



FAIR LABOR
ASSOCIATION®

Improving Workers' Lives Worldwide

ISSUE BRIEF

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FORCED LABOR RISK IN XINJIANG, CHINA

THE ISSUE

What forced labor risks are presented when sourcing from the Xinjiang region of China?

BACKGROUND

The FLA has identified an increased risk for forced labor in Xinjiang, China, based on the appearance of “re-education” camps in that region. The operation of these “re-education” camps is not only a violation of the human rights of the detainees, it also poses a risk to a company’s supply chain credibility. Since most FLA affiliates who source from China do not have final manufacturing facilities located in Xinjiang Province, the risk is concentrated in upstream production, and could potentially appear on cotton farms, ginning facilities, spinning mills, and other upstream process facilities.

In 2014 the Chinese government launched what it termed a counter-terrorism operation against violent extremism among the Muslim Uighur’s living in the Xinjiang Province of China. That operation continues today and has expanded to include a system of “re-education” camps, which according to official Chinese government statements, have “the goal of educating and rehabilitating people guilty of minor crimes or law-breaking and eradicating the influence of terrorism and extremism, in order to prevent them from falling victim to terrorism and extremism, and to nip terrorist activities in the bud.”

FLA CODE ELEMENTS



Code of Conduct provision regarding forced labor:

There shall be no use of forced labor, including prison labor, indentured labor, bonded labor or other forms of forced labor.

Forced Labor, 5 – Employers shall not require workers to live in employer-owned or controlled residences as a condition of recruitment, continued employment, or to receive the same terms of employment and working conditions as other workers in the same position. Employers shall not subject workers to any undue influence to persuade workers to live in such residences.

Forced Labor, 6 – The freedom of movement of workers who live in employer-owned or –controlled residences shall not be unreasonably restricted.

Forced Labor, 7.2, 7.3, 7.4 – Employers shall not utilize practices that restrict workers’ freedom of movement or ability to terminate his or her employment, [such as] ... requiring deposits, imposing financial penalties, [or] requiring recruitment fees.

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The government describes these camps as vocational training centers. Accounts from Uighurs who have left the camps describe their experience as tantamount to torture and cultural eradication. It is estimated that up to one million Muslims have been detained, and human rights organizations such as [Amnesty International](#) and [Human Rights Watch](#) have documented the human rights abuses taking place in these camps.

There is evidence, including confirmation in Chinese government statements, that vocational training or work is, indeed, part of the “re-education” program. The risk for forced labor could occur if detainees are working in farms or factories as part of the “re-education” process. In these circumstances, attendance is mandatory (they may not be free to come and go at will, or if they can come and go, they may not have the option to leave the job), and they may be sent to factories to work for free or for nominal wages. Both are indicators of forced labor.

[The Associated Press](#), [The New York Times](#), and other credible news publications have reported evidence of forced labor at factories located in and around Chinese internment camps in the Xinjiang Province, and have asserted that, in at least one instance, these goods have made their way into products that then are imported into the United States.

On March 19, 2019, the Chinese Government published a [white paper titled “The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang”](#), which provides more specifics about the “re-education” process. The document states that, “Based on local demand and employment conditions, they set up training programs in the making of garments, footwear, hats, food processing, assembly of electronic products, typesetting and printing, cosmetology and hairdressing, e-business, and other courses.”

Forced Labor, 7.5 – Employers shall not utilize practices that restrict workers’ freedom of movement ... [such as] setting production targets or piece rates at such a level that workers need to work beyond regular working hours (excluding overtime) as set under the FLA Workplace Code in order to make the legal minimum wage or the prevailing industry wage.

Forced Labor, 7.6 – Employers shall not utilize practices that restrict workers’ freedom of movement or ability to terminate his or her employment [such as] ... denying and hampering access to, and renewal of, identity papers and/or work permits or any other personal legal documents.

Forced Labor, 8 – The imposition of overtime where workers are unable to leave the work premises constitutes forced labor.

Forced Labor, 9 – Workers shall retain possession or control of their passports, identity papers, travel documents, and other personal legal documents.

Forced Labor, 10 – Employers shall provide at employee request secure storage for their documents such as passports, identity papers, travel documents, and other personal legal documents. Such storage shall be freely accessible to workers. Employers shall not withhold any such documents or restrict workers’ access to them for any reason whatsoever, including in order to ensure that workers shall remain in employment in the workplace.

