



Inter-Parliamentary Alliance on China

Introduction

The Inter-Parliamentary Alliance on China welcomes this opportunity to submit evidence to the Foreign Affairs, Defence and Trade Committee Inquiry into the Customs Amendment (Banning Goods Produced By Uyghur Forced Labour) Bill 2020.

The Inter-Parliamentary Alliance on China (IPAC) is an international cross party network of parliamentarians working to reform the approach of democratic countries towards China. Through our network of 200 parliamentarians across 20 parliaments, we work to uphold human rights in China, protect the international rules based order and strengthen democracies internationally.¹ IPAC is represented in Australia by our co-chairs Sen. James Paterson and Sen. Kimberley Kitching and a membership of 14 MPs and Senators drawn from across all major political parties.

Summary of recommendations

IPAC is pleased to recommend its support for this Bill as a proportionate, effective and timely response to widespread state sponsored programmes of forced labour in the Xinjiang region and elsewhere in China. In particular, IPAC argues that:

- The Bill is a proportionate response to the rapidly deteriorating human rights situation in the Xinjiang region, where mass forced labour is an integral component of state perpetrated grave human rights abuses against Uyghurs and other ethnic and religious minorities.
- The Bill effectively addresses the very real risk of Australian firms and consumers purchasing goods tainted by forced labour from supply chains in Xinjiang and elsewhere in China.
- The Bill is a timely response that will address weaknesses in Australia's modern slavery legislation and bring Australia in line with efforts by key allies to address the issue of forced labour in the Xinjiang region.

¹ For more information on IPAC see www.ipac.global

Forced labour and other human rights abuses in the Xinjiang region

Forced labour in the Xinjiang Uyghur Autonomous Region (XUAR) is widespread and state sponsored. There are estimated to be well over one million Uyghur and other predominantly Muslim Turkic ethnic minorities detained in what the Chinese Government claims to be 're-education camps', with many detainees subject to forced labour.² This figure is likely to increase as evidence shows that the Chinese government is rapidly expanding its network of detention camps in the region, with factories situated inside or next to many of the compounds.³

Coercive, mandatory labour transfer schemes are also responsible for large numbers of Uyghurs and other ethnic minorities being subject to forced labour. In 2018, three XUAR regions alone mobilized at least 570,000 persons into the cotton-picking industry in conditions which are believed to amount to forced labour.⁴ With an estimated 83,000 persons transferred to other regions in China as part of these labour transfer schemes, the risk of forced labour is not restricted to the XUAR.⁵

Forced labour is inseparable from the broader persecution endured by Uyghurs and other ethnic and religious minorities in the XUAR. Mounting evidence documents mass incarceration, torture and the destruction of religious and cultural life.⁶ Experts argue that state sponsored mass sterilisation, forced abortions and the forced separation of families could meet internationally agreed criteria for genocide.⁷

² More than 1 million Muslims are detained in China—but how did we get that number? *Quartz*, July 2019
<https://qz.com/1599393/how-researchers-estimate-1-million-uyghurs-are-detained-in-xinjiang/>

³ Ruser, N. *Documenting Xinjiang's Detention System*, Australian Strategic Policy Institute, September 2020
<https://cdn.xjdp.aspi.org.au/wp-content/uploads/2020/09/25125443/documenting-xinjiangs-detention-system.cleaned.pdf>

⁴ Zenz, A. *Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton*, Center for Global Policy, December 2020,
<https://cgpolicy.org/briefs/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>

⁵ Xu, V. et al, *Uyghurs for Sale*, Australian Strategic Policy Institute, February 2020
<https://www.aspi.org.au/report/uyghurs-sale>

⁶ China cuts Uighur births with IUDs, abortions, sterilization. *Associated Press*, June 2020
<https://apnews.com/article/269b3de1af34e17c1941a514f78d764c>

⁷ Activists want UN to probe genocide of China's Uighur minority, *Al Jazeera*, September 2020
<https://www.aljazeera.com/amp/news/2020/9/15/activists-want-un-to-probe-genocide-of-chinas-uyghur-minority>

Why a ban on goods imported from Xinjiang is needed

Prohibiting the import of goods from Xinjiang is a proportionate measure to ensure that Australian firms and consumers are not complicit in the egregious human rights abuses taking place in the region.

