

# Guardians and offenders: Examining state-