



Foreign Affairs Committee

Oral evidence: Follow-up to Xinjiang inquiry, HC 541

Tuesday 6 February 2024

Ordered by the House of Commons to be published on 6 February 2024.

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Members present: Alicia Kearns (Chair); Dan Carden; Neil Coyle; Mr Ranil Jayawardena; Brendan O'Hara; Henry Smith; Graham Stringer.

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Witnesses

I: Dr Kate Ferguson, Co-Executive Director, Protection Approaches; The Baroness Kennedy of The Shaws KC, Barrister, Doughty Street Chambers; and Sir Geoffrey Nice KC, Chair of the Uyghur Tribunal.

II: Chloe Cranston, Head of Thematic Advocacy Programmes, Anti-Slavery International; Rahima Mahmut, UK Director, World Uyghur Congress; and Yalkun Uluyol, Researcher, Forced Labour Lab, Sheffield Hallam University.

Examination of witnesses

Witnesses: Dr Ferguson, Baroness Kennedy and Sir Geoffrey Nice.

Chair: Welcome to this session of the Foreign Affairs Committee. Today we have a follow-up hearing to our 2021 report, “Never Again: The UK’s Responsibility to Act on Atrocities in Xinjiang and Beyond”. In that report, we set out that we felt the Government needed to do more to tackle the ongoing persecution of the Uyghur, which many have determined to be a genocide.

We have three fabulous witnesses before us today. Baroness Kennedy, if you wouldn't mind, would you introduce yourself first?

Baroness Kennedy: My name is Helena Kennedy. I am a King's counsel practitioner at the English Bar. I am also now the director of the International Bar Association's Human Rights Institute. The International Bar Association is a global institute with great reach; it is essentially a commercial lawyer's organisation, but it has this institute, which it funds to do work on human rights.

Sir Geoffrey Nice: I am Geoffrey Nice. I am a barrister. I prosecuted Milošević for genocide, among other things, for the UN. I have chaired two people's tribunals: the China tribunal into forced organ harvesting and the Uyghur tribunal, the last of those tribunals finding genocide.

Dr Ferguson: I am Kate Ferguson, the co-executive director at Protection Approaches.

Q1 **Chair:** Thank you ever so much.

Baroness Kennedy, to kick us off, do you think any of the international pressure on China has made a difference? Have you seen noticeable progress in terms of the human rights abuses that are taking place?

Baroness Kennedy: In preparation for coming here, I looked particularly at whether there was anything on the rise. I will run down some of the things that recent research has shown. Family separation is on the rise; unfair imprisonment with extraordinarily long sentences is on the rise; and children being sent to boarding schools, which is where their religious and cultural attachments are really diminished and removed, is on the rise. The research also shows negative growth: we see that the Uyghur population is now in negative growth. As we know from the evidence that we have received, that is because of coercion into sterilisation and having abortions. There are serious incremental concerns that any of us who are reviewing human rights abuses in Xinjiang province see with regard to the Uyghur. We are therefore generally concerned.

We also see an expansion of forced labour. State-imposed forced labour programmes are getting larger—that is on the Chinese Government's own accounts of where it is developing its reach. I want to emphasise to this very important Committee the consequences that that has for our supply



chains. I am chancellor of Sheffield Hallam University, so I have the great good fortune of being in touch with the leading people in the world on this issue. Professor Laura Murphy is the leading researcher in the field of forced labour in China. She contacted me just this morning with details of increased use of forced labour, and I want to draw Committee's attention to the fact that China is holding our supply chains captive. It is moving the mining, manufacturing and processing of so many of the world's materials—critical minerals that are fundamental for technology—into the region; it is undermining global competitiveness by using forced labour; it is giving companies unfair subsidies and permitting horrific environmental destruction in the process. I think that there are things that we could do to respond to that.

Q2 Chair: Thank you. In our inquiries—not least on this, but also on multilateralism and on critical minerals—we have sought to highlight exactly that.

There is clear evidence that not only have we failed to curb or limit what is taking place in Xinjiang, but that it is getting much worse. Sir Geoffrey, do you think we are isolated on the world stage in terms of our position on Xinjiang, or has the UK managed to bring together an alliance of people who feel it is important to speak out about what is taking place?

Sir Geoffrey Nice: I can't say whether we are isolated as a nation, but we are certainly not in the lead. It would be helpful to look at the importance of the South Africa case and at what has gone before. You had 70 years of lots of countries—not just ours—avoiding the clear undertaking they gave in article 1 of the genocide convention to act immediately on the recognition of genocide. Various excuses have been raised, and different countries have had different ways of avoiding their obligation. First the Gambia, and secondly South Africa, showed that although they do not necessarily refer to the article 1 undertaking, they manifest it by bringing an issue for prevention to the International Criminal Court.

One way the United Kingdom could leap into the foreground would be to acknowledge the genocide of the Uyghur people, for example, and start taking action as it should have done under the undertaking in respect of all genocides since world war two—Cambodia, Indonesia, Pakistan/Bangladesh, Rwanda, Bosnia and so on and so forth. If any country had, right at the beginning, set sail and said, "This is genocide, and this is what we are going to do," there would be a different history, not just of reaction to genocide but of the effectiveness of whatever the reaction was. Instead of that, all countries have done nothing.

As you may have seen from a short paper I made available to you, we now probably know the truth of the British Governments—all Governments of all parties—which was revealed in the horrors of 1994 Rwanda. There was no suggestion that you need to have a judge to determine genocide: the research of Dr Hazel Cameron from St Andrews—I checked with her yesterday and in the 12 years since she produced it, her narrative has never been challenged—made it clear that Government lawyers said to the Government, "If you use the word 'genocide', you'll have to do



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something,” so the Government, in the form of the Foreign Secretary, turned on all the staff and said, “Never under any circumstances use the word ‘genocide’.” That allowed everyone to do nothing about Rwanda, and thousands of things happened. To go back to your question, no, I don’t think we are left behind, but there are plenty of things we could do to get ahead.

Q3 Chair: Thank you. I know Brendan is going to push you a lot harder on genocide, and Graham said he wanted to ask you about South Africa, so I will let them both come back to you on that. Kate, why have we and so many of our partners failed to even limit some of the worst excesses? Baroness Kennedy has made it clear that it is only getting worse. Surely the attention that so many have tried to bring should have seen the CCP, even out of shame, reduce some of the worst activities they have been undertaking.

Dr Ferguson: I think there are probably two parts to that. One is this multilateral question. We have these composite parts of our international system, including but not only the genocide convention, that can be used to shine a spotlight, to curb, challenge, ultimately sometimes punish, or simply to apply pressure when states violate their legal normative or ethical obligations to their populations. I think we can probably agree that the multilateral system—the UN system—has not been functioning as we should like it to. We are here in London, so we are primarily concerned with the UK contribution to that system. That is not the same as saying that the UK shoulders the responsibility of the world.

I want to emphasise something Sir Geoffrey just said that I really agree with. We can see a great inconsistency between the UK’s stated policy of holding China to account for its human rights violation and how it acts. It says it does so through the multilateral system, and yet in the same breath it undermines the very legal cornerstone of that UN system. That matters particularly and distinctly when we think about the crime of genocide. I am sure we will come to this in more detail, and I look forward to that.

I will just say this one thing; forgive me if I repeat it later. I actually agree with the policy of saying that it is for a competent court to determine genocide—you can quiz me on that—because I am a bit more sceptical about political determinations. But you can’t say with one breath, with respect to the unimaginable suffering of one group, that it is for a competent court, not the UK Government, to make a determination, and then with another breath, when it comes to another population that is also suffering unimaginable pain, that the World Court, which is surely the most competent court to make decisions when it comes to the genocide convention, is in fact incorrect and the UK is able to make that decision. In that one example, we see a trend that has been carrying forth with respect to violations in China and elsewhere: the UK does not have a systematic approach to its position in the world and its adherence to international law and the UN system.

The second component where the UK is falling down—I am sure we will

come to this too—is that all member states must make national contributions to uphold values, legal obligations and norms. We also see the UK falling drastically short with respect to violations in China, and not only in Xinjiang.

Chair: Thank you so much. Brendan, you wanted to take us into that.

Q1 **Brendan O'Hara:** Can I just follow up very quickly on what you were saying there? In 2007, in the Bosnia judgment, the ICJ explained clearly what the duty to prevent was. Does the UK accept that judgment and act on it? If it does, how does it act? If it does not, why not?

Dr Ferguson: There are lots of different levels to that. I think the easiest way to answer it is by saying that not very many parts of the UK Government understand what genocide is. I shall leave others on this panel to take on the legal component, but from a policy perspective, or even from a very basic understanding, most composite parts of the UK Government, despite welcome steps that have been made around atrocity crimes, do not fully accept the distinct pathology of violence that exists all over the world, is directed against people, and is motivated or legitimised by how the perpetrating structures—state or non-state—conceive their victims' identity. That is what makes genocide and most crimes against humanity very different from other forms of mass violence. That is the bit that the UK Government does not yet fully understand.

Since the recommendations of this Committee in its 2021 report, the Government has said that it did not need to have a distinct approach to mass atrocity crimes, because most mass atrocity crimes happen in situations of armed conflict. That has never been true, but to say that in response to Xinjiang? I was unable to get my head around the cognitive dissonance. That is now no longer the case. The UK Government now recognises that armed conflict and mass atrocity violence are distinct. The problem is that it does not yet have enough heft, expertise and resource to have developed that very far. We can see that in its response to the ICJ case, where I really think the Government is risking trapping itself in a position I don't think it wants to be in, and in its failure to communicate urgent or early warning signs and recognise what the obligation to prevent, or even a normative responsibility to protect, means in practice.

Q2 **Brendan O'Hara:** May I turn to the legal experts? What is the legal significance of a determination of genocide compared with the political significance of such a determination? Why does that terminology matter? Why is it important that the UK Government recognises what is going on in Xinjiang as a genocide in that respect?

Baroness Kennedy: I would like to take you back to the Trade Bill. When that Bill was going through Parliament and came into the House of Lords, Lord Alton and I tabled amendments to it to deal with the issue of whether, given one's duty to prevent genocide, one should be trading with a nation where there is evidence of a trajectory towards genocide; the word "China" was not mentioned. We were arguing that the Trade Bill



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should include an amendment to say, basically, that that would be a consideration in trading with partners around the world.

The response of Government, however, was that the question of genocide is not for Parliaments, but for the courts to decide—a court has to decide whether there is a genocide or whether we are heading towards a genocide—and therefore we could not include that in the Trade Bill. The catch-22 in all that, as we all pointed out, is that the International Court of Justice will to some extent be controlled by issues like the Security Council and who is on it, so of course China and Russia have great sway.

