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Recommended Citation

Seppala, Johanna and Wardlaw, Leah, "Uyghur Forced Labor in the Xinjiang Textile Industry: Case Study
“XT”" (2021). *Research Days Posters 2021*. 53.

https://orb.binghamton.edu/research_days_posters_2021/53

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Uyghur Forced Labor in the Xinjiang Textile Industry: Case Study Company "XT"

By Johanna Seppala and Leah Wardlaw

CENTRAL QUESTIONS

1. How do we determine if a corporation is producing goods "wholly or in part" with forced labor?
2. Was company "XT" using forced labor to produce their goods?

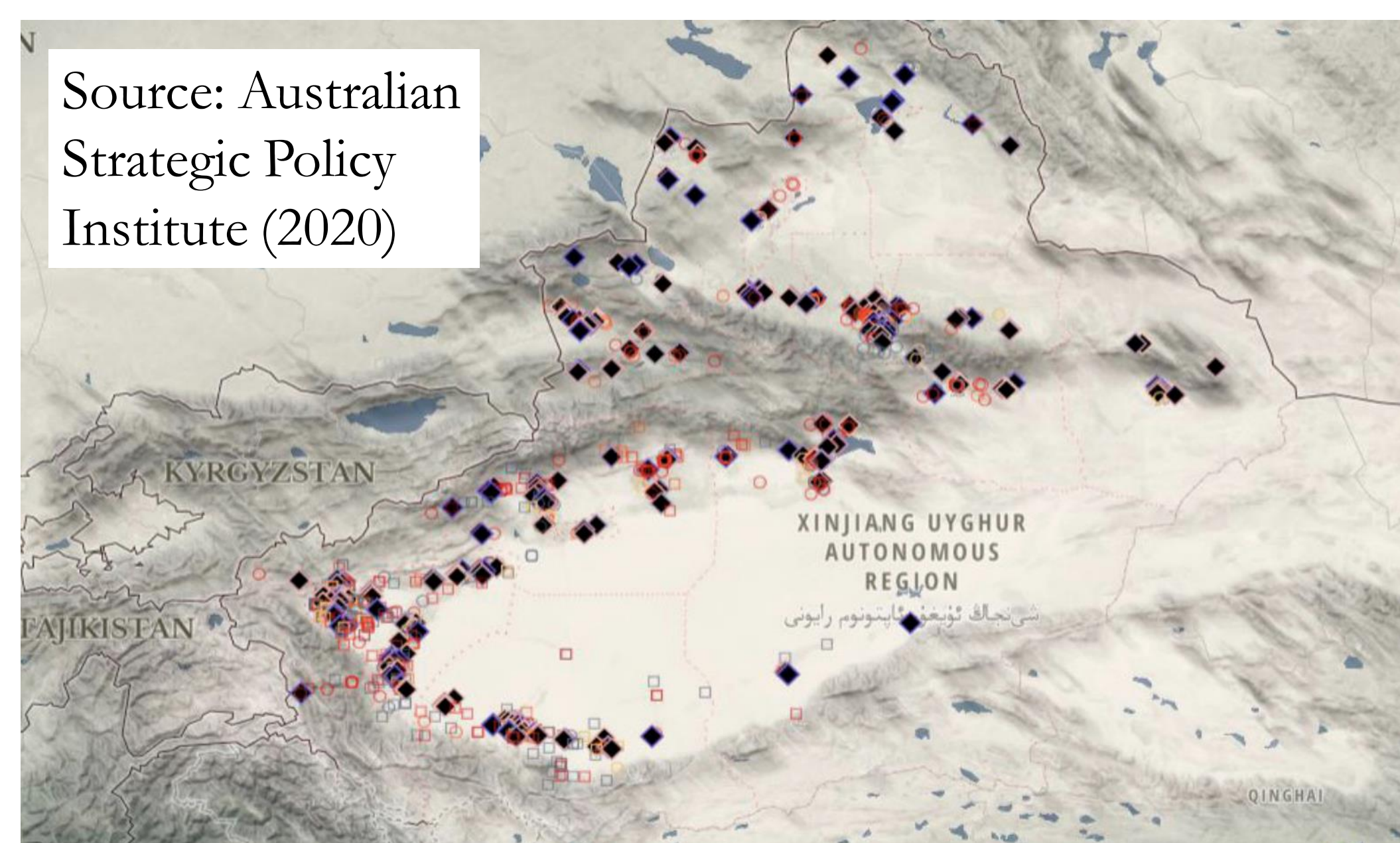
BACKGROUND

One to two million Uyghurs and other Turkic peoples have been detained in "re-education" camps.



Source: artist Badiucao (2019)

As of 2019, at least 100,000 ex-detainees in Xinjiang are working in conditions of forced labor.



Source: Australian Strategic Policy Institute (2020)

2.6 million "surplus rural workers" from Xinjiang, were forcibly relocated to other regions, as of January 2021.

METHODOLOGY

Resources for Background on the Uyghur Crisis and Forced Labor

- Reports from scholarly researchers, non-governmental organizations, and advocacy groups
- US government reports and Congressional hearings on the Uyghur crisis
- News articles by reputable organizations

Customs and Border Protection Shipping Records