The Xinjiang region is central to the global supply chains of many companies operating in Australia and across the world. The XUAR is home to over 20% of global cotton production and is an important agricultural and manufacturing base.⁸ Studies have linked Uyghur forced labour to global brands in the technology, clothing and automotive sectors, including Apple, BMW, Gap, Huawei, Nike, Samsung, Sony and Volkswagen.⁹

With 83,000 persons transferred to other regions in China as part of Xinjiang's labour transfer schemes, the risk of forced labour tainted supply chains is not limited to the XUAR or any one industry.¹⁰ The development of coercive labour transfer schemes in the Tibetan region, seemingly modelled on Xinjiang's systems, adds to these concerns.¹¹

By prohibiting the import of goods made in the XUAR, and those produced by forced labour elsewhere in China, the Bill effectively addresses the very real risk of Australian firms and consumers purchasing goods tainted by forced labour.

Failure of existing legislation to address imports tainted by Xinjiang forced labour

Australia's Modern Slavery Act 2018 does not effectively address the risk of imported goods being tainted by forced labour from the XUAR and elsewhere in China, notably:

- Though companies are required to make statements detailing their plans to tackle modern slavery in their supply chains, there is no requirement on companies to certify that their supply chains are slavery free, nor are there requirements to

⁸ Zenz, A. *Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton*, Center for Global Policy, December 2020, <https://cgpolicy.org/briefs/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>

⁹ Xu, V. et al, *Uyghurs for Sale*, Australian Strategic Policy Institute, February 2020 <https://www.aspi.org.au/report/uyghurs-sale>

¹⁰ *Ibid.*

¹¹ China sharply expands mass labour programme in Tibet, *Reuters*, September 2020 <https://www.reuters.com/article/us-china-rights-tibet-exclusive-idUSKCN26D0GT>

ensure that such plans are adequate or effectively implemented.

- Businesses with supply chains in the region cannot reliably conclude they are free from forced labour or other abuses. Restricted access to Xinjiang makes attempts to carry out conventional due diligence checks in the region near impossible. A number of reputable auditors have announced that they are no longer able to audit supply chains in the Xinjiang region for this reason.¹²

With regards to addressing Xinjiang's forced labour abuses, Australian legislation lags behind key allies internationally, notably:

- The United States has issued 'withhold and release orders' banning the import of goods in industries within the XUAR where forced labour is particularly prevalent, including cotton and tomato products.¹³ Sanctions have also been placed on the Xinjiang Production and Construction Corps and individual officials responsible for forced labour programmes.¹⁴

The US Senate is considering the US Uyghur Forced Labor Prevention Act.¹⁵ The Bill imposes a presumptive ban on imports from the Xinjiang region unless businesses can provide "clear and convincing evidence" that goods sourced in Xinjiang were not made with forced labour.

- The United Kingdom has introduced financial penalties for organisations who fail to meet their statutory obligations to publish annual modern slavery statements under the UK's Modern Slavery Act. The government has also restricted exports to the region and issued special guidance to firms operating in Xinjiang.¹⁶
- Canada has announced the prohibition of all goods produced in whole or in part by forced labour. Companies operating in Xinjiang are required to complete a 'Xinjiang

¹² Auditors say they no longer will inspect labor conditions at Xinjiang factories, *The Wall Street Journal*, September 2020

<https://www.wsj.com/articles/auditors-say-they-no-longer-will-inspect-labor-conditions-at-xinjiang-factories-11600697706>

¹³ *US bans all cotton, tomato products from China's Xinjiang region*, Reuters, January 2021

<https://www.reuters.com/article/us-usa-trade-china-xinjiang-idUSKBN29I2KO>

¹⁴ US imposes sanctions on Chinese 'state within a state' linked to Xinjiang abuses, *The Guardian*, July 2020.

Available at: <https://www.theguardian.com/world/2020/jul/31/us-sanctions-china-xinjiang-ughurs>

¹⁵ H.R.6210 - Uyghur Forced Labor Prevention Act. U.S. Congress. Available at:

<https://www.congress.gov/bill/116th-congress/house-bill/6210>

¹⁶ Foreign, Commonwealth and Development Office, *UK Government announces business measures over Xinjiang human rights abuses*, January 2021

<https://www.gov.uk/government/news/uk-government-announces-business-measures-over-xinjiang-human-rights-abuses>

Integrity Declaration' and have been issued with an updated business advisory.¹⁷

- France's Duty of Vigilance Act 2017 requires companies to not only produce modern slavery statements but to ensure that these are adequate and effectively implemented. Space is given for civil society groups and other actors to seek court judgements if companies are suspected of noncompliance.¹⁸

¹⁷ Global Affairs Canada, *Canada announces new measures to address human rights abuses in Xinjiang, China*, January 2021

<https://www.canada.ca/en/global-affairs/news/2021/01/canada-announces-new-measures-to-address-human-rights-abuses-in-xinjiang-china.html>

¹⁸ European Coalition of Corporate Justice (2017). *The French Duty of Vigilance Law: Frequently Asked Questions*. <https://respect.international/french-corporate-duty-of-vigilance-law-english-translation/>