See additional Forced Labor benchmarks in [Addressing Risks of Forced Labor in Supply Chains](#).

ADDITIONAL READING:

<https://www.uscc.gov/sites/default/files/Research/Forced%20Labor%20Report.pdf>

<https://www.theguardian.com/world/2019/jan/11/us-clothing-company-drops-chinese-supplier-over-xinjiang-forced-labour-concerns>

<https://www.npr.org/2018/11/13/666287509/ex-detainee-describes-torture-in-chinas-xinjiang-re-education-camp>

<https://www.cecc.gov/events/hearings/surveillance-suppression-and-mass-detention-xinjiang%E2%80%99s-human-rights-crisis>

From 1957 to 2013, China operated a system known as “re-education’ through labor.” These labor camps were used to confine petty criminals or political activists. The standard for detaining someone was very low, and often did not require a trial or a judge. These labor camps were criticized by international human rights groups as a violation of international law, specifically Article 9 (4.) of the International Covenant on Civil and Political Rights (ICCPR), which provides that “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention...”. In response, the U.S. government, through U.S. Customs, deemed the import of goods manufactured in these labor camps as “prison labor,” and thus subject to a ban on import into the United States.

The use of forced labor is prohibited by the Fair Labor Association’s Code of Conduct provision regarding forced labor:

There shall be no use of forced labor, including prison labor, bonded labor or other forms of forced labor.

In addition, U.S. law prohibits the import of goods produced with forced or prison labor. Retailers in the United States and other countries should be aware that

importing goods made in Xinjiang may run the risk of violating this prohibition. You can read more about the legal and regulatory restrictions—as well as the penalties—on goods made with forced labor in [this document](#).

RECOMMENDATIONS

FLA standards on forced labor [detail more than a dozen indicators](#) for companies evaluating whether their suppliers or producers are upholding their human rights commitments, and can be useful at any supply chain level. Beyond the basic requirement that “workers shall have the right to enter into and to terminate their employment freely,” and the clear prohibitions on “prison labor [and] bonded labor,” FLA standards also require that workers must have reasonable freedom of movement at work, must not be bound to their jobs by debt, and may not be forced to work overtime involuntarily.

Considering the compulsory nature of the “re-education” camps and the reported risk that detainees of these camps may be sent involuntarily as workers to workplaces either in the camp compound or outside the “re-education” camp compounds in Xinjiang, we urge affiliates to take the following steps:

1. Thoroughly map your product supply chain in China if the cotton/yarn/textile supplied to your cut and sew supplier sources these materials from China. This will help you understand the potential risk for forced labor if any of the materials in your supply chain are sourced from farms or production facilities in western China.
2. Presume that any sourcing that is co-located with a “re-education” camp is forced labor.
3. Presume that any sourcing in which the supplier may have been provided workers through government labor agencies to be forced labor.
4. Clearly communicate with suppliers your company’s presumption of forced labor in these two situations and clearly communicate your company’s policy against forced labor.
5. Strengthen purchasing contracts with the factories located in the area and exercise additional due diligence if you are sourcing from a factory in the Xinjiang region, or other western parts of China. While worker interviews are usually a source for information about potential forced labor, in this instance, a worker interview may not yield reliable information due to potential pressure on workers not to reveal their status as a detainee, or former detainee.
6. To help address the risk of unauthorized sub-contracting, encourage internal alignment and collaboration between sourcing/quality and social compliance teams so there is careful review of production capacity and capabilities of authorized suppliers or subcontractors in China.
7. Undertake awareness building activities with suppliers where you identify this issue and work with them to remediate any potential forced labor.
8. Because many upstream production facilities are located in Xinjiang, companies should inform all direct suppliers about the heightened risk of forced labor in textile, trim, component, or raw material (nominated or unnominated) sourced from Xinjiang. This risk applies when the final production is in China, as well as when final production is in another country that sources material from China such as Bangladesh, Cambodia, India, Thailand, Vietnam, Turkey, Bulgaria, etc.

About the Fair Labor Association

The FLA is a multi-stakeholder organization combining the efforts of businesses, universities, and civil-society organizations to improve conditions for workers around the world. Occasionally, the FLA publishes briefs on current issues in the global supply chain. We intend for these briefs to provide an overview of the various perspectives on a given issue. At all times, the FLA expects its business affiliates to comply with all legal requirements, as well as the provisions of its Workplace Code of Conduct.