There was then another question—we sought another amendment to deal with that response. We suggested that our own courts, particularly the higher courts, the High Court, could look at and weigh the evidence and decide whether indeed there was a prima facie case of genocide, which could then be an informant to a decision made by Government. That was not going to satisfy Government either, although it was our own courts making that determination of a prima facie case. We felt that that should have been something that the courts considered, and it would then have been taken up by other countries, I am sure.

There was a debate, as you know, in Westminster Hall, in which Parliament and parliamentarians by a majority decided that, in their view, there was a genocide taking place, or certainly that that was a direction of travel towards genocide in Xinjiang province. However, that did not have meaning—enough weight—for Parliament. So efforts are being made.

Dr Ferguson is absolutely right that there are problems about not having mechanisms, not having genocide fully understood and so on, but one of the things that is happening now, for example, is that a number of Bills are in the offing. My private Member's Bill, the Genocide (Prevention and Response) Bill, would introduce mechanisms to ensure that the UK Government are better equipped to prevent and respond to genocide and other atrocity crimes.

When we have a discussion with senior officials in the Foreign Office, they say, "But every embassy from around the world is considering questions of what is going on there and whether there might be a genocide in the offing. That's being considered all the time. We're all protecting this." The truth is, however, when everyone is doing it, no one is doing it. That is the problem with those general responsibilities to weigh up what is happening in the nation in which they are a diplomat and sending reports back to Government.

My Bill therefore suggests the creation of a special hub within the Foreign Office, which will monitor and do precisely the things that Kate Ferguson was describing—evaluate processes and keep in touch with developments taking place and the research being done—to see whether there are reductions or increases in certain kinds of conduct. I do think that you need a specialist unit for this.



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You will remember the very remarkable holocaust survivor called Elie Wiesel. Elie Wiesel ended up living his life mainly in the United States. He was a remarkable man in reminding us of the horrors that the human condition can lead us into. The United States introduced legislation based on his recommendation, a sort of Elie Wiesel Act, which was to do precisely this. Within the State Department there would be a special unit that had the responsibility of looking at geopolitics, monitoring what was happening inside nations and looking for the indicators—there are indicators—of whether we are seeing the signs and signals that we could be seeing a trajectory towards genocide. It is that business of being so well versed in it that you can have good monitoring, in depth. Certainly that is what happens in the United States.

I think that it probably has meant better responses to this by the United States, because we have seen that in relation to its own trading relations with China, the monitoring of what is coming out of Xinjiang province and its own reintroduction, for example, of the manufacturing of polysilicon in the United States. Perhaps we should be doing that here in Britain. I hesitate as to whether it is good for the environment; I don't know, but I think that we would have to look at it.

I certainly think that there should be specialists within the Foreign Office monitoring this, and that is what the Bill that I am promoting seeks to achieve, but we know the fortunes of private Members' Bills. I suspect that it might fall on dry soil, but of course it's for the Commons, all of you, to see whether there is any benefit in this and to be arguing for it to be included, perhaps, in legislation that any Government might put through.

Chair: We will come back to that later. Neil, please.

Sir Geoffrey Nice: Sorry, but may I—

Q3 **Chair:** Go on, Geoffrey. I am concerned that we are halfway through the time for this panel and we need to get through a lot more material, so I am going to have to ask everyone to keep their answers slightly shorter, please, but go on, Geoffrey.

Sir Geoffrey Nice: May I reply to Mr O'Hara's point by saying that it is the political determination that is critical? Here is an apparently absurd parallel—in America and not our country, happily. You see a mass school shooting by someone who is fully armed. You don't wait for a judicial determination; you do everything you can to stop it.

Genocide is a crime bred of an unusual mental state. The mental state cannot stop and therefore, save in the most exceptional circumstances, genocides do not stop themselves; they need external force or pressure. The reason why the political determination is vital and why it is vital, as the International Court of Justice has said, immediately, is that if you do not make a political determination and use political power, the genocide continues. By prevarication or inactivity by our Government for two years since the tribunal and many other bodies said, "This is genocide," we are all involved in, complicit in, that genocide continuing.



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Q4 Neil Coyle: That brings us neatly to one of the questions that I would like to ask. How has your tribunal judgment influenced international action on repression? Since the judgment, what has been the response to tackling the problem?

Sir Geoffrey Nice: I will be brief, in the light of the Chairman's observations. The tribunal was very carefully constructed to be conservative in every proper use of the term "small c conservative". They were non-activists, non-involved, non-lawyers, non-NGO people, of high integrity, with the maximum quantity of evidence—led by Hamid Sabi, who I hope is in the room—applying the strictest possible standards of proof and applying only the absolutely clear law.

Everything was in public. No witnesses were anonymous except one—and we didn't accept his evidence in any case. So there was a complete, open, explorable judgment. As a result, apart from the PRC making no doubt the odd ad hominem attack, the judgment has never been deconstructed or challenged. It has therefore been used in other Parliaments around the world when they have been making their determinations. Some were before and some were after delivery of the judgment.

I hope that Rahima Mahmut, who will be speaking in our second session, may be able to amplify from the activists' point of view how this judgment was the judgment of—I do not say "pure" in respect of myself—a pure jury doing a job that Government and international organisations should have done.

Q5 Neil Coyle: On those Governments that have considered the judgment since you concluded, what actions have they taken that go beyond the UK?

Sir Geoffrey Nice: That, I think, you will have to ask Rahima. I am sorry to say that, but as a non-activist I do not get involved in activist work.

Q6 Neil Coyle: That's fine. Let me turn the question round a little bit. If the Government here did accept the tribunal's conclusion, what are the legal implications for UK Government policy?

Sir Geoffrey Nice: If we do not accept it?

Q7 Neil Coyle: No, if we did—if the UK Government did accept it.

Sir Geoffrey Nice: If the Government accepted it—we have invited Prime Ministers and Foreign Secretaries and always got the same, if I put it moderately, unsatisfactory reply—they would have announced it.

Do not forget that it is not just us: there are lots of other bodies supporting the same conclusion. They would have said, "This is genocide and we are now going to do this under the genocide convention article 1 undertaking whatever it is to impede, stop, reduce genocide." And that would, of course, have brought other countries in because they could not then have sat on their hands, as everyone has done for 70 years, and do nothing. They would have said, "Crikey—this is our duty in respect of this extraordinary, wicked, mental state crime."



Q8 **Neil Coyle:** What is the rationale for the UK Government sustaining its current position rather than accepting the judgment? This question is for the whole panel—not just for Sir Geoffrey.

Dr Ferguson: It is not that I disagree that genocide and crimes against humanity are taking place in Xinjiang—the evidence is overwhelming. The position that I speak from is a very particular one. I am not a lawyer and nor am I representing or part of a community so proximate to appalling violence. The work that my organisation does is to strengthen UK contributions to the prevention of these crimes, and ultimately to save more lives from this kind of violence.

The only reason why I am sceptical about political determinations—I absolutely remain to be challenged and change my mind—is that I struggle to think of many examples of when a Government has made a determination of genocide and that has led to a proactive, preventive policy that can demonstrably be seen to save lives. In fact, the US system, which has now brought in this determination process, can be seen sometimes to move slower.

Our Minister with responsibility for Africa and international development used the non-legal language of ethnic cleansing following this Committee's pressure on the situation in Sudan, particularly to describe the violence that was taking place in Darfur, and was able to do that because we did not have a determination process. The US system did not move until December, and then they said some very similar formal legal language that they believe that crimes against humanity are likely taking place, even though what is happening in Darfur is the same perpetrators against the same victims, using the same tactics of a genocide that began 20 years ago.

It is incredibly difficult, whether politically or in other means, for a Government to make that call. Even when they do, they need to have the capabilities to do everything that Sir Geoffrey said. In order to fulfil those obligations to prevent and protect, you need to know how to do that. While we do have the mass atrocity prevention hub in Whitehall, there is no strategic or political imperative or resources to ensure that that can be done with respect to China.

Even though our China team has one of, maybe, the biggest human rights teams of any country, there is no one tasked within that human rights team to think specifically about mass atrocity violence, whether that is genocide, crimes against humanity, the particular pathology, what our responsibilities could look like, how we might prevent, how we might mitigate, and how we could uphold those legal obligations. Those are a raft of different kinds of expertise, none of which yet exists, to the best of my knowledge.

Q9 **Neil Coyle:** The question is about the rationale behind the UK Government not shifting their position. Is it laziness, ineptness, a failure to use that resource that you described in glowing terms, or the fear of economic consequences? Are all those good people being squashed from



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above on this issue?

Baroness Kennedy: I am sure it is about economic consequences. I think we have to be realistic. That is the overriding concern, and the reason why we have not been much more explicit in our condemnation.

We are told that this issue is always raised in any diplomatic meetings and when our Secretary of State meets with leaders in China. Well, it depends on how something is raised. We know that about the nature of negotiation. It is about raising it in a way that says, "Listen, we want to do trading with you. We want you to be a partner in all sorts of matters. It is very important that you are there on side with us about climate change and so on, but at the same time, we put a lot of store by our common humanity. We really feel that the treatment of the Uyghurs is unacceptable, and while that is continuing, we are not going to be able to do business with you." You have to be really clear about it. You could make more headway if you were more frank about that fact of, "We want to do business with you."

I am part of IPAC, which is the Inter-Parliamentary Alliance on China; I co-chair it with Iain Duncan Smith. There are now 34 countries involved in IPAC across political divides: there are the Greens in Germany, and the Democrats as well as the Republicans in the United States—there is lots of cross-representation.

People do care about these issues, but almost invariably, where we are stymied is in the nature of the negotiations that take place and the ways in which our Governments are so needy of international trade. I don't believe in closing the doors to dialogue with China. I think that you have to continue the dialogue, but have a different, firmer kind of conversation.

Dr Ferguson: Can I just add a very quick point to answer that question? I completely agree with everything that has just been said, but the other reason why the UK Government don't do anything is that there is a persistent failure to recognise that mass atrocity violence is not just a human rights issue. I am a human rights activist; I wish that was enough but it is not, for this Government at least.

There is a failure to recognise that at the heart of every single major foreign policy crisis that has happened since this report was published in 2021—just to look at those few years—lies this kind of violence. Whether it is Afghanistan, Russia's second invasion of Ukraine or what is happening in Israel and Palestine, this kind of violence poses enormous strategic implications for the safety and security of this country, as well as people all over the world who are really facing unthinkable peril.

This needs to be a matter for our National Security Council, the Cabinet Office and the highest levels of our Foreign Office, not just a siloed, well-meaning—and they really are working hard—atrocities prevention hub that is seen as a side piece to human rights. It needs to be front and centre to our grand strategy in the world.

Q10 **Neil Coyle:** Given what you said, Baroness Kennedy, about the increase



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in forced labour, the US labelling what is happening as genocide doesn't yet seem to have put commercial pressure on China. Is there a belief that the Chinese Communist party clearly doesn't care that much about human rights, humanitarian issues or egalitarian issues, and that it would care more about raw commercial pressure from other countries removing Chinese companies from supply chains? Is it a business footprint that is more likely to influence?

Baroness Kennedy: Yes. At the moment, China is economically in trouble. Let us be very clear: it does matter to China that it has good business relations with countries such as ourselves, others in Europe, the United States and so forth, so we actually have leverage that we are not using.

Sir Geoffrey Nice: Can I contribute to Mr Coyle's question?

Chair: Actually, I think Graham is going to lead with you, so I might ask you to do that as part of your response to Graham, otherwise we are going to struggle.

Q11 **Graham Stringer:** I will follow up with Baroness Kennedy and then move on to Sir Geoffrey, if I may.

Talking is always better than fighting, but in your analysis of China and the fundamental reasons why this Government and many others do not do anything if it is economic—I agree that it is economic—we are not getting anywhere by, if I can paraphrase, being politer with the Chinese. They will only understand if we withdraw co-operation and start looking after our own supply chains, as you pointed out previously. Would you agree with that?

Baroness Kennedy: I absolutely agree that we have to be very clear and very firm about our position on where our values are, and that we want to believe they share those things in many ways, and that we want a demonstration of that.

Q12 **Graham Stringer:** But they clearly don't, do they?

Baroness Kennedy: Listen, of course, if you have a nation that is as huge as that and where you have a minority that is not respected, is it surprising that you will see the exploitation of that minority to provide them with an advantage that other countries do not have, because we respect the labour forces that work in this country? There is an issue here where we want to be promoting the values we are talking about, but I also think we have to have a stick as well, which is that we are not going to trade with a country that is doing this.

Q13 **Graham Stringer:** Sir Geoffrey, does the ICJ case have wider relevance to how states see their obligations under the convention? Has it changed their understanding of their rights in any fundamental way?

Sir Geoffrey Nice: Not so far as we have heard, but it should have done because the duty has been lying there dormant for 70 years, and someone is going to say, for example, of our Government, "South Africa did this.



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Why didn't you?" By the way, we must always remember that Hamas is equally culpable or more culpable of genocide; it just cannot fall for determination in this particular area.

Graham Stringer: It is its stated policy.

Sir Geoffrey Nice: And the ICJ judgment referred to the need to obey the role, but we must never set that aside. I think the answer is that it has not had any effect yet, but there is every reason why it might—not least because eventually a law project might say, "It's time the Government were taken to judicial review over the fact that they won't determine genocide."

May I just deal briefly with Mr Coyle's question? We all need to understand that the people who crafted the genocide convention were less than a year from seeing the footage of Richard Dimbleby and the bodies being scooped into graves. They had a visceral understanding of what genocide was. That is why they made this that if you can see it, you have to stop it when you can.

As to the reasons for Governments since then doing nothing, I think the evidence shows that those reasons are varied. Trade is obviously one of them, but there can be geopolitical reasons. For example, in Bosnia, people maybe did not want the result that would have come had you had a fully functioning Muslim state in the heart of Europe. Therefore, they did not acknowledge genocide when it was warned to be happening from two years before.

In Rwanda, it is quite clear from what the officials say in the research that the reasoning for favouring some action over Bosnia, as opposed to action in Rwanda, was that Rwanda was a long way away, but it also had economic interests of benefit to the west. The reasons I think are very varied, but they do not come with the experience and knowledge of the people who were there at the time.

Q14 **Graham Stringer:** So you are not saying that any new legal routes have been opened up, just that there is a greater awareness.

Sir Geoffrey Nice: At the moment, I have a greater awareness, but I do not think that denies, for example, this Committee repeating with strength its recommendation that the Government should do their duty and observe, if they make that decision, that the policy they have, which is entirely at odds with what was revealed in 1994, means we may have been involved in two more years of genocide when we could have done something to stop it.

I would certainly press the Committee to ask the Government for a full history—starting date, originator—of the present policy. I would also press you to ask the Government for advice given on the use of the term "genocide" by lawyers to Government at every of the available genocides that are so obvious in the last 70 years, so that we do not have to go through Freedom of Information Act requests.



- Q15 **Graham Stringer:** We can assume that this state and most of democratic Europe and north America absolutely do not approve of what is happening to the Uyghurs, but there are some states that have been positively supportive of what China is doing. Do you think a provisional ruling will have any effect on those states?

Sir Geoffrey Nice: I think that is outside my experience. That is for you politicians to say. I would hope that for every inch we move forward in publicising what genocide is and what its purpose is—one part of humanity deciding it wants to destroy another part for no reason other than what it is—and in making clear the real long-term consequences of destroying whole communities, we may encourage greater combined action. If one country says, “That is genocide, and we are going to do this in addition to what we have already done to try to restrict that genocide,” other countries may join in.

Baroness Kennedy: But I do think—and Geoffrey, you may be able to answer this—a determination that a genocide is taking place or that we are on a trajectory towards a genocide is best made by a court. Do you think legislation on genocide determination might help? Lord Alton is introducing a Bill, and I wonder whether this Committee might have a view on whether there shouldn't be a way for our higher courts to decide on whether a genocide is taking place—a determination in a legal tribunal.

Sir Geoffrey Nice: I wish both Bills well, if things are as they are, but go back and look at the reality. When this was drafted, point one was “prevent”—if you go through the iterations of the draft. Punishment was dealt with secondarily, for the obvious reason that you have to stop it, and then you go and look, and see what happens. If you have a determination by a Government with a judge, even if he is on hand to decide straightaway, then you have one judge deciding one thing—what happens if the ICJ or another court decides otherwise? A Government can recognise a genocide when they see it. You can go through the process that the Uyghur tribunal went through for under £300,000—of course, nobody was paid—in less than a year, but if you have a Government Department, you can make a determination much quicker even than that. You can say, “That is our determination as a Government. The courts can deal with punishment later, but on the basis of that determination, so serious is genocide, we will act to stop it.”

- Q16 **Neil Coyle:** But wouldn't the political consequences of that approach still result in the suppression of use of the definition? What would the trigger be for a legal intervention to require a Government to act?

Baroness Kennedy: David Alton has introduced clauses in his Bill about how you would trigger that, where if a community of exiles call upon the court—and it would have to be in certain numbers and so on—then you could initiate a process that would go through the courts. That is his Bill, but I just think you have to ask yourself, if this Government decided that what is happening in China amounts to a genocide and that we have to prevent it, what steps do we take? Geoffrey, you might want to answer that. What steps should a Government take to prevent it? How do we



prevent China doing what it is doing? We can all decide today that what is happening in China amounts to a genocide, but what do we do next? What do we do tomorrow?

Sir Geoffrey Nice: At the moment, probably all you can do is trade sanctions and other sanctions. It is not a question of rolling the tanks in. I return to the point I made earlier. If every genocide, of the many that are very clear genocides, had been responded to by action of some kind or another, with indications thereafter of whether the action had succeeded, and if it became the corporate act of mankind through different countries, then this question would not be so difficult to answer. It is not difficult to answer; it has to be trade sanctions or sanctions. For example, there is one other: do you go for suspension from the United Nations?

Chair: Baroness Kennedy, you managed to ask Dan's next question. Dan, over to you.

Baroness Kennedy: I'm sorry.

Q17 **Dan Carden:** It's okay. I was going to say that we have covered a little bit of what the legislative proposals could be and what the trade proposals could be. Dr Ferguson, what does the obligation of a country to prevent look like in practice?

Dr Ferguson: It is nice that we sort of found our way there naturally. I disagree that the only thing you can do in the face of genocide, even when it is an enormous and overwhelmingly complex and powerful country such as China, is impose sanctions. The UK is building its capabilities of how to better predict, prepare for and respond to these crimes. It is in its infancy. It is not, as it replied to the report, long standing and established. That is untrue. It is Bambi-legged and emergent, so there are some things that I think it would be worth the Committee pushing the Government on, particularly this question of how they assess what is taking place. Now—I do not think this was the case in 2021, except perhaps maybe in one or two embassies—there are two forms of risk assessment that the Government recognise internally as being useful in making judgments. One is the long-standing process of a legal assessment. We all, on the outside, wrangle for them to be published and they never are.

The second, for me, is much more useful. I am not a lawyer, but we are concerned with this question of how the UK can uphold its obligations to prevent and therefore protect. That assessment is making a more lightweight in-country analysis based on those indicators and drivers that are distinct to identity-based mass violence and to genocide and crimes against humanity. Until very recently, the Government did not even recognise those; now it does, and it integrates those indicators into its joint analysis of conflict and stabilisation assessments, it recognises them in its quarterly horizon scanning for major crises, and it is now beginning to build it into its country-level pieces—but that is very new, it is not mainstream and there is no support for it. That atrocity prevention hub that is tasked does not have the resource to provide that support to the China team. I would make this direct request of the UK Government: the



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job of at least someone, or a couple of people, in that enormous China human rights team must be determining how the UK should respond to these crimes.

Q18 **Dan Carden:** Couldn't we end up with the same problem—that politicians do not want to use the word "genocide"?

Dr Ferguson: It actually does not matter, and this is maybe controversial: the wonderful thing about the obligation to prevent is that you do not have to acknowledge that there is a genocide taking place or coming. That is the political cover for Governments, and that is the only reason that I tend to stay out of the conversations around determination.

Baroness Kennedy: That has been the political cover for the ICJ in its interim measures in relation to Israel-Gaza. It has not made a determination—that has been kicked into the long grass—but it has made interim measure recommendations that things should be done to try to prevent grievous harm to the Palestinian people.

I wanted to pick up on something that Kate said. Trade sanctions are one thing. There is the other whole business: lots of the Chinese elite have properties in this country, their children come here to study, and flats are bought for them in great numbers. Let me assure you that there are many people who would absolutely squirm if we went after individuals with targeted sanctions. As someone who has been targeted and sanctioned by the Chinese myself simply for speaking out about what has been happening to the Uyghur and in Hong Kong, I do think that we should be much, much more stringent in going after the wealthy—the oligarchs of China—who have interests in this country.

Dr Ferguson: That is exactly the point. The key answer to your question in one line is that you have to have a strategy so that every single Department is joined up in what they can do to contribute and uphold the UK's obligations to help prevent. The UK has a raft of tools and levers. In recognising that mass atrocity crimes committed these days—they have always been international, but there are now global networks that are supporting and enabling them, whether that is through legal routes and supply chains or through serious and organised crimes—you can map those networks and find where those pinpoints are, and then you apply leverage.

That is a political decision, but at the moment the UK Government does not have the capabilities to make that assessment. It does not even have the capabilities to ensure coherence across its Departments, so you have the Department of Health taking steps forward to ensure that its supply chains are free from the products of slave labour and trafficking, but we do not yet have consistency across other Departments—which should be a baseline of not doing harm. You have to have a strategy on how you confront these crimes; otherwise, they will always fall between the cracks, because every single case will need a slightly different approach.

Q19 **Dan Carden:** We only have a couple of minutes left. I have one quick-fire



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question for you, Baroness Kennedy. The Committee recommended having a special envoy for atrocity prevention. Is this still a relevant recommendation, and what level of seniority do you think they should have?

Baroness Kennedy: I am very much in favour. I think that there should be a Minister who has responsibility for this amongst their responsibilities. I thought it was a really important and very good recommendation.

Dr Ferguson: But it has to have heft, and they have to be able to get into the Cabinet Office and National Security Council, otherwise it will not work.

Baroness Kennedy: Yes. Access to the decision makers at the very top has to be part of the deal.

Q20 **Chair:** Kate, on that point, you have touched on the conflict centre multiple times. We called it the atrocity prevention centre, and we asked for it to be created. I fought very, very hard. We got the conflict centre set up in the Cabinet Office. It is meant to have lawyers, sanctions experts, multilateral experts, strat comms experts and political experts. When we see the earliest trigger sign of some sort of ethnic cleansing or some sort of language that is escalatory towards an ethnic minority, it is meant to step in and then massively boost, for example, the Sudan team, the Palestine team or whatever we might be looking at. You have been very clear already about where it is failing and why it has not worked, which is a great frustration for this Committee, because it is quite substantial to get a whole new unit set up as a result. What do we do to get it fixed? Is it about bringing in a Minister who overlooks it? How do we get the conflict centre working? It is good in practice, but it is not working.

Dr Ferguson: I think mass atrocity violence has to be recognised as a matter of national interest. That was what Obama did, and it is why the creation of his atrocity prevention architecture was brought into the White House. Trump took it out, and it has lost its teeth in some ways ever since. It has to be recognised that this is not an add-on to human rights. The prevention of these crimes is fundamental to a safe and secure world.

You do not need to be an expert in these crimes to recognise that they are becoming more likely, not less. The world is getting hotter, technology is spiralling, and we are getting democratic backsliding indicators left, right and centre. We are seeing two decades of impunity now crystallised under the absolute spotlight of what is happening in Israel and Palestine, and you cannot have approaches to mass atrocity crimes that are inconsistent. Inconsistency is the enabling factor of impunity everywhere.

That is the fundamental ask. You then absolutely need to properly resource the mass atrocity prevention hub in OCSM, as well as resource the Cabinet Office and think about the National Security Council structure, which often does not work anyway, because it is so reactive that it does not take on thematic priorities.



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For countries like China, especially when resource is not an issue, put the expertise in the team. I don't think that they have had any distinct training or support on the very particular challenges of mass atrocity crimes or on what they can do in the face of it. They do not have a strategy on that, even within their country team, yet that was what the Government replied.

They said, "We don't need a national strategy on atrocity prevention because each country should have the flexibility to respond themselves," and they haven't done that. Obviously, officials from the UK working on human rights with respect to China have a tough job that is now made tougher by the fact that their argument is totally undermined because every single time they go into a meeting, Chinese officials just have to point to what is happening at the ICJ. There is no strategy, and if there is no logic, it will be weak at best. Other people might, rightly, use stronger words.

- Q21 **Brendan O'Hara:** Building on that, you talked earlier about your frustration about Departments working in silos. The Government believes that the geographical teams are best placed to tackle atrocity crimes. How closely do those geographical teams work with others, such as the thematic teams, in the atrocity prevention hub? Is that working well? If not, how can it be improved?

Dr Ferguson: We work to support that hub quite closely. They are a very small team who work extremely hard. Their mandate is to co-ordinate the UK's response and obligations on atrocity crimes, which is an enormous weight to bear. They are the co-ordinating mechanism we have been asking for, yet they are expected to do that in a strategic manner and to provide an urgent response when crises come. We are all very aware of how many enormous, desperate fires are raging around the world. They are expected to hold all that. Most of the team are fairly junior, so although they are brilliant, they don't have the political heft to march into a Minister's office or advise the head of the crisis response team—in whatever context it might be—with equity. They do it in a different way.

I do think they are trying. I think we are in a better place. I suspect—and from my observations—there is probably a slightly better understanding in the China human rights team that this violence is different, but because the UK lacks national policy and national strategy on these crimes, it is very difficult for country teams to build their own strategy because there is nothing for them to work on without the risk of veering off Government policy. Then you have a central team that is really trying its best in a cracking system. The FCDO has been so hollowed out that it is really hard to find those points of strategic connection.

- Q22 **Brendan O'Hara:** I do not want to put words in your mouth—please correct me if my analysis of what you said is wrong—but are you saying that you feel that the atrocity prevention hub has almost been designed to fail and that it is window dressing for the rest of the world?



Dr Ferguson: No, I don't think that. I think it was very hard fought for—not only from the outside but from within—and it is much more a challenge of there being an underfunding and cutting of Britain in the world in many, many regards. Because it doesn't yet have the political leadership it requires—it hasn't helped that we have had such ministerial churn—it is difficult to own an agenda and give it its time.

It comes down to the fact that we have not had a coherent, consistent—I was going to use the word “ambitious”, but I don't mean that—strategic grand strategy of Britain in the world for a long time. That can be seen in relation to China: we don't have a strategic policy, or a public strategy, on China. We also don't have one on rights. I think it is much more an indication of an absence of strategic, ambitious thinking than of something intentional. I think there were very good intentions in creating the hub; it just needs to have some leadership from other parts of Government to fulfil parts of its mandate effectively.

Chair: On that note, I thank you all ever so much. We are really grateful for your time. This has been a really helpful discussion.

Examination of witnesses

Witnesses: Chloe Cranston, Rahima Mahmut and Yalkun Uluyol.

Chair: We are now live as we continue our hearing. This is a follow-up session from our “Never Again” report from 2021 on the Xinjiang atrocities. We are pleased to have a really good panel with us. Could you kindly introduce yourselves?

Rahima Mahmut: I am Rahima Mahmut, UK director of the World Uyghur Congress and executive director of Stop Uyghur Genocide. I am leading the campaign in the UK.

Yalkun Uluyol: My name is Yalkun Uluyol. I am a PhD candidate in international relations at Koç University. I am also a researcher at Sheffield Hallam University's Forced Labour Lab and I am co-founder of the Uyghur Rights Monitor. Thank you for having me.

Chloe Cranston: Thank you to the Committee for having me. My name is Chloe Cranston. I am the head of thematic advocacy programmes at Anti-Slavery International. We are a UK-based anti-slavery NGO, which works on contemporary forms of slavery all around the world.

Q23 **Chair:** We heard in the last session that, essentially, oppression and genocidal activities against the Uyghur have only increased over the last few years, despite a light being shone on them. But we have seen some detention centres close within China. Can you explain for us how you see things going? Was what was going on with the detention centres essentially China trying to get the international community off its back?



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Yalkun Uluyol: I would like to answer that question from my personal storyline. My last visit to my home town was in 2016. Afterwards, I could not go back, because of the mass detentions. The first person from my wider family who was taken for re-education was taken in September 2016.

My grandma passed away in January 2018. I could not talk to my grandfather about sharing my condolences. My father then disappeared in June 2018—just after receiving my graduation certificates and other residence permit documents—for police interrogations. The following year, the UK allowed the first formal joint statement on the region at the UN.

In mid-2020, I traced my father to a re-education camp, built in my home town Kumul. My father's name is Memet Yaqub. He was labelled as an untrustworthy person for having relatives abroad. I had no communication with anyone back home, so it took me two years to trace my father to one of the detention camps.

I got married that year, in August 2020. I posted a wedding photo to a Chinese social media account just to share my happiness with the rest of the family. That resulted in the interrogation of all my relatives in our village, which I became aware of later.

The UK Parliament voted and declared that China is committing genocide against Uyghur people, in April 2021. That was also the time when the Foreign Affairs Committee held the first inquiry. What happened afterwards? Nothing much has changed, at least not towards the positive.

I am a father as well. My daughter was born in September 2021. I posted a photo of my daughter, holding her in the hospital. That resulted in police intimidation of my in-laws, who are outside. Not long after, I learned that my father was sentenced to 16 years in prison for nothing, just like my uncle Emet Yaqub, who was sentenced to life, my uncle-in-law Yaqub Sherol, who was sentenced to 15 years in prison, and my cousin Iskender Yaqub, also sentenced for 15 years—just like Ilham Tohti, Rahile Dawut and other intellectuals and business people, and ordinary people, like my family members.

I was also able to learn that some of my extended family members were sentenced, just like I have listed above. Some of them were transferred to production facilities as a condition of release; that is where the state-imposed labour transfers take place. Some were released at home, but under strict surveillance. They cannot even talk to someone like me.

I am no longer a father. My daughter passed away on 30 November 2023. She survived nine surgeries. I am not sure if my father was aware of my daughter's existence, not to mention her suffering and her fight, and not to mention my suffering and pain. My daughter was indeed a fighter, just like my father.

That is the storyline of my life. I have witnessed milestones in the development of the region, from domestic tensions to state-imposed



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labour transfers, long, unjust imprisonments, transnational repression and the inability to communicate with anyone back home.

I can dive into the camps, forced labour facilities and labour imprisonments later in my answers but, simply, there has not been much progress in terms of human rights violations in my home town, as reflected by my life and that of hundreds of thousands of other Uyghurs.

Q24 **Chair:** Thank you for your very sobering and heartbreaking testimony. Our hearts go out to all your family, who we all know are being unjustly and wrongly imprisoned.

Rahima, I think it would be very helpful if you could set out to us more detail on the transnational repression we see China industrialising against the Uyghurs around the world?

Rahima Mahmut: Thank you, Alicia, and I thank the whole team for all your hard work. It is very difficult to speak after Yalkun; it just brings back so many emotions. Of course, Yalkun is not alone. We are all suffering. Everyone's story bears the really sad reality of what is happening.

I have lost contact with all my siblings and the entirety of my relatives and friends since 2016. My last conversation with my eldest brother was in January 2017. At that time, when I asked why no one was answering my phone calls, he said, "They did the right thing. Leave us in God's hands."

After six years of not hearing anything, I tried many times, even through Chinese friends, to find some news. Last year in April someone out of nowhere sent me a message saying, "I must let you know that your eldest sister died of a heart problem and covid complications. Your eldest brother was inside for over two years and was released because of his health issues, but do not call anyone. Do not contact anyone. They had to denounce you to be safe." That is the situation.

A lot of Uyghur refugees and some people still waiting to be interviewed here told me that they constantly receive phone calls, either from local police or state security police—that was actually covered by ITV News and LBC, and in the report that was produced by David Tobin at the University of Sheffield. They were pressurised to follow me and report my activities. They were told that they needed to go to my office to pretend to be an activist and monitor my work. Last year, when we had the High Court hearing, one of the asylum seekers was approached by the state security police. He recorded all those conversations and they specifically mentioned my name, and Dolkun Isa, the president of the World Uyghur Congress. They even knew that he was coming on 20 October.

Q25 **Chair:** Forgive me, but that is Chinese state security on UK shores.

Rahima Mahmut: Yes, Chinese state security contacted this man seeking asylum in this country and asked him to go to that court to take the names of everyone who attended. Now less and less Uyghur people turn up at our protests. For example, last night we commemorated the 27th year since the Ghulja massacre—the event that led me to leave my country in 2000—and we had this white man there. This has been



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happening repeatedly: every time we have a protest, he comes and sings the red songs. That is so disrespectful for us, because we are commemorating people at these kinds of events—over 100 died, over 100 were executed, and thousands disappeared—and we see a white man come to the demonstration and sing in Chinese, “Without the Communist party, there is no new China,” in front of us.

Chair: The fact that you are being monitored, tracked and intimidated on British soil is shameful and an indictment of the freedom that the Chinese Government feel they have to act as they will.

Q26 **Mr Jayawardena:** How has the business environment in China—I wonder if Chloe might comment on this—changed since the Committee’s inquiry, way back before I was on it, in 2021?

Chloe Cranston: I was at the original inquiry, and I think it is worth flagging that, actually, in terms of a lot of my comments, very little has changed. I also want to say that it is a privilege to be able to follow Rahima and Yalkun, who I admire constantly.

We need to understand that, with the forced labour systems, even if the means have changed, which I believe Yalkun will provide a bit more detail about going forward, the objective remains the same. Within that environment, we are seeing an increasingly restrictive business environment.

Around the time of the last inquiry, around April 2021, we actually saw a co-ordinated backlash in China against leading western companies that had been transparent about the meaningful efforts they were taking against Uyghur forced labour. China has also since introduced the anti-foreign sanctions law, and companies and investors have reported to us that that has led to a significant decrease in the disclosure of information from their suppliers and business partners.

In short, it is increasingly difficult for companies to understand what is going on with their supply chains through direct engagement with suppliers, and that leads to the need for very detailed desk-based due diligence. That is possible, and companies are doing it—I will get on to that.

Linked to that—and I believe that Yalkun will also provide more details on this going forwards, so I will be quite quick—is that intimidation and more formal tactics are systematically curtailing the work of independent audit firms. I must be clear that audits in any example of forced labour are seriously limited: audits are not the solution to prevent or identify forced labour, whether I am talking about the UK or the Uyghur region. However, in the Uyghur region they completely lack credibility and are impossible.

When I spoke before, I spoke about how leading textile auditors, as early as 2020, said that they were no longer auditing the region. Human Rights Watch has since reported that auditors continue to complain of extreme surveillance, including the use of facial recognition and tracking of physical and digital movements. Frankly, overall, any audit occurring in the region



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could not and cannot be conducted without surveillance by the Chinese Government; we have heard about that here in the UK, so imagine it in the Uyghur region.

Evidence of the crackdown is also widely reported. In 2023, there was the raid and closure of the Beijing office of the US consultancy firm Mintz Group. The Chinese Government have also ordered Chinese state-owned enterprises to divest from KPMG, EY, Deloitte and PwC and to hire regional firms instead. Overall, we are seeing an increasing and continued impossibility and lack of credibility of any attempts to conduct due diligence in the Uyghur region and to maintain business in that region. That broader context has also led to the opacity of supply chains.

Mr Jayawardena: Thank you. I think Neil wanted to come in on this as well.

Q27 **Neil Coyle:** Before I ask about supply chains, can I thank you for your courage in giving this personal testimony? It is not easy to talk about these things, so I am very grateful to you for speaking out so personally. Specifically on the issue of supply chains, is there any evidence from China that explains why the UK Government consider the current forced labour legislation sufficient to tackle the problem?

Chloe Cranston: The Modern Slavery Act in the UK?

Neil Coyle: Yes.

Chloe Cranston: I covered the insufficiencies in the Modern Slavery Act in quite a lot of detail in the previous inquiry, or the earlier stage. Very little has changed. To give you a few updates, the short answer is that, no, it is entirely insufficient to address Uyghur forced labour or, again, any forms of forced labour around the world.

In terms of updates, in 2020 the Home Office, following consultation, committed to strengthening the Modern Slavery Act. In January 2021, the then Foreign Secretary, Dominic Raab, recommitted to this in response to many of these related debates. It was again recommitted to in 2022, in a proposed modern slavery Bill that has not materialised.

However, I want to underline that, even if those commitments had come to fruition, they would have been insufficient. They were about strengthening the Modern Slavery Act and adding financial penalties for failure to publish a statement. Even financial penalties will not change the situation. The Modern Slavery Act is a reporting obligation. A company can simply hire a lawyer to write a compliance statement and, as long as they do that, even with the future strengthening, which may or may not happen, they will still be in compliance. It does not constitute meaningful action, and it does not necessarily constitute removing Uyghur forced labour or any form of forced labour from a supply chain.

Our recommendation, which echoes the recommendations in your 2021 report, is that we need to see much stronger regulation. We see the Foreign Office, Business and Trade, Energy Security and Net Zero, and the

Home Office as having a joint remit over this. We need to see two separate, but very much parallel, pieces of legislation. First, we need a legislative duty to prevent human rights and environmental harm, modelled on the UK Bribery Act, that mandates companies, the public sector and financial institutions to undertake human rights and environmental due diligence—a so-called business, human rights and environment Act. There is actually a private Member's Bill going through the House of Lords right now that is very similar to this, which I can go into.

Secondly, and again echoing your previous recommendations, we need to complement that with import controls that control the trade of products made in whole or in part with forced labour, including state-imposed forced labour. I can provide much more detail on all of that, but I will leave it there.

- Q28 **Neil Coyle:** You were very damning of the Modern Slavery Act's reach in what you just said. Why, then, have not just British companies but other companies been divesting from China? Why have companies been shifting where they source, in particular, cotton, for example? How do you explain that if it is not an implication of the Modern Slavery Act?

Chloe Cranston: Where we have really seen the most significant response to Uyghur forced labour by businesses is in response to the US Uyghur Forced Labor Prevention Act. We must remember that many UK businesses are exposed to the US market. It is a very important export or import—depending on which way you are talking about it—market for them. Similarly, the EU is very soon to pass the European Union corporate sustainability due diligence directive and a parallel forced labour regulation. With that regulation appearing, companies—particularly the largest British companies, which are exposed to and very reliant on many of these markets—are getting their supply chains ready. They are either already ready for the US regulation or they are getting ready for the EU regulation.

I speak very often with UK companies, and they agree that the Modern Slavery Act is not sufficient. They are looking for stronger regulation. Over 50 of the UK's most well-known businesses and associations, including the Ethical Trading Initiative and the British Retail Consortium, both of which were witnesses previously, as well as Tesco, the John Lewis Partnership, ASOS, Aviva and many more are urging the Government to introduce due diligence regulation, citing how it would level the playing field. We also have investors representing—

- Q29 **Neil Coyle:** So it is fair to say that, on the business side, companies are more aware of the problem both in Xinjiang and more widely, and are looking to commercial but also legislative solutions.

Chloe Cranston: Unfortunately, I think it is too optimistic to say that companies are all aware of the problem. What we really see is different companies being in different places. Some companies are very aware of this problem, and they have been undertaking very meaningful efforts



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since roughly 2020—some even earlier. Other companies are, frankly, doing nothing, and are able to use the UK as a dumping ground for their goods because they can import them into the UK. Then, there are middling companies, which are a halfway house. The lack of a level playing field caused by legislation means that the companies that make efforts are continuously undercut by those that do not.

Q30 Neil Coyle: So it comes from an ethical customer base rather than from legislative pressure, in your opinion?

Chloe Cranston: I do not have concrete, robust evidence on that. But we can definitely see that, for example, the textile sector has undertaken more efforts on Uyghur forced labour as a whole, as a very consumer-facing, reputation-focused sector compared with, for example, solar, on which I believe Yalkun will go into more detail.

Q31 Neil Coyle: This comes back to your point about the ability to undertake checks on the ground. You have been very clear that you do not think it is possible to undertake a survey—or audit, as I think you were talking about specifically—on the ground in Xinjiang. Why is it impossible? Is it simply the Chinese Communist party scrutiny? Is it pressure? What are they actually doing to people who try to get to the ground to see whether forced labour is in the supply chain?

Chloe Cranston: I will pass that one over to Yalkun, because I know he has a lot to share on that.

Yalkun Uluyol: Before going into the due diligence question, I want to address and highlight a few facts about Uyghur forced labour. When we talk about Uyghur forced labour, it is not only camp labour. It is not only the production facilities inside detention camps. Yes, there are production facilities inside detention centres. But it is also happening elsewhere in the Uyghur region with state-imposed labour transfers. It is also happening in mainland China via state-imposed labour transfers. The Chinese Government are portraying those campaigns as poverty alleviation, employment of surplus labour and transforming farmers into modern workers.

Q32 Neil Coyle: I think we understand all that, and it is really useful to see, but what you are saying tells us that it is possible to identify modern slavery in the supply chain, although I inferred from Chloe that it is impossible to get to the ground and audit. What is it on the ground that is preventing companies and Government representatives from examining the supply chain to make sure that this does not happen? We all want it not to happen, but what you are showing me tells us that it is.

Yalkun Uluyol: Yes. Our investigations are generally desk-based because it is impossible to access the region. The Chinese Government are preventing due diligence and audit investigations and making the supply chains less transparent. Even basic corporate information is not accessible due to heavy censorship online. As Chloe mentioned, the Chinese Government are shutting down audit firms, due diligence investigation firms and consulting firms that are asking questions about Uyghur forced



labour. Government intervention in due diligence investigations is also very important, because there are always Government officials following the investigator or auditor. The Chinese Government's newly passed anti-espionage regulations restrict firms from revealing their suppliers, and sometimes even their customers. Worker intimidation is very important in the Uyghur region because it prevents Uyghur people from being able to talk about their conditions freely without the fear of punishment.

Q33 Neil Coyle: So without the required transparency, companies simply should not be using products from either Xinjiang or, potentially, China more widely—is that the summation?

Yalkun Uluyol: Yes. The rebuttable presumption—

Q34 Neil Coyle: There is a sort of cotton passport—I forget what they call it now—that is meant to tell you that there is no forced labour in the supply chain from anywhere, even in recycled cotton. Given what you are saying about the inability to ascertain what is going on in Xinjiang, is that feasible?

Chloe Cranston: There is nuance there. What is key to understand is that due diligence on the ground in the Uyghur region is absolutely impossible. Workers—Uyghurs—are at risk of detention, and so are auditors, so both sides would be at extremely high risk if that was to be tried. What we are looking at instead is desk-based due diligence, where companies map their supply chains, identify the links to the Uyghur region and have to end those relationships. It is not about trying to work with the suppliers in the Uyghur region to change the situation. When you are talking about state-imposed forced labour through a programme driven by an objective to assimilate a population, a company has no leverage to change that situation, so we are looking at disengagement.

On your question about a cotton passport, you may be referring to isotopic testing.

Neil Coyle: That's it, yes. Thank you.

Chloe Cranston: There are various technologies which have expanded since 2020 to support companies with traceability. It is not to verify that there is no forced labour in that product—it is to verify the origin. Companies are looking to prove that their cotton is, for example, Egyptian, not from the Uyghur region. If it is from the Uyghur region, they have to operate with the presumption that it was produced using forced labour, because they cannot prove otherwise. That testing has been widely used, including by many British companies we know of.

Yalkun Uluyol: I want to add to Chloe's point about traceability. In our latest report with Sheffield Hallam we traced, through third-country shipment data, 30 major brands operating in the EU market specifically that are connected to only four major manufacturers in China, and those manufacturers are complicit in imposed labour transfers. That came with very limited data.



I also want to add that this is not only about cotton. The Uyghur region accounts for 23% of the world's cotton and 85% of Chinese cotton. It also accounts for 10% of aluminium, 35% of polysilicon, which is important to produce solar panels, and 10% of board PVC—a plastic that we see in curtains and even credit cards.

Forty per cent of China's coal reserve is based in the Uyghur region. That allows the Chinese Government to subsidise and incentivise heavy industries to move into the region, build industrial parks that produce environmentally damaging materials, and exploit the labour transfer programmes.

Q35 Neil Coyle: Do the Government need to legislate here to ensure that companies conduct traceability and have due diligence? Are you saying that is not covered by the Modern Slavery Act 2015? Should the FCDO also be doing more to support British businesses to build connections with Bangladesh, for example, on cotton or photovoltaic cells—or whatever it might be? Is there a role for the FCDO here to support that ethical re-routing and sourcing?

Chloe Cranston: There are three things that we are ultimately looking at here. One is regulation—we do need regulation. Decades of experience have shown that voluntary efforts are insufficient, and the last nine years of the Modern Slavery Act have shown that that is completely insufficient. I want to reiterate that this is not just coming from NGOs; it is coming from the business community and investors as well—they want stronger regulation. We really think that mandatory measures are what will drive the change, and that is what we are seeing happen in the EU, the US, Canada, Australia and New Zealand. The UK is rapidly falling behind when we were a leader in 2015—it has been a very quick regression.

There are other things we could be looking at besides regulation, but I want to really emphasise that regulation is the No. 1 thing that will shift things. We also need to see guidance from the UK Government. We have the overseas business risk guidance, which does come from the FCDO together with other Departments. I believe they have somewhat expanded it since the last inquiry, but compared to what the US and Canada have produced for their businesses it is really lacking detail about the sectors that are exposed—as Yalkun has explained—why due diligence is impossible, and what traceability approaches can be used.

We at Anti-Slavery International recently published some work around the solar and electric vehicle industries together with Sheffield Hallam University and the Investor Alliance for Human Rights. We also need Government support for those sectors, particularly on renewables, in order to build truly green and human rights-respecting supply chains. We have a series of recommendations on that, which I will not go into right now.

Yalkun Uluyol: I would like to add to that from a corporate perspective. Because of the international pressure, the Chinese manufacturers are trying to navigate between those sanctions—especially the UFLPA, because



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it is one of the most robust enforcement measures that currently exists in the world—by hiding their activities in the Uyghur region.

Those companies are changing their subsidiary names so that they do not reflect the parent company names or contain the word “Xinjiang” in them. That means that customs and border protection cannot identify those companies’ linkage to the Uyghur region. They are also changing the ownership structure of their Uyghur region-based subsidiaries while still being active in the region. They are deleting news, social media posts and other publicly available sources that promote labour transfer programmes, and which validate and evidence those companies’ complicity with the state-imposed labour transfers.

Coming back to your point, Neil, sourcing from Vietnam or Cambodia does not solve the problem. The US Customs and Border Protection’s latest UFLPA statistics show that Vietnam surpassed China for the most UFLPA-reviewed shipments in 2023. That is because Chinese manufacturers are trying to be compliant with the UFLPA by selling their products, or building up subsidiaries, in those south-east Asian countries. They are doing that in order to export their products to the US and hide their activities in the Uyghur region, as well as their connections to manufacturers that are complicit in labour transfer programmes. Therefore we need transparency, accountability and traceability.

Q36 Chair: On exactly those points, Solar Energy UK—the overarching body for solar in this country—is proposing to bring in its own system, in which it asks all its members to ensure that they have a clean supply chain and are not using Uyghur blood labour in their supply chains. What confidence do you have that the Solar Energy UK scheme will be robust and fit for purpose?

Yalkun Uluyol: I cannot recall the exact names. For example, the latest BBC report reveals that the British Army uses solar panels that are featured in the Sheffield Hallam “Over-Exposed” report. If they are being used by the Army, I cannot think the usual market will connect that with customers.

It is not only about solar, as I mentioned; it is also about the automotive EV sectors, PVC and almost all sectors that are relevant to the Uyghur region. In our “Driving Force” report, we feature lithium as one of the critical minerals for battery production, and we map out over 100 international car or car-parts manufacturers that are at high risk of sourcing from Uyghur forced labour. According to our follow-up research, even after reading the report and after all the international efforts, companies are not diverting from Xinjiang; they are building up more subsidiaries in the Uyghur region. For example, one Chinese manufacturer we featured in the “Driving Force” report opened at least 20 subsidiaries in the Uyghur region in 2023 alone.

We also have to think about the critical minerals dimension. Remember that 40% of the coal reserve is in the Uyghur region. Policy is designed to



bring all those heavy industries to the Uyghur region—to damage the environment, to exploit the labour and to extract the resources.

- Q37 **Chair:** I am not sure whether this question is for Yalkun or more for Chloe. Given that we see solar companies increasing the number of subsidiaries they have and increasingly trying to hide that they have a footprint in Xinjiang, why have we not seen any sanctions by the UK Government against solar companies using Uyghur blood labour?

Chloe Cranston: I could attempt to answer that one, or we could ask the Government. I will also answer the previous question on the Solar Stewardship Initiative of SolarPower Europe and Solar Energy UK. We have to be clear that that initiative does not address Uyghur forced labour, despite—without doubt, without argument—it being the biggest human rights crisis facing the sector. The standard has no specificity to Uyghur forced labour at all, particularly given the fact that due diligence on the ground is impossible—

- Q38 **Chair:** Forgive me. If the Solar Energy UK chief executive told me to my face that the initiative would deal with Uyghur slave labour, would you say that he had misinformed me at best and lied to me at worst?

Chloe Cranston: I would suggest that you ask for significantly more detail as to how. As a community working on Uyghur forced labour, we do not have any reassurance that the initiative will meaningfully address Uyghur forced labour. The question is how. They are currently producing a “traceability protocol”—I believe that is the wording—but we will have to see the details of how that works. It is also worth flagging that SolarPower Europe, the co-creator of the initiative, has Chinese companies in its membership, at least four of which are companies that Sheffield Hallam University has alleged have high risks of linkage to Uyghur forced labour.

Critically, we need to be asking questions as to how. How can a standard for the solar industry not have any specificity for Uyghur forced labour, when the problem is a forced labour one that cannot be dealt with in the same way as a forced labour problem in, for example, Malaysia?

- Q39 **Chair:** Finally on this, before I turn to Henry, given the difficulty of traceability, and the obfuscation and difficulty on the ground, let us flip the question on its head. How can we be so certain that particular companies are complicit in genocide? With companies such as Canadian Solar—which, I disclose, wants to build a giant 2,100-acre solar plant in my constituency, and is completely complicit in genocide—how has Sheffield Hallam been able to prove so concretely that the company is so egregiously tied to Uyghur blood labour being used in its supply chains?

Yalkun Uluyol: I think that knowing the Chinese language and being able to analyse the publicly available sources in Chinese helped us a lot. We were able to identify companies and their operations in the Uyghur region through their ownership structure and their co-operation with XPCC, which is a sanction entity for the United States and has 2,900 subsidiaries all across China. We were also able to identify the companies’ participation in Government-incentivised campaigns and subsidies, including subsidy for



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receiving transferred labourers, for exporting Xinjiang cotton or for visiting workers' families and surveilling them. Those documents are available in Chinese, so we were able to trace down companies' activities, map out their relationship with mainland manufacturers and connect them to the international market.

Let me give you an example from the solar sector. There are three provinces in China that are rich in metallurgical-grade silicon—Yunnan, inner Mongolia and the Uyghur region. Whenever you talk to a solar company, they can tell you where they buy the polysilicon, but when you ask about metallurgical-grade silicon they tend to say, "Oh, we buy from inner Mongolia," or they say that they buy from Yunnan—not the Uyghur region. If you compare the capacity of polysilicon or metallurgical-grade silicon production in Mongolia, it doesn't match that. They are trying to hide their activity in the Uyghur region. That is how, in the most recent report on solar panels, "Over-Exposed", the Sheffield Hallam University researchers were able to take steps to identify companies' complicity with labour transfer and their exposure to the Uyghur region.

I want to mention another important point. As China becomes less transparent, they delete posts immediately. One company that featured in our latest "Tailoring Responsibility" report connected Uyghur forced labour to the EU market. That company's "About us" page proudly mentioned international brands that were buying from them. After our report was released, they deleted all those company names. Thankfully, we archive everything that we find because it can change at any moment.

With our ability to trace publicly available data and our competence in Chinese, Uyghur and other local languages, we were able to trace that company's activities. For instance, you might only look at the English names, but those companies tend to have alternate names. One company can be called something in English and something completely different in Chinese. Knowing the Chinese name and the Chinese address is crucial to our research. We can then trace their activities in the Uyghur region. If we can map out those relationships with a few researchers and very limited availability of data—we only look at publicly available data and all our work is desk-based—then I think that multinational companies that have millions of dollars to spend could try to trace their supply chains better by themselves, but only if they are willing to.

Q40 Chair: This is my final question for you, before I move to Henry.

Given that, in your report, Canadian Solar was the company that was most complicit with Uyghur slave labour in the solar supply world, are you surprised that we have not seen any sanctions against them? Can you confirm, for the record, that Canadian Solar is absolutely using slave labour for this?

Yalkun Uluyol: I am not one of the authors of the "Over-Exposed" report, but they examined 10 major solar manufacturers across the globe and almost all of them were at high risk of sourcing from Uyghur forced labour,



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or at least exposure to the Uyghur region, as it accounts for 35% of polysilicon production.

- Q41 **Henry Smith:** We have discussed imports from the Uyghur region of cotton, solar panels and potentially lithium for use in EV technology, but one area that we have not talked about is genomic harvesting and organ harvesting. There are companies like BGI and affiliates like MGI that operate in China, of course, but also around the world, including in this country, seeking contracts with public health authorities, such as the national health service, as well as with private health providers. What more do you think this country should be doing to perhaps copy the US example of restricting the activities of companies like BGI, which are ultimately owned by the regime in Beijing? Rahima, perhaps I could come to you first.

Rahima Mahmut: I am so happy that you have raised that question. We should also talk about the high-tech surveillance that has enabled round-ups, mass internment and transnational repression. Of course, the UK is complicit, with Hikvision and Dahua cameras. One of the Stop Uyghur Genocide campaigns is against Hikvision: we want the UK Government to ban Hikvision. Uyghur people still face an ever-expanding surveillance state. What started with cameras and physical tracking of people's location has expanded into total surveillance of communications, biometrics and even the use of genetic data.

You mentioned BGI. The CCP is enabled by Chinese state-linked companies like BGI Group and its affiliates, including MGI Tech. It has continued forced genomic data collection. There are a lot of reports that that has happened, especially since 2016. The Uyghurs were summoned to local clinics or hospitals to participate in a so-called health check, but in fact the goal was to collect all their genomic data.

To go back to what the first panel discussed, the determination of the genocide was based on forced sterilisation, forced abortion and so on. Genomics itself is complicit in the forced sterilisation and abortion as a part of a genocidal campaign against my people. It also includes Tibetans: we have heard reports, after the report came out from the Uyghur region, that similar things have been happening in Tibet.

The data collected without consent is used not only as a tool of repression, but to leverage international dominance in key sectors like sciences. The UK is increasingly complicit in this by virtue of its inaction and poor decisions. It was revealed only last Sunday that Oxford University had published Chinese-funded research that used Uyghur DNA.

Beyond surveillance and repression, forced DNA collection has also been used to enable the organ-harvesting trade by matching Uyghurs and other oppressed people to recipients. You must have heard about how a lot of hospitals advertise that they can find a match within 24 or 48 hours. Without this large dataset, how would that be possible?



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In the USA, companies that have been complicit in the genocide are increasingly facing bans. A large number of companies are blacklisted, including surveillance companies; BGI Tech Solutions (Hongkong) and its subsidiary, which had public contracts in the UK, have been blacklisted. But we have not seen any action from the UK—despite the amount of evidence that is available, which is the reason why the US has blacklisted them.

UK universities, hospitals, research institutions and private healthcare companies such as Bupa and AXA that choose to work with BGI are complicit in genocide by working with, helping to fund and enabling corporations that China deploys to support its horrific repression. Through its ongoing inaction, the UK Government is also complicit.

We need a cross-party consensus to support the independent finding of genocide against my people. We need appropriate action to stop all the entities involved, public sector and private, benefiting from it in the UK. There is so much—not just forced labour, but academia and others. It is just frightening.

Stop Uyghur Genocide is working on a grassroots campaign to educate people. We are also focusing more on universities like Cambridge that receive research funding from Huawei, for example. I have mentioned Oxford University, and there are many more.

Q42 Henry Smith: Thank you very much; that was very comprehensive, powerful and chilling testimony. Are there any brief comments from other members of the panel on that?

Yalkun Uluyol: On the genetic studies?

Henry Smith: On the genomics, the abuse of organ harvesting, and so forth.

Yalkun Uluyol: I want to highlight the political prisoners. We know that organ harvesting is very common in Chinese prisons. I want to highlight the findings of a study. The Uyghur region has the highest imprisonment rate in the world. In Konasheher county, one in 25 people were imprisoned because of terrorism charges—in only one county. Uyghur political prisoners are 93% less likely to be released compared with Han Chinese, and nine times more likely to die in prison compared with other ethnic minorities, according to a study carried out in one of the European universities.

Aside from the organ harvesting, prison labour is also very common in the Uyghur region, with state and private enterprises running facilities across prisons. Forced labour, imprisonments, camps, family separation and transnational repression cannot be separated from one another, because they are complementary to the ongoing Uyghur genocide.

Chloe Cranston: Can I add a quick point there? It is really important to underline that latter point. What I am concerned about, after four years of seeing business and Government responses—by Government, I mean



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internationally now—is that there is a siloing of the forced labour side of this from all the other abuses, somewhat misunderstanding that all of these abuses are interconnected. We are failing to see an assessment from the Foreign Office about this, assessing, for example, how the forced labour interconnects with, say, the forced sterilisation or the forced separation of families.

In that sense, we need to understand that, with Uyghur forced labour, in contrast with most other current and historical examples of forced labour globally, the objective does not seem to be profit; it does seem to be a violation—this is what the FCDO should be assessing—of ILO convention 105, specifically article 1(e), which is where you have forced labour “as a means of racial...or religious discrimination”. The economic grounds for it seem to be secondary, and we need to be considering—and we need to see the FCDO assessing—the forced labour as a means of control and assimilation. That is a missing piece of the puzzle.

I just want to put one more piece forward, around what has happened since the previous inquiry. The UN special rapporteur on contemporary forms of slavery, in 2022—so shortly predating the Bachelet report—concluded, in reference to the Uyghur region, “given the nature and extent of powers exercised over affected workers during forced labour...some instances may amount to enslavement as a crime against humanity, meriting a further independent analysis”. We need to see the FCDO assessing the forced labour—this links to panel 1—as a crime against humanity, considering that enslavement is a crime against humanity “when committed as part of a widespread or systematic attack directed against any civilian population”, under article 7(1) of the Rome statute.

We are missing that comprehension, particularly by businesses. They are thinking that forced labour in the UK is comparable to forced labour in the Uyghur region. That is a complete misunderstanding of the gravity and the egregious and systemic nature of what we are looking at.

Yalkun Uluyl: Can I add a point to that?

Chair: Yes, but very briefly, because I want to bring in three more questions and we only have seven minutes.

Yalkun Uluyl: Sure. I think we have to remember the vast scale of the forced labour and state-imposed labour transfers. According to Government reports, between 2016 and 2022, people were transferred more than 17.5 million times, and 3.5 million people were affected. Those are Government figures. Those people are not just transferred to work in a certain place; they are transferred around. One person can be transferred more than once.

I want to highlight two workers’ memories of forced-labour facilities, which we have identified in our reports. One worker was praised for even missing surgery to show how committed he was to working for the CCP. That was on a state-run enterprise’s blog, featuring workers’ lives. In another, they



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were missing their loved ones' important milestones. One was praised for missing his son's wedding.

We have to understand that people face indoctrination and all other forms of repression inside of forced labour. It is not only deprivation of freedom, but deprivation of religious freedom and of the freedom to say no. In that sense, I totally agree with Chloe's point that we cannot separate forced labour from other forms of repression that constitute genocide.

- Q43 **Brendan O'Hara:** Can I touch on the US and EU legislation? Some of us have, unfortunately unsuccessfully so far, sought to bring in legislation in the UK to prohibit import of products made through false labour in Xinjiang, similar to that introduced in the United States with the Uyghur Forced Labor Prevention Act. How has China reacted to the US legislation? Has it changed China's behaviour in any way?

Yalkun Uluyol: In terms of regulation, the strongest dimension of UFLPA is rebuttable presumption. The success story behind UFLPA, I believe, is rebuttable presumption, which considers everything made in part or in whole in the Uyghur region or at high risk of forced labour. This is because of the impossibility of due diligence and audits on the ground.

- Q44 **Brendan O'Hara:** That puts the onus on the importer to prove that it is not, rather than on those buying it to prove that it is. Is that right?

Yalkun Uluyol: Yes. They have to prove that their products are free of exposure to the Uyghur region and also forced labour. I think that is its strongest dimension.

I want to highlight a quote from an audit firm that recently conducted an audit at Volkswagen's Urumqi plant: "He reported that the main basis for the audit had been a review of documentation relating to the...employees at the plant rather than interviews adding that this could be 'dangerous'. 'Even if they would be aware of something, they cannot say that in an interview'."

I think workers' interviews are the key in determining forced labour, and that is impossible in the Uyghur region. That is why rebuttable presumption is important and why UFLPA is successful by far. Perhaps Chloe can add to that.

Chloe Cranston: I can share many points on the Uyghur Forced Labor Prevention Act in terms of why we need rebuttable presumption. I can also provide some more detail on the EU proposal, if that is of use.

In terms of your question, there are two pieces to flag. We have actually seen some impact from the Uyghur Forced Labor Prevention Act. It is, of course, very difficult to say there is direct correlation between these pieces, so there is that caveat first, but I will provide you with some statistics.

Since the Uyghur Forced Labor Prevention Act came into force, a total value of approximately \$2.4 billion-worth of products have been seized.



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That is across electronics, fashion—apparel and textiles—base metals and pharmaceuticals. As of March 2023—I think this is the important piece for when you want to consider what the impact with the UK could be—shipments from the Uyghur region to the US had reportedly decreased by 90% since the law went into force. Since 2020, we have also seen a drop in the global position of polysilicon sourced from the Uyghur region, from 45% to an estimated 35%. Again, we have to look at questions about direct correlation there and I am not an economist or such, but we have seen a 10-percentage-point drop. Between June 2021 and June 2022, we also saw sales of ginned Uyghur-region cotton decrease by over 40%. So there are definite shifts there.

We definitely see a huge shift in terms of corporate practice. My organisation last year conducted a big project around the investor response to Uyghur forced labour in green technology—solar and electric vehicles. By far, the consensus we heard from investors was that the greatest leverage they had to engage with their portfolio companies was with US-based companies or companies exposed to the US market, because they had that legal tool to leverage. When they were referring to other companies that were not exposed to the US market, they had no leverage, so they were calling for legislation comparable to the Uyghur Forced Labor Prevention Act.

Q45 **Brendan O'Hara:** In a nutshell, it has worked; it has been successful.

Chloe Cranston: It is working, but we need it to continue.

Q46 **Brendan O'Hara:** Okay, it is working—I take your point. In terms of the EU legislation, is that expected to have a similar impact? Are there significant differences between the American Act and what is going through the EU?

Chloe Cranston: We have yet to see, basically. The EU is in trilogue as of these past two weeks. We only recently had the Council's position. The Parliament's position called for a rebuttable presumption or a system very similar to that which Yalkun has already explained, so we will have to see whether the final regulation includes it. What is also worth pointing out about the EU regulation is this: the Uyghur Forced Labor Prevention Act is solely about Uyghur forced labour, but it complements the US Tariff Act, which can be used against any form of forced labour around the world—for example, it was used on forced labour in relation to PPE during covid in Malaysia. The Uyghur Forced Labor Prevention Act is basically a complementary tool to that, to apply this rebuttable presumption for a systemic case of state-imposed forced labour. The EU regulation is for all forced labour around the world, including within the EU. That could—and, we hope, will—include a rebuttable presumption model that can be applied to instances of state-imposed forced labour.

Here in the UK, we are looking for a broad import-control regulation that can apply to forced labour all around the world, whether that is for, as an example, specific production sites in Malaysia, where it could drive urgent remediation for workers in PPE factories, or whether it is for, as an



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example, all products from the Uyghur region and all cotton from Turkmenistan, which I know is another issue that has come up in the Foreign Affairs Committee. That is what we are looking for in the UK.

- Q47 **Brendan O'Hara:** Would it be fair to say that given that the legislation is working and the EU could go down a similar route, it would be extremely helpful if the UK were to follow suit and have its own Uyghur forced labour Act?

Chloe Cranston: If I may, I would say that “helpful” is an understatement. The UK is set to be, and is already becoming, a dumping ground for products made with forced labour and human rights abuses. The world’s largest single market—the EU—is set to introduce regulation. The US already has it. Canada and Mexico have both amended their customs regulations to prohibit forced labour imports; they have to do so under the United States-Mexico-Canada free trade agreement. Australia and New Zealand are set to introduce something stronger than the Modern Slavery Act to amend what they currently have. South Korea is looking at mandatory human rights and environmental due diligence regulation. Which market is in the middle? It’s the UK—so we are set to become a dumping ground and also a safe haven for companies that fail to respect the issue of human rights abuses.

I believe that Yalkun can provide more details on what we are seeing with the solar sector, which is bifurcation of supply chains. China is creating a so-called clean supply chain for the US market and maintaining a so-called dirty supply chain or forced labour tainted supply chain for the rest of the world.

One of the recommendations that I would be putting to the FCDO is for them to do an inquiry into the exposure of the UK market to Uyghur forced labour. Unlike in the US, we do not as a civil society have access to UK customs data, so we cannot truly know to what extent the UK market is exposed, but we know that re-exporting is happening from the US. If a company’s shipment is seized, they can essentially—this is non-legal terminology—turn it around and take it to the UK, rather than proving an absence of forced labour. We also know about bifurcation. There is a clear question and a clear role for the Government to look at the extent to which we are exposed, and I would say that that has to be published and made transparent.

- Q48 **Neil Coyle:** Do the stats that you refer to, Chloe, take into account Yalkun’s point about companies that hide the true source, or is that just the overall drop, before that is addressed?

Chloe Cranston: Do you want to answer that, Yalkun?

Yalkun Uluyol: I think it is different. Hiding activity in the Uyghur region is for being compliant with the UFLPA, but the different production lines happen. Take the company that is for solar modules. With solar modules, from the module you can trace it down to the raw materials. They have a certain line that is a clean production line and compliant for the US market, and another line that is not UFLPA compliant, which means that



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there is exposure to the Uyghur region. The production line that is UFLPA compliant goes into the US market, and the rest of the modules go into the global market, including the UK. That is why Chloe described it as a dumping ground, which I think it is.

- Q49 **Neil Coyle:** There was an earlier point about the drop in imports to the US, in particular, on the back of their stronger legislation. Obviously there has been a drop, but is further action needed to prevent the hiding of the source material, in order that it goes further?

Chloe Cranston: There are two answers to that. In terms of that stat, I would have to check, but I would assume not; I would assume it is for direct shipments, but I can check and clarify in writing afterwards.

Neil Coyle: That would be really helpful.

Chloe Cranston: Critically, what you need to understand in terms of enforcement of the Uyghur Forced Labor Prevention Act is that a huge amount of these shipments are not direct shipments from China. For example, Malaysia, I believe, is the No. 1 source. That is related, for example, to the solar industry. The US enforcement bodies are looking at these intermediary routes, and you can see that in the Forced Labor Prevention Act's enforcement data.

Neil Coyle: If you are to send anything in, it is potentially about what the Committee should recommend to the FCDO in terms of additional measures that go beyond to try to get right into that point about the hiding of—

Yalkun Uluyol: Trace it, down to the raw materials. I think that would be the key, and the US FLPA requires that. For instance, car manufacturers might be using aluminium from the Uyghur region, so just ask them. There is not really the ability to ask questions in China. You cannot ask a manufacturer in China, "Who is your supplier?" If you cannot even ask this simple question, then move out. That is the recommendation that we provide to Governments, especially for the Uyghur region.

One last thing I want to highlight is that we often talk about forced labour and genocide—people being imprisoned and separated from family—but we also have to consider accountability. As the first panel referred to, sanctions can be useful. That is the sanctioning of individuals who are complicit in genocide and companies that are profiting from Uyghur forced labour. The UK can do that. Those policies are not implemented by machines. There are people involved in the decision-making process, the whitewashing process, and the hiding process. Who are those people? We need to sanction them. Countries, like the UK and US, and everywhere globally, need to sanction those people to hold them to account. Accountability mechanisms are under-emphasised in many sanctions related to Uyghur rights violations. We have to go beyond the victims. Who are the perpetrators?

Chloe Cranston: For full clarity, the US Act addresses intermediary routes. If the UK was to introduce import control regulation, and wanted to



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ensure that it was not just catching the Uyghur forced labour imports that come directly from the region—which will have undoubtedly decreased in the UK without the regulation—it would need to look at the US model, where it is definitely catching the shipments that are from intermediary routes.

[Dan Carden took the Chair]

Chair: We are running a little over time, but I think we have time for one more question.

Q50 **Henry Smith:** Very briefly, what more do you think the UK Government can do to support the Uyghur diaspora and Uyghur organisations in this country? Do you feel that the recommendations made by this Committee in 2021 are being carried out at the moment? I am interested to get your perspective.

Rahima Mahmut: The recommendations were excellent but the Government response was very vague, when they replied in November 2021. A lot of new evidence has since come out, such as the mugshots of thousands of detainees. There is a lot of extra evidence of the cultural destruction. One of the important parts of this genocide is the re-engineering of the entire population—to become Han, not Uyghur. That is another issue that we did not really discuss much, and I believe it is important for states to take action against the Chinese Government for committing those crimes.

According to the Chinese constitutions, especially the 1955 autonomy agreements, everything that they are doing is against their own law and constitutions. We want the international community to take action, especially Governments, as we know that the UN is a broken system, which we have recently seen after the UPR. I believe and hope that the UK can lead the individual countries and other partners, and not only those in the UN. We know that the UK Government are taking that kind of leading role in inviting other partners and allies to sign some of the letters, for example. That should not be limited there. They know that, because of the way in which the Chinese Government really manipulate the whole voting system, in the end we do not really get any result from that.

What the UK Government can do is lead and take an active role—for example, on sanctions. Only four individuals have been sanctioned using the Magnitsky Act, and they are not even top officials. For example, Chen Jianguo was left out. Look at the list of who the US has already sanctioned. It has strong legislation and has introduced trade sanctions. We have so much evidence already. All these companies, including BGI Genomics, are on the blacklist. We need strong legislation. The fact that the UK invited China to attend the AI summit and it is one of the signatories reminds me of the way that China sits on the UN Human Rights Council, where it has the power to veto and to manipulate. So much needs to be done.



On the main question about the recommendations—yes, but we need to pursue and to pressure the Government to really take action and that includes helping refugees in this country. We have survivors who have waited for more than two years just for an interview. The Government are not giving any kind of separate consideration for this group of people—Uyghurs facing genocide. The number of Uyghurs who managed to get here is smaller than 50, yet we did not get any kind of special consideration from the Home Office or the Government. I have spoken to the FCDO China team many, many times. One more thing I would like to highlight is that we have a self-funded Uyghur school in this country that needs help and support from the Government.

Q51 Neil Coyle: In your opening remarks, you talked about the activities of Chinese Communist party operatives in the UK to suppress your activities. Is there not more you would like to see done here? In your discussions with the FCDO, have you ever raised that problem? Would you like to see action from the UK Government to tackle it? We saw an official of the People’s Republic of China attack a pro-democracy Hong Kong activist in Manchester, and he was allowed to leave the country without prosecution. Would you like to see greater action against those Communist party operatives?

Rahima Mahmut: Yes, of course. Again, I would like to see sanctions because we know all these orders comes from the state security bureau—the highest—and yet no one is taking any action because all these policemen or junior state security police contact the Uyghurs outside. They are also under a lot of pressure because the order comes from the top and, without taking any kind of direct sanctions, we cannot see any changes. We had so many different meetings. The FCDO also organised a conference specifically on transnational repression—I was a keynote speaker—but it just stops there. Obviously, they ask us what they can do. It is difficult for me to teach them what to do, but at least the Magnitsky sanctions will send a clear message that the UK cannot tolerate such behaviour.

Yalkun Uluyol: I want to extend Rahima’s point on transnational repression. I published a report and a research article on transnational repression against Uyghur people living in Turkey, and I found that my findings overlapped with the majority of transnational repression articles. One of the key points to tackle or counter transnational repression is to recognise it as repression. Governments all across the globe—especially in the global north, and also global south, but I am considering democracies—tend to fail to recognise transnational repression as a crime, despite it being a violation of national sovereignty.

I have found that the Chinese police and other state agencies were forcing Uyghurs to conduct espionage activities against fellow Uyghurs, as Rahima has witnessed. Those acts are violations of the sovereignty of the United Kingdom as well, if it is happening here. A stronger stance from the Government is needed to recognise transnational repression, prevent transnational repression and protect Uyghurs from transnational repression. That would be my addition to Rahima’s point.



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Chair: If there are no further questions, can I thank all of our witnesses today?