

State-Imposed Forced Labor in the Xinjiang Uyghur Autonomous Region: Current State, Latest Evidence, Impossibility of Credible Social Audits, and Ongoing Western Complicity and Audit-Washing

Written Testimony submitted for the hearing of the United States Congressional-Executive Commission on China, titled “Factories and Fraud in the PRC: How Human Rights Violations Make Reliable Audits Impossible”¹

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¹ <https://www.cecc.gov/events/hearings/factories-and-fraud-in-the-prc-how-human-rights-violations-make-reliable-audits>

Executive Summary

In the so-called Xinjiang Uyghur Autonomous Region (XUAR), Beijing currently operates the world's largest system of state-imposed forced labor, with over two million targeted Uyghurs and other ethnic group members at risk. Unlike most forms of forced labor, state-imposed forced labor operates through a pervasively coercive social context marked by a lack of civic freedoms and a state that generates powerful coercive pressures through local mobilization via an extensive grassroots bureaucracy. To refuse a work placement offered by the state entails a systemic risk that is often more implicit than overt.

State-imposed forced labor is often better assessed as a systemic risk than a specific instance, because it creates an environment where its victims cannot speak freely, rendering assessment of individual cases difficult or impossible. As a result, due diligence efforts based on social or labor audits are not feasible, both in Xinjiang and in other Chinese provinces that receive transferred ethnic workers from that region. Companies with operations or other business ties to Xinjiang, including through supply chains and intermediary countries, must be considered at risk of being tainted with forced labor. The only ethical response is divestment. However, many western companies remain entangled with production sites and supply chains at risk of being exposed to Uyghur forced labor. In December 2023, Volkswagen published an "audit" of its joint venture factory in Xinjiang that can best be described as a highly problematic exercise in "audit-washing."

The sections below detail the latest evidence of Xinjiang's two systems of forced labor, challenges to measuring Xinjiang's less-visible forced labor system, and related recent changes to forced labor measurement guidelines published by the International Labour Organization (ILO) to better capture such clandestine forms of state-imposed forced labor. It then details the problems surrounding Volkswagen's "audit-washing" exercise in 2023, links between the operations of Volkswagen and the German chemical company BASF in Xinjiang and the atrocities being perpetrated in the region, and recent increases in Xinjiang's foreign trade that have followed an intensification of its coercive labor transfer program under the current Party Secretary Ma Xingrui. It ends with related recommendations for policymakers and businesses to ensure that corporations and consumers are not providing support, wittingly or unwittingly, for Beijing's grave abuses of human rights.

1.0 Introduction: Forced Labor in the Xinjiang Uyghur Autonomous Region (XUAR) and the Tibet Autonomous Region (TAR)

This section is based on the article "The conceptual evolution of poverty alleviation through labour transfer in the Xinjiang Uyghur Autonomous Region." Central Asian Survey (2023). <https://doi.org/10.1080/02634937.2023.2227225>.

Introduction

In early 2017, the Xinjiang Uyghur Autonomous Region (XUAR) in the north-west of the People's Republic of China (PRC) embarked on a campaign of interning 1-2 million Uyghurs and other predominantly Turkic ethnic groups into re-education camps (Zenz 2018, 2022b). Initially called

“Transformation Through Education Centres,” their terminology was later unified to “Vocational Skills Education and Training Centres” (职业技能教育培训中心 or VSETCs).

At a U.S. Congressional hearing in October 2019, evidence was presented for multiple XUAR coercive labor programs: (1) work placements of VSETC detainees; (2) labor transfers of (non-detained) rural surplus laborers into non-agricultural work; and (3) as part of labor transfers, programs to “send work to people’s doorstep” through construction of village “satellite factories” (Zenz 2019)². This led to the important presumption that Xinjiang’s products are tainted with forced labor, legislated as the Uyghur Forced Labor Prevention Act (UFLPA) that came into effect in June 2022 (Bloomberg 2022). Subsequent research on coercive labor transfers into cotton-picking led to the US import ban on all Xinjiang cotton in January 2021 (Sudworth 2020; Zenz 2020).

Specifically, the two major systems of forced labor targeting Uyghurs and other ethnic groups in the Xinjiang Uyghur Autonomous Region (XUAR) can be described as³:

- (1) forced labor linked to the region’s re-education camps, known as Vocational Skills Education and Training Centers (VSETCs), in which detainees receive coerced skills training during internment and are then coercively placed into work⁴; and
- (2) the separate so-called Poverty Alleviation Through Labor Transfer policy, which coercively trains and transfers non-detained rural surplus laborers from the primary (agricultural) sector into secondary or tertiary sector work.⁵ Labor transfers also include coerced seasonal transfers of surplus laborers into seasonal agricultural work, in particular the harvesting of agricultural produce such as cotton and tomatoes.⁶ This system operates in both Xinjiang and the Tibet Autonomous Region.

Xinjiang’s Poverty Alleviation Through Labor Transfer program is the coercive work policy that underpins most forced labor linked to the region. While VSETC-linked forced labor placements can be linked to the production of textiles, electronics, and a few other labor-intensive products, Poverty Alleviation Through Labor Transfer is the only forced labor policy implicated in the production of cotton, tomatoes and tomato products, peppers and seasonal agricultural products,

² Zenz, A. (2019). *Beyond the Camps: Beijing’s Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang*. Journal of Political Risk, Vol. 7, No. 12. <https://www.jpolorisk.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/>. Cf. Lehr and Bechrakis 2019.

³ Zenz, A. (2019). *Beyond the Camps: Beijing’s Long-Term Scheme of Coercive Labor, Poverty Alleviation and Social Control in Xinjiang*. Journal of Political Risk, Vol. 7, No. 12. <https://www.jpolorisk.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/>.

⁴ Zenz, A. (2023). Innovating penal labor: Reeducation, forced labor, and coercive social integration in the Xinjiang Uyghur Autonomous Region. *The China Journal*, 90. <https://doi.org/10.1086/725494>.

⁵ Zenz, A. (2021). *Coercive Labor and Forced Displacement in Xinjiang’s Cross-Regional Labor Transfer Program*. The Jamestown Foundation. <https://jamestown.org/product/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>; Zenz, A. (2023). The Conceptual Evolution of Poverty Alleviation Through Labour Transfer in the Xinjiang Uyghur Autonomous Region. *Central Asian Survey*, 42(4), 649-673. <https://doi.org/10.1080/02634937.2023.2227225>.

⁶ Zenz, A. (2020). *Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton*. Newlines Institute. <https://newlinesinstitute.org/china/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>; Zenz, A. (2023). Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor. *Communist and Post-Communist Studies*, 56(2), 1–32. <https://doi.org/10.1525/cpcs.2023.1822939> (alternative free download at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694); Murphy, L. T., et al. (2021) *Laundering cotton: How Xinjiang cotton is obscured in international supply chains*. Sheffield Hallam University. <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/laundered-cotton>.

seafood products, polysilicon production for solar panels, lithium for electric vehicle batteries, and aluminum for batteries, car vehicle bodies, and wheels.⁷

In July 2022, the UN Special Rapporteur on contemporary forms of slavery adopted this conceptual framing of Xinjiang's two distinct forced labor systems, and affirmed the continued severity of state-imposed forced labor through poverty alleviation and labor transfers in both the XUAR and the Tibet Autonomous Region (TAR), stating that:

Two distinct State-mandated systems [of forced labor] exist: (a) the vocational skills education and training centre system, under which minorities are detained and subjected to work placements; and (b) the poverty alleviation through labour transfer system, where surplus rural labourers are transferred into secondary or tertiary sector work. Similar arrangements have also been identified in the Tibet Autonomous Region, where an extensive labour transfer programme has shifted mainly farmers, herders and other rural workers into low-skilled and low-paid employment (p.8).⁸

Poverty Alleviation Through Labor Transfer represents a non-internment state-imposed forced labor mobilization system. Such systems operating in the XUAR, the TAR⁹, Uzbekistan (until 2021) and Turkmenistan share several core features.¹⁰ Unlike most forms of private (company-based) forced labor, these systems operate through a pervasively coercive social context — i.e. a police state — marked by a lack of civic freedoms and a state that generates powerful coercive pressures through an extensive grassroots bureaucracy. Non-cooperation entails a systemic risk that is often more implicit than overt. Non-internment state-imposed forced labor mobilization is therefore not easily measured by the ILO's set of 11 indicators.¹¹

Since 2020 and especially under Xinjiang's new party secretary Ma Xingrui, Xinjiang has been shifting away from former party secretary Chen Quanguo's highly mobilizational,

⁷ Zenz, A. (2020). *Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton*. Newlines Institute. <https://newlinesinstitute.org/china/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>; Zenz, A. (2023). Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor. *Communist and Post-Communist Studies*, 56(2), 1–32. <https://doi.org/10.1525/cpcs.2023.1822939> (alternative free download at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694); Halper, E. (2023, September 18). EV Makers' Use of Chinese Suppliers Raises Concerns about Forced Labor. *The Washington Post*. <https://www.washingtonpost.com/business/interactive/2023/>; Swanson, A., & Buckley, C. (2021, January 8). Chinese Solar Companies Tied to Use of Forced Labor. *The New York Times*. <https://web.archive.org/web/20230424180048/>; Murphy, L., & Elimä, N. (2021). *In Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains*. Sheffield Hallam University. <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/pdfs>; Murphy, L., et al. *Driving Force*. Sheffield Hallam University. <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/>; Urbina, I. (2023, October 9). The Uyghurs forced to process the world's fish. *The New Yorker*. <https://www.newyorker.com/news/news-desk/the-uyghurs-forced-to-process-the-worlds-fish>.

⁸ Obokata, T. (2022) *Contemporary forms of slavery affecting persons belonging to ethnic, religious and linguistic minority communities*. United Nations General Assembly Human Rights Council. <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F51%2F26&Language=E&DeviceType=Desktop&LangRequest=d=False>.

⁹ Zenz, A. (2020). Xinjiang's System of Militarized Vocational Training Comes to Tibet. *China Brief*, 20(17). <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>.

¹⁰ Zenz, A. (2023). Measuring Non-Internment State-Imposed Forced Labor in Xinjiang and Central Asia: An Assessment of ILO Measurement Guidelines. *Journal of Human Trafficking*. <https://doi.org/10.1080/23322705.2023.2270366>.

¹¹ Ibid.

campaign-style labor transfers to a more normalized and institutionalized strategy that emphasizes maintaining labor placement achievements through intensified monitoring. By establishing “poverty prevention” and “Unemployment Monitoring and Early Warning” mechanisms, the state prevents people from returning to an unapproved state of low measurable income based on traditional livelihoods, including through abandoning state-arranged jobs. These mechanisms render less visible the forced labor created by the region’s Poverty Alleviation Through Labor Transfer policy.¹²

The Chinese state defines rural surplus laborers, also referred to as rural migrant workers (农民工), as persons engaged in forms of subsistence agriculture who are considered to be superfluous labor within modernizing agricultural production (Chen, Zhang, and Shi 2019; NBS 2005; PRC Ministry of Agriculture 2003; Xinhua 2020). State policies and statistics on these labor transfers from primary to secondary or tertiary economic sectors include various forms of self-initiated labor migration (“self-transfer” 自发), transfers facilitated by private intermediaries (often incentivized by the state), and transfers directly supervised by state agencies, all of them occurring within an increasingly draconian employment policy context.

Labor transfers target non-detained rural populations and involve a wide range of sectors, including cotton-picking, tomato-picking, and polysilicon production for solar panels (Swanson and Buckley, 2021; Murphy and Elimä 2021; Zenz 2020, 2023a). By contrast, VSETC-linked labor placements began in 2018, having evolved from China’s Re-Education Through Labor system, to effect a controlled release of detainees into a narrower range of low-skilled manufacturing or other workplaces, with no established links to cotton harvesting or polysilicon production (Zenz 2023b). In contrast to labor transfers, many detainees were not agricultural workers before internment, and some can eventually return to their original (non-agricultural) workplaces. VSETC-linked labor victims can receive almost no pay and work in highly securitized environments. By contrast, transferred laborers face multiple unfreedoms but can potentially increase incomes compared to farming, despite receiving much lower remuneration than average Chinese workers. Labor transfer implementation is governed by a formal poverty alleviation policy pursuing both political and economic goals. The camp-to-labor policy likely ended late 2019 when many lower-security camps were closed, with many victims likely remaining in forced labor. By contrast, labor transfers further intensified from 2021, and now constitute Xinjiang’s primary coercive labor system (Zenz 2022c).

Rural Surplus Labor in China

In the classic dual-sector or Lewis-Ranis-Fei model of economic development, surplus labor is defined as “labor [that] can be transferred out of the traditional [agricultural] sector without reducing the volume of farm output” (Cook 1999, 18). Abundant labor in the agricultural sector is characterized by low marginal productivity (the marginal product of labor is the change in output resulting from employing one added unit of labor). China is widely recognized as having abundant rural surplus labor (Chan and Wei 2019; Cook 1999; Hasmath 2019; Wang and Weaver 2013). Labor transfers move workers from primary to secondary and tertiary sectors, which may or may not involve geographical relocation.

In the 1950s, Mao Zedong imitated Stalin’s development strategy of promoting industrialization by systematically exploiting a land-confined peasantry through a system of

¹² Ingram, R. (2023, October 26). *When ‘poverty alleviation’ means forced labor for Uyghurs*. The China Project. <https://thechinaproject.com/2023/10/26/when-poverty-alleviation-means-forced-labor-for-uyghurs/>

unequal exchange, restricted population mobility, and rural collectivization (Chan and Wei 2019, 427). Based on this “rural-urban dual system,” rural population shares remained largely stable between 1955 and 1978 at around 84-85 percent, artificially maintaining large numbers of underemployed surplus laborers (Chan and Wei 2019, 428). With decollectivization in the 1980s, peasants were permitted to seek work in cities, unleashing millions of rural surplus migrant workers who fueled China’s export-driven development strategy (Chan and Wei 2019, 431).

Rural Exploitation and Labor Transfer Policies in China and Xinjiang in the 2000s

By the late 1990s, China’s socio-economic inequality had increased significantly (Heilmann 2017, 259). To help reduce this inequality, the government issued its “2003–2010 National Rural Migrant Worker Training Plan” emphasizing “labor transfer of the rural surplus labor force” (PRC Ministry of Agriculture 2003).

A 2005 report by China’s National Bureau of Statistics (NBS) described Xinjiang’s labor transfers as directly related to social stability (NBS 2005). Out of 1 million “person-time” surplus laborers transferred in 2004, some 585,200 were from southern Xinjiang. It further complained that transfers were insufficiently state-driven: about 50 percent were self-initiated, 20 percent were facilitated by family or friends, and “only” 30 percent were organized by government entities. The report therefore lamented that the “flow of surplus rural labor in Xinjiang was in a semi-disordered state,” rendering state-controlled macro-level steering difficult.

While some rural laborers likely welcomed state policies enabling them to earn wage incomes in cities and industrial sectors, transfers already showed evidence of coercion. A 2007 Chinese research report cites a township leader in Kashgar’s Konasheher county:

Nowadays, farmers in the suburbs of cities and towns go voluntarily, but in remote rural areas there is indeed a phenomenon of compulsion. [...] Working in the countryside...it is impossible to [do this] without any force (Ma 2007, 35).

Between 2004 and 2018, the number of annual labor transfers in southern Xinjiang grew threefold, from 585,200 to 1,736,000 person-times (NBS 2005; *Xinhua* 2019).

The Conceptual Evolution of Labor Transfers 2014-17

At the Second Central Xinjiang Work Forum in May 2014, central government priorities for Xinjiang took a decisive shift from economic development to “de-extremification” (去极端化) and stability maintenance (Zenz 2021c). Anthropological fieldwork confirms 2014 was a watershed year for Uyghurs, who felt increasingly coerced to participate in formal state policies (Steenberg and Rippa 2019, 275). Officials argued that economic development “must absolutely be subservient to social and long-term peace and stability,” providing an important supporting role (Central Office Bulletin 2014, 65). Premier Li Keqiang noted that southern Xinjiang’s three million surplus laborers posed a “particularly prominent” problem, arguing that “people without land, employment or a fixed income have nothing to do and wander all day” and will “be easily exploited by evildoers” (Central Office Bulletin 2014, 39–40). Similarly, Xi Jinping stated that the unemployed will “provoke trouble,” whereas employment is “conducive to ethnic interaction, exchanges and blending” and leads ethnic groups to “imperceptibly study Chinese culture” (20).

In February 2016 Xinjiang adopted the national Decision to Win the Battle Against Poverty, which established annual targets to achieve Xi Jinping’s mandate of eradicating absolute poverty by 2020 (*China News* 2016). It specified the use of village-based work teams (officials going door-to-door) to implement Targeted Poverty Alleviation work, warning that teams must remain villages until poverty alleviation had been achieved. These teams were later used to identify persons for re-education internment and to enforce numerous state policies (Zenz 2019, 2021a, 2023a). The battle against poverty would involve “stimulating the inner motivation of the masses” under the explicit maxim “curing poverty means to first cure ignorance and backwardness.” The state’s ambitious transfer goals necessitated increasingly coercive pressures: Chinese academics found that Uyghurs often resisted such transfers even when offered adequate remuneration and free housing (Deng, Mamati & Wang 2016, 83).

Increased Labor Transfer Coercion under Chen Quanguo 2017-19

A decisive turn towards more coercive mobilizational approaches coincided with Chen Quanguo’s appointment as Xinjiang’s party secretary in 2016 and the mass internments from early 2017. Xinjiang’s 13th Five-Year Poverty Alleviation Plan from May 2017 adopted the new central government concept of the Poverty Alleviation through Labor Transfer program (Yecheng Government 2017). Labor transfers of older persons and ethnic minority women were now to be accelerated through satellite factories. The plan noted that poor people’s “labor and employment willingness and abilities are insufficient.” Relying heavily on employment creation and labor transfers, it repeated five times that the “inner motivation” of locals is insufficient and must be “stimulated.” People’s outdated mindset of “waiting, relying, wanting” must be “eradicated,” a phrase not found in previous major planning texts. The plan reiterated that “curing poverty means to first cure ignorance and backwardness.” In concrete terms, this means that cadres in village-based work teams would “deeply penetrate” households and perform “thought work” until they “cause a transformation in the way farmers think about choosing their employment” (Nilka County 2020).