- Import Genius allows access to CBP shipping records, which proved that Company "XT" shipped goods to the United States for commercial sale

Googling (in Mandarin Chinese)

- Develop a list of keywords that indicate engagement in forced labor programs and translate them into Chinese
- Conduct searches in Chinese of *keyword + real name of Company "XT"*

| Keywords | Translations |
|---------------------|--------------|
| Xinjiang | 新疆 |
| Poverty alleviation | 扶贫 |
| Labor transfer | 劳动力转移 |
| Rural labor | 农村劳动力 |
| Surplus labor | 剩余劳动力 |

Results of Googling:

- Official reports on "poverty alleviation" programs by the Chinese government
- Annual, semi-annual, and quarterly reports by the company
- News articles written by the company
- Articles on the textile industry, Company "XT," and poverty alleviation by Chinese media

RESULTS

Company "XT" used Uyghur forced labor to produce their clothing as a result of participation in government-facilitated "poverty alleviation" programs. The company exported the clothing to the US for sale.

- 2017: Company "XT" won an award for their contribution to poverty alleviation in the textile industry
- 2017 – 2019: The company hired 66 "ethnic employees" from Xinjiang
- 2020: The company hired around 60 "surplus laborers" from Xinjiang
- September 2020: The last known shipment of clothing from Company "XT" to the United States occurred
- August 2020: Reported that the company did not engage in poverty alleviation during the first half of 2020 and have no plans to do so in the future



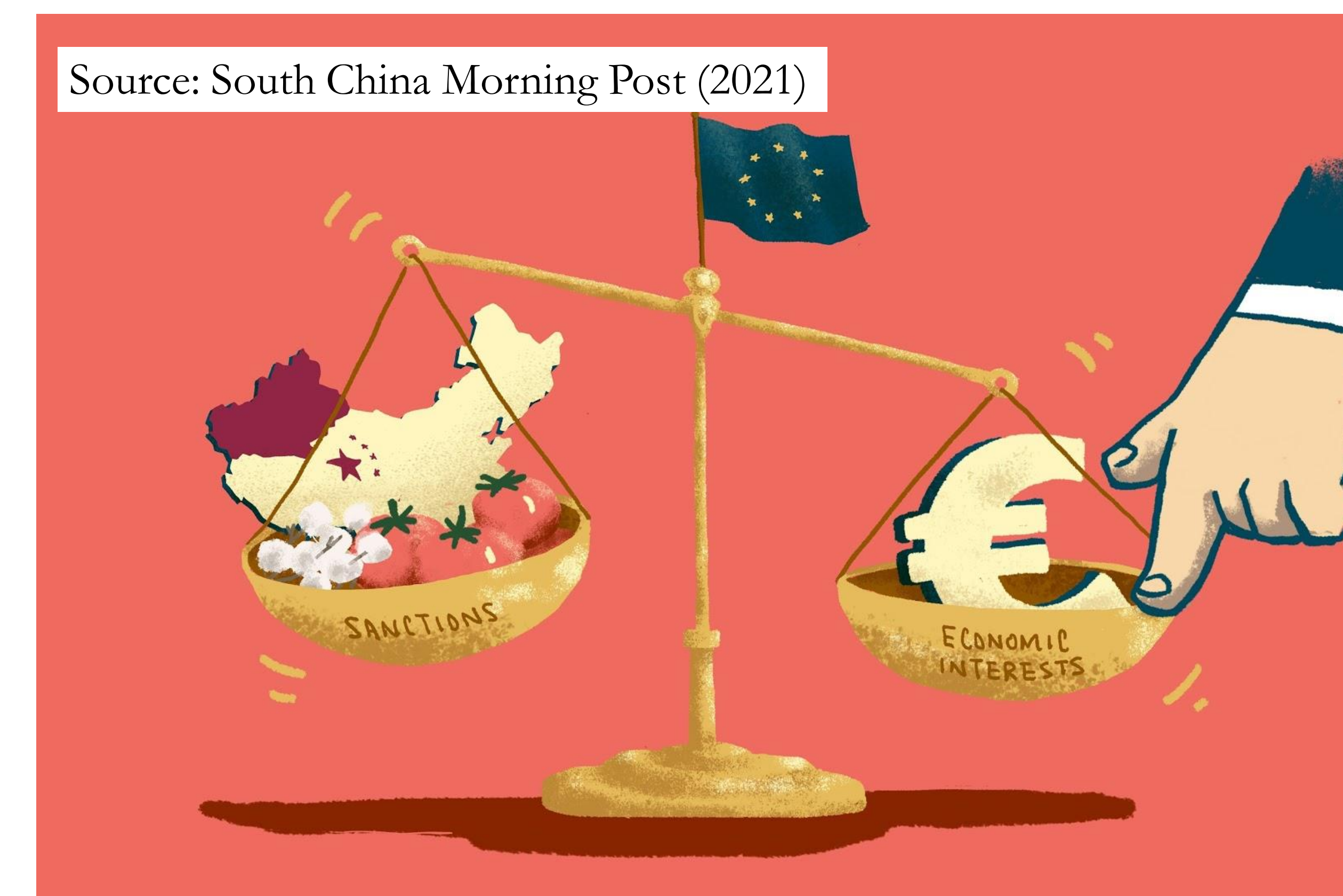
Source: CCTV (2018)

LEGAL ANALYSIS

Section 307 of the U.S. Tariff Act (1930) states that "all goods ... produced, or manufactured wholly or in part ... by convict labor or/and forced labor or/and indentured labor ... shall not be entitled to entry at any of the ports of the United States." This includes forced child labor.

- Allows Customs and Border Protection to issue Withhold Release Orders that halt the importation of goods made with forced labor
- Sends message to China and international community on where the United States stands on forced labor in Xinjiang
- Jan. 2021: Recent WRO halted the importation of all cotton and tomato products from Xinjiang to the U.S.

If you would like to read our full legal analysis, submitted to the Binghamton Law Quarterly, scan the QR code here:



Source: South China Morning Post (2021)

CONCLUSIONS

- Company "XT" utilized the forced labor of Uyghurs in "poverty alleviation" programs to produce their clothing, which was then sent to the United States
- The methodology employed in our research can be applied to other corporations that may be engaging in forced labor in Xinjiang
- The Chinese government and Chinese corporations should not benefit from forced labor
- The U.S. government should be aware when products imported into the US are made with forced labor
- Consumers should be aware that they are purchasing products made with forced labor

ACKNOWLEDGEMENTS AND WORKS CITED:

