to particularly severe attacks on human dignity, including enslavement, "that are committed on a significant scale or with a significant degree of frequency (that is, they are more than isolated or merely sporadic phenomena)."[22] The definition of gross violations aligns closely with the definition of a crime against humanity, which requires a widespread and systematic attacks on the human rights of civilian populations.[23] A crime against humanity can occur even where there is no ongoing or anticipated armed conflict. In such circumstances, the situation is recognised as a "high-risk area."

13. A state or territory within a state can be a "conflict-affected area," a "high-risk area," or both. In all three situations, the CAHRA designation is applicable and businesses must employ hHRDD.[24] XUAR is best understood as a *high-risk area* as there is no armed conflict but there is, as Mr Jordash KC concluded, a risk of crimes against humanity.

14. hHRDD is a more routine and intense process than typical HRDD, examining not only the direct impacts on human rights but also how the business' relationship with actors in the area affects the dynamics on the ground and the likelihood that the high-risk activities continue.[25] The expectations of hHRDD are developed in greater detail below. Generally, it is expected that businesses can engage in hHRDD even in complex environments, including CAHRA. There are circumstances, however, in which a business cannot effectively engage with rightsholders without causing or increasing the danger rightsholders face. In those rare circumstances, it should consider the underlying cause of this limitation and whether the limitation is a temporary reality or a permanent one.

15. Depending on those circumstances, a business might be able to rely on interviews with the diaspora, non-governmental organisations (NGOs), or trade unions to get a better understanding of the circumstances and barriers to access. Data from these sources may be used in three ways. First, the diaspora, NGOs, or trade unions may be affected rightsholders themselves. This will be particularly true for the diaspora where widespread displacement or oppression are the reason the diaspora is no longer in the affected territory, or where the oppression targets the activities of NGOs or trade unions. Second, the diaspora, trade unions, and NGOs may be used to understand the circumstances on the ground before entering a territory to engage with affected stakeholders, or as a conduit between the business and those stakeholders. Third, NGOs, trade unions and the diaspora may raise concerns that indicate hHRDD will be impossible given the context on the ground. In those circumstances, a focus of the business' process and questioning should be whether hHRDD on the ground, and with affected rightsholders, is possible. It is necessary for rightsholders, as those whose rights are at issue, to have an opportunity to identify their concerns and to have access to remedial processes. If they cannot participate in the process, the core question is: why not? Is this a short-term hindrance that can be rectified or a long-term consequence of a

20. UN Development Programme & the UN Working Group on Business & Human Rights, *Heightened Human Rights Due Diligence for Business in Conflict-Affected Contexts: A Guide* 7, 9-11, 19 (2022) ("UNDP Guidance"); Laura Íñigo Álvarez, *Responsible Business Conduct in Conflict-Affected Areas: The Notion of Heightened Human Rights Due Diligence*, Revista Española de Empresas y Derechos Humanos vol. 2, pp. 29, 36 (2024).

21. UNDP Guidance, *ibid* at 9-11.

22. *Human Rights Due Diligence Policy on United Nations Support to non-United Nations Security Forces*, U.N. Doc. A/67/775-S/2013/110 (2013), at para 12(a)(i).

23. *See*, Rome Statute to the International Criminal Court, Article 7.

24. UNDP Guidance, *supra* at 11.

25. *Ibid* at 22-27.

state policy that points to an ongoing and systematic alienation and abuse of their human rights? Where the risk is long-term and a consequence of the relationship the business has with state actors, a business cannot rely on the impossibility of the situation to excuse its inadequate or non-existent hHRDD. In those circumstances, the business will need to responsibly terminate the relationship and operations to avoid *contributing to* or *causing* adverse impacts. This issue is explored in greater detail throughout this section of the report.

1.4. Burdens of proof: business and human rights versus international criminal law

16. In analysing the treatment of Uyghurs and other Turkic peoples in the XUAR under ICL, Mr Jordash KC utilised the "reasonable grounds" burden of proof, which "is met when there exists sufficient, reliable and credible facts or information which would satisfy a reasonable and objective observer that an incident or pattern of conduct has occurred."[26] The UNGPs do not identify a "burden of proof" standard and the concept is somewhat irrelevant to the Guiding Principles. Unlike public international law, ICL and IHRL, in which the attribution of responsibility is retroactive, businesses are expected to act when there are credible concerns or predictable risks associated with their operations, products and business relationships. The business does not need to prove nor have proven the risks, nor does the risk need to fit neatly into existing legal frameworks or criminal definitions. Instead, businesses are expected to independently identify risks to human rights, whether they have come to fruition or are merely predictable, and they should also respond to any credible allegation of adverse impacts on human rights coming from an outside source.[27] This is often referred to as "knowing and showing."[28]

17. A frequent question in the field of business and human rights (BHR) is what constitutes a "credible accusation" that a business must act on. There is no singular definition of a credible accusation, but it is usually used to refer to an accusation coming from a credible source, including directly from rightsholders, from affected stakeholders such as knowledgeable and credible NGOs, and from knowledgeable independent experts, such as the United Nations OHCHR, treaty bodies or special procedure mandate holders. Additionally, credible accusations can arise from trusted academics, news media companies that are known to employ rigour in their reporting or independent jurists. Once a credible accusation is raised, as detailed in this Section of the report, a business is expected to respond to the accusation through its HRDD or hHRDD processes to assess the legitimacy of the concern, develop mitigatory measures, and provide reparations or responsibly exit a situation.

26. Wayne Jordash KC, "Analysis of state-imposed forced labour targeting ethnic groups in the Xinjiang Uyghur Autonomous Region in the context of the crime against humanity" ¶ 4.

27. UNGPs, *supra* at Principles 11-15, 17, and Commentary.

28. *See*, *e.g.*, John Ruggie, "Engaging Business: Addressing Respect for Human Rights" U.S. Council for International Business (2010), human rights; John Sherman, III, Are there Risks in Knowing and Showing? Shift (2012).

1.5. Application of these Standards to the Government of China's treatment of Uyghurs and other Turkic peoples

18. There are credible accusations of crimes against humanity in XUAR and businesses must respond accordingly.

19. The factual allegations contained in Professor Thum's report should independently trigger the obligation to conduct hHRDD. Professor Thum is a highly respected and independent academic who is knowledgeable about the Uyghur Region. His report shows a significant and widespread pattern of abuse against a vulnerable population. Even without a legal classification, the nature of the alleged facts are that individuals, on the basis of a protected characteristic (descent, ethnicity, religious or linguistic identity[29]) are being routinely targeted for separation from their family and community for the purpose of labouring in state-controlled facilities without access to due process and under threat of physical violence against themselves and their family members. These accusations are significant enough that businesses operating in China must employ hHRDD in a responsive manner and in line with the expectations outlined in this report.

20. Mr Jordash KC, an eminent jurist with a specialisation in international criminal law, has further concluded that the forced labour in the VETCs and, in many instances, the labour transfer system perpetrated against Uyghur and other Turkic and Muslim-majority peoples, constitutes enslavement as a crime against humanity. This is a sufficiently credible accusation given his expertise. As such, the treatment of the Uyghurs and other Turkic peoples transforms China into a *high-risk area* and triggers businesses' hHRDD responsibilities. For reasons detailed below, businesses operating *anywhere* in China should be employing hHRDD. It is explained below below why businesses must apply hHRDD throughout China, as opposed to only in XUAR.

21. The Chinese Government claims that it is fighting extremism in the XUAR and has adopted all the problematic measures identified in Professor Thum's and Mr Jordash KC's reports under the framing of "counter-terrorism" or "counter-extremism." It should go without saying, but it often does not: **the existence of a conflict-affected area does not and cannot be used to excuse atrocity crimes.** While the legitimacy of the Chinese Government's explanation is disputed, the result is the same: the commission of atrocity crimes is inexcusable on any grounds and businesses may not alleviate their responsibilities in XUAR or China more broadly on the grounds that the government is engaged in a "conflict," "counter-terrorism" or "counter-extremism." Instead, businesses are expected to respond to all credible allegations independently and in good faith regardless of the Government of China's motivations or intention when employing SIFL.

22. To the extent that the Chinese Government wishes to dispute the allegations in Professor Thum's or Mr Jordash KC's assessments, they should provide direct access for independent experts to meet with the Uyghurs and other Turkic peoples in XUAR. Until that occurs, and until businesses and experts can independently assess the treatment of the Uyghurs and other Turkic peoples without government oversight or interference, businesses should proceed on the basis that these allegations are either fully true or have truth to them. Unfortunately, as evidenced in the 2022 OHCHR report, this has not yet happened.[30]

29. *See*, International Covenant on Civil Political Rights (1966), article 27, 999 U.N.T.S. 171, *entered into force* 1976 ("ICCPR"); Convention on the Elimination of Racial Discrimination, article 1, 660 U.N.T.S. 195 (1965), *entered into force* 1969.

30. *See*, OHCHR, *supra*.

1.6. The remainder of this report

23. The remainder of this Section of the report focuses on the responsibilities of businesses to respond to the accusations contained in Professor Thum's and Mr Jordash KC's reports.

24. Part 2 examines the hHRDD responsibilities of businesses in CAHRA contexts. It begins by explaining the processes of HRDD and hHRDD and considering what a business should do when HRDD or hHRDD becomes impossible or dangerous to rightsholders. It then turns to the terms "cause", "contribute to" and "directly linked to" as they are used in UNGPs to delineate a business' responsibility. Throughout these sections, the BHR standards to the situation of SIFL in XUAR have been applied. The conclusion to Part 2 is that businesses operating in XUAR have a responsibility to terminate their relationship with the Chinese Government, which includes leaving (at a minimum) the territory of XUAR and terminating any supply chains that run through (at a minimum) XUAR. It is noted that the responsibility to respect human rights implicates business operations beyond XUAR and requires, minimally, ongoing vigilance throughout the rest of China and will require certain businesses to terminate their relationships with the Chinese Government and to exit China entirely.

25. In light of the findings in Part 2, Part 3 examines the responsibility of foreign businesses to responsibly exit XUAR and to provide reparations. It then considers how businesses should respond to their inability to provide reparations to affected rightsholders.

26. Part 4 provides a summary of the conclusions found in Parts 2 and 3 along with practical recommendations for businesses whose supply chains run through XUAR.

Part 2. Human rights due diligence

2.1. Identifying human rights due diligence and heightened human rights due diligence

2.1.1. The purpose and difference of HRDD/hHRDD

27. HRDD and hHRDD are ongoing and iterative processes aimed at understanding how a business' operations, activities and business relationships impact human rights. hHRDD adds an additional layer of consideration: how does the business' relationship with actors in a CAHRA maintain or exacerbate the likelihood of conflict or widespread and systematic violations of IHRL. HRDD/hHRDD are both aimed at identifying actual and potential *adverse impacts* on human rights, which generally refers to a reduction in the enjoyment or realisation of human rights.[31]

28. Those who read this report carefully will realise that the process outlined here is *not* alleviated by relying on a subscription-based reporting service, such as that provided by certain "environment, social and governance" analysts, that report on "controversies" or that identify particular companies and suppliers that they deem "risky." These services are only appropriate as a supplement to the business' own mapping exercise and not as a replacement for that exercise. Similarly, businesses cannot rely on "social auditors" as a substitute for HRDD/hHRDD.[32] Social auditing is not an iterative and ongoing process, but rather it is generally a one-off or intermittent assessment of specific conditions at a particular point. Social auditing is generally limited to a list of standards, producing "inherently superficial" results,[33] has been linked to several significant failings with catastrophic results in several human rights situations,[34] and has suffered documented problems with fraud or corruption.[35]

2.1.2. Legal standards to be used in HRDD/hHRDD

29. When undertaking HRDD and hHRDD, businesses are to consider, at a minimum, the human rights identified in the International Bill of Human Rights,[36] which consists of the Universal Declaration of Human Rights (UDHR),[37] the International Covenant on Civil and Political Rights (ICCPR),[38] and the International Covenant on Economic, Social and Cultural Rights (ICESCR),[39] as well as the ILO

31. UNDP Guidance, *supra* at 10.

32. *See*, Justine Nolan & Nana Frishling, *Human Rights Due Diligence and the (Over) Reliance on Social Auditing*, in Surya Deva & David Birchall (eds.), Research Handbook on Human Rights and Business 108, 118-129 (2020). As Justine Nolan and Frishling, respected academics aptly summarized, "social auditing is no doubt a component of due diligence, it is by no means its focal point." *Ibid* at 119.

33. Nolan & Frishling, *supra*, at 121.

34. *See*, Carolijn Terwindt & Amy Armstrong, *Oversight and Accountability in the Social Auditing Industry: The Role of Social Compliance Initiatives*, International Labour Review vol. 158, pp. 246 (2019).

35. *See*, Nolan & Frishling, *supra*, at 122; Tara Van Ho and Carolijn Terwindt, *Assessing the Duty of Care for Social Auditors*, *European Review of Private Law*, vol. 27(2), pp 379–401 (2019).

36. UNGPs, *supra* at Principle 12.

37. Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948)

38. ICCPR, *supra*.

39. International Covenant on Economic, Social and Cultural Rights (1966), 993 U.N.T.S. 3, *entered into force* 1976.

Core Conventions.[40] This is true even where a state has not itself ratified one of the constituent treaties.[41] Additionally, businesses should consider any other relevant human rights instrument, which includes additional treaties a particular state has ratified,[42] as well as treaties or customary international law that clarify the application of human rights to a particularly protected group, such as the Convention on the Elimination of Racial Discrimination[43] or the Convention on the Rights of the Child.[44] Businesses should also consider international humanitarian law during periods of armed conflict.[45] Finally, ICL is pertinent law at any time in which there are accusations of atrocity crimes.[46]

30. When considering China's ratifications, and with the recognition that the situation in XUAR does not constitute an *armed conflict*,[47] this means that businesses operating anywhere in China should consider, at a minimum, the rights and responsibilities identified in:

1. International Criminal Law;
2. UDHR;
3. ICCPR;
4. ICESCR;
5. International Convention on the Elimination of All Forms of Racial Discrimination;[48]
6. Convention on the Elimination of All Forms of Discrimination Against Women;[49]
7. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[50]
8. Convention on the Rights of the Child;[51]
9. The two optional protocols on the Convention on the Rights of the Child related to children in armed conflict,[52] and the sale of children, child prostitution, and child pornography;[53]
10. Convention on the Rights of Persons with Disabilities;[54]
11. ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise;[55]
12. ILO Convention No. 98 on the Right to Organize and Collective Bargaining;[56]

40. UNGPs, *supra* at Principle 12.

41. *Ibid*.

42. *Ibid*.

43. Convention on the Elimination of Racial Discrimination, *supra*.

44. U.N. Convention on the Rights of the Child (1989), 1577 U.N.T.S 3.

45. UNGPs, *supra* at Principle 12, Commentary.

46. *Ibid* at Principle 23, Commentary.

47. If the situation in XUAR was an armed conflict, or were it in a pre- or post-conflict situation, businesses would also need to consider international humanitarian law. UNGPs, *supra* at Principles 7, 12 and Commentary.

48. *Supra*, *entered into force for China* 28 January 1982.

49. Convention on the Elimination of All Forms of Discrimination Against Women, 1249 U.N.T.S. 13, *ratified by China* 1980, *entered into force* 3 September 1981.

50. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85, *ratified by China* 1988, *entered into force* 4 October 1988.

51. *Supra*, *ratified by China* 1992, *entered into force 1 April 1992.*

52. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, U.N. Doc. A/RES/54/263 (2000), *ratified by China* 2008, *entered into force* 20 March 2008.

53. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, May 25, 2000, 2171 U.N.T.S. 227, *ratified by China* 2002, *entered into force* 4 September 2002.

54. Convention on the Rights of Persons with Disabilities, 2515 U.N.T.S. 3, *ratified by China* 2008, *entered into force* 31 August 2008.

55. 68 U.N.T.S. 17.

56. 96 U.N.T.S. 257.

13. ILO Convention No. 29 on Forced Labour (1930)[57] and its 2014 Protocol;[58]
14. ILO Convention No. 105 on the Abolition of Forced Labour;[59]
15. ILO Convention No. 138 on the Minimum Age;[60]
16. ILO Convention No. 182 on the Worst Forms of Child Labour;[61]
17. ILO Convention No. 100 on Equal Remuneration;[62]
18. ILO Convention No. 111 on Discrimination (Employment and Occupation);[63]
19. ILO Convention No. 155 on Occupation Safety and Health;[64]
20. ILO Convention No. 187 on the Promotional Framework for Occupational Safety and Health.[65]

31. While this report will focus on ICL, given Mr Jordash KC's finding of an atrocity crime, all the pertinent legal standards are listed as several are also implicated by the use of SIFL in XUAR as described by Professor Thum, including the UDHR, ICCPR, ICESCR, as well as the human rights conventions on racial discrimination, discrimination against women, torture and other cruel, in human or degrading treatment or punishment, and the rights of the child, and the ILO Conventions on forced labour. This highlights the seriousness of the allegations and the need for businesses to respond appropriately to the accusations. Moreover, businesses cannot avoid the implications of this report simply by claiming that Mr Jordash KC was wrong in his conclusions on the use of SIFL as a crime against humanity. Instead, that conclusion would simply trigger the following responsibilities due to the severity of Professor Thum's findings as they relate to the other treaties. It is the gravity of the allegations, not their legal classification in and of themselves, that gives rise to the findings in the remainder of this report.

2.1.3. The Process of hHRDD[66]

32. As noted above, the purpose of HRDD/hHRDD is preventative in nature: businesses are to avoid doing harm to human rights and the process should be iterative and involve consultation and collaboration with rightsholders and stakeholders. There are different paths into hHRDD, but it should include desk-based research, stakeholder engagement and a saliency exercise. Throughout the process, businesses should identify all potential risks while highlighting the most *salient* risks, which the UNGPs indicate should be identified on the basis of their scale, scope and irremediable character.[67] The most severe issues should be addressed first, and then the business can build out its responses to other, less severe risks. The need to initially focus on certain salient risks does not excuse a business' responsibility for other harms it

57. 39 U.N.T.S. 55.

58. PO29.

59. 320 U.N.T.S. 291.

60. 1015 U.N.T.S. 297.

61. 2133 U.N.T.S. 161.

62. 165 U.N.T.S. 303.

63. 362 U.N.T.S. 31.

64. 1331 U.N.T.S. 279.

65. 2564 U.N.T.S. 133.

66. This section summarizes, *e.g.*, OHCHR, *The Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises: Emerging Practices, Challenges and Ways Forward*, U.N. Doc. A/73/163; OHCHR, *Companion note II to the Working Group's 2018 report to the General Assembly (A/73/163):* Getting Started, Emerging Practices, Tools and Resources; *Companion note I to the Working Group's 2018 report to the General Assembly (A/73/163):* Background Note and Elaborating on Key Aspects, OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretative Guide*, U.N. Doc. HR/PUB/12/ (2012).

67. UNGPs, *supra* at Principle 14 and Commentary.

causes or *contributes to*, and a business is expected to continually learn from its experiences and increase its responsiveness.

2.1.3.1. Desk-based research

33. Desk-based research should involve a comprehensive mapping exercise that details supply chains, operational activities, and relationships with states and primary non-state actors. While some businesses would prefer that their responsibility relate only to a business' own operations and first-tier suppliers, this is not the expectation within the UNGPs. In some particularly complex supply chains, a business may not be able to map all of its individual suppliers, but it may be able to locate areas in which the supply chain is operating, even where it cannot identify individual suppliers, and it should use the initial mapping to identify problems and gaps in information that can be further developed and filled-in through the process of HRDD itself.

34. Once the mapping exercise is completed, the business should assess the primary human rights risks in each location and associated with each activity. When considering the risks, the business should determine if the risk stems directly from the business' activities or operations, or is the result of its relationship to other actors. This will not determine the business' responsibility, but it is a first step to understanding whether the business is *causing*, *contributing to*, or *directly linked to* the harm. These categories are relevant throughout the remainder of the HRDD/hHRDD process when determining the responses the business is expected to pursue. The categories of responsibility are explained further in 2.2, below.

35. Identifying human rights risks in each location will help the business identify where there are potential barriers to engaging rightsholders and stakeholders. For example, if a business is operating in an area where poverty is rampant, it may need to provide financial compensation to rightsholders and stakeholders to ensure they can actively participate in the HRDD process. This can include honoraria for missed work, food and travel reimbursements, stipends etc. Additionally, this mapping exercise should identify areas where a business or its value chains are operating in CAHRA and where hHRDD is needed.

36. Where a business identifies that it is operating in a CAHRA and needs to employ hHRDD, the business must also map its relationship to actors of power in the region. This includes considering its relationship with state actors, any powerful non-state actors (such as armed groups, criminal organisations and opposition or dissident groups). Finally, in hHRDD, the business should consider how its operations intersect with divisions within society. This means considering who has power within the operations or supply chain, how those in positions of power identify in terms relevant to the political context (whether that is race, religion, nationality etc), who is excluded from positions of power and how they identify in terms relevant to the political context (e.g., is there a minority ethnic group that is prevented from having economic or political power in the area, and what is the business' relationship with that group?). This mapping exercise should then be used to identify information and questions the business should gather through the hHRDD process.

37. Sometimes, a business will not be able to fully understand the political contexts in the first mapping exercise. It may need additional information from suppliers, customers, stakeholders or rightsholders that should be procured through the HRDD/hHRDD process.

2.1.3.2 Next steps

38. The business should also identify the potential stakeholders and rightsholders groups they could collaborate with in the production of their HRDD/hHRDD process. For the remainder of this report, the following processes fall under the umbrella of "next step HRDD/hHRDD," although hHRDD can begin with either desk-based research or stakeholder engagement or both:

- Identifying and collaborating with relevant stakeholders and rightsholders to develop HRDD/hHRDD further;
- Developing and engaging in a dialogue with rightsholders and stakeholders about real and potential risks;
- A saliency exercise;
- Identifying whether the business is *causing*, *contributing* or *directly linked to* a harm;
- Prioritising the most severe risks for immediate response;
- Where appropriate, using leverage to affect change in the conduct of business partners;
- Developing mitigatory measures in consultation and collaboration with rightsholders;
- Developing a non-judicial grievance mechanism capable of reviewing complaints and requiring the business to implement measures of redress, and the business implementing those measures;
- Determining how to responsibly terminate a relationship or exit a territory;
- Reflecting and reviewing lessons learned from this process to refine conduct for other issues.

39. Ideally, the desk-based research and many of the "next step HRDD/hHRDD" processes will occur before a business begins a new venture, whether that is the development of manufacturing activities, sourcing from a new supplier, or entering a new market for sales. If the business is already operating in a situation and has not yet conducted HRDD/hHRDD, it complicates the process and can increase the costs of implementing HRDD/hHRDD. Even in these circumstances, however, the business is still expected to begin the process with desk-based research before turning to and implementing "next step HRDD/hHRDD".

2.1.3.3. Engaging rightsholders and stakeholders

40. A business can only responsibly undertake HRDD/hHRDD when it can engage rightsholders directly. As explained above, the diaspora, unions and NGOs can be important partners and sources of information. Businesses may need to collaborate with NGOs, trade unions and grassroots community leadership in order to identify affected rightsholders and to convene the necessary discussions. Yet, without the ability for rightsholders to participate in the process, or to access remedial systems through the business' process, the hHRDD will be deficient.

41. Where necessary, a business should look to mitigate any barriers to collaborating with rightsholders and stakeholders; it may also work with other businesses or multi-stakeholder groups within a region to identify means to develop collaboration with rightsholders and stakeholders. There are rare circumstances in which engaging rightsholders is impossible. These are dealt with in the next section.

42. Once a business is able to engage rightsholders and stakeholders, it should begin a series of conversations with the rightsholders and stakeholders to answer questions or information gaps raised by the desk-based research and to begin to identify additional real or potential risks that may not be known to the business but are known to the rightsholders and stakeholders. For example, a business may not realise that the location of planned operations in Town X would actually run through a sacred site for the townspeople. Through conversation with rightsholders and stakeholders, the business may identify this risk and also discuss mitigation or remediation opportunities. All of this should be done in a collaborative and communicative manner with rightsholders and stakeholders.

2.1.3.4. A saliency exercise and prioritising risks

43. Where a business' operations are complex, it may find it impossible to tackle all human rights risks at one time. This is where the initial mapping exercise can become particularly important. The UNGPs recognise this is a real concern for businesses, and indicate that a business may begin the HRDD or hHRDD process with a narrow focus on a limited number of human rights issues. These issues should be chosen on the basis of severity (sometimes called the most "salient" risks), which the UNGPs indicate is defined either by the *nature* of the violation or the *number* of individuals who could potentially be affected. The most severe issues should be addressed first, and then the business can build out its responses to other, less severe risks. The need to initially focus on certain salient risks does not excuse a business' responsibility for other harms it *causes* or *contributes to*, and a business is expected to continually learn from its experiences and increase its responsiveness.

44. The nature of SIFL in XUAR, as detailed in Professor Thum's and Mr Jordash KC's reports, includes gross violations of human rights and rises to the level of a crime against humanity. As such, it is among the most severe risks to human rights for any supply chain or business operating in or running through the Region.

2.1.3.5. Non-judicial grievance mechanism

45. The final step in any due diligence process is ensuring rightsholders can seek redress when harms arise that implicate the business' operations, products or business relationships. Under IHRL, the right to an adequate remedy includes two components: a procedural right to challenge a wrongdoing; and the substantive measures necessary to restore the victim to a position he/she would have enjoyed but for the violation (or compensation for material and moral harm where full restitution is impossible).

46. Even where victims have access to a judicial remedial mechanism, the UNGPs establish an expectation that businesses will develop or join a non-judicial, operational-level grievance mechanism that can respond quickly and effectively to complaints from rightsholders. The aim is to limit the barriers victims have to accessing the substantive measures necessary to repair damage they have suffered. The UNGPs articulate eight criteria for evaluating the appropriateness of non-judicial, operational-level grievance mechanisms.[68] The inability to run such a mechanism is an indication that the business is incapable of conducting responsible HRDD or hHRDD and should terminate its activities until it is able to do so.

68. UNGPs, *supra*, Principle 31.

47. While businesses should establish operational-level grievance mechanisms, these mechanisms are an inappropriate and inadequate mechanism for addressing atrocity harms.[69]

2.1.4. What to do when HRDD/hHRDD is impossible due to danger to rightsholders or the business

48. For HRDD/hHRDD to have value, rightsholders need to be empowered to participate without fear.

49. If a business cannot engage rightsholders in a manner where the rightsholders feel empowered to proactively discuss the real and potential risks a business poses, or to seek remedies through an operational level grievance mechanism or judiciary (as appropriate), then the business cannot conduct "next step HRDD/hHRDD". They are limited to their desk-based research.

50. If a business is limited to desk-based research, they need to consider *why* and for *how long* they are limited. At times, a business may be limited in its ability to engage rightsholders and shareholders due to temporary realities, such as short-term or sporadic violence, a natural disaster, and other temporary social or economic conditions (e.g. Argentina's financial collapse in the early 2000s would have had a detrimental impact on rightsholder engagement).

51. **Where the condition is a long-term reality, and the result of government-imposed policies, the business cannot responsibly enter that territory. Under these conditions, the business is unable to appropriately identify risks or respond to harms it causes or creates. Consequently, the business should close its HRDD/hHRDD process with a conclusion that under the current conditions, the business cannot enter the territory responsibly.**

2.1.5. Application to SIFL in XUAR

2.1.5.1. Desk-based research

52. A responsible, desk-based mapping exercise should identify whether a business' primary supply chain lines go through XUAR. At this point, a responsible, desk-based mapping exercise should flag the numerous accusations of SIFL in XUAR. As Mr Jordash KC explains in his report, "the Chinese Government's official documents and public statements have linked VETC facilities and employment schemes; effectively describing a system promoting a pathway from VETC detention to subsequent employment in factories or enterprises."[70] This means that **businesses are at risk of employing individuals whose condition of employment forms the *actus reus* for a crime against humanity.** This is true both within and outside XUAR.

53. The issue of SIFL in XUAR has been widely reported in the news media and appears in any credible summary of the human rights situation in China, including reports by the OHCHR,[71] UN special procedure mandate holders,[72] and treaty bodies.[73] This reality should give rise to a deeper inquiry into the situation and context. The accusations are severe enough and come from credible

69. UNGPs, *supra* at Principle 22; OHCHR Interpretative Guide at p. 64.

70. Section 2, ¶ 34.

71. *See*, OHCHR XUAR Report, *supra*.

72. *See*, *e.g.*, Xinjiang report: China must address grave human rights violations and the world must not turn a blind eye, say UN experts (2022).

73. *See*, Concluding observations on the ninth periodic report of China, U.N. Doc. CEDAW/C/CHN/CO/9 (31 May 2023) at ¶¶ 51-52.

sources so that they will meet, by their nature, the threshold for immediate action for any business whose operations or supply chain runs through XUAR, and consequently this reality must be acted upon immediately.

54. At this point, businesses should seek additional information about the risks and their ability to respond to the accusations via desk-based research. Given the gravity of the accusations, businesses cannot move onto "next step hHRDD" until they understand the situation better as all aspects of "next step hHRDD" requires the business to identify and collaborate with stakeholders and rightsholders. Seeking to engage stakeholders or rightsholders without understanding the context can place those individuals and communities in danger. Any responsible desk-based follow-up should uncover, at a minimum, the OHCHR report on the conditions in XUAR.[74] In the future, it is also likely to reveal this section, and those by Professor Thum and Mr Jordash KC, of this report.

2.1.5.2. The inability to engage rightsholders and stakeholders

55. Normally, a business should investigate allegations of adverse impacts on human rights rather than assume they are accurate. In this situation, however, any effort to investigate is likely to cause harm to rightsholders in XUAR, may cause harm to the business' investigators, and is likely to prove futile given the chilling effect that threats, intimidation and reprisals have had on speech addressing SIFL in XUAR. While the Government of China often defends the treatment of Uyghurs – and has claimed at the United Nations that the accusations of SIFL are inaccurate – businesses cannot rely on this assurance alone. Instead, they must be able to undertake independent assessments directly with the participation of affected rightsholders and free from government interference. Currently, that is impossible.

56. The findings in Professor Thum's and Mr Jordash's reports indicate that conducting hHRDD in XUAR would be dangerous to rightsholders. Their conclusion is supported by the primary sources they each relied upon. It is also supported by credible reports on the situation facing the OHCHR when it visited China and XUAR.[75] As detailed by OHCHR, China extended an invitation to the High Commissioner to visit China and XUAR, and while the visit was delayed by the COVID-19 pandemic, it eventually took place in April and May 2022.[76] During the visit, the then UN High Commissioner for Human Rights, Michelle Bachelet, reported that she was constantly in the presence of Chinese Government officials, which prevented her from speaking to any detained Uyghurs or their families.[77] Normally, an official visit by a UN Special Procedure mandate holder on human rights is conditioned upon "[c]onfidential and unsupervised contact with witnesses and other private persons, including persons deprived of their liberty" and "[p]rivate contacts with representatives of civil society, including non-governmental organizations...."[78]. The High Commissioner's inability to access relevant interviewees for an honest conversation about the situation therefore fell below standard practice and indicates how closed the area is for any credible, external assessment. This suggests it is impossible to conduct HRDD or hHRDD within XUAR. Any effort to do so will

74. OHCHR XUAR Report, *supra*.

75. *Ibid*.

76. *Ibid*.

77. Helen Davidson, "UN Human Rights Chief Could Not Speak to Detained Uyghurs or Families during Xinjiang Visit," *The Guardian* (16 June 2022).

78. Revised Terms of Reference for Country Visits by Special Procedures mandate holders of the United Nations Human Rights Council (based on Appendix V, E/CN.4/1998/45) at ¶ b.

either (i) not be independent and is therefore irresponsible and unethical or (ii) risks the security of rightsholders and would therefore be irresponsible and unethical.

57. These are not the only indications of risks that limit the effectiveness of a business-centred HRDD process. To conduct interviews with 40 affected individuals in preparation for their report on the situation in XUAR, OHCHR needed to undertake enhanced protection, and reported that it faced challenges with the interviews, some of which stem from COVID-19 but others from security concerns.[79] That OHCHR faced these limitations indicates that corporations, who are naturally less knowledgeable about human rights interviewing standards and are less capable of conducting human rights assessments, are unable to conduct HRDD or hHRDD without severe risk to the rightsholders at issue.

58. The OHCHR report further details how intimidation, threats and reprisals limit the ability of rightsholders to speak out. According to OHCHR:

> *"Intimidations and threats were also reported by former detainees, some of whom were forced to sign a document ahead of their release, pledging not to speak about their experience in the VETCs. In the words of one interviewee, 'We had to sign a document to remain silent about the camp. Otherwise, we would be kept for longer and there would be punishment for the whole family'."*

Two-thirds of the interviewees with whom OHCHR spoke asserted having been victims of some form of intimidation or reprisal, in particular threatening phone calls or messages following statements or advocacy in relation to XUAR.[80]

59. The OHCHR found reports of reprisals, threats and intimidation efforts to be "generally credible and are likely to have caused, and continue to cause, a serious chilling effect on these communities' rights to freedom of expression, privacy, physical integrity and family life, and in consequence inhibit the flow of information on the situation inside XUAR."[81] The consequence of this is that even if a business could access rightsholders and stakeholders, individuals would be unable to speak freely undermining the appropriateness of any HRDD/hHRDD process.

60. It is important to note that OHCHR, similar to Mr Jordash KC, concluded that the extent of the abuses in XUAR "may constitute international crimes, in particular crimes against humanity."[82] In response, China indicated that rather than address the human rights situation it would no longer cooperate with OHCHR on human rights in XUAR.[83] This indicates that even if a business *could* get rightsholder participation (an effort that I do not believe can be done responsibly) the business will be unable to affect change on the government policy. Consequently, the exercise of HRDD or hHRDD in this circumstance is without purpose as the business can never responsibly and effectively act upon the information it does receive. This is relevant both for understanding the limit of hHRDD efforts in XUAR and for determining a business' responsibility for harms committed in XUAR, an issue raised in Part 3, below.

79. OHCHR XUAR Report, *supra*.

80. OHCHR, *supra* at ¶¶ 137-138.

81. OHCHR, *supra* at ¶ 141.

82. OHCHR, *supra* at ¶ 148.

83. *See*, Emma Farge, "China Ambassador: U.N. Report on Xinjiang has 'Closed Door of Cooperation," *Reuters* (Sept. 9, 2022).

61. The limitations that faced OHCHR indicates that businesses cannot responsibly access rightsholders to conduct collaborative HRDD on operations, activities or relationships within XUAR. The danger of conducting HRDD/hHRDD in XUAR is not limited to rightsholders, however. In its report, OHCHR noted that "there are claimed threats of reprisals against staff employed by, or conducting activities on behalf of, foreign enterprises with links to XUAR through their value chains while attempting to conduct [HRDD] and requesting transparency in line with the [UNGPs]."[84]

62. **OHCHR's experience indicates that businesses are unable to responsibly engage in HRDD/hHRDD in XUAR. As such, they should not enter into operations in XUAR under any circumstances until experts such as OHCHR can freely enter into the area and engage with rightsholders without impediment.**

2.1.5.3. The need for caution beyond XUAR

63. While the situation is clearest within XUAR, Professor Thum's report indicates that although most of the forced labour is conducted within XUAR:

> "*[s]maller numbers [of individuals] are assigned to placements in other regions of China. For example, in the first ten months of 2018, rural labourers were "transferred" to placements near their homes 2.3 million times, to other prefectures within the Region 364,000 times, and to other provinces in the interior of China 25,378 times, according to state media.*"[85]

This means that **businesses throughout China remain at risk of employing individuals whose condition of employment forms the *actus reus* for a crime against humanity, even if they are not operating within XUAR.**

64. Given the risk of involvement in SIFL as an atrocity crime, businesses that operate *anywhere* in China need to employ hHRDD to identify their relationship with actors relevant to the use of SIFL, including the Chinese Government. This is not uncommon; businesses that operate in states engaged in an armed conflict also need to employ hHRDD throughout the state even when their activities take place outside of the most directly affected areas. Moreover, these businesses need to adopt mechanisms that can help them identify instances of SIFL within their supply chain outside of XUAR. This may involve:

- Seeking transparency and reassurances about the use of SIFL in their supply chain and operations;
- Active engagement with NGOs and experts of SIFL and XUAR to identify factors that could indicate an individual is originally from XUAR and may be a victim of forced labour;
- Practical training for managers and suppliers on how to identify SIFL in their operations;
- Confidential reporting lines or mechanisms for individuals to report suspected instances of SIFL in their operations and supply chains.

84. OHCHR, *supra*, ¶ 140.

85. Thum report, Section 1, page 17.

Such mechanisms are only appropriate in other prefectures and would be inadequate and inappropriate if used in XUAR given the gravity of the allegations and the limited ability of people within XUAR to freely participate in a discussion on the issue of SIFL and the VETCs.

65. In addition to monitoring and mitigation measures, foreign businesses operating in other prefectures should also consider what would be necessary to terminate their presence in China should that be required by a changing situation. This report considers that possibility in the next section.

Part 3. Understanding "cause", "contribute" or "directly linked to" in the context of atrocity crimes

3.1. The responsibility terms in the UNGPs

66. The UNGPs indicate that a business owes reparations where it *causes* or *contributes to* an adverse impact on human rights. Where a business is only *directly linked to* an adverse impact, it is expected to use its leverage to affect change in the conduct of business partners, which can include states.[86] These terms sit on a "continuum" and a business' responsibility can move along that continuum depending on the factors on the ground and the business' response to the risks identified as part of its HRDD/hHRDD.[87]

67. A business that is *directly linked to* a harm, but does not have sufficient leverage on its own to affect change in its business partners, is expected to work to enhance its leverage, often by working with other businesses operating in the same region and/or same industry.[88] The failure of a business to use its leverage appropriately or effectively can move a business' responsibility along the continuum so that it is *contributing to* the harm and must provide reparations.[89] When determining whether a business' response is adequate, the primary factor is the severity of a harm. The more severe a harm, the more quickly a business needs to see change in its business partner if it wishes to remain only *directly linked to* a harm.

68. There are five factors that can help determine where a business' actions sit on the UNGPs' continuum of responsibility, but the most important two are the company's **power** and **independence**.

- **Power** relates to the business' direct power over the harm's occurrence, its relational power over another actor engaged in the harm, or its power over the environmental conditions that give rise to the harm.[90] If, for example, a business is directly engaged in benefitting from or utilising SIFL, it has direct power over the employment of labour in its operations and environmental power over the conditions in which SIFL is viable for the government.
- **Independence** refers to the business' independence to either stop a violation on its own or to stop its participation in a violation.
- These factors also sit on a continuum from *strong power* or *strong independence* to *weak power* or *weak independence*. A business with strong power and independence is more likely to be *causing* a harm while a business with *weak power* and *weak independence* is more likely to be *directly linked to* the harm.

86. UNGPs, *supra* at Principles 13, 19 and Commentary.

87. For more on this, *see*, Tara Van Ho, *Defining the Relationships: "Cause, Contribute, and Directly Linked to" in the UN Guiding Principles on Business and Human Rights*, Human Rights Quarterly, vol. 43, p. 625 (2021).

88. *See*, OHCHR, *The Corporate Responsibility to Respect Human Rights: An Interpretative Guide*, *supra* at pp. 48-51.

89. *See*, Van Ho, *Defining the Relationships*, *supra* at 635.

90. *Ibid* at 647, et seq.

If after considering the business' power and independence, it is clear that the business is *causing or contributing to* a harm, it owes remedies and reparations.

69. If, however, the business is only *directly linked to* the harm or if it is unclear if the business is *directly linked to* or *contributing to* the harm, three additional factors need to be considered: the **severity** and **predictability** of the harm; and any **mitigation measures** the business has undertaken to limit the adverse impact.

- The **severity** of a harm is determined, as indicated in the UNGPs, by either the number of people affected or the nature of the harm (i.e., an atrocity crime or any other violation of the right to life, freedom from torture, or freedom from slavery will always be severe).
- The **predictability** factor asks whether a reasonable business should have identified this risk through an adequate HRDD/hHRDD process.
- The **mitigation measures** factor asks whether the business has taken the expected and reasonable steps necessary to avoid the harm arising, and whether the business has effectively used its leverage to limit the harm's existence. The more severe and predictable a harm, the greater the need for mitigation measures to be adopted and to demonstrate that those measures are effective.

70. In rare circumstances, a foreign business can move almost immediately from *directly linked* to *contributing to* a harm if it enters into a context where there is a known risk of an atrocity crime that is long-standing and the consequence of a government policy if the law requires a business to participate in the atrocity crime (such as by using SIFL), or where the business' mere presence helps to "normalise" an atrocity crime, or where a business' presence requires financial payments (including taxes) that are firmly linked to the harm. The next subsection explains these rare circumstances.

3.2. Contribution via "normalisation" and financial support of long-term, grave and serious IHRL violations by governments

71. In a situation where a government develops a plan of widespread and systematic violations of human rights, including crimes against humanity, a domestic business will often be unable to exit the territory or mitigate its participation. Purely domestic businesses (as opposed to businesses with a locally incorporated subsidiary) are captive to the local and national government, with limited power or independence to counteract domestic laws.[91] The same is not true for foreign businesses. A foreign business, unlike a domestic business, has a great deal of independence in determining whether it enters into a territory or activity or not. As such, it will have some relational power over the government.

72. In a limited number of circumstances, a foreign business' mere presence in an area can mean it is *contributing to* a harm that is severe and predictable and for which leverage is *per se* ineffective because the harms are part of a long-standing government law or policy. This can occur through a business' contribution to the normalisation of planned atrocity crimes. A foreign business that financially contributes to harms in ways other than taxation (e.g. by providing loans used to develop the harmful practices, or institutionally

91. Van Ho & Yilmaz, *supra* at 14.

investing in harmful operations) is likely *contributing to* the harms via the financial support. This is a different question than the *normalisation* of an atrocity crime and is not addressed further in this report.

73. Under international law, states and international actors are prohibited from recognising as lawful a situation born out of a violation of the limited number of peremptory rules (*jus cogens*) of international law, including atrocity crimes.[92] The International Court of Justice has clarified that when there is a breach of *jus cogens*, it carries legal consequences not only for the individual state breaching the peremptory rule, but also for all other international actors.[93] The consequence for other actors is that they must work to bring about an end to the situation arising from those unlawful acts.[94] This obligation is also reflected in the International Law Commission's *Articles on the Responsibility of States for Internationally Wrongful Acts*.[95] The process of *normalisation* circumvents this obligation and treats as legitimate an illegitimate violation of *jus cogens*.

74. Where a foreign business (inclusive of locally organised subsidiaries of a foreign business) participates in normalising a violation of *jus cogens* by operating in collaboration with a state in a geographic location in which the state is committing an atrocity crime, it actively participates in the ongoing imposition of an unlawful act. This active participation constitutes a *contribution to* the harm. A foreign business that actively participates in normalising atrocity crimes has:

- Power over the direct conditions in their operation and environmental power over the utility and feasibility of SIFL for government purposes;
- Significant independence to determine whether they remain in a territory that requires them to participate in an atrocity crime;
- The atrocity crimes by their nature are severe, both in terms of the nature of the harm as well as the number of people affected, while the harms are highly predictable because of their ongoing nature and their inclusion in a long-standing government policy or law;
- Limited power to mitigate the harms or to change the government's conduct.

As such, the business would remain, at the least, in a *contributing to* role. These additional factors would quickly move a business with less power that was only directly linked to a harm (e.g. a business that entered into the territory before the commencement of an atrocity crime) to contributing to the harms by its ongoing presence once the atrocity crimes became part of the legal expectations of the business.

75. A foreign business' mere presence on the territory of a state that is committing an atrocity crime may not be sufficient to rise to *contribution* if the business is not present in the area of the atrocity crime, does not participate in the atrocity crime (such as by using SIFL), is paying a normal amount of taxes,

92. Responsibility of States for Internationally Wrongful Acts art. 41, in Rep. of the Int'l Law Comm'n, U.N. Doc. A/56/10, ch. IV.E (2001), at art. 41.

93. Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 1971 I.C.J. 16, ¶¶ 117–127, 133 (June 21) (Member States are under an obligation to recognise the illegality of South Africa's continued presence in Namibia and to refrain from lending support or assistance in maintaining it; the Court also preserved the validity of certain acts, such as the registration of births, deaths and marriages, whose invalidation would harm the inhabitants); Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, ¶ 159 (July 9) (all States are under obligations not to recognise the illegal situation resulting from the wall and not to render aid or assistance in maintaining it, and to ensure Israel's compliance with international humanitarian law); Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion, 2024 I.C.J. (July 19, 2024) ¶¶ 278-280 (holding Israel's continued presence in the Occupied Palestinian Territory unlawful and to be brought to an end as rapidly as possible, and obliging all States and international organisations not to recognise the situation as legal and not to render aid or assistance in maintaining it).

94. *Ibid.*

95. International Law Commission, *Articles on State Responsibility for Internationally Wrongful Acts* (2001), article 41, U.N. Doc. A/56/10.

and the state's budget otherwise ensures the protection of human rights. Additionally, a business that provides essential goods and services (e.g., those that provide medicines or essential food items) will not be *contributing to* the harm simply because it remains present.[96] These businesses are generally able to stay in situations that other businesses must leave because they provide minimum core standards for human rights, including the right to health and the right to food.[97]

76. Given the remit of this report, it is necessary to note that the normalisation process does not always require a physical presence within the area of XUAR, if a company is sourcing from the area. A company located outside of a territory can be *contributing to* harms via normalisation if the company sources or establishes a subsidiary in an area where a relevant atrocity crime is being committed as a consequence of government policy and for which no exercise of leverage is likely to be effective in bringing about a change to the circumstances. In these situations, the business has the same power and independence as a foreign business choosing to locate within the affected area, while the severity, predictability and mitigation measures also remain the same (and would increase a business' responsibility from *directly linked to* to *contribution to,* even if the business had lower levels of power).

77. A few examples of circumstances in which a foreign business may be *contributing to* harms via normalisation are:

- **State A** is led by an authoritarian regime. It requires foreign companies to use the military as security forces, but credible allegations indicate the military is actively engaged in genocide, crimes against humanity, war crimes and serious violations of the human rights to life and freedom from torture. Knowledgeable experts indicate that State A will not change its course of action because of the ideological beliefs of its leader. Company A enters the territory of the State anyway in order to begin operations and, as the law requires, utilises State A's military as its security force.
- For two decades, **State B** has pursued a policy of apartheid, resisting international pressure to terminate the policy. Any business that enters State B must participate in the system of apartheid, including by prohibiting members of a racial minority group from achieving any leadership positions. Company B enters the territory of State B anyway and, as required by law, prohibits members of a racial minority from achieving leadership positions.
- **State C** is credibly alleged to use forced labour in the construction of mines and oil pipelines. All these activities are located in the State's north-west corridor. Company C enters into an agreement to operate a pipeline that has already been built using forced labour in the State's north-west corridor at a time when the State is constructing other pipelines using forced labour in the region.
- **State D** is credibly alleged to use forced labour in the construction and operation of mines, similar to State C. Company D is located in a neighbouring state but it sources all the minerals it needs for its operations from a mining company in State D.
- **State E** has occupied a neighbouring territory for several decades. As part of its approach to occupation (and allegedly in pursuit of eventual annexation) State E has adopted a policy encouraging businesses to participate in the war crime of forcible transfers of populations by financially supporting unlawful settlements in occupied territory. Businesses that move to these settlements receive tax

96. Van Ho & Yilmaz, *supra* at 31-33.

97. *Ibid.*

> credits and other benefits. The settlements are guarded by state militaries and are credibly alleged to cause widespread and systematic violations of human rights. The settlement policy has been ongoing for over two decades and survived through successful governments of opposing parties. Long-term pressure campaigns against the government, including by prominent trading partners and allies, have failed to affect any change. The current government indicates that it intends to expand the settlements significantly and has become increasingly brutal in its tactics. State E's Government claims there is nothing wrong with its policies and that it is its manifest destiny to occupy the land where the settlements are located. Company E establishes two subsidiaries for operations in State E and the unlawful settlements. Subsidiary E1 operates exclusively within the area of the settlements, while Subsidiary E2 operates exclusively within the recognised international borders of State E.[98]

In these circumstances, it is clear that Companies A, B, C, D, E and Subsidiary E1 are *normalising* violations of *jus cogens* norms. More information would need to be known only about the activities of Subsidiary E2. In each of the first three instances, the foreign business has intermediate power over the environmental conditions of the violation by actively participating in the consequences of atrocity crimes. The foreign business also has strong independence to choose to leave the situation and not participate. The crimes are severe and predictable and there is no means by which the business' mitigatory measures or use of leverage will affect change in the government's position. Consequently, Companies A, B, C, D, E and Subsidiary E1 are *contributing to* the harms.

3.3. Application to SIFL in XUAR

78. In the context of SIFL in XUAR, foreign businesses operating in XUAR are likely *contributing to* the harms via normalisation by their mere presence in the region. Based on the reports provided by Professor Thum and Mr Jordash KC, it is apparent that SIFL is prevalent throughout XUAR and represents an intentional policy of the Chinese Government that is unlikely to change given the government's commitment to the programme and its defence of the programme. The Chinese Government's commission of the crime against humanity of enslavement in XUAR creates a responsibility for businesses to ensure that the use of SIFL is not normalised through commercial activity in XUAR. **Participation in the normalisation of SIFL in XUAR, either directly through operations and subsidiaries or indirectly through supply chains, is a means of *contributing to* the harms.**

79. **By *contributing to* harms, foreign businesses (including locally incorporated subsidiaries of foreign businesses) that operate in or supply from XUAR incur a responsibility to cease the harmful activities and to remediate the harm.**

80. In a situation in which a business *contributes to* adverse human rights impacts through *normalisation* activities, **the first step is to cease harmful activities, which requires responsibly exiting the affected territory or terminating contracts with suppliers located in the territory.** The business must then **consider additional reparations measures.**

81. Because some SIFL is used in provinces outside XUAR, businesses must remain vigilant and use hHRDD throughout the operations outside XUAR. Businesses that actively participate in the use of SIFL

98. These five examples are respectively reflective of, but are not necessarily identical to, cases involving the states of Sudan, South Africa, Myanmar, Eritrea and Israel.

through their operations have exceeded simply *normalisation* and the specifics of those cases need to be investigated to determine if the business is *contributing to* or actually *causing* the harm.

82. **The need for enhanced vigilance in other provinces is likely to increase as businesses implement HRDD/hHRDD appropriately** and, as a consequence, leave XUAR. It is possible that if the Chinese Government faces sustained disinvestment from XUAR in line with BHR standards, it will begin to send larger numbers of Uyghurs and other Turkic peoples to enterprises in other provinces. **If this occurs, businesses may need to disengage from all of mainland China.** Businesses should anticipate this reality now, given the gravity of the allegations of SIFL in XUAR, and develop appropriate processes to address this threat.

83. Given the conclusions in this part of the report, the following considers the demands for a responsible exit and reparations.

Part 4. Responsible exits and reparations

4.1. The responsibility terms in the UNGPs

84. When a business has *contributed to* the crimes against humanity of enslavement in XUAR, the business must end its problematic conduct and provide remedies.

85. Given the nature of SIFL in XUAR, the only means by which to terminate the relationship is to responsibly exit XUAR or to terminate contracts with suppliers located in XUAR.

86. Responsibly exiting XUAR requires a business to initiate a specific round of hHRDD to determine the risks posed to human rights through its exit. This will include, for example, adverse impacts on existing employees in the region and may include adverse impacts on other community members (i.e., suppliers and servicers). The business must then develop mitigation measures to reduce these harms and remediate any outstanding adverse impacts before exiting the territory. This process can be quick or it can take a few months. The need to undertake HRDD to develop a responsible exit plan should not, however, be used as a justification for extended stays in the XUAR region.

4.2. Contribution via "normalisation" and financial support of long-term, grave and serious IHRL violations by governments

4.2.1. The nature of remedies and reparations under IHRL

87. Responsibly exiting does not terminate the responsibility to provide other substantive remedies necessary to restore the victim to the position they would have been in, but for the violation. Similarly, the provision of remedies cannot excuse a responsibility to exit.

88. Responsibly exiting is a means of ceasing wrongful conduct, and implicitly an acknowledgment of wrongdoing. While an important step, businesses that have *caused* or *contributed to* the use of state-imposed forced labour owe the victims more than an end to their involvement. They owe both procedural and substantive reparations. The process of a non-judicial grievance mechanism, discussed above, needs to comply with the criteria outlined in UNGPs Principle 31.

89. Substantively, international human rights law recognises that a victim is entitled to be restored to the position he/she would have enjoyed but for the violation.[99] Where this is a factual impossibility, including situations where there has been loss of life, extended time in arbitrary detention, or physical and mental harm that lasts beyond the direct period of ill-treatment, the victim is entitled to be restored to a similar

99. United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, U.N. Doc. A/RES/60/147 (2006).

position through a combination of substantive remedial matters.[100] The substantive measures appropriate for these situations will include:

- **Satisfaction**, which includes an acknowledgment of wrongdoing and can include efforts to memorialise victims;
- **Restitution** of property taken or held;
- **Rehabilitation**, which can include mental, physical, economic and social rehabilitation to ensure the individual has an opportunity to function as a member of society;
- **Guarantees of non-recurrence**, which includes changing of policies, practices and personnel responsible for the harm in the first instance so as to ensure that there is not a repetition of the offence;
- **Compensation** for material and moral harms suffered and not sufficiently redressed by the other measures.[101]

90. In addition to the above reparation measures, certain criminal violations of IHRL require investigations, prosecutions and punishments of individuals responsible for the crime. This obligation extends to all atrocity crimes, which cannot be subjected to statutes of limitation. Because atrocity crimes breach what is known as *erga omnes obligations* – meaning obligations for which all states have an interest – all other states are under a customary international law obligation to investigate, prosecute and punish those responsible. Business' home states should undertake these measures, and businesses should cooperate to ensure those responsible are held accountable as required. Participation in these processes can serve as a form of satisfaction.

4.2.2. What to do when reparations are "impossible"

91. **There is never an instance in which reparations are *impossible*.** There are, however, many instances in which the provision of reparations are necessarily ***delayed*.** In a circumstance in which the state's legal system makes the provision of business-led reparations dangerous to rightsholders or impossible to provide, the business should use the time to prepare appropriate programmes for victims in consultation with affected rightsholders they can safely communicate with, as well as other interested stakeholders.

92. Some actions a business can undertake even before victims can access reparations directly include:

- Developing a process by which victims' complaints can be heard;
- Documenting and storing documentation about the business' participation in the harm;
- Memorials to those harmed by the business' conduct;
- Public acknowledgments or discussions of the harms and the business' relationship to those harms;
- Reforms to programmes, policies and personnel responsible for the harm or for the business' contribution to the harm.

93. In developing their programmes, businesses may wish to develop a common remedy process and reparations programme with other businesses. This can include a common fund that businesses contribute

100. *Ibid.*
101. *Ibid.*

to and that victims can access via a common process assessing their claim and the compensation they are entitled to.

94. Businesses must not conflate reparations with other measures, such as *corporate social responsibility* or *humanitarian assistance*, even where those activities are tangentially related to the harms suffered by rightsholders. By their nature, reparations are centred on the rightsholder and aimed at restoring victims to the position they should have enjoyed but for the harms.

4.2.3 Application to SIFL in XUAR

95. Given the current conditions in XUAR, a business may believe that reparations are "impossible." In fact, it is impossible to provide reparations *at this time* to most victims of SIFL in XUAR. Only those victims that have left XUAR and China will be able to pursue the reparations to which they are entitled.

96. **This circumstance does not excuse a business' reparations responsibilities. Instead, the reparations are merely *delayed* rather than *impossible*.**

97. Businesses that have responsibly exited XUAR should also establish a process in which those who are victims of the atrocity crimes directed at Uyghur and other Turkic individuals and communities, can complain about a business' involvement in those crimes. As individuals who were victims of SIFL escape the situation and the territory, they should be able to seek substantive reparations via these procedural mechanisms. Businesses can establish their own process for this or they can establish a joint service among several businesses in a single industry or among businesses that operated in XUAR. Every process needs to be established in line with UNGPs Principle 31, which outlines the criteria for a non-judicial grievance mechanism. Because the crimes are ongoing, this process needs to remain in place until after the termination of the use of SIFL by the Chinese Government.

98. Businesses should ensure they retain records about their participation in the use of SIFL and XUAR as a form of satisfaction. Businesses should also ensure there are adequate funds available to pay reparations when victims are able to seek them. Businesses may also choose to develop or participate in joint programmes with other businesses that have responsibly exited XUAR. This can include programming to raise awareness about the use of SIFL in XUAR (a form of satisfaction and social rehabilitation for victims), and a standing fund ready to pay compensation to victims when China stops its use of SIFL. Additionally, businesses must reform their policies, practices and, in some cases, personnel to ensure that the processes that allowed them to *contribute to* the maintenance of SIFL in XUAR are not repeated. These measures should be communicated transparently to affected rightsholders and stakeholders. Finally, businesses can consult with NGOs and other stakeholders to discuss additional measures appropriate for the Uyghur and other Turkic and Muslim-majority peoples targeted for SIFL in XUAR.

99. **Businesses need to use the time between when they responsibly exit and when China terminates the use of SIFL in XUAR to develop measures that victims can access when they are no longer subject to SIFL.** This can include storing documentation about the business' engagement with SIFL in XUAR (a form of satisfaction), developing a memorial to victims (satisfaction), and learning about appropriate remedies. Businesses should also ensure there are funds available to support those individuals who have left XUAR as well as victims in the future. This may require establishing a standing reparations fund for specific victims or working with other businesses to establish a more general fund for victims.

100. Businesses will also need to routinely consult rightsholders they can safely access and stakeholders (including NGOs) to discuss additional mechanisms they can pursue after they have left XUAR.

4.2.4. The responsibility for home states

101. This report has thus far focused on the responsibility of businesses. As noted, however, home states have a responsibility to investigate, prosecute and punish individuals responsible for the commission or complicity in atrocity crimes including the use of SIFL in XUAR. Complicity in these atrocity crimes cannot have a statute of limitation. The investigation, prosecution and punishment of these crimes is a necessary means of reparation for victims, and businesses should not work to hinder these prosecutions.

102. Recent years have demonstrated how home states can help facilitate reparations and investigate, prosecute, and punish business actors who are complicit in atrocity crimes. This has included:

- Facilitating civil claims against corporations for participating in SILF; and
- Prosecuting (and convicting) directors of corporations for complicity in war crimes or terrorist financing.

Part 5. Conclusions

The following conclusions have been reached in this report:

1. The "reasonable grounds" standard used in international criminal law is not the trigger for business action. Under the UNGPs, a business must respond once there is a credible accusation or predictable risk. That threshold is met here. The finding by Mr Jordash KC that SIFL against Uyghurs and other Turkic peoples in the XUAR constitutes the crime against humanity of enslavement is sufficiently credible to trigger businesses' responsibilities under the UNGPs. It is likely that this threshold was reached earlier, including through the publication and dissemination of OHCHR's report on the situation in XUAR .

2. It is the gravity of the allegations, not their precise legal classification, that gives rise to these responsibilities. A business cannot escape them by disputing whether the conduct technically qualifies as a crime against humanity, and the Chinese Government's "counter-terrorism" or "counter-extremism" framing cannot excuse atrocity crimes.

3. Because an atrocity crime is credibly alleged, all of China (not only XUAR) qualifies as a "high-risk area." Every business operating in, or sourcing from, anywhere in China must therefore conduct hHRDD.

4. Responsible HRDD/hHRDD is currently impossible inside XUAR as rightsholders cannot participate without fear of reprisal. Independent access to rightsholders is denied, as the OHCHR's constrained visit demonstrated. Any attempt to investigate would either endanger rightsholders or lack independence and, as such, would be irresponsible.

5. Where the inability to conduct HRDD is long-term and the product of government policy, as in XUAR, a business cannot operate responsibly. It should close its diligence process with the conclusion that it cannot enter or remain, and it should not operate in XUAR under any circumstances until bodies such as the OHCHR can access the region freely.

6. Any business operating in or sourcing from XUAR (and, given the documented transfer of labourers, potentially elsewhere in China) risks employing individuals whose very conditions of employment form the *actus reus* of a crime against humanity. There are limited means by which to ensure the business is not using SIFL within its operations or supply chains.

7. A business' responsibility falls along the UNGPs' continuum of "cause/contribute to/ directly linked to," assessed primarily by its power and independence and, where needed, by the severity and predictability of the harm and adequacy of its mitigation measures.

8. In the limited case of a long-standing, government-imposed atrocity crime against which leverage is futile, a foreign business' mere presence "normalises" the violation and amounts to contributing to it. This does not require a physical footprint in the affected area; sourcing from it or establishing a subsidiary there can suffice.

9. Foreign businesses (including locally incorporated subsidiaries) that operate in or supply from XUAR are therefore contributing to the crime against humanity of enslavement, and incur a duty both to cease the harmful activity and to remediate the harm.

10. The first step in ceasing the harm is to responsibly exit XUAR and terminate contracts with suppliers located there. A responsible exit itself requires a dedicated round of hHRDD, but that requirement cannot be used to justify a prolonged stay.

11. Reparations are never "impossible," only *delayed*. Ceasing involvement and exiting does not discharge the duty to provide procedural and substantive remedies (satisfaction, restitution, rehabilitation, guarantees of non-recurrence and compensation) and reparations must not be conflated with corporate social responsibility or humanitarian assistance.

12. Businesses must use the period between exit and the eventual end of SIFL to prepare: establishing UNGP-compliant (Principle 31) grievance processes; preserving documentation of their involvement (a form of satisfaction); reforming the policies, practices and personnel responsible; and securing standing funds, individually or jointly with other exited businesses. These mechanisms should be in place so that victims can quickly receive the reparations they are owed once they are free to claim them.

13. The establishment of a reparations fund does not excuse the business' responsibility to leave XUAR. Similarly, any contribution to XUAR via corporate social responsibility or humanitarian assistance does not alleviate the business' responsibilities to exit and provide reparations.

14. Vigilance must extend beyond XUAR across the rest of China. Businesses should anticipate that sustained disinvestment from XUAR may push SIFL into other provinces, in which case they may need to disengage from all of mainland China.

15. Home states bear a complementary responsibility to investigate, prosecute and punish those complicit in these atrocity crimes (which are not subject to any statute of limitation) and to facilitate reparations. Businesses must cooperate with, and should not hinder, those efforts.


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