Anar Sabit, a Kazakh camp survivor whose testimony featured in *The New Yorker*, noted that between July and October 2017, many street cleaners from southern Xinjiang appeared in her northern city of Kuytun.¹³ A relative with a government job explained that these were transferred workers who work during the day, and at night are “locked” into dormitories. This type of worker in the same city (Kuytun) featured in undercover footage obtained by *The New York Times*, depicting transferred surplus laborers from Khotan and Kashgar in a secure work compound with security checkpoints (Buckley and Ramzy 2019). These workers stated in the video that they could not leave at will. These accounts indicate that transferred laborers are not free to leave, consistent with a Yanqi county (Bayingol prefecture) directive regarding labor transfers from southern Xinjiang. It required authorities to “ensure that stable employment rates reach 95 percent” (Yanqi Government 2018). Transferred laborers who temporarily leave their workplaces were to be tracked so that “their whereabouts and actions are clear.” Obtaining approval for such leave involved multiple government entities.

Developments since 2020: Unemployment Monitoring and Early Warning

¹³ Written communication, September 2022.

Since 2020 and especially under Xinjiang's new party secretary Ma Xingrui, a technocrat from Guangdong experienced in economic development, Xinjiang has been shifting from Chen Quanguo's highly mobilizational, campaign-style labor transfers to a more normalized and institutionalized strategy that emphasizes maintaining labor placement achievements through intensified monitoring. Xinjiang's 13th Five-Year Poverty Alleviation Plan first specified the creation of an "Unemployment Monitoring and Early Warning System" to ensure achievement of employment targets. Xinjiang's 14th Five-Year Plan for Employment Promotion (2021-25) mandated, in the critical "guiding thought" section that outlines the plan's core principles, that not just one person per household but "every single person who is able to work is to realize employment" (XUAR Government 2021c). Governments at county and township levels must "comprehensively analyze the specific reasons for the decline in [a particular household's] income," and the first listed countermeasure is labor transfer. Xinjiang's 14th Five-Year Plan for Socioeconomic Development (2021-25) reiterates these goals (XUAR Government 2021b). Through this intensification, labor transfers reached a record 3.17 million person-times in 2021 before leveling off at above 3 million in 2022.

VSETC-Linked Labor Placements

The VSETC system represents an evolution of Mao Zedong's Re-Education Through Labor system, which achieved neither effective psychological transformation nor profitable production (Zenz 2023b). VSETCs create a camp-to-labor pipeline where camps focus on re-education internment (without labor), followed by a gradual release process of short-term camp-based skills training, job training in nearby factories alongside evening re-education, and then coerced work placements in factory parks or further afield. Eschewing Mao's model of re-education through manual labor, the VSETC system leverages non-camp factories to increase profitability and therefore the system's long-term sustainability.

The earliest policy document on VSETC-linked labor placement is the "Notice on Further Improving the Autonomous Region's Policy Regarding the Textile and Apparel Industry" from April 2018 (Khotan City 2020). Here and in most other documents on the subject, the transfer of camp detainees into factory work is described as 'Education Training Centers +' (教育培训中心+). The plus symbol after VSETC terminology indicates camp-linked placement, nearly always into labor-intensive industries such as garment-making. By December 2018, Xinjiang's Development and Reform Commission (XJDRC) noted that VSETC-linked labor had become an important "carrier" for attracting "a large number of [eastern Chinese] enterprises to invest and build factories in Xinjiang" (XJDRC 2018).

Numerous witness accounts confirm that VSETC-linked employment can constitute a severe form of forced labor, where workers are paid negligible wages, have no freedom of movement, labor for long hours under close surveillance and supervision, and are threatened with further internment for non-compliance (Amnesty International 2021, 126-29; Zenz 2023b).

In sum, both forced labor systems follow very different policy and implementation schemes and pursue at least partially different aims (Zenz 2023b). While both create a docile and inexpensive workforce, VSETC-linked work placements facilitate re-entry of detainees from diverse vocational backgrounds into society, whereas labor transfers convert farmers and pastoralists into industrial workers. The fact that at least some detainees can return to their former workplace underlines how camp-linked labor placements focus more on coercive integration of detainees into society than on sectoral transfers (Amnesty International 2021, 127). While former

detainees are broadly assigned work in their home regions and usually face severely curtailed mobility, surplus laborers can be transferred to northern Xinjiang or eastern China. Whereas Xinjiang's March 2019 white paper on counterterrorism defines VSETCs as dedicated "de-extremification" vehicles, labor transfers and other socio-economic measures serve an auxiliary preventive function of limiting the soil in which "extremism" can take root (SCIO 2019). No new policy or implementation evidence on camp-linked labor has emerged since early 2019, suggesting that new coercive labor victims are now likely linked to labor transfers or forms of prison labor (Zenz 2023b).

2.0 Assessing the Continuation of Continued Coercive Labor Transfers in the XUAR and TAR

This section is based on the article "Forced Labor in the Xinjiang Uyghur Autonomous Region: Assessing the Continuation of Coercive Labor Transfers in 2023 and Early 2024," Jamestown Foundation China Brief, Vol. 24 (5), <https://jamestown.org/program/forced-labor-in-the-xinjiang-uyghur-autonomous-region-assessing-the-continuation-of-coercive-labor-transfers-in-2023-and-early-2024/>.

Summary

- Higher-level policy and state planning documents indicate that coercive XUAR employment and poverty alleviation policies are to continue at least through 2025. XUAR state and media sources document that these policies continue to be implemented.
- The Poverty Alleviation Through Labor Transfer program continues to expand and represents a non-internment state-imposed forced labor mobilization system. Forced labor transfers for 2023 exceeded those from the previous year and surpassed state-mandated quotas.
- In 2023, Xinjiang significantly expanded the scale of the Pairing Assistance program, which facilitates cross-provincial labor transfers, aiming to increase transfers to other Chinese regions by 38 percent, to levels exceeding those of any year since the mid-2010s. During his recent visit, Xi Jinping had again endorsed this policy, which aims to reduce the "dominance" of the Uyghur population in their own homeland.
- The "Unemployment Monitoring and Early Warning Mechanism" was expanded in 2023 to extensively track the income and work situations of the lower-income population.
- Xinjiang's government has intensified employment and training requirements, aiming to ensure employment for every able person, as mandated in the 14th Five-Year Plan.
- In 2023, Xinjiang drastically expanded its skills training efforts, with the state increasingly targeting groups traditionally not engaged in such training, with a view to transferring them into work strongly implicated in forced labor.
- Land use rights, covering up to 90 percent of land in some areas, are being transferred away from local farmers to state-run cooperatives, forcing the local population into wage labor through coercive labor transfers.

Xinjiang currently operates the world's largest system of state-imposed forced labor. Coercive labor transfers and poverty alleviation practices in the Xinjiang Uyghur Autonomous Region (XUAR) have continued through early 2024. State work plans for this year mandate an

intensification of employment requirements for the region’s targeted ethnic groups, and official labor transfer statistics reflect heightened work requirements first introduced in 2021. Xinjiang’s focus on these requirements intensifies the region’s forced labor risk, extending it into higher-skilled sectors while concealing its coercive nature.

During his Xinjiang visit in August 2023, PRC General Secretary Xi Jinping emphasized that while the region needed to develop, it should “ensure development with stability” and “must always give top priority to maintaining social stability,” concurrently promoting the “legalization and normalization of stability maintenance work” (CPC News, August 27, 2023).¹⁴ Xi also emphasized the need to “consolidate and expand poverty alleviation achievements (巩固拓展脱贫攻坚成果),” an expression frequently found in connection with the region’s current policy focus on “Preventing a Return to Poverty (防止返贫)” and on the creation of an “Unemployment Monitoring and Early Warning Mechanism (失业监测预警机制).”

Current XUAR Party Secretary Ma Xingrui (马兴瑞) seeks to reinforce the fruits of the region’s re-education mass internment campaign and other assimilatory policies under the mantra of “high-quality development (高质量发)” (China Brief, 2022).¹⁵ The summary of Xi’s statements underscored this approach, citing the expression “high-quality development” five times, thereby highlighting its significance for the state’s long-term strategy for the region (CPC News, August 27, 2023).¹⁶

The evidence indicates that since early 2020, the VSETC policy is no longer active, although waves of arbitrary detentions have since continued outside the VSETC system. Besides performing mass re-education, the VSETCs functioned as filtration camps, “releasing” those considered less problematic into forced labor while sentencing others (especially intellectual and business elites) to long prison terms (Journal of Contemporary China, 2024).¹⁷ While the VSETC system apparently no longer actively processes new victims, hundreds of thousands of detainees have been placed into forced labor and likely remain trapped in coercive work (The China Journal, 2023).¹⁸

In contrast, Xinjiang’s Poverty Alleviation Through Labor Transfer program continues to expand. Within the wider context of Xi Jinping’s Targeted Poverty Alleviation (精准扶贫) initiative, labor transfers are the coercive work policy that underpins most forced labor linked to the region (Central Asian Survey, 2023).¹⁹ While VSETC-linked forced labor placements can be linked to the production of textiles, electronics, and a few other labor-intensive products, Poverty Alleviation Through Labor Transfer is the only forced labor policy that has been directly linked to the production of cotton, tomatoes and tomato products, peppers and seasonal agricultural products, seafood products, polysilicon production for solar panels, lithium for electric vehicle batteries, and aluminum for batteries, car vehicle bodies, and wheels.²⁰

¹⁴ <https://web.archive.org/web/20240118103410/http://cpc.people.com.cn/n1/2023/0827/c64094-40064572.html>

¹⁵ <https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>

¹⁶ <https://web.archive.org/web/20240118103410/http://cpc.people.com.cn/n1/2023/0827/c64094-40064572.html>

¹⁷ <https://www.tandfonline.com/doi/full/10.1080/10670564.2024.2302484>

¹⁸ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4468500

¹⁹ <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225?src=recsys>

²⁰ Zenz, A. (2020). *Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton*. Newlines Institute <https://newlinesinstitute.org/china/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton>; Zenz, A. (2023). Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor. *Communist and Post-Communist Studies*, 56(2), 1–32. <https://doi.org/10.1525/cpcs.2023.1822939> (alternative free download at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694); Halper, E. (2023, September 18). EV Makers’ Use of Chinese

Poverty Alleviation Through Labor Transfer represents a non-internment state-imposed forced labor mobilization system. Such systems operating in the XUAR, the Tibet Autonomous Region, Uzbekistan (until 2021), and Turkmenistan share several core features (Journal of Human Trafficking, 2023).²¹ In contrast to company-based forced labor, these systems operate through a pervasively coercive social context marked by a lack of civic freedoms and an extensive grassroots bureaucracy designed to coercively mobilize targeted groups.

Currently Active XUAR Policies and Government Work Plans

Since 2020/2021—and especially under Ma Xingrui—Xinjiang has shifted to a strategy of normalization and institutionalization that emphasizes maintaining labor placements through intensified monitoring and surveillance. This is a move away from the campaign-driven transfer approach taken by Ma’s predecessor, Chen Quanguo (陈全国). Under this new strategy, the state prevents people from returning to an unapproved state of low measurable income based on traditional livelihoods, including through abandoning state-arranged jobs (China Brief, 2022).²² For the 14th Five-Year Plan (2021 to 2025), the XUAR instituted intensified employment and training requirements for targeted rural populations. In 2021 and 2022, this resulted in increased annual labor transfer figures compared to the 13th Five-Year Plan (2016 to 2020). Labor transfers reached a record 3.17 million person-times (人次) in 2021 before leveling off at above 3.03 million person-times in 2022 (Central Asian Survey, 2023).²³

Xinjiang’s 14th Five-Year Plan for Employment Promotion (2021 to 2025) mandates that not just one person per household but “every single person who is able to work is to realize employment” (XUAR Government, December 14, 2021).²⁴ Governments at county and township levels must “comprehensively analyze the specific reasons for the decline in [a particular household’s] income.” The first listed countermeasure is labor transfer.

Several Uyghur regions published government work plans for 2023 indicating intensified employment efforts targeting Uyghur surplus laborers. For example, Hotan County’s 2023 work plan specified the construction of additional industrial parks, including parks jointly established with the Xinjiang Production and Construction Corps (XPCC), relying on industrial development to “provide more jobs for the masses” (Hotan County, October 1, 2023).²⁵ Industrial parks are premier destinations for the most coercive forms of labor transfers and the forced work placements of re-education detainees. The 2023 work plan for Karakax County outlines a

Suppliers Raises Concerns about Forced Labor. *The Washington Post*.

<https://www.washingtonpost.com/business/interactive/2023/>; Swanson, A., & Buckley, C. (2021, January 8). Chinese Solar Companies Tied to Use of Forced Labor. *The New York Times*. <https://web.archive.org/web/20230424180048/>; Murphy, L., & Elimä, N. (2021). In *Broad Daylight: Uyghur Forced Labour and Global Solar Supply Chains*. Sheffield Hallam University. <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/pdfs/>; Murphy, L., et al. *Driving Force*. Sheffield Hallam University. <https://www.shu.ac.uk/helena-kennedy-centre-international-justice/research-and-projects/all-projects/>; Urbina, I. (2023, October 9). The Uyghurs forced to process the world’s fish. *The New Yorker*. <https://www.newyorker.com/news/news-desk/the-uyghurs-forced-to-process-the-worlds-fish>.

²¹ <https://doi.org/10.1080/23322705.2023.2270366>

²² <https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>

²³ Transfer figures are not cumulative as surplus laborers are transferred annually. Figures are given as “person-times” (人次), resulting from the fact that laborers can be transferred multiple times per year (the difference between “persons” and “person-times” amounts to roughly 10-11 percent, meaning that the number of distinct transferred individuals represents 89-90 percent of the stated “person-times” figure). <https://doi.org/10.1080/02634937.2023.2227225>

²⁴ <https://archive.is/PFzsb>

²⁵ <https://web.archive.org/web/20240122212609/http://www.htx.gov.cn/htx/c114304/202310/f44ac40812424a1c9bcb113ab2b88936.shtml>

continued acceleration of industrial park expansion together with the promotion of “labor-intensive industrial clusters,” including the “vigorous development” of “labor-intensive enterprises focusing on socks, hair product processing, shoe leather manufacturing, textile and clothing, electronic product assembly, and light industrial manufacturing”—all industries at the highest risk of forced labor (Karakax County, January 5, 2023).²⁶ The 2023 work plan for Yutian County outlined a labor transfer quota of 82,000 person-times, an increase of 1,000 over the 2022 quota, and planned a skills training “action plan” (Yutian County, September 27, 2023).²⁷ In January 2024, Xinjiang’s state media published an article announcing intensified efforts for economic and employment growth for 2024 (Xinjiang Daily, January 8, 2024).²⁸ It noted that that year marks the 75th anniversary of the PRC and represents a “critical” year for the achievement of the 14th Five-Year Plan (2021 to 2025). The article called on the Uyghur heartland region of Kashgar to “work hard to drive employment.” The most recent XUAR government work report, listing work goals for 2024, mandates that the state should “provide employment for ‘focus groups (重点群体)’ such as rural-urban migrant workers, and strive to ensure that all people in urban and rural areas who are able to work can find employment” (Tianshan, January 30, 2024).²⁹ So-called “focus groups” or “focus persons” are those the state considers to represent the highest security risk, and many of these had been subjected to re-education internment.

Evidence for Ongoing Labor Transfers in the XUAR (January 2023 to January 2024)

General Labor Transfer Evidence

By the third quarter of 2023, the XUAR had already exceeded its entire 2022 labor transfer volume of 3.03 million person-times, announcing the transfer of 3.05 million person-times rural surplus laborers between January and September, and surpassing the state-mandated quota by 10.9 percent (Xinhua, October 27, 2023).³⁰ Kashgar Prefecture alone placed 1.05 million “rural laborers” into work, 34.4 percent of the regional total (Xinjiang News, December 21, 2023).³¹ This indicates a continuation of the region’s intensified employment and labor requirements, following the mandates for the 2021 to 2025 period stated in the region’s economic and employment-related Five-Year Plans. In March 2023, the XUAR issued the “Xinjiang 300,000 Construction Worker Three-Year Training and Employment Action Plan (2023-2025)” to “drive more surplus labor to find employment in the construction industry” (XUAR Government, March 18, 2023).³² 96,000 of these were to be trained and transferred in Kashgar Prefecture (The Paper, May 19, 2023).³³

Recent local work reports also reflect the continued achievement of the XUAR’s intensified employment requirements. For example, Yili Haosheng Muye Biotechnology Co. (伊犁昊昇木驿生物科技) announced plans to build a third production line in 2024 to “solve the

²⁶ <https://web.archive.org/web/20240122212558/https://www.myx.gov.cn/detail.html?did=2855>

²⁷ <https://web.archive.org/web/20240122212543/https://www.xjvt.gov.cn/zfxxgk/fdgg/2023-09-27/4798.html>

²⁸ <https://web.archive.org/web/20240122214049/https://www.xjfb.com/contents/219/226572.html>

²⁹ https://web.archive.org/web/20240130060046/https://www.ts.cn/xwzx/szxw/202401/t20240130_18902930.shtml

³⁰ https://web.archive.org/web/20240122213731/https://new.tzxm.gov.cn/xwzx_9109/xwdt/202310/t20231030_1361660.shtml

³¹ <https://web.archive.org/web/20240130200918/http://www.xj.news.cn/20231221/b19698bcbbb64408930031c65e6f2295/c.html>

³² <http://web.archive.org/web/20240130220329/http://zjt.xinjiang.gov.cn/xjzjt/c114117/202310/4f25c1a9da124ac987d8dec68f9a534f.shtml>

³³ http://web.archive.org/web/20240131143232/https://m.thepaper.cn/baijiahao_23156849

employment problem of more local surplus laborers” (Tianshan, January 1, 2024).³⁴ A January 2024 article issued by the XUAR government to local media outlets noted that due to employment efforts throughout 2023, an ethnic village in Artush City successfully subjected all 1,606 villagers who met the state’s “employment conditions” to state-assigned work (Artush City, January 15, 2024).³⁵ Of these, 157 or 9.8 percent were employed in other XUAR prefectures or other Chinese provinces such as Jiangsu and Shandong. This outcome was achieved through the deployment of “village-based work teams,” which have played a crucial role in the coercive mobilization of targeted ethnic populations. “Village-based work teams” go door-to-door to enforce state policy, monitor compliance, identify deviant citizens for re-education internment, and subject ethnic household members to skills training and work assignments (Central Asian Survey, 2023).³⁶ Another January 2024 report published by Yining County details how, in November 2023, such work teams “devoted all their efforts” to promote the “transfer of the surplus workforce,” successfully “stimulating the inner motivation of [ethnic] villagers” (Yining County, January 17, 2024).³⁷ In short, coercive labor mobilization continues unabated.

Cross-Provincial Labor Transfers Through Pairing Assistance

Coercive labor transfers of targeted ethnic populations to other provinces in China continued throughout 2023. During his visit to Xinjiang in August 2023, Xi Jinping argued that the Pairing Assistance program that links eastern Chinese provinces with ethnic regions in Xinjiang for cross-provincial labor transfers needed to be strengthened (CPC News, August 27, 2023).³⁸ Xi exhorted the XUAR authorities to “do Pairing Assistance work well,” “guiding population groups from Xinjiang to find jobs throughout the PRC (要做好对口支援工作...鼓励和引导新疆群众到内地就业).”

In a significant development, the XUAR government stated that for 2023 the region was planning to increase the proportion of “poverty-alleviated laborers” (脱贫人口务工) transferred to other provinces from 2.54 to over 3.5 percent (State Council Information Office, February 27, 2023).³⁹ Based on a 2023 goal to transfer at least 1.087 million of this sub-group of surplus laborers, this would mean an increase of 37.8 percent, from 27,600 in 2022 to over 38,000 laborers in 2023 transferred to other provinces. These figures do not include cross-provincial transfers of surplus laborers that fall outside this sub-group. This announcement therefore suggests a significant increase in cross-provincial labor transfers, given that in 2018, only approx. 25,000 surplus laborers (all types) had been transferred to other provinces (China Brief, 2021).⁴⁰

³⁴ https://web.archive.org/web/20240122215843/https://www.ts.cn/xwzx/jjxw/202401/t20240101_18299852.shtml

³⁵ https://web.archive.org/web/20240119163708/https://www.sohu.com/a/751950683_121333036

³⁶ <https://doi.org/10.1080/02634937.2023.2227225>

³⁷ <https://web.archive.org/web/20240119153324/https://www.xjyn.gov.cn/xjyn/c113635/202401/b8238dc3257747cea5e9a974c9c7663e.shtml>

³⁸ <https://web.archive.org/web/20240118103410/http://cpc.people.com.cn/n1/2023/0827/c64094-40064572.html>

³⁹ <https://archive.is/KovUU>

⁴⁰ China Brief (2021). <https://jamestown.org/program/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>. Between January and November 2018, the XUAR transferred 25,378 surplus laborers (from within a total of 2.796 million person-times transfers for all of 2018) to other provinces (PRC government, December 26, 2018). For additional evidence that the 1.087 million figure refers to “poverty-alleviated laborers” (脱贫人口务工), workers who were “freed” from poverty and who are performing state-arranged or state-approved labor to prevent them from encountering a lower measurable income level, see People’s Daily, August 11, 2023.

In line with this XUAR-wide mandate, Kashgar Prefecture’s plans for 2023 lamented that too many rural Uyghurs were being placed into local (nearby) employment and that not enough were subjected to “organized transfer employment,” indicating a preference for and planned intensification of state-directed work assignments that transfer Uyghurs outside of their immediate home regions (Kashgar Government, April 13, 2023).⁴¹

A September 2023 state media article reported that Hubei province accepted 4,100 workers, while Anhui province, which is paired with the Uyghur majority population county of Pishan (Hotan Prefecture), received a transfer of over 5,000 workers (People’s Daily, September 17, 2023).⁴² Among these, 295 Uyghurs were reported to have “settled down (落户安家)” in Anhui—a term that indicates a relocation of household registration, pointing to a more permanent labor transfer arrangement. This is a significant and concerning development, given that labor transfers are part of state efforts to “optimize” (i.e. reduce) the Uyghur population ratio in southern Xinjiang, in order to “end the dominance of the Uyghur ethnic group” in their own homeland (Central Asian Survey, 2021).⁴³ In addition, Hubei province received 13,700 transferred laborers from Xinjiang between mid-2020 and mid-2023, and continues to employ such laborers in Xinjiang through Hubei-based companies operating local factories (Hubei government, July 4, 2023).⁴⁴

Unemployment Monitoring and Early Warning

The XUAR has also continued and intensified the deployment of its “Unemployment Monitoring and Early Warning System,” first documented by the author in June 2022. In 2021, Xinjiang sent 400,000 cadres to investigate and monitor the poverty and income situations of 12 million rural households through an “early prevention, early intervention, early assistance” campaign that identified 774,000 households for “real-time monitoring” (China Daily, January 11, 2022).⁴⁵ A September 2023 XUAR government report described the use of such monitoring to continually increase targeted households’ “transfer income” (remittances of surplus laborers derived from non-agricultural work) (NRRA, September 12, 2023).⁴⁶ Monitoring efforts were to be intensified. An August 2023 notice from the XUAR “Work Conference on Consolidating and Expanding the Fruits of Poverty Alleviation” stated that officials must improve their “political stance” in grasping the importance of poverty alleviation work, to “resolutely consolidate and expand the results of poverty alleviation,” an effort that was to involve “strengthened tracking and monitoring” of the income and work situation of lower-income rural populations (NRRA, August 2, 2023).⁴⁷

Enforcing Labor Transfers Through Land Usage Rights Transfers

In 2023, the XUAR also continued its coercive transfer of agricultural land from predominantly ethnic smallholder farmers to large state-run or state-supervised cooperatives (CPCS, 2023).⁴⁸

⁴¹<https://web.archive.org/web/20240122213348/https://h5.drcnet.com.cn/docview.aspx?version=edu&docid=6738059&leafid=26667&chnid=6675>

⁴² <https://web.archive.org/web/20240118162902/https://wap.peopleapp.com/article/7203943/7047614>

⁴³ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3862512

⁴⁴ <https://archive.is/eJ5Lw>

⁴⁵ <https://web.archive.org/web/20220112021101/https://cn.chinadaily.com.cn/a/202201/11/WS61dcd2d4a3107be497a01931.html>

⁴⁶ <https://web.archive.org/web/20230912172938/https://nrta.gov.cn/2023/09/12/ARTISXzH2PjwztUrsZ3w2KHa230912.shtml>

⁴⁷ <https://web.archive.org/web/20230925152529/https://nrta.gov.cn/2023/08/02/ARTIwUlaSF1MzMqaQi5y5ANF230802.shtml>

⁴⁸ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694

Land transfers are a primary method for coercing Uyghurs and other ethnic group members into livelihood changes through labor transfers. After surrendering their land usage rights, surplus laborers are then “liberated” to enter labor transfers into secondary or tertiary work.

In 2023 in a Zhaosu County township, usage rights for 90 percent of agricultural land had been transferred (Legal Daily, November 7, 2023).⁴⁹ In one of the township’s villages alone, over 500 rural surplus laborers were subjected to labor transfers after usage rights to thousands of acres of their land were shifted. The township party committee secretary emphasized that “the township actively guides farmers to voluntarily transfer land use rights to large-scale [agricultural] planters.”

Seasonal Labor Transfers

Xinjiang’s 14th Five-Year Social and Economic Development Plan (2021 to 2025) has mandated closer cooperation between XPCC and other regions for an “enlarged” promotion of seasonal (harvest-related) agricultural labor transfers (CPCS, 2023).⁵⁰ An April 2022 article on Xinjiang’s employment programs and labor transfers affirms that the “vast scale” of cotton, tomato, and other plantations in southern Xinjiang continues to “provide an abundance of short-term employment avenues” (Tianshan, April 7, 2022).⁵¹

Seasonal labor transfers of predominantly ethnic rural surplus laborers for seasonal agricultural work have continued. An April 2023 report on China News stated that in Luntai County, tomato-processing companies received 150 laborers for seasonal labor (China News, April 20, 2023).⁵² Similar arrangements were reported for another township in Luntai, involving 245 rural laborers. In the same month, a township in Kashgar Prefecture received a batch of transferred rural surplus laborers to cultivate (plant, tend, harvest) peppers. The report noted that the region needed “large numbers of workers” and that the state was engaging in “vigorously organizing villagers” for such work (The Paper, April 21, 2023).⁵³ Another report noted similar arrangements for Wensu County, stating that local governments were “conducting a thorough survey of the rural surplus labor force in the entire township and actively guiding the farmers” to address the “labor shortage problems during the busy farming season” (China News, April 19, 2023).⁵⁴

The concurrent publication of numerous similar articles on the subject indicates the presence of a XUAR-wide seasonal labor campaign to meet staffing needs for labor-intensive agricultural work. Such campaigns develop significant coercive pressures, heightening forced labor risks (Newlines Institute, December 2020).⁵⁵

⁴⁹https://web.archive.org/web/20240118142711/http://www.legaldaily.com.cn/Village_ruled_by_law/content/2023-11/07/content_8924298.html

⁵⁰ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694

⁵¹ https://web.archive.org/web/20220409180753/https://www.ts.cn/xwzx/szxw/202204/t20220407_6339712.shtml

⁵² <https://web.archive.org/web/20230717145056/http://www.xj.chinanews.com.cn/dizhou/2023-04-20/detail-ihcnrtzv5402810.shtml>

⁵³ https://web.archive.org/web/20240118211409/https://m.thepaper.cn/baijiahao_22804619

⁵⁴ <https://archive.md/CGZm8>

⁵⁵ <https://newlinesinstitute.org/rules-based-international-order/genocide/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>

State-Mandated Vocational Skills Training Quotas

As part of the 14th Five-Year Plan, the XUAR government is aiming to significantly expand its vocational training efforts, increasing average annual training volumes from 1.2 million to 1.5 million person-sessions (China Brief, 2022; XUAR Government, December 14, 2021).⁵⁶ Vocational skills training in the context of poverty alleviation and labor transfer policies is part of a process that creates high coercive labor risks for targeted ethnic groups. State reports confirm that throughout 2023, the government “intensified vocational skills training” and had directed regional authorities to “vigorously carry out order-oriented” work placements for targeted groups, including “focus groups such as those who are difficult to employ” (Xinjiang Daily, January 19, 2024).⁵⁷ In 2023, the XUAR conducted a record-setting 2.5 million person-times vocational skills training sessions, exceeding its goal for that year of 1.5 million by 66.6 percent. Xinjiang’s high-pressure campaign to meet and exceed training and transfer targets for lower-income rural populations (predominantly Uyghurs) is being implemented with greater intensity than expected.

Local examples show how the expansion of skills training means that the state is increasingly targeting populations that have traditionally not sought to engage in vocational skills training or labor transfers—namely, women in traditional homemaker and caretaker roles.⁵⁸ These groups are at highest risk of coercion. For example, a village in Yili Prefecture has been “vigorously” implementing the directive to have ethnic women “leave [their] land but not [their] township,” transferring them from traditional agricultural livelihoods to local factory work (Gongliu County, January 16, 2024).⁵⁹ In this case, 50 ethnic women were subjected to training in sewing skills, a sector that is strongly implicated in forced labor.

Previously, labor transfers implicated only lower-skilled sectors in forced labor. However, intensified skills and in-company training efforts have increased the forced labor risk. Recent propaganda reports exemplify this. For example, a February 2023 report discusses how over time, a transferred Uyghur rural surplus laborer employed by a civil engineering company came to be “transformed into a skilled worker” (China Union, February 24, 2023).⁶⁰

Conclusions

Higher-level policy and state planning documents indicate that coercive XUAR employment and poverty alleviation policies are to continue at least through 2025. XUAR state and media sources document that these policies continue to be implemented. The intensification of labor transfers in the context of the XUAR’s recent Unemployment Monitoring and Early Warning campaign significantly increased forced labor risks, given that these efforts target groups that have traditionally not chosen to pursue secondary or tertiary sector employment that requires them to abandon farming and/or to surrender their long-standing land usage rights (Central Asian Survey, 2023).⁶¹ Increased employment requirements targeting ethnic groups have resulted in soaring

⁵⁶ China Brief (2022) <https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>; XUAR Government (2021) <https://archive.is/PFzsb>

⁵⁷ <https://web.archive.org/web/20240119143729/http://xj.people.com.cn/n2/2024/0119/c186332-40719270.html>

⁵⁸ See related discussion in Zenz, A. (2023). The Conceptual Evolution of Poverty Alleviation Through Labour Transfer in the Xinjiang Uyghur Autonomous Region. *Central Asian Survey*, 42(4), 649-673. <https://doi.org/10.1080/02634937.2023.2227225>.

⁵⁹ <https://archive.ph/jo3VW>

⁶⁰ <https://web.archive.org/web/20230228015125/http://acftu.people.com.cn/n1/2023/0224/c67502-32630539.html>

⁶¹ <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225?src=recsys>

foreign trade figures in Uyghur heartland regions, implicating global supply chains (The Hill, November 9, 2023).⁶²

Xinjiang's recent policy changes have rendered forced labor less visible and more challenging to conceptualize. By leveraging poverty alleviation policies to normalize and institutionalize mass coercive work, Xinjiang continues its fundamental strategic shift away from institutions of the state's domestic security apparatus, focused on re-education and internment, and towards entities overseen by the Development and Reform Commission (ChinaFile, May 24, 2022).⁶³ As a result, Uyghur forced labor is becoming both more prevalent and more insidious (The China Project, October 26, 2023).⁶⁴

*Coercive Labor Transfers in the Tibet Autonomous Region (TAR)*⁶⁵

*Background and Contextual Evidence*⁶⁶

Despite significant contextual differences, the ongoing deployment and expansion of coercive labor transfers in the XUAR and TAR are quite similar in terms of policy framing and the general policy implementation approach. Both focus on targeted recruitment of rural ethnic groups through village-based work teams, coerced labor training involving military drills and political indoctrination, state-arranged work placements and transfers to workplaces, and from 2021, an increased focus on retention through Unemployment Monitoring and Early Warning mechanisms.

From 2012, the TAR's Chamdo region initiated a military-style training for the surplus workforce transfer of pastoral and agricultural regions. Chamdo's scheme was formally established in the region's 13th Five-Year Plan (2016-20). In March 2019, the TAR issued the 2019-2020 Farmer and Pastoralist Training and Labor Transfer Action Plan, which mandates "vigorous promotion of military-style ... training," applying Chamdo's highly coercive model to the entire region.⁶⁷

Overcoming Tibetans' resistance to labor transfer is an integral part of the entire mechanism. TAR-related documents state that the "strict military-style management" of the vocational training process causes the "masses to comply with discipline," "continuously strengthens their patriotic awareness," and reforms their "backward thinking."⁶⁸

In April 2023, a group of six United Nations Special Rapporteurs on contemporary slavery, trafficking in persons, racism and racial discrimination, cultural rights, minority issues, and right to development issued a joint statement, expressing concerns that labor transfer and

⁶² <https://thehill.com/opinion/international/4300097-forced-uyghur-labor-undergirds-xinjiangs-export-boom/>

⁶³ <https://www.chinafile.com/reporting-opinion/features/public-security-ministers-speech-describes-xi-jinpings-direction-of-mass>

⁶⁴ <https://web.archive.org/web/20240108202638/https://thechinaproject.com/2023/10/26/when-poverty-alleviation-means-forced-labor-for-uyghurs/>

⁶⁵ Coercive labor transfers in the TAR were first documented in: Zenz, A. (2020). Xinjiang's System of Militarized Vocational Training Comes to Tibet. *China Brief*, 20(17). <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>.

⁶⁶ For the conceptual nature and measurement of non-internment state-imposed forced labor mobilization, see the 'Background' section for the XUAR.

⁶⁷ TAR Government. (2019) 西藏自治区人民政府公报.

<https://web.archive.org/web/20200828164034/http://bianba.chhttps://archive.is/wip/y4Bwnangdu.gov.cn/bbxrmzf/c105723/202005/721b7732060f46d086689f445bbf1f1a/files/d211713c75324a7f918714407398cd6a.pdf>

⁶⁸ Autonomous Region Poverty Alleviation Office. (2016, November 17). 提升技能增本领拓宽渠道促就业昌都市扎实推进就业扶贫. TAR Government. <https://archive.is/wip/fN9hz>; TAR Government. (2020, June 10). 齐扎拉主持召开自治区产业建设领导小组会议 要求坚持人民至上 全力推动农牧民转移就业 努力实现“量”的增长“质”的提高. <https://archive.is/NYMWi>.

vocational training programs in the TAR are used to “undermine Tibetan religious, linguistic and cultural identity, to monitor and politically indoctrinate Tibetans,” that these programs employ political indoctrination in a militarized environment, and that they “could lead to situations of forced labour.”⁶⁹ The experts noted that “Tibetans are being drawn away from sustainable livelihoods in which they have traditionally had a comparative advantage, such as wool and dairy production, and into low-paid, low-skilled work in manufacturing and construction.” Similar forced labor concerns were raised in the May 2023 report of the United Nations’ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁷⁰

Current TAR Policies and Work Plans Impacting the Period April 2023 to April 2024

In early 2021, the TAR reported that it had established 652 rural labor transfer “bases” and developed over 7,000 labor export entities.⁷¹ That year, the region had published a policy plan to strengthen the intensity of organized labor transfer and training of rural populations.⁷² In 2022, the TAR government announced that its employment creation programs, including the annual transfer of over 600,000 rural surplus laborers, had achieved “full coverage.”⁷³ Its 2022 transfer figure stood at 631,000.⁷⁴

For the 14th Five-Year Plan (2021-25), the TAR envisioned an expansion of labor transfer channels and “vigorous” promotion of labor transfers targeting rural populations, including through “vigorous” development of rural industry, continued construction of labor transfer bases, accelerated urbanization, and intensified Pairing Assistance with eastern Chinese regions.⁷⁵ (Pairing Assistance has also played a significant role in promoting labor transfers in Xinjiang).

TAR Employment Policies and Practices since April 1, 2023

Efforts to compel Tibetans into labor transfers have continued in 2023. In 2023, the TAR transferred a record number of 647,000 persons, an increase of 16,000 compared to 2022 and 47,000 over the stated target.⁷⁶ Its labor transfer target for 2024 has now been increased to 630,000, and the degree to which these transfers are directly “organized” by the state was

⁶⁹ UN. (2023, April 27). *China: “Vocational training” programmes threaten Tibetan identity, carry risk of forced labour, say UN experts.* <https://www.ohchr.org/en/press-releases/2023/04/china-vocational-training-programmes-threaten-tibetan-identity-carry-risk>.

⁷⁰ UN. (2023, May 31). *Convention on the Elimination of All Forms of Discrimination against Women.* (p. 12). <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/153/23/PDF/N2315323.pdf?OpenElement>.

⁷¹ TAR Ministry of Human Resources and Social Security. (2022, April 12). *关于印发《西藏自治区“十四五”就业促进规划》的通知.* https://web.archive.org/web/20220602180058/http://hrss.xizang.gov.cn/xwzx/tzgg/202204/t20220412_293188.html

⁷² County Poverty Alleviation Office. (2021, September 6). *南木林县关于健全防止返贫致贫动态监测和帮扶机制的贯彻落实方案.* Nanmulin County People’s Government. <https://web.archive.org/web/20220527142814/http://www.nmlx.gov.cn/news-detail.thtml?cid=157894>

⁷³ He J. (2022, March 21). *【人社厅】西藏创业就业扶持实现全覆盖.* Economy Daily.

<https://web.archive.org/web/20220531170013/http://xz.people.com.cn/n2/2022/0321/c138901-35183994.html>

⁷⁴ TAR Development and Reform Committee. (2023, January 13). *西藏自治区2022年国民经济和社会发展规划执行情况与2023年国民经济和社会发展规划草案报告.* China Tibet News.

https://web.archive.org/web/20230610115216/http://epaper.chinatibetnews.com/xzrb/202301/23/content_180505.html

⁷⁵ TAR Ministry of Human Resources and Social Security. (2022, April 12). *关于印发《西藏自治区“十四五”就业促进规划》的通知.* https://web.archive.org/web/20220602180058/http://hrss.xizang.gov.cn/xwzx/tzgg/202204/t20220412_293188.html

⁷⁶ Tibet Daily. (2024, January 8). *政府工作报告(摘登).* TAR Government.

https://web.archive.org/web/20240123153919/https://www.xizang.gov.cn/xwzx_406/ztzl_416/cxzt/2024nxzzzqlh/tt/202401/t2040108_397369.html

raised.⁷⁷ Labor transfers were to be accelerated in their “order-based” form whereby companies can put in “orders” for workers, which the state then takes, trains, and delivers to them.⁷⁸ Order-based labor transfers were to meet the growing “employment needs” of enterprises in the TAR. The TAR’s January 2024 government budget report similarly speaks of “...increased skills training for nomads and farmers, promoting labor transfers...”⁷⁹

The TAR continues to emphasize that to “increase the inner development motivation” of persons along sensitive PRC national border regions is a matter of national security.⁸⁰ “High-quality” development is viewed as central to border defense efforts, and this is secured through coercive poverty alleviation efforts that overcome people’s internal resistance.

A September 2023 report states that TAR regions were broadening employment channels and carrying out “ideological improvement projects” designed to improve the “ideological and cultural concepts of the masses and enhance the inner motivation of farmers and herdsmen.”⁸¹ Through a range of activities and trainings, rural Tibetans were being led to “increase their inner motivation” to earn money through labor transfers, overcoming their “conservative employment aspirations.” These are direct indicators of coercion.

Conclusions

Coercive labor transfer, poverty alleviation and employment measures have continued in the TAR, as labor transfer measures have intensified, mandated transfer quotas are continually increased, and efforts to “stimulate” Tibetans’ “inner motivation” and overcome their reluctance to abandon traditional lifestyles in organic communities continue. Coercive poverty alleviation and employment efforts are reinforced through intensified dynamic monitoring (surveillance) and assistance mandates. These measures are creating pervasive and continually intensifying risks of forced labor throughout the TAR.

⁷⁷ Ibid.

⁷⁸ TAR Government. (2024, April 10). 西藏自治区人民政府办公厅关于印发西藏自治区2023年优化营商环境工作要点和行动计划的通知. Maizhokunggar County Government. <https://archive.ph/D2LY9>

⁷⁹ Tibet Daily. (2024, January 22). 关于西藏自治区2023年预算执行情况和2024年预算草案的报告. TAR Government. https://web.archive.org/web/20240123160459/http://www.xizang.gov.cn/xwzx_406/ztzl_416/cxzt/2024nxzzzqlh/tt/202401/t20240122_399776.html.

⁸⁰ Tibet Daily. (2024, January 8). 扎根祖国边陲守护神圣国土——西藏扎实推进国家固边兴边富民行动示范区创建. The United Front Work Department of CPC Central Committee. https://web.archive.org/web/20240123154359/https://www.zyztb.gov.cn/zyztb/2024-01/08/article_2024010809112014520.shtml.

⁸¹ Mo, R. (2023, November 2). 曲水县: 全力做好“五篇文章” 共治共建和美乡村. Lhasa Government. <https://web.archive.org/web/20240123154647/https://www.lasa.gov.cn/lasa/lsw/202311/9e76fed6d19400687e7f818a31be240.shtml>.

3.0 The Challenge of Measuring Non-Internment State-Imposed Forced Labor Mobilization in the PRC

This section is based on the article “Measuring Non-Internment State-Imposed Forced Labor in Xinjiang and Central Asia: An Assessment of ILO Measurement Guidelines.” *Journal of Human Trafficking* (2023). <https://doi.org/10.1080/23322705.2023.2270366>.

Conceptualizing State-Imposed Forced Labor in Central Asia

Multiple Central Asian regions perpetuate forms of state-imposed forced labor, in both agricultural harvesting and production of state-mandated crops. While Uzbekistan eventually ended forced labor mobilization into cotton harvesting by 2021, coercive labor transfers for agricultural harvesting and other work persists in Xinjiang, Tibet, Uzbekistan, and Turkmenistan, and to a lesser extent in Tajikistan.⁸²

Close analysis reveals crucial differences between state-imposed and private (corporate) coercive labor practices. The former relies on a whole-of-government and whole-of-society approach, involving a social context of pervasive coercion, surveillance, police harassment, arbitrary detention, and a general lack of civic freedoms. State-driven coercive labor practices are frequently enforced by entities that represent or are connected to state security and surveillance apparatuses. This means that resisting government work mandates raises repressive risks across multiple aspects of people’s lives. Non-cooperation may not only endanger household income through dismissal, salary reductions, or loss of land use rights. It can also drastically affect access to essential services and benefits, and incur various forms of state repression. McGuire and Laaser (2021, p. 560) described the resulting coercive environment as “structurally forced consent.” Within this environment, state-imposed forced labor practices heavily exploit deep systemic vulnerabilities, such as impoverishment and a lack of decent livelihood opportunities, and are often enforced using threats that are more implicit than explicit. Consequently, coercive transfers of targeted populations into state-mandated work (including seasonal harvesting) constitute a dynamic practice akin to human trafficking that cannot easily be measured in a particular location.

Previously, I argued that state-imposed forced labor systems in Xinjiang and Uzbekistan exhibit five core structural features (Zenz, 2023a, p.22). Here, I suggest that these also apply to labor mobilization in Turkmenistan (and to a lesser degree in Tajikistan):

- (1) a centralized authoritarian state with a strong bureaucratic apparatus and a powerful, coercive domestic security apparatus, that
- (2) steers economic policy, imposes production quotas, and incentivizes or commandeers relevant economic actors, including state-owned and private companies and farmers;
- (3) creates a coercive social environment, especially among targeted populations;
- (4) leverages this environment in tandem with substantial grassroots-based human resources and local institutions to
- (5) develop top-down mobilization pressures at the grassroots level.

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⁸² In Tajikistan, coercive cotton picking is unevenly enforced, has been on the decline, and typically does not entail transportation due to short distances between people’s homes and fields (Hofman, 2023)

Following the ILO’s 1998 Declaration on Fundamental Principles and Rights at Work, which called for the “elimination of all forms of forced or compulsory labour,” the ILO in November 2001 established a Special Action Programme to combat Forced Labour (SAP-FL) to provide related technical assistance to member states (ILO, 2001, 2018a). The SAP-FL was tasked with developing Survey Guidelines and indicators for assessing forced labor (De Cock, 2007).

In 2012, the ILO presented its first indicator-based Survey Guidelines (ILO, 2012a). The Survey Guidelines present indicators for each of the two dimensions of the ILO’s forced labor definition (involuntariness and menace of penalty) for each of the three phases (compare ILO, 2018a, p. 28). Consequently, the framework (Table 2) is more accurately presented through a six-field matrix⁸³:

Phase	Dimension (of forced labor)	
	Involuntariness	Menace of penalty
1. Unfree recruitment	For example, deception about true nature of work	For example, threat of denunciation to authorities
2. Work and life under duress	For example, forced overtime or degrading living conditions	For example, isolation or violence
3. Impossibility of leaving	For example, no freedom to resign in accordance with legal requirements	For example, confiscation of identity papers or travel documents

Table 2. Created by the author based on ILO (2012a, p.23-25).

To qualify as forced labor, at least one of the three phases must show at least one indicator in each dimension (both involuntariness and menace of penalty) (ILO, 2012a, p. 26).⁸⁴ Even when indicators of involuntariness or coercion at the workplace itself are difficult or impossible to measure, their presence during the recruitment or exit phases suffices for a forced labor determination. The indicators listed in the Survey Guidelines derived from a set of indicators of trafficking for labour and sexual exploitation, produced in 2009 by the ILO in collaboration with the European Commission, and elicited from a group of European experts using the Delphi methodology (which condenses the collective opinion of an expert community) (ILO, 2012a, p.22). They were therefore chosen by experts working in and experienced with European and non-state-imposed forced labor contexts.

That same year, the ILO published the 11 indicators of forced labor that subsequently became widely known and used (ILO, 2012d). However, those indicators oversimplify the reality of forced labor, lack any reference to the three phases of forced labor, and therefore blur the connection between coercive work and human trafficking through unfree recruitment. Most importantly, the 11 indicators were in fact never designed to formally measure forced labor at all, but merely to train front-line staff to visually recognize potential forced labor in work-related settings. The brochure itself notes this:

⁸³ The Survey Guidelines themselves speak of an indicator framework with “six dimensions” (ILO, 2012a, p.22).

⁸⁴ The framework distinguishes between “strong” and “medium” indicators, and requires that at least one of the two indicators be “strong.” From 2018 the ILO abandoned this distinction, which according to interviewed ILO officials, ILO member states deemed to be overly arbitrary (ILO, 2018a, 2018b, 2023).

These indicators are intended to help “front-line” criminal law enforcement officials, labour inspectors, trade union officers, NGO workers and others to identify persons who are possibly trapped in a forced labour situation, and who may require urgent assistance. The indicators represent the most common signs or “clues” that point to the possible existence of a forced labour case. (ILO, 2012d, p. 2)

The ILO’s evaluation in Uzbekistan used the 11 indicators only as “first impression” (“prima facie”) tools for monitoring teams to use in the cotton fields (at the workplace), whereas questionnaires to pickers and farmers also assessed the critical phase of recruitment, using questions which became more detailed over time (ILO, 2015, p. 7, Annex p. 26, 45-47; ILO, 2018d, p. 60-61). Consequently, they are particularly ill-suited to identify state-imposed forced labor, where most coercive pressures occur during recruitment and transfer phases, and may not be visible at workplaces (compare Zenz, 2023a).

Unfortunately, ILO documents themselves elevate the significance of the 11 indicators while failing to mention the Survey Guidelines. For example, both the ILO’s “Global guidelines on the economic reintegration of victims of forced labour through lifelong learning and skills development approaches” and its “Ending forced labour by 2030” documents state that this set constitutes the ILO’s “core operational indicators of forced labour,” based on “extensive practical experience and research” (ILO, 2020, p. 34; ILO, 2018c, p. 97). The Survey Guidelines are cited much less often than the 11 indicators. Among works that cite them, very few substantively engage with their conceptual measurement dimension or the six-field matrix, mostly either referring to the document in passing or else focusing on the ILO’s lack of disaggregating human trafficking cases from within global forced labor estimates (e.g. Chuang, 2017).

Discussion: The Measurement of Non-Internment State-Imposed Forced Labor Mobilization

In contrast to most forms of forced labor, state-imposed forced labor operates through a pervasively coercive social context marked by a lack of civic freedoms and a state that generates powerful coercive pressures through an extensive grassroots bureaucracy. Non-cooperation entails a systemic risk that is often more implicit than overt. Strategies for evaluating non-internment state-imposed forms of forced labor should take into account that:

- It is often more readily assessed as a systemic risk than a specific instance, because it creates an environment where its victims are less likely to speak freely, rendering assessment of individual cases difficult or impossible, as the ILO found in Uzbekistan (ILO, 2017a).
- Its assessment must consider its fundamental preconditions, such as an overall coercive environment, a comprehensive mechanism for pressure-driven grassroots mobilization, and a state policy mandating work or production targets for targeted populations.
- Due to their dynamic nature, labor mobilization programs are often best assessed during mobilization stages including recruitment, training, and transfer, rather than just at the

workplace itself.

- While it leverages people’s vulnerabilities, such as a lack of alternative livelihood opportunities, it is not always equally economically exploitative, particularly when political aims are primary, as in Xinjiang. This reduces the effectiveness of indicators focused on exploitative work conditions and requires a stronger focus indicators measuring the policy and institutional basis of state-imposed forced labor.
- Its operation includes agricultural production mandates.

The ILO’s 2012 Survey Guidelines are largely suited to evaluate non-internment forms of state-imposed forced labor in Central Asian regions. However, its indicators were designed for private forced labor and should therefore be adapted as suggested in the previous section (besides the adaptation to each local context that the Framework already mandates). Specifically, assessments of state-imposed forced labor could follow three steps:

1. Assess presence of an employment policy targeting population groups for potentially coercive/involuntary work.
2. Assess presence of a state mobilizational apparatus able to enforce this policy.
3. Assess presence of specific risk indicators by matching evidence with the adapted ILO Survey Guidelines.

Consequently, to counter state-imposed forced labor, policymakers should use the adapted Survey Guidelines instead of the 11 indicators. They should further take into account whether, in a particular context, state-imposed forced labor is implemented primarily for economic or for political reasons. State-imposed forced labor creates a pervasive risk for affected regions. Related indicators must encompass all phases of coercive labor mobilization and assess the existence of targeted state employment policies or production mandates. Policymakers and ILO officials should closely study the evolving coercive labor mobilization and mandated agricultural production practices in Xinjiang, Uzbekistan, Turkmenistan, and Tajikistan, and deepen their understanding of the unique properties of non-internment state-imposed forced labor.

In addition, for areas and products where a risk of state-imposed forced labor has been identified, the burden of proof should be reversed: companies must prove that products from such regions are free from any form of coerced labor. The ILO’s evaluation in Uzbekistan provides precedent for such a step, given that it assessed a systemic regionwide “risk of forced labour” (ILO, 2017c, p.xiii, 57; Tapiola, 2022, p.32). While such a reversal can lead to overenforcement (banning imports of some goods not linked to forced labor), the alternative would be severe underenforcement. By nature, state-imposed forced labor creates systemic coercive risks throughout the entirety of targeted regions, populations, and economic sectors. Policy measures designed to effectively combat all forced labor cannot limit their focus to specific supply chains or companies, or rely on indicators designed to detect private forced labor evaluated at workplaces. They must also engage with the primary design features of state-imposed forced labor.

4.0 The Suitability of the International Labour Organization's Adapted New Guidelines on Forced Labor Measurement for Capturing Forced Labor in Xinjiang and Tibet

This section is based on the article "Updated ILO Forced Labor Guidelines Directly Target Uyghur Forced Labor," Jamestown Foundation China Brief, Vol.24 (9), April 2024. <https://jamestown.org/program/updated-ilo-forced-labor-guidelines-directly-target-uyghur-forced-labor/>.

Summary:

- For first time since establishing its forced labor taskforce in 2001, the International Labour Organization (ILO) has issued authoritative and comprehensive guidance on operationalizing the research and measurement of forced labor, updating its more provisional guidelines from 2012.
- The new ILO Handbook adds a substantial new section on state-imposed forced labor, squarely targeting Beijing's forced labor in Xinjiang and Tibet and specifically referring to "labour transfers" of ethnic minorities.
- The Handbook adopts the author's category of "non-internment state-imposed forms of forced labor" in its research guidelines, significantly enhancing the ability to detect the forced labor of Uyghurs.
- The Handbook notes that forced labor may be implemented by states for political reasons, including for reasons of "altering the population composition in particular areas." This language points directly to labor transfers targeting Uyghurs.
- The Handbook's statement that non-internment forced labor mobilization is best assessed as a risk rather than a specific instance, which it adopts from the author's recent research, provides strong support for arguments that related legislation should reverse the burden of proof, shifting it from enforcement authorities to companies. This could have implications for the European Union's upcoming forced labor legislation.

In 2001, the International Labour Organization (ILO) established its Special Action Program to combat Forced Labour (SAP-FL) to develop survey guidelines and indicators for assessing forced labor worldwide. In 2012, this resulted in the first systematic attempt to establish a forced labor measurement framework, a set of Survey Guidelines titled "Hard to see, harder to count" (ILO, 2012).⁸⁵ The 2012 Guidelines had several limitations, however. Their technical nature was designed to inform national forced labor surveys, making them largely inaccessible to non-experts. It also came with conceptual limitations, having been primarily designed to counter private forced labor. Finally, the Survey Guidelines were a work in progress, given that the ILO's efforts were still in their infancy, and therefore did not claim to be authoritative (Journal of Human Trafficking, 2023).⁸⁶

This led to the European Commission using a much more widely known ILO framework, the set of 11 forced labor indicators, in September 2022 draft legislation prohibiting the import of products involving forced labor, widely understood to target forced Uyghur labor in the People's Republic of China (PRC) (European Commission, September 14, 2022).⁸⁷ These indicators were

⁸⁵ https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182096.pdf

⁸⁶ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

⁸⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0453>

however designed not for formal measurement but to help frontline inspectors recognize potential signs of forced labor at workplaces (ILO, 2012).⁸⁸ In conversations with the author, the ILO noted that they had “a communication problem” about the roles of their various indicator frameworks.

The ILO’s 11 indicators are ill-suited to identify what the author has referred to as “non-internment state-imposed forced labor mobilization.” This form of forced labor mobilization, which characterizes forced labor transfers in Xinjiang and Tibet, is a dynamic process whereby states identify a target population for forced work, and then coercively mobilize, recruit, and train them, before transferring them to designated workplaces (Central Asian Survey, 2023; China Brief, September 22, 2020).⁸⁹ Workplaces are not necessarily heavily secured, and the process does not involve prisons or labor camps, rendering this type of forced labor less visible and harder to measure. The ILO encountered this challenge when attempting to measure forced labor mobilization for cotton harvesting in Uzbekistan (ILO, 2022).⁹⁰ It tried to interview workers in the cotton fields (i.e. at their place of work), but struggled to find specific signs of coercion, besides the fact that workers gave highly standardized answers, suggesting that they had been coached by the state to mislead ILO evaluators (Journal of Human Trafficking, 2023).⁹¹ In 2023, the author interviewed several senior ILO officials (Journal of Human Trafficking, 2023).⁹² The author challenged them about the facts that:

1. their 2012 Survey Guidelines were not designed to capture state-imposed forced labor in the PRC and elsewhere;
2. these Guidelines contained indicators that were only partially suited to capture Uyghur forced labor;
3. these Guidelines were little-known compared to the widely known set of 11 indicators;
4. the ILO’s overall approach to forced labor measurement was unequipped to capture non-internment (i.e., non-prison) forms of forced labor mobilization, which are harder to conceptualize and measure; and
5. the ILO’s global reports on forced labor have been far too optimistic concerning claims of a decline of state-imposed forced labor worldwide.

As a result of this engagement, the ILO told the author in 2023 that they would update their Guidelines. This update was published in late February this year. The results are highly impressive. The ILO appears to have carefully considered all feedback, as well as input by advocacy organizations such as Anti-Slavery International, and adopted improvements on all five points.

⁸⁸ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang--en/index.htm

⁸⁹ Central Asian Survey (2023) <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>; China Brief (2020) <https://jamestown.org/program/jamestown-early-warning-brief-xinjiangs-system-of-militarized-vocational-training-comes-to-tibet/>.

⁹⁰ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_846225/lang--en/index.htm

⁹¹ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

⁹² <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

The New Guidelines

In February 2024, the ILO published a “Handbook,” updating its 2012 Guidelines “Hard to see, harder to count” (ILO, 2024).⁹³ Here is a rundown of the key changes from a PRC-focused perspective, each of which is then discussed in greater detail:

1. The new guidelines are now presented in the form of an authoritative “Handbook.”
2. This Handbook contains four mentions of “labour transfers” that target minorities for forced relocation. This particular expression is only commonly used in PRC contexts and the way it is defined in the Handbook points directly to forced labor in Xinjiang and Tibet.
3. The Handbook contains an expanded indicator framework, with dedicated sections for indicators of state-imposed forced labor.
4. The most important change from a China perspective is the addition of a dedicated section on measuring state-imposed forced labor (section 9).
5. This new section 9 contains an important subsection titled “General research considerations,” which outlines the challenges of assessing “non-internment state-imposed forms of forced labour.” This subsection draws from and builds on the conceptual work of the author (*Journal of Human Trafficking*, 2023).⁹⁴
6. Section 9 states that forced labor mobilization may be implemented by states for political or national security (and not just economic) reasons, making it even more diagnostic of Uyghur and Tibetan forced labor.
7. Section 9 also discusses forced labor linked to administrative detention and “re-education” without legal conviction, language that targets Xinjiang’s camps (and similar situations worldwide).
8. The Handbook strengthens the role of desk research, explicitly referring to academic research and NGO reports.

The new Handbook is more authoritative than the previous Guidelines. In the introduction, it presents itself as an integrated, authoritative, and “updated measurement framework and set of tools for the design, implementation and analysis of surveys of forced labour” (p.ix). It highlights the fact that it contains “a new unified set of core indicators of involuntary work and coercion,” representing the new ILO office-level standard for forced labor measurement. The Handbook is a unified update of both the previous Survey Guidelines and the Guidelines Concerning the Measurement of Forced Labour endorsed by the 20th International Conference of Labour Statisticians (ICLS) in 2018, further underscoring its authority (ICLS, 2018).⁹⁵

Previously, it was not clear which ILO document constituted the “standard” for measuring forced labor as defined by ILO Conventions 29 and 105. The adoption of the 2018 ICLS document was an important step in standardizing the ILO’s approach to measuring forced labor. But it rendered the 2012 Survey Guidelines somewhat outdated, further adding to the numbers of documents that evaluators and researchers had to account for. While the new Handbook is an “office document” that has not been formally approved by the ILO governing

⁹³ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_914768/lang--en/index.htm

⁹⁴ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

⁹⁵ https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf

body, it still constitutes an important development as it represents the world’s most authoritative framework for operationalizing the measurement of forced labor.

Specific References to “Labour Transfers”

The Handbook uses the phrase “labour transfers” four times. While describing a global phenomenon, this particular expression is essentially only used in PRC contexts (Central Asian Survey, 2023).⁹⁶ The Handbook’s definition therefore points unambiguously to forced labor in Xinjiang and Tibet. Two uses occur in section 1.3 that outline the updated indicator framework when discussing indicators for coercive recruitment in the context of state-imposed forced labor for economic development (ILO, 2024, p.11)⁹⁷:

Other violations involve large-scale labour transfer schemes, where workers belonging to certain ethnic or religious minority groups must—under menace of penalty—relocate to another geographical area to work in a State or private enterprise, sometimes under guise of vocational training or regional economic development.

This phrasing links labor transfers specifically to (1) ethno-religious groups, (2) geographical relocation, and (3) work in enterprises. The advantage of this framing is that it specifically points to forced Uyghur labor. However, there are several disadvantages. First, PRC coercive labor transfers could also target impoverished Han Chinese. Second, transfers also occur through satellite factories in rural villages, in which case they do not involve geographic relocation (see Journal of Political Risk, 2019).⁹⁸ Third, labor transfers can involve non-enterprise work destinations (China Brief, February 14).⁹⁹ It is a common misconception that transfers must “transfer” people across space, whereas the term “transfer” refers to a sectoral transfer—from farming or herding to wage labor in the industrial sector, the service sector, or wage labor within agricultural processing or seasonal harvesting (CPCS, 2023).¹⁰⁰ A third disadvantage is that labor transfers can involve non-enterprise work destinations.

All ILO forced labor measurement guidelines and documents explicitly state that measurement categories and related indicators must be adjusted to local contexts, meaning that the wording is not a straitjacket. In addition, the Handbook clearly distinguishes labor transfers from forced labor linked to re-education camps (Handbook sections 9.3 and 9.4; both systems of forced labor are discussed in detail in Central Asian Survey, 2023).¹⁰¹

The two other instances of “labour transfer” are found in section 9.4, which discusses state-imposed forced labor for the purpose of economic development:

Such [labour transfer] schemes can result from the combination of various methods of compulsion to work: measures of general nature involving

⁹⁶ <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>

⁹⁷ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_914768/lang--en/index.htm

⁹⁸ <https://www.jpolorisk.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/>

⁹⁹ <https://jamestown.org/program/forced-labor-in-the-xinjiang-uyghur-autonomous-region-assessing-the-continuation-of-coercive-labor-transfers-in-2023-and-early-2024/>

¹⁰⁰ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694

¹⁰¹ <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>

compulsion in the recruitment, assignment and transfer of labour, used in conjunction with other restrictions on freedom of employment, such as preventing workers from terminating their employment contracts or compulsorily extending contracts, penal sanctions for breaches of contract or as a means of maintaining labour discipline, restrictions on freedom of movement or on the possession and use of land, or abusive application of vagrancy laws (ILO 2007, para 107). (p.168)

This links labor transfers not only to coercive mobilization but also to retention mechanisms designed to maintain employment, such as Unemployment Monitoring and Early Warning and other poverty-fallback prevention systems. These have become increasingly important in recent years as the region has transitioned from the campaign-style approach of Xinjiang’s former CCP Party Secretary Chen Quanguo (陈全国) to a focus on institutionalizing coercive transfer policies by his successor Ma Xingrui (马兴瑞) (China Brief, June 5, 2022).¹⁰² In addition, the reference to restrictions on the “use of land” (taken from a 2007 International Labor Conference report) is highly significant for assessing PRC coercive labor transfers, which frequently enforce transfers of land-use rights from targeted ethnic groups to large operators or government cooperatives, subjecting the now landless Uyghurs more readily to labor transfers (China Brief, March, 2021; CPCS, 2023).¹⁰³

The New Indicator Framework

The Handbook provides an updated indicator framework. The previous indicator framework consisted of a six-field matrix: two columns for the two dimensions of forced labor per definition in ILO Convention 29, and three rows for the three employment cycle phases: recruitment, work conditions, and ability to leave work (see Journal of Human Trafficking, 2023). The 2024 Handbook simplifies the framework to a four-field matrix, eliminating the phase distinctions for the coercive dimension.

The 2012 version of the framework was only designed for private (company-based) forced labor. The Handbook now adds sections and indicators for state-imposed forced labor (SIFL) for each of the three employment cycle phases both for involuntariness and for the menace of penalty (coercion) dimension. This addition is crucial. However, the new framework imposes an unnecessary limitation by restricting SIFL indicators to particular forms of state-imposed forced labor, forms that differ for each phase. For example, indicators linked to prison labor are relegated to the second phase (“employment”), while those linked to forced labor mobilization for economic development—the type of forced labor affecting Uyghurs and Tibetans—are limited to the first phase (“recruitment”). While forced labor transfers are best measured at the recruitment stage, Xinjiang is now enforcing Uyghur work quotas by preventing them from leaving work, using mechanisms such as the new Unemployment Monitoring and Early Warning system (China Brief, June 5, 2022).¹⁰⁴ The association of employment cycle phases to particular forms of state-imposed forced labor therefore imposes an unnecessary

¹⁰²<https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>

¹⁰³ China Brief (2021) <https://jamestown.org/product/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>; CPCS (2023) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4439694

¹⁰⁴<https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>

restriction. The coercive dimension adds indicators that are essential for capturing forced labor from coercive labor transfers in Xinjiang and Tibet, namely the imposition of punishments such as detention or imprisonment for refusing state-assigned work.

The New Section on State-Imposed Forced Labor

The Handbook’s most important improvement is the addition of a 23-page section on state-imposed forced labor (section 9). After defining the aspects of state-imposed forced labor following ILO Convention 105, section 9 presents a crucial innovation—a section titled “General research considerations.” This section notes that:

In contrast to most forms of forced labour, state-imposed forced labour operates through a pervasively coercive wider social context marked by a general lack of civic freedoms and a state apparatus that generates powerful coercive pressures through an extensive grassroots apparatus consisting of state and non-state institutions. Non-cooperation entails a systemic risk that is often more implicit than overt (p.149).

This conceptual framing of state-imposed forced labor, adopted from the author’s recent research, encapsulates why forced labor is difficult to conceptualize and even harder to measure (Journal of Human Trafficking, 2023, p.21-22).¹⁰⁵ By making this a research consideration for all forms of state-imposed forced labor, the ILO ensures that the elusive character of this unique form of forced labor—ubiquitous in Poverty Alleviation through Labor Transfer policies in Xinjiang and Tibet—receives due attention (Central Asian Survey, 2023).¹⁰⁶

The section then continues to list several considerations for research on what it refers to as “non-internment state-imposed forms of forced labor,” a phrase based on one coined by the author to capture the nature of Xinjiang’s forced labor transfers (Journal of Human Trafficking, 2023).¹⁰⁷ Perhaps the most important of these considerations is that this form of forced labor may be measured by assessing “evidence of a state policy” linked to coerced work (p.150; Journal of Human Trafficking, 2023, p.22).¹⁰⁸ In the absence of direct witness testimony or the ability to conduct on-site research in regions such as Xinjiang or Tibet, policy analysis is the only way to demonstrate the existence of coercive labor practices and is how the first systematic research demonstrating the existence of Uyghur forced labor was conducted (Journal of Political Risk, 2019).¹⁰⁹ In addition, the Handbook agrees with the author’s conclusion that non-internment state-imposed forced labor is best assessed during mobilization, given that coercion may be much less visible at workplaces (p.150; Journal of Human Trafficking, 2023, p.22).¹¹⁰

The Handbook notes that political aims may motivate forced labor policies, as is primarily the case in Xinjiang and Tibet. When reviewing the 2012 Survey Guidelines, the author had noted that the ILO’s measurement frameworks were mainly geared toward capturing

¹⁰⁵ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

¹⁰⁶ <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>

¹⁰⁷ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

¹⁰⁸ *ibid.*

¹⁰⁹ <https://www.jpolrisk.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/>

¹¹⁰ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

forced labor motivated by economic exploitation, which is the most common motivation for coerced work. The Handbook takes this critique into account, which the author had also voiced in encounters with ILO officials. It now states that state-imposed forced labor may be assessed through:

evidence of a state policy that instrumentalizes employment or work for political objectives such as aligning political views with those of the established political, social or economic system, altering the population composition in particular areas or enhancing national security.

Especially noteworthy is the reference to “altering the population composition.” This refers to state policies to “optimize” ethnic population ratios, especially in southern Xinjiang’s Uyghur heartland by ending the “dominance” of Uyghur population groups and increasing numbers of Han Chinese settlers (Central Asian Survey, 2021).¹¹¹ In 2017, the central government mandated an increase in southern Xinjiang’s settler population by 300,000 by 2022, a strategy that largely relied on attracting Han Chinese from other parts of the PRC through promises of free land, housing, education, and government jobs (China Brief, March, 2021).¹¹² PRC scholar-officials have confirmed that labor transfers to other regions in Xinjiang or to other PRC provinces serve to reduce the density of concentrated Uyghur populations (China Brief, March, 2021).¹¹³ Recent research has found that transfers to other provinces were set to increase by 38 percent in 2023 (China Brief, February 14).¹¹⁴ In conversations, ILO officials had cited the author’s article in Central Asian Survey (2021)¹¹⁵ as an example of how labor transfers directly relate to other aspects of the atrocity. The inclusion of this observation in the Handbook is very significant, as it points to major non-economic reasons for Xinjiang’s forced labor systems, and to ways in which state-imposed forced labor can reinforce other oppressive policies.

Implications for the Proposed EU Forced Labor Ban

Non-internment state-imposed forced labor mobilization is especially challenging to conceptualize and evaluate. The 2024 Handbook accounts for these difficulties in the “General research considerations” for assessing this type of forced labor, which provide crucial context in line with the unique properties of coercive labor transfers. Of particular significance is the statement that “non-internment state-imposed forms of forced labour ... [are] more readily assessed as a systemic risk than a specific instance, given that this form of forced labour creates an environment that renders its victims much less likely to speak freely” (p.150; compare Journal of Human Trafficking, 2023, p.21).¹¹⁶

This research guidance directly suggests that this form of coerced work creates a society-wide systemic risk. This framing, which the ILO adopted from the author’s work, effectively means that the burden of proof of forced labor rests on those who participate in the affected economic system or are connected to it through their supply chains.

¹¹¹ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3862512

¹¹² <https://jamestown.org/product/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>

¹¹³ <https://jamestown.org/product/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>

¹¹⁴ <https://jamestown.org/program/forced-labor-in-the-xinjiang-uyghur-autonomous-region-assessing-the-continuation-of-coercive-labor-transfers-in-2023-and-early-2024/>

¹¹⁵ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3862512

¹¹⁶ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

This could have interesting implications for the European Union’s forced labor regulation. The version of this regulation proposed by the European Parliament contained a crucial provision to reverse the burden of proof of the existence of forced labor, shifting it from the authorities to the importing entities, akin to the US Uyghur Forced Labor Prevention Act or UFLPA (European Parliament, 2023).¹¹⁷ This reversal is essential for capturing goods made in the context of state-imposed forced labor, as without it, any legislation would result in severe underenforcement (Journal of Human Trafficking, 2023).¹¹⁸ However, during the negotiations between the Parliament and the Council, this crucial provision was removed, in line with the version adopted by the Council which privileged the economic interests of member states (European Council, March 5, 2024; European Council, March 13).¹¹⁹ As a result, it is unlikely that the new measure can effectively counter Uyghur forced labor (UCANews, March 6).¹²⁰ The 2024 Handbook could play a major role here. To trigger new investigations into suspected forced labor cases, the proposed legislation already suggests a so-called “risk-based approach.” This is centered around a database of known cases of forced labor, or in the case of state-imposed forced labor, of affected regions or sectors. It uses “substantiated concern” as the evidentiary threshold (European Council, March 13; Crowell, March 26).¹²¹ However, in the course of such investigations the burden of proof remains on the investigating “competent authority,” in contrast to the UFLPA (European Council, accessed April 17).¹²²

Under section 47, the agreed version of the legislation text states:

Where in response to a request for information from a lead competent authority, an economic operator or a public authority refuses or fails, without a valid justification, to provide information requested, provides incomplete or incorrect information with the objective of blocking the investigation, provides misleading information or otherwise impedes the investigation, including when a risk of forced labour imposed by state authorities is identified, the lead competent authority should be able to establish that the prohibition has been violated on the basis of any other relevant and verifiable information gathered during the preliminary phase of the investigation and the investigation (European Council, March 13, p.25).¹²³

Without free and unfettered access to Xinjiang’s factories and affected Uyghur workers, the Commission’s ability to demonstrate forced labor is severely limited. This is where the new ILO Handbook becomes relevant. By arguing that specific instances of forced labor in state-imposed contexts cannot be reliably measured because of the very nature of this type of coerced work, the

¹¹⁷ <https://www.europarl.europa.eu/legislative-train/theme-an-economy-that-works-for-people/file-forced-labour-product-ban>

¹¹⁸ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

¹¹⁹ After the Council approved the new text in March, the Parliament is scheduled to vote on it on April 22 (European Parliament, 2024). European Council (March 5) <https://www.consilium.europa.eu/en/press/press-releases/2024/03/05/council-and-parliament-strike-a-deal-to-ban-products-made-with-forced-labour/>; (March 13)

<https://data.consilium.europa.eu/doc/document/ST-7542-2024-INIT/en/pdf>

¹²⁰ <https://www.ucanews.com/news/us-expert-criticizes-eu-ban-on-goods-made-by-uyghur-forced-labor/104356>

¹²¹ European Council <https://data.consilium.europa.eu/doc/document/ST-7542-2024-INIT/en/pdf>; Crowell

<https://www.crowell.com/en/insights/client-alerts/the-eu-forced-labor-regulation-a-legal-breakdown>

¹²² <https://www.consilium.europa.eu/en/policies/forced-labour-products/#:~:text=On%20March%202024%2C%20the%20investigation%20and%20decision%20making%20process.>

¹²³ <https://data.consilium.europa.eu/doc/document/ST-7542-2024-INIT/en/pdf>

Handbook’s “General research considerations” provide further authoritative guidance for the interpretation of this crucial section of the legislation, which has tied itself to ILO standards that the Handbook operationalizes. Specifically, the EU’s investigating authority could easily interpret section 47 in tandem with the new ILO Handbook to argue that the presence of forced labor is established by the existence of a relevant state policy, its enforcement on the ground, and the general inability to assess specific instances of forced labor, as outlined in the Handbook’s “General research considerations.” Even though this would not reverse the burden of proof, the investigating authority could then determine the presence of forced labor simply based on (1) a relevant database entry that documents the prevalence of forced labor in Xinjiang based on existing research reports, and (2) a demonstrated connection of an imported good with supply chains linked to Xinjiang.

In so doing, the EU forced labor ban could operate in a more similar fashion to the UFLPA in regard to Xinjiang (although in contrast to the UFLPA, it lacks a preventive detention mechanism). Europe could then potentially avoid its current fate of being a dumping ground for goods made with forced labor from Xinjiang (SCMP, March 21).¹²⁴

5.0 The Involvement and Complicity of Volkswagen and BASF in Xinjiang

SAIC-Volkswagen’s Links to Forced Labor Risks

Research¹²⁵ obtained by the author and published¹²⁶ by Germany’s Handelsblatt¹²⁷ shows that the SAIC-Volkswagen test track in Xinjiang’s Turpan was built by a subsidiary¹²⁸ of the China Railway Engineering Corporation (CREC)¹²⁹ using transferred Uyghur surplus laborers.¹³⁰

The entity overseeing the construction, the Xinjiang Test Track Project¹³¹, was involved in village work teams¹³² monitoring Uyghur families, arranging “ethnic unity¹³³” activities associated with Beijing’s campaign of forced assimilation, and facilitating the transfer¹³⁴ of Uyghur surplus laborers. CREC reports state openly that the project itself employed¹³⁵ transferred Uyghur surplus laborers¹³⁶ during the peak of the mass internments in 2017 and 2018. Chinese media websites published photos¹³⁷ showing Uyghur laborers employed by the project in military drill uniforms with the red flowers characteristic of most coercive labor transfers (the state uses military drilling to enhance “discipline” and “obedience” among transferred Uyghur

¹²⁴<https://www.scmp.com/news/china/article/3256144/eu-sees-200-surge-imports-chinas-xinjiang-region-despite-human-rights-concerns>

¹²⁵<https://twitter.com/adrianzenz/status/1757605974419075362>

¹²⁶<https://www.rfa.org/english/news/uyghur/vw-uyghur-labor-02142024234503.html>

¹²⁷<https://www.handelsblatt.com/unternehmen/industrie/autokonzern-neue-vorwuerfe-gegen-vw-in-xinjiang/100014434.html>

¹²⁸<https://archive.is/GuByO>

¹²⁹<http://www.crec4.com/>

¹³⁰<https://www.rfa.org/english/news/uyghur/vw-uyghur-labor-02142024234503.html>

¹³¹<https://web.archive.org/web/20240423222354/http://one.crec4.com/content-3281-10930-1.html?WebShieldDRSessionVerify=70ZAMVptMVD3obO9XinU>

¹³²<https://archive.is/DfxcE>

¹³³<https://web.archive.org/web/20211026151100/http://gh.crec4.com/content-713-5898-1.html>

¹³⁴<https://archive.is/DfxcE>

¹³⁵<https://archive.is/g9mTS>

¹³⁶<https://archive.is/HPZDR>

¹³⁷<https://archive.is/s9jIR#selection-812.0-823.18>

workers). The photo caption states: “The SAIC Volkswagen and CREC 4th Bureau Xinjiang Test Track Project jointly recruits Uyghur and other ethnic minority workers to work in the project.”



Image of transferred ethnic laborers as part of CREC’s Xinjiang Test Project. Caption text: “上汽大众汽车有限公司与中铁四局一公司新疆试车场项目部联合招收维吾尔等少数民族工人到项目部工作。” Source: <https://archive.is/s9jIR#selection-850.0-861.18>

A reasonable assessment of forced labor risk in Xinjiang requires a thorough review of the entire social grassroots context in which companies operate, specifically the “non-internment state-imposed forced labor mobilization” dynamic that drives Uyghur labor transfers. The Volkswagen “audit” conducted by Löning did not assess this context and therefore failed to evaluate the relevant circumstances under which the Turpan test track was constructed.

Aside from exposure to the labor transfer system, Volkswagen is also at risk of being linked to Xinjiang’s separate camp-linked¹³⁸ forced labor system. Data from the Xinjiang Police Files¹³⁹—a trove of confidential documents hacked¹⁴⁰ from Chinese police computers, on which analysis was published by the Victims of Communism Memorial Foundation in May 2022 in collaboration with a media consortium of 14 leading outlets including the BBC—shows that detained Uyghurs were immediately placed into vocational training, including in educational institutions that state on their websites that they train their students directly for work in companies that include Volkswagen. The Xinjiang Light Industry Technical College in Urumqi reported¹⁴¹ a collaboration¹⁴² with the carmaker’s factory, and stated in 2019 that Volkswagen

¹³⁸ <https://www.journals.uchicago.edu/doi/abs/10.1086/725494>

¹³⁹ <https://www.xinjiangpolicefiles.org/>

¹⁴⁰ <https://doi.org/10.25365/jeacs.2022.3.zenz>

¹⁴¹ https://web.archive.org/web/20231113005702/https://www.xjqg.edu.cn/xjqg/xjqg1/dj_detail.php?ssid=79&sid=21&id=8569

¹⁴² <https://www.sueddeutsche.de/wirtschaft/vw-china-vorwurf-zwangsarbeit-1.6316708?reduced=true>

participated¹⁴³ in a college job fair. At least one Uyghur, Adiljan Hashim, was placed from a reeducation camp into this institution, according to police records contained in the Xinjiang Police Files. The region's white paper¹⁴⁴ on the camps states that detainees are trained in automotive maintenance and repair. Hashim and other cases demonstrate¹⁴⁵ the clear possibility¹⁴⁶ that Volkswagen could have hired Uyghurs who were interned in a reeducation camp, although Beijing's information controls and barring of access to the region by independent observers in Xinjiang renders it impossible to obtain direct evidence for such hires.

BASF's Joint Venture Partner Markor's Connections to the Atrocities

Research¹⁴⁷ obtained by the author and published¹⁴⁸ by Germany's Der Spiegel¹⁴⁹ and ZDF¹⁵⁰ (national television) shows that BASF's joint venture partner in Xinjiang, Xinjiang Markor Chemical Industry, participated in village-based work teams that entered and spied on ethnic households.

Reports published by BASF's Markor on its company website describe staff joining state work teams, entering ethnic villages to eat, sleep, "control," and "enter" targeted households at night, a practice associated with Beijing's systems of forced assimilation of ethnic minorities. Together with Markor Chemical, BASF operates two joint ventures¹⁵¹ in the region: BASF Markor Chemical Manufacturing (Xinjiang) Co., Ltd. and Markor Meiou Chemical (Xinjiang) Co., Ltd.

In February 2018, Markor work teams joined state officials in being "deeply embedded" in a village to "control" 24 "focus households." Having received a "command" from the Qiemo county party committee at midnight, the teams made "focused preparations" to "enter homes at night" (夜间入户).

Witness accounts confirm that groups of state officials accompanied by police would enter homes at night to make arrests during the mass internment campaign. A 2015 document from the Xinjiang Police Files states that "nightly home visits" (夜间入户走访) must involve at least two assistance police officers and five people's militia (民兵). A corroborating public report by the China Industry Federation says that in February 2018, Markor "work teams" became "immersed" in ethnic villages, "eating, sleeping, working and studying with villagers," and joining village flag-raising ceremonies. Villagers who failed to attend these ceremonies were targeted for re-education detention.

State media and Markor reports show that throughout the mass internments and until at least 2022, Markor work teams promoted state policies through home visits, as well as "ethnic unity" and "poverty alleviation" activities. Markor's factory complex received visits by "paired

¹⁴³ http://web.archive.org/web/20231110163602/https://www.xjqq.edu.cn/xjqq/xjqq1/dj_detail.php?ssid=24&sid=97&id=8446

¹⁴⁴ https://web.archive.org/web/20190824064427/http://english.www.gov.cn/archive/whitepaper/201908/17/content_WS5d57573cc6d0c6695ff7ed6c.html

¹⁴⁵ <https://www.jpolarisk.com/karakax/>

¹⁴⁶ <https://apnews.com/article/china-volkswagen-xinjiang-uyghur-forced-labor-c505dac48bebe92b6f792bafdaae61f9>

¹⁴⁷ <https://twitter.com/adrianzenz/status/1753444974807708076>

¹⁴⁸ <https://www.theguardian.com/world/2024/feb/06/german-firm-basf-urged-to-quit-xinjiang-over-gross-abuses-of-uyghurs>

¹⁴⁹ <https://archive.is/pk9Uc>

¹⁵⁰ <https://www.zdf.de/nachrichten/wirtschaft/unternehmen/basf-uyghuren-xinjiang-china-100.html>

¹⁵¹ <https://www.basf.com/global/en/who-we-are/sustainability/we-produce-safely-and-efficiently/audits/xinjiang.html#:~:text=The%20situation%20in%20the%20Xinjiang,in%20the%20two%20joint%20ventures.>

relatives," a policy that coercively pairs Han Chinese to ethnic families to surveil and indoctrinate them.

Markor's close involvement in enforcing repressive and assimilatory state policies is unsurprising as its parent company, Zhongtai, is deeply implicated in state activities in Xinjiang, including mass Uyghur forced labor. Zhongtai was sanctioned by the U.S. government in September 2023.

Following the revelations, BASF announced¹⁵² that it would sell its joint venture stake and withdraw from Xinjiang. However, serious questions remain as to why the company (1) did not carefully investigate the activities of its joint venture partner much earlier, and (2) why it did not choose to withdraw from the region following detailed reports of the various atrocities in 2019 and 2020. In November 2023, BASF stated¹⁵³ that it was in "concrete discussions" with a "reputable" auditing firm to renew its Xinjiang joint venture audit in 2024, after having conducted previous audits¹⁵⁴ in 2019 and 2023. The company asserted¹⁵⁵ that:

The situation in the Xinjiang region has always been part of BASF's overall assessment of its joint ventures in Korla. Regular due diligence measures including internal and external audits have not found any evidence of human rights violations in the two joint ventures.

While the details of the circumstances of these attempted audits are unknown, it is evident that such exercises cannot prove the absence of forced labor and related contextual risks. In April 2023, Germany's Association of Critical Shareholders stated¹⁵⁶:

BASF operates two joint ventures with Chinese companies in the city of Korla. Although BASF assures that there will be no forced labor there, such a guarantee simply cannot be credibly given for partner companies or suppliers. The Ethical Trading Initiative (ETI) rules out an independent review of working conditions due to widespread repression. German audit companies such as TÜV Süd have also withdrawn from the region in 2020 because workers cannot speak freely about the human rights situation. It is therefore questionable how BASF intends to rule out the possibility that no human rights violations are committed in the value chain of its joint ventures in Korla. We therefore cannot understand how BASF can sufficiently comply with the requirements of the Supply Chain Due Diligence Act (LkSG).

¹⁵²<https://web.archive.org/web/20240404075857/https://www.nytimes.com/2024/02/18/business/volkswagen-basf-xinjiang-china.html>

¹⁵³<https://archive.is/t0fJN>

¹⁵⁴<https://www.basf.com/us/en/who-we-are/sustainability/we-source-responsibly/marikana1.html#:~:text=After%20previous%20audits%20in%202019,joint%20venture%20audit%20in%202024.>

¹⁵⁵<https://www.basf.com/global/en/who-we-are/sustainability/we-produce-safely-and-efficiently/audits/xinjiang.html#:~:text=The%20situation%20in%20the%20Xinjiang,in%20the%20two%20joint%20ventures.>

¹⁵⁶<https://www.kritischeaktionare.de/en/basf-se/completely-inadequate-consequences-of-forced-labour-risks-in-china-our-countermeasures/>

It is concerning that BASF decided to withdraw from the region only after direct evidence was published implicating its joint venture partner in the atrocities, and following significant political pressure after dozens of lawmakers from the Inter-Parliamentary Alliance on China (IPAC) sent a letter¹⁵⁷ to BASF's CEO Dr. Brudermüller demanding the company's full withdrawal from Xinjiang.

Despite evidence of having been implicated in forced labor, Volkswagen has merely stated¹⁵⁸ that it is “in talks” about the “future” of its Xinjiang site. As of April 23, 2024, more than two months after the revelations, Volkswagen has issued no further statement on the matter. The fact that following the Löning audit-washing exercise (detailed in section 6.0), global index provider MSCI removed¹⁵⁹ Volkswagen's ESG red flag¹⁶⁰ notice, declaring the company once again fully investible from a social, environmental and ethical perspective, means that the company can continue to operate with impunity in a region that is actively perpetrating mass atrocities. Volkswagen's ethically questionable approach is supported by audit-washing practices and the irresponsible behavior of index providers such as MSCI. This issue warrants urgent further investigation into the Löning audit and into MSCI's methodology and processes for verifying the absence of ESG-related red flags.

6.0 Audit-Washing: The Löning Audit of the SAIC-Volkswagen Factory in Urumqi

In June¹⁶¹ 2023, Volkswagen announced an independent audit of its much-criticized joint venture factory in Urumqi. On December 5, 2023, the company announced the results. The report absolved the firm from exposure to any form of forced labor, and Volkswagen reported¹⁶² “no indication of any human rights violations or wider issues around working conditions.”

But immediately after the report was issued, the staff¹⁶³ of the auditing firm went into revolt¹⁶⁴, disavowing any connection to the report. Scrutiny is now focused on the audit's methods, its lack of transparency, and on the person behind the audit: the firm's managing director, Markus Löning, whose most recent statements have all but invalidated the audit's central claims. This in addition to the new findings detailed above, that directly implicate Volkswagen in forced Uyghur labor, showing that the SAIC-Volkswagen test track in Xinjiang was built by a Chinese state-owned enterprise using Uyghur workers employed through the region's highly coercive labor transfer program.

Experts and activists have long warned that credible audits in Xinjiang are impossible. A growing body of scholarly research¹⁶⁵ shows that Xinjiang operates the largest system of state-

¹⁵⁷<https://ipac.global/wp-content/uploads/2024/02/Letter-to-Mr-Brandmuller-regarding-BASF-complicity-in-human-rights-abuse.pdf>

¹⁵⁸<https://www.reuters.com/business/autos-transportation/volkswagen-talks-with-jv-partner-over-future-business-activities-xinjiang-china-2024-02-14/>

¹⁵⁹<https://www.reuters.com/business/autos-transportation/volkswagen-sheds-red-flag-rating-index-provider-msci-after-xinjiang-site-audit-2023-12-14/>

¹⁶⁰<https://europe.autonews.com/automakers/vw-under-fire-amid-allegations-chinas-human-rights-abuses>

¹⁶¹<https://www.ft.com/content/5abdf31a-003-4f83-bb93-bb435541d92e>

¹⁶²<https://www.volkswagen-group.com/en/esg-controversies-15846>

¹⁶³<https://www.reuters.com/business/autos-transportation/auditing-firm-distances-itself-duos-work-vws-china-plant-2023-12-13/>

¹⁶⁴<https://www.ft.com/content/46b37a15-054e-4d40-b42b-f31a0e3a07c3>

¹⁶⁵<https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>

imposed forced labor¹⁶⁶ in the world today, affecting more than 2 million¹⁶⁷ Uyghurs and members of other ethnic groups.

The region's SAIC-Volkswagen joint venture factory was established in 2013 for political¹⁶⁸ rather than economic reasons. Back then, according to consultant Jochen Siebert, an expert on the Chinese-German auto industry, the Chinese state gave Volkswagen a choice¹⁶⁹: “Do you want [government] approval for other planned factories...?” If the answer was going to be “yes,” the company also had to build one in Urumqi. Volkswagen denies this allegation, but its representatives have told¹⁷⁰ German media that political motivations did play a role. Volkswagen says that the factory currently only handles¹⁷¹ technical commissioning and deliveries.

The factory's audit ostensibly followed the international SA8000 standard¹⁷², which seeks to assess child and forced labor, health and safety, freedom of association, discrimination, physical or psychological punishment, working hours, and incomes. That sounds impressive—until one realizes that no visible sign of coercion was ever likely to be found at the factory. Coercion occurs primarily¹⁷³ during the recruitment, training, and transfer processes, and is often less visible at workplaces.

The audit was performed¹⁷⁴ by Löning Human Rights and Responsible Business, an entity founded by Markus Löning¹⁷⁵, a former member of the German parliament who also served as Germany's human rights commissioner between 2010 and 2013. However, neither Volkswagen nor Löning published an actual audit report. The company merely posted an unsigned¹⁷⁶ document containing quotes by Markus Löning, without his signature or company letterhead—as though he had undertaken the work independently of his firm. This was accompanied by a short Volkswagen statement¹⁷⁷.

The reason for this awkward presentation of audit results soon became clear. In a stunning turn of events, on December 7, 2023, the Löning company posted¹⁷⁸ a statement on its LinkedIn account which appeared to distance its entire staff from the whole audit exercise. The statement noted that besides Mr. Löning and Christian Ewert¹⁷⁹, the senior strategy advisor at Löning who oversaw¹⁸⁰ the audit, “no other team member from Löning participated in, supported or backed this project.”

¹⁶⁶ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366?scroll=top&needAccess=true>

¹⁶⁷ <https://jamestown.org/program/unemployment-monitoring-and-early-warning-new-trends-in-xinjiangs-coercive-labor-placement-systems/>

¹⁶⁸ <https://www.bbc.com/news/world-asia-china-54918309>

¹⁶⁹ <https://www.sueddeutsche.de/wirtschaft/report-nichts-ist-gut-1.3727046>

¹⁷⁰ <https://taz.de/Zwangsarbeitsvorwuerfe-gegen-Volkswagen/!5976436/>

¹⁷¹ <https://www.reuters.com/business/autos-transportation/volkswagen-audit-xinjiang-site-found-no-signs-forced-labour-2023-12-05/>

¹⁷² <https://sa-intl.org/resources/sa8000-standard/>

¹⁷³ <https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>

¹⁷⁴ <https://loening.org/>

¹⁷⁵ <https://loening.org/team/markus-loening/>

¹⁷⁶ <https://web.archive.org/web/20231213201811/https://www.volkswagen-group.com/en/publications/more/quotes-markus-loening-founder-and-managing-director-of-loening-human-rights-responsible-business-gmbh-2572/download?disposition=attachment>

¹⁷⁷ <https://web.archive.org/web/20231213223026/https://www.volkswagen-group.com/en/publications/more/management-summary-on-the-esg-audit-of-saic-volkswagen-xinjiang-automotive-company-limited-2573/download?disposition=attachment>

¹⁷⁸ https://web.archive.org/web/20231213221334/https://www.linkedin.com/posts/loening_statement-on-the-volkswagen-audit-at-the-activity-7138492238422073344-2wDZ/

¹⁷⁹ <https://loening.org/#team>

¹⁸⁰ <http://web.archive.org/web/20231214194905/https://www.linkedin.com/feed/update/urn:li:activity:7141129069131202561/>

Four senior employees added identical statements¹⁸¹ to further distance themselves: “I have not supported the acceptance of this project, nor have I been involved in it in any capacity.” Citing insiders, the *Financial Times* reported¹⁸² that this reflected “outrage among staff at the firm.” Some Volkswagen managers are similarly critical of the audit, complaining¹⁸³ that its “result ... had been fixed in advance.”

A review¹⁸⁴ of Löning’s staff webpage and changes in the LinkedIn Profiles of leading Löning staff members, including the senior employees who had further distanced themselves from the Löning audit effort, shows that between February and April 2024, at least seven staff members (nearly 30 percent of all listed employees) left the organization. Six of them had held senior positions.

The audit’s methodology raises significant questions about the findings’ validity and relevance. Volkswagen had disclosed¹⁸⁵ that the “actual audit” was conducted by two Chinese lawyers from an unnamed firm in Shenzhen, who were merely “accompanied on site” by Löning staff. Given that Chinese citizens are legally required¹⁸⁶ to support whatever the state defines to be a matter of national security, and that Chinese lawyers and labor auditors have faced targeted state harassment¹⁸⁷, the exercise cannot be taken to constitute an independent audit.

Löning’s LinkedIn post also acknowledged severe methodological limitations, conceding that “the challenges in collecting meaningful data for audits [in Xinjiang] are well known and are also present in this project.” Markus Löning’s comments to the *Financial Times* further suggest that his quotes as published by Volkswagen were misleading. In those quotes, Löning had claimed¹⁸⁸ that “we...conducted 40 interviews...” However, speaking to the *Financial Times*, he conceded¹⁸⁹ that the audit was mainly based on a “review of documentation...rather than interviews,” given that interviews could endanger staff. He added that “even if they would be aware of something, they cannot say that in an interview.”

Internal state documents confirm¹⁹⁰ that poverty alleviation and reeducation work is subject to strict requirements of secrecy¹⁹¹, meaning that Uyghurs cannot discuss their experiences in the camps or with state-mandated training and employment. This, of course, is why experts¹⁹² and reputable auditing firms¹⁹³ agree that audits in Xinjiang are both impractical¹⁹⁴ and unethical¹⁹⁵. Meanwhile, Volkswagen has confirmed¹⁹⁶ that the audit did not

¹⁸¹ <https://www.reuters.com/business/autos-transportation/auditing-firm-distances-itself-duos-work-vws-china-plant-2023-12-13/>

¹⁸² <https://www.ft.com/content/46b37a15-054e-4d40-b42b-f31a0e3a07c3>

¹⁸³ <https://www.handelsblatt.com/unternehmen/industrie/volkswagen-wegen-xinjiang-werk-in-der-kritik/100003715.html>

¹⁸⁴ This review was conducted by Campaign for Uyghurs (CFU). An archived version of Löning’s staff web page can be found at <https://archive.is/pbP7l>.

¹⁸⁵ <https://web.archive.org/web/20231213223026/https://www.volkswagen-group.com/en/publications/more/management-summary-on-the-esg-audit-of-saic-volkswagen-xinjiang-automotive-company-limited-2573/download?disposition=attachment>

¹⁸⁶ <https://thediplomat.com/2019/02/the-real-danger-of-chinas-national-intelligence-law/>

¹⁸⁷ <https://www.wsj.com/articles/china-closes-u-s-auditor-as-tensions-mount-over-forced-labor-allegations-11629390253>

¹⁸⁸ <https://web.archive.org/web/20231213201811/https://www.volkswagen-group.com/en/publications/more/quotes-markus-loning-founder-and-managing-director-of-loning-human-rights-responsible-business-gmbh-2572/download?disposition=attachment>

¹⁸⁹ <https://www.ft.com/content/46b37a15-054e-4d40-b42b-f31a0e3a07c3>

¹⁹⁰ <https://www.xinjiangpolicefiles.org/files-related-to-forced-labor/>

¹⁹¹ <https://www.jpolarisk.com/wash-brains-cleanse-hearts/>

¹⁹² <https://chinadigitaltimes.net/2022/03/interview-laura-murphy-on-forced-labor-in-xinjiang/?amp>

¹⁹³ <https://www.wsj.com/articles/auditors-say-they-no-longer-will-inspect-labor-conditions-at-xinjiang-factories-11600697706>

¹⁹⁴ <https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/ASI-CC-EUFL-position-on-SIFL-in-the-EU-Forced-Labour-Regulation.pdf>

¹⁹⁵ <https://www.shu.ac.uk/-/media/home/research/helena-kennedy-centre/projects/pdfs/shu-hkc---unsp-call-for-input-forced-labor-in-ag-sector-final.pdf>

¹⁹⁶ <https://www.handelsblatt.com/unternehmen/industrie/volkswagen-wegen-xinjiang-werk-in-der-kritik/100003715.html>

even attempt to review staff résumés, meaning the company could not evaluate what Uyghur employees had gone through prior to joining Volkswagen.

Experts agree¹⁹⁷ that this type of forced labor cannot be assessed at workplaces¹⁹⁸: In places such as Xinjiang, it is “a practical impossibility for a business to undertake credible and effective due diligence,” according to a joint statement from three human rights advocacy groups.

In so many words, Markus Löning has effectively conceded these well-known facts. Taken together, his statements¹⁹⁹ acknowledge that the so-called audit he oversaw consisted of little more than a visual on-site inspection, combined with a review of staff work contracts and the past three years of salary payments. Such a review cannot identify state-led coercion: Even Xinjiang’s most blatantly coercive work policy documents state²⁰⁰ that Uyghurs sign²⁰¹ work contracts and receive wages for the state-assigned jobs that they are forced to accept. Documentary and witness evidence²⁰² shows that those who refused to “agree” to such assignments were detained in camps.

Markus Löning also stated²⁰³ that he and his colleagues “were unable to identify any special security measures,” a virtually meaningless assessment given that nearly all Chinese workplaces come with basic security features such as fences, surveillance cameras, and entry-exit checkpoints. He conceded that the so-called audit focused only on the plant’s 197 employees. This and his statements²⁰⁴ to the media suggest he was aware that systemic state coercion can only be measured outside the factory gates.

In addition, Volkswagen’s claim²⁰⁵ that the audit employed the “internationally renowned” SA8000 standard was later qualified²⁰⁶ by Löning’s staff, who noted that their firm is “not accredited to conduct SA8000 audits.” Löning is indeed not listed²⁰⁷ on the website of the firm that crafted the standard, Social Accountability International (SAI). Markus Löning subsequently conceded²⁰⁸ to the *Financial Times* that he had used the SA8000 standard only as a “framework” for data collection. However, SAI itself has classified²⁰⁹ Xinjiang as a “high-risk location for the purposes of SA8000.”

Further evidence identified by the author in early 2024 (detailed in section 5.0) demonstrates that the SAIC-Volkswagen test track in Turpan, a Uyghur region, was built using transferred Uyghur surplus laborers at high risk of forced labor.

¹⁹⁷<https://enduyghurforcedlabour.org/wp-content/uploads/sites/44/ASI-CC-EUFL-position-on-SIFL-in-the-EU-Forced-Labour-Regulation.pdf>

¹⁹⁸<https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366>

¹⁹⁹<https://web.archive.org/web/20231213201811/https://www.volkswagen-group.com/en/publications/more/quotes-markus-loning-founder-and-managing-director-of-loning-human-rights-responsible-business-gmbh-2572/download?disposition=attachment>

²⁰⁰https://web.archive.org/web/20191212034310/http://www.mohrss.gov.cn/SYrlzyhshbzb/jiuye/gzdt/201903/t20190321_312709.html

²⁰¹https://web.archive.org/web/20231214175424/https://new.nrra.gov.cn/art/2020/9/14/art_304_183315.html

²⁰²<https://www.tandfonline.com/doi/full/10.1080/02634937.2023.2227225>

²⁰³<https://web.archive.org/web/20231213201811/https://www.volkswagen-group.com/en/publications/more/quotes-markus-loning-founder-and-managing-director-of-loning-human-rights-responsible-business-gmbh-2572/download?disposition=attachment>

²⁰⁴<https://www.ft.com/content/46b37a15-054e-4d40-b42b-f31a0e3a07c3>

²⁰⁵<https://web.archive.org/web/20231213223026/https://www.volkswagen-group.com/en/publications/more/management-summary-on-the-esg-audit-of-saic-volkswagen-xinjiang-automotive-company-limited-2573/download?disposition=attachment>

²⁰⁶<https://www.ft.com/content/46b37a15-054e-4d40-b42b-f31a0e3a07c3>

²⁰⁷<https://www.reuters.com/business/autos-transportation/volkswagen-audit-xinjiang-site-found-no-signs-forced-labour-2023-12-05/>

²⁰⁸<https://www.ft.com/content/46b37a15-054e-4d40-b42b-f31a0e3a07c3>

²⁰⁹<https://www.business-humanrights.org/en/latest-news/social-accountability-international-responded/>

Experts have noted²¹⁰ that “a poorly designed or executed audit is at best meaningless and at worst even excuses harms that the audits claim to mitigate.” Volkswagen’s audit strategy appears designed to exploit the fact that no visible signs of forced labor were ever likely to emerge at its facility in Urumqi. Their absence is therefore, practically speaking, irrelevant²¹¹ for forced labor assessments. By creating the appearance of a genuine audit while measuring factors that cannot detect systemic state coercion in the first place, the Volkswagen-Löning effort is a paradigmatic example of audit-washing.

7.0 The Continued Risks of International Companies’ Exposure to Uyghur Forced Labor

The Context: Soaring Foreign Exports from Southern Xinjiang

Uyghur forced labor taints global supply chains largely indirectly, through links to supply chains throughout China and neighboring Asian countries, allowing Xinjiang’s direct foreign trade to experience dramatic growth despite nominal forced labor bans by countries including the US. Much of this growth is driven by the Uyghur heartland regions in southern Xinjiang and linked to labor-intensive products, the types of goods most at risk of forced labor. This means that many products made with forced labor are likely to enter global supply chains in indirect ways, in violation of national and international forced labor policies and legislation.

In 2021, Xinjiang’s direct trade with other countries increased 5.8%. This occurred despite the US government’s ban²¹² on Xinjiang cotton in January 2021 after reports²¹³ of mass forced labor in its cotton-picking apparatus. Of the total export value, 51.4% came from labor-intensive products that are among those most likely to involve Uyghur forced labor, especially textile and garment production (Urumqi Customs, 2021).²¹⁴

In 2022, Xinjiang’s direct trade increased 10-fold, rising by an impressive 57%, the fastest growth rate of any Chinese province or region that year.²¹⁵ Some 85% of this trade consisted of labor-intensive products linked to high forced labor risk. In January-September 2023, Xinjiang’s trade increased by 47% and its exports by 49%. Exports of labor-intensive products grew by over 50%, while exports of solar cells, lithium batteries, and electric passenger vehicle components grew by 61%.²¹⁶

Despite demonstrated prevalence of forced labor, trade growth was driven especially by increases in southern Xinjiang’s Uyghur regions, whose share of Xinjiang’s foreign trade rose from 21.7% in 2021 to 26.6% in 2022, then further to 30.5% in the first 8 months of 2023, boosted

²¹⁰ <https://www.gmfus.org/news/ai-audit-washing-and-accountability>

²¹¹ <https://www.tandfonline.com/doi/full/10.1080/23322705.2023.2270366?scroll=top&needAccess=true>

²¹² <https://www.cbp.gov/newsroom/national-media-release/cbp-issues-region-wide-withhold-release-order-products-made-slave>

²¹³ <https://newlinesinstitute.org/rules-based-international-order/genocide/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/>

²¹⁴ “2021 Nian Xinjiang waimao jin chukou tongbi zengzhang 5.8% shixian “shisiwu” lianghao kaiju,” n.d.

http://www.customs.gov.cn/urumqi_customs/556675/556651/556655/556657/4150606/2022012810501734456.doc.

²¹⁵ Chen Qiangwei. (2022) “2022 Nian Xinjiang waimao jin chukou zong zhi shou po 2400yi yuan.” Xinjiang Daily. 17 January.

https://web.archive.org/web/20230502221301/http://xj.news.cn/2023-01/17/c_1129293626.htm

²¹⁶ Xinyu, W. (2023). “Shouci tupo 2500yi yuan! Qian san jidu Xinjiang waimao chuang lishi xingao.” Altxw.com. 21 October.

https://web.archive.org/web/20231117134554/http://www.altxw.com/yw/202310/t20231021_16820877.html. Xiaoli, L. (2023).

“Qian 8 yue Xinjiang waimao jin chukou zong zhi zengzhang yu wu cheng.” Tianshan Net. 11 October.

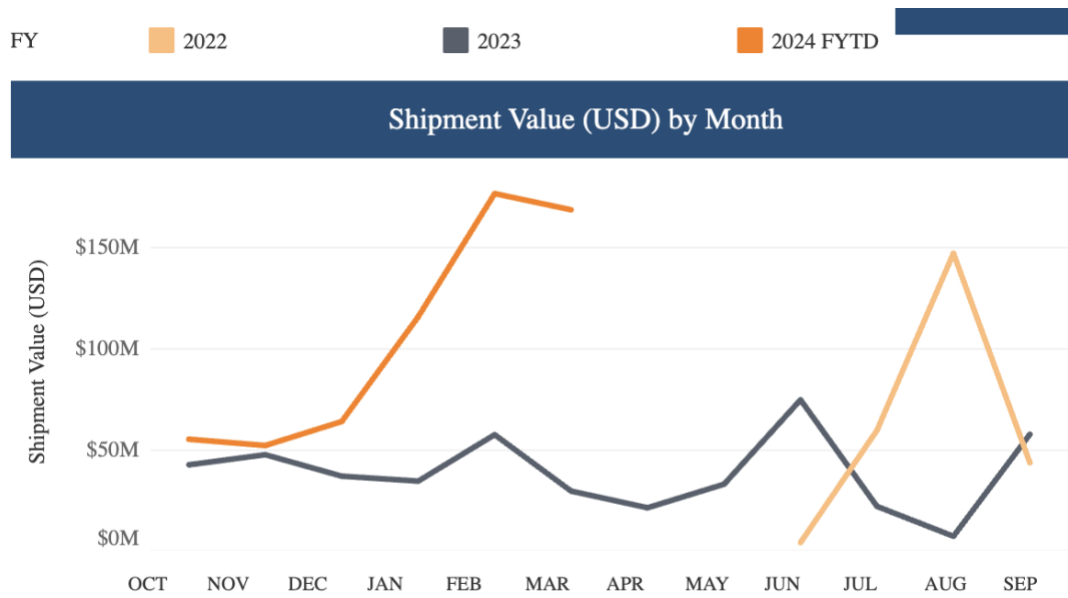
https://web.archive.org/web/20231113163440/https://www.ts.cn/xwzx/jjxw/202310/t20231011_16581203.shtml.

by high growth in the Kashgar special economic zone and by targeted state efforts to increase southern Xinjiang’s foreign trade.²¹⁷ In the first four months of 2023, foreign trade grew fastest in Kashgar (123%), Hotan (123%) and Kizilzhu (140%), all regions with particularly high risk of Uyghur forced labor.²¹⁸

These increases can be linked to a policy re-orientation on economic growth and coercive development and poverty alleviation policies under Xinjiang’s Party Secretary Ma Xingrui, which involved intensified labor transfer mandates and numbers.

Besides increased exports, southern Xinjiang’s increased trade shares are also an indicator of drastic growth in local production for at least initial domestic use. This means that more products made with forced labor are entering global supply chains via Chinese domestic companies and their international trade partners, as well as through intermediary countries that obscure the Xinjiang origins of key raw materials or components.

Products made in whole or in part in Xinjiang are entering global supply chains through intermediary countries, in particular Vietnam, Malaysia, Thailand, and other Asian countries. Most shipments detained by Customs and Border Protection (CBP) under the Uyghur Forced Labor Prevention Act (UFLPA) were from one of these intermediary countries. The chart below, published by the CBP on its UFLPA dashboard²¹⁹, further demonstrates that the value of detained shipments with the status “pending” and “denied” has increased considerably since the beginning of 2024. Most of these products were in the “electronics” category, followed by “apparel, footwear, and textiles” and “industrial and manufacturing materials.”



Source: CBP UFLPA enforcement statistics (dashboard).

Several billion dollars worth of solar panels from China with links to Xinjiang have been shipped to the U.S. through India, obfuscating supply chains and potentially circumventing UFLPA regulations. India’s Waaree Energies Ltd has sent millions of panels to the US with components

²¹⁷ Ibid 145. Xiaoli, L. (2023).

²¹⁸ Yanan, L. (2023). “Qian 4 yue Xinjiang waimao jin chukou 949.5yi yuan tongbi zengzhang 82.7%.” Belt and Road Portal. May 17. <https://web.archive.org/web/20231113170231/https://www.yidaiyilu.gov.cn/p/318666.html>

²¹⁹ <https://www.cbp.gov/newsroom/stats/trade/uyghur-forced-labor-prevention-act-statistics>, accessed 4/25/2024.

from Chinese company Longi Green Energy Technology, whose products were repeatedly denied entry to the US market over concerns about forced labor.²²⁰

A February 2024 report from Human Rights Watch (HRW) about forced labor and ethical risks related the global car industry's exposure to the PRC and Xinjiang points to a concerning risk of exposure and a worrying lack of ethical concern.²²¹ The report concludes:

Despite the risk of exposure to forced labor through Xinjiang's aluminum, some car manufacturers in China have succumbed to government pressure to apply weaker human rights and responsible sourcing standards at their Chinese joint ventures than in their global operations. Most companies have done too little to map their supply chains for aluminum parts and identify and address potential links to Xinjiang. Confronted with an opaque aluminum industry and the threat of Chinese government reprisals for investigating links to Xinjiang, carmakers in many cases remain unaware of the extent of their exposure to forced labor. (p.1)

As the HRW report noted, as evidence of their ethics compliance, carmakers often point to their collaboration with the Aluminum Stewardship Initiative (ASI), an audit program that assesses direct and indirect suppliers against social and environmental standards. However, ASI has given manufacturers of aluminum products in China a passing grade for their sourcing practices even where evidence suggests those companies may have sourced aluminum from Xinjiang (an example is China's Chalco Ruimin, which until 2022 received aluminum from Xinjiang Zhonghe, a supplier that stopped disclosing its downstream customers in 2023; p.84-85). Other Chinese aluminum suppliers did not respond to HRW questions about its supply chain relationships to Xinjiang, a typical transparency issue affecting PRC domestic supply chains.

As the HRW report also notes, car industry staff and sourcing experts conceded that the threat of Chinese government retaliation has deterred western companies from talking to China-based suppliers and joint ventures about potential links to Xinjiang (p.7-8). All of this suggests that many global companies are using auditing processes and related assertions about ethics standards in ways that can mask risks of exposure to Uyghur forced labor.

8.0 Recommendations for the U.S. Government to Ensure Accountability for International Firms and Combat Forced labor in the PRC

Given the demonstrated and pervasive state-imposed forced labor ongoing in Xinjiang, the only responsible choice for companies and investors is divestment and withdrawal.²²² Audits must only be used in responsible ways, with full acknowledgement of their limitations, and they must not be used in regard to supply chains that are directly implicated in Uyghur forced labor.

The U.S. State Department should regularly issue updated Xinjiang Supply Chain Business Advisories that are more specific in detailing supply chain risks, due diligence

²²⁰ <https://www.bloomberg.com/news/articles/2024-02-05/us-solar-boom-opens-indian-door-to-chinese-components-made-with-forced-labor>

²²¹ <https://www.hrw.org/report/2024/02/01/asleep-wheel/car-companies-complicity-forced-labor-china>

²²² See also the joint publication on investor guidance related to Uyghur forced labor published by Anti-Slavery International, the Investor Alliance for Human Rights, and Sheffield Hallam University: <https://www.antislavery.org/wp-content/uploads/2024/01/ASI-HCIJ-IAHR-Investor-Guidance.pdf>.

limitations, and known issues related to inadequate auditing schemes. Future advisories should reference, and incorporate where appropriate, the ILO's updated forced labor measurement guidelines²²³ and research considerations that present a more comprehensive picture of the risks associated with state-imposed forced labor.

The U.S. government (or Congress) should publish a detailed and publicly-available research report on the obstacles imposed by the Chinese government that inhibit the ability to conduct credible social audits in Xinjiang. Such reporting should uncover the full extent to which the PRC is actively obfuscating domestic supply chain relationships, preventing effective auditing efforts through threats and detentions, and incentivizing international companies to accept less-than-adequate audit procedures as part of their due diligence efforts. Related publications should expose the extent to which these actions enable Chinese and international companies to continue to sell into the United States products that are at risk of being made in whole or in part with Uyghur forced labor.

The U.S. Congress should conduct a detailed investigation of (1) relevant auditing practices, experiences, and standards of auditing firms used by US-based companies to assess forced labor risks in the PRC and the XUAR; and (2) the methodology used by global index providers such as MSCI, to assess the addition and removal of companies related to its ESG red flag notices, and in particular the method used to determine the removal of Volkswagen's red flag notice after the publication of the Löning audit statements. In the course of this investigation, Congress should obtain statements from auditing firms detailing their assessment of the ability to conduct credible social audits in Xinjiang, whether they would be willing to undertake such audits, and the conditions under which they would do so, and should require such statements to be made public. Auditing firms should submit written statements detailing the conceptual and practical limitations they see as inherent to conducting social audits in contexts of state-imposed forced labor. The resulting findings should be fed into public reports by the U.S. government or Congress on auditing conditions, such as the one proposed above. The investigation should involve public hearings involving MSCI, auditing firms, and companies with potential supply chain exposures Xinjiang, in order to raise public awareness of issues related to forced labor, social audits, and related ESG standards.

Congress should also conduct a hearing with representatives from Volkswagen, to investigate the circumstances of the audit of the SAIC-Volkswagen factory in Urumqi; clarify apparent contradictions between Volkswagen's initial statements about audit and subsequent qualifications made by Markus Löning and his team in media interviews and LinkedIn posts; the use of transferred Uyghur laborers to build the SAIC-Volkswagen test track in Turpan; and ethical questions surrounding its presence in the region.

Finally, Congress should enact legislation mandating that companies whose supply chains involve an elevated risk of being connected to products made in whole or in part with Uyghur forced labor to disclose their supply chains to the raw material level.

²²³ <https://www.ilo.org/publications/hard-see-harder-count-handbook-forced-labour-prevalence-surveys-third>

Appendix: List of Internal State Documents from Xinjiang on Forced Labor and Coercive Poverty Alleviation

Jinqi Tuopin. 2019. “Recent key tasks for poverty alleviation” / “Jinqi tuopin gongjian zhongdian gongzuo.” July 9. Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/recent-key-poverty-alleviation-work/>.

This 2019 document from Yarkand Government identifies shortcomings in poverty alleviation work, and mandates a set of rectification measures. This includes guidelines for responding to the most “difficult” members of the population, such as withholding subsistence allowances for individuals who repeatedly refuse to participate in poverty alleviation projects, mandating that all villages establish “love supermarkets” to improve inner motivation, and coercing elderly persons to participate in seasonal labor transfers, including picking cotton.

Kashgar Stability Maintenance Group. 2017. “Notice on Printing and Distributing “Work Guidelines for the Lawful Detention of 21 Types of Strike-Hard Focus Targets” / Guanyu yinfa “yifa shouya 21lei yanda zhongdian duixiang gongzuo zhinan” tongzhi.” 7 February. Xinjiang Police Files. <https://www.xinjiangpolicefiles.org/notice-on-printing-and-distributing-work-guidelines-for-the-lawful-detention-of-21-types-of-strike-hard-focus-targets-kashgar-2017/>.

This document outlines guidelines for detaining persons belonging to one of 21 types of target (focus) persons. They are to be subjected to “strike-hard detention,” which typically indicates a tougher form of detention than re-education. The 21 categories include a wide variety of individuals, including persons who photograph convenience police stations, fail to participate in government grassroots organizational arrangements, engage in various types of religious activities, or refuse to allow visits by government work teams.

“Kashgar Prefecture 2018-2020 “Targeted Poverty Alleviation Poor Households Information Collection Form” / “Kashi diqu 2018-2020 nian” n.d. Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/kashgar-prefecture-2018-2020-targeted-poverty-alleviation-poor-households-information-collection-form-2/>.

The Kashgar prefecture government issued this form to gather information about poor households and categorize them during the most intensive period of poverty alleviation from 2018 to 2020. The first section of the form requires basic information about any given household, indicating levels of poverty, resettlement or relocation status, and assistance measures. The second section of the form requires an explanation for the causes of poverty, including “a mindset of waiting, relying, wanting,” “religious influence,” and “low cultural level.” Subsequent sections outline prescribed countermeasures and forecasted future income.

Khotan County. 2018. “Summary of Social Poverty Alleviation Work in Ottur Eriq Village” / “Outula’airikecun shehui fupin gonguo zongjie.” December 5. Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/summary-of-social-poverty-alleviation-work-in-ottur-eriq->

[village/](#).

This 2018 document summarizes the work of the village-based work team from Khotan county No. 3 primary school. It outlines successes and areas for improvement. The document focuses heavily on the importance of helping locals develop strong Mandarin language skills, increase ideological work for farmers, cooperate with employment services to ‘guide’ surplus labor to join seasonal labor, and encourage teachers to enter the households to gather more information. Poor families were to be made aware of their deficiencies, subjected to strengthened “motivational education,” and households considered to be poor because of “laziness” were sent to dedicated “education” activities.

“List of “Lazy Persons” and “Drunkards” from Village No.7 in Yarkand County” / Qi cun shachexian. n.d. Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/list-of-lazy-persons-and-drunkards-from-village-no-7-in-yarkand-county/>.

This 2019 document issued by Yarkand County lists individuals identified as “lazy persons,” “drunkards,” and persons who do not participate in arranged activities.

Qiaolake. 2018. “Chipartopluk Village (Cholaq Terek Township) 2018 Work Summary and 2019 Work Ideas” / “Qiaolake tierke zhen qiba'er tuobuleige cun 2018nian gongzuo zongjie ji 2019nian gongzuo silu.” Xinjiang Police Files. <https://www.xinjiangpolicefiles.org/chipartopluk-village-cholaq-terek-township-2018-work-summary-and-2019-work-ideas/>.

This document outlines a range of government work achievements for 2018 and work priorities for 2019 for Chipartopluk village in Tekes County (Yili prefecture), related to poverty alleviation, grassroots party work, development and combating of “religious extremism”. Among a range of work targets for 2019, the state planned to round up “all women and other surplus laborers” – 500 persons from only 391 households – to work in neighboring cities.

“Yarkand County Poverty Alleviation [No. 9] Develop the Pigeon Meat Industry and Open Doors to Building Wealth” Shache County. 2019. “Shachexian tuopin gongjian.” June 18. Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/yarkand-county-poverty-alleviation-no-9-develop-the-pigeon-meat-industry-and-open-doors-to-building-wealth/>.

This classified document discusses industrial poverty alleviation as a fundamental mechanism for lifting ethnic and rural households from poverty. The document describes a farmers’ breeding cooperative which integrates centralized breeding of pigeon meat, geese, and other poultry as an example of industrial poverty alleviation. In explaining the success of poverty alleviation through this example, the document notes that shaming “lazy persons” is an important step to promoting people’s “inner motivation.”

Shache County. n.d. “Yarkand County Plan for Investigating Shortcomings in Assault-Style Poverty Alleviation in Townships and Counties” / “Tuopin gongjian duanban qingkuang modi fang’an.” November 8. Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/yarkand-county-plan-for-investigating-shortcomings-in-assault-style-poverty-alleviation-in-townships-and-counties/>.

This document mandates daily reporting of dozens of data points in order to identify shortcomings in township/village poverty alleviation work. This daily report template highlights the wide application of poverty alleviation requirements, including building love supermarkets and staffing village-based satellite factories with supervising officials.

Shufu County Commission. 2017. “Shufu County Disciplinary Inspection Commission Notice on the Problem of the Poor Implementation of Mass Work and Handling of this Situation” / “Guanyu dui luoshi qunzhong gongzuo.” Xinjiang Police Files. <https://www.xinjiangpolicefiles.org/shufu-county-disciplinary-inspection-commission-notice-on-the-problem-of-the-poor-implementation-of-mass-work-and-handling-of-this-situation>.

This Shufu County Disciplinary Inspection Commission notification lists 25 accountability issues identified by the Mass Work Supervision Team of the Autonomous Region, including cases of local corruption or malpractice. For example, in several townships in Konasheher county, officials “forced” Uyghur villagers to work in textile and satellite factories for minimal pay.

Shufu County. n.d. “Shufu County Plan for the Division of Roles to Implement the Feedback from the Autonomous Region’s Party Committee’s Eighth Inspection Group” / “Shufuxian luoshi zizhiqu dangwei di ba xunshi zu fankui yijian de zeren fenjie fang’an.” Xinjiang QQ Files. <https://www.xinjiangpolicefiles.org/shufu-county-plan-for-the-division-of-roles-to-implement-the-feedback-from-the-autonomous-regions-party-committees-eighth-inspection-group/>.

The document summarizes the findings of the regional inspection of the Shufu County Committee and its leading cadres. The Inspection Team noted that ideological work is weak and policy implementation imprecise. In one instance, poor households were accidentally given excessive resettlement benefits. To conceal this error, the authorities demanded immediate repayment of subsidies by (illegitimately) threatening re-education detention.

Tekes County. n.d. “One of the Action Plans of the ‘Major Reflection and Fixing Shortcomings’” / “Tekesi xian gongan’ju jin yi bu guanche luoshi ‘liangtou da, wa jian chan’ buqi yingshou jinshou duanban xingdong gongzuo fang’an.” Xinjiang Police Files. <https://www.xinjiangpolicefiles.org/one-of-the-action-plans-of-the-major-reflection-and-fixing-shortcomings/>.

The Tekes County Political and Legal Affairs Commission circulates an action plan forcing the security agencies to reflect on and fix work shortcomings, with a focus on ensuring full implementation of mass internments: “resolutely round up all who should be rounded up.”

“Implement the Five Prevents- Promote Transformation - Action Plan for Making up for the Shortcomings of Education and Training Centers” / “Zhua wu fang cu zhuanhua bu qi jiao pei zhongxin duan ban xingdong fangan.” Xinjiang Police Files.

<https://www.xinjiangpolicefiles.org/implement-the-five-prevents-promote-transformation/>

This document lists implementation shortcomings related to the re-education camps, such as overcrowding and security issues, and outlines mandated steps for resolving them. This includes a discussion on how to implement detainee skills training and labor placement.

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” / “Li Ningping, Parhat Rozi, Chen Zhijiang, Dai Qing tongzhi zai diqu shendu pinkun tuopin gongjian jingzhun dao hu dao ren peixun tuijin hui shang de jianghua.” November 29. Xinjiang Police Files. <https://www.xinjiangpolicefiles.org/kashgar-party-office-bulletin-no-88-2017/>

Kashgar Prefecture Party Secretary Li Ningping gives a speech in 2017 in which he exhorts party officials that poverty alleviation is closely intertwined with counterterrorism, social stability, and long-term economic prosperity. Li Ningping highlights that rural and ethnic populations require intensified and calculated measures to avoid extremism and join a modern and civilized society.

Yarkand Party Office Document No.2. 2019. “Notice on “Looking Back” Work Regarding the Rectification of Problems Related to the Full Implementation of Tackling Poverty Alleviation Through the “Winter Offensive” / “Guanyu quanli zuo hao tuopin gongjian “dongji gongshi” fupin lingyu wenti zhenggai “huitou kan” gongzuo de tongzhi.” January 21. Xinjiang Police Files.

<https://www.xinjiangpolicefiles.org/yarkand-party-office-document-no-2-2019/>

This document issued by Yarkand County in 2019 identifies shortcomings in poverty alleviation work related to implementation of the “Winter Offensive” and mandates a set of rectification measures to counter implementation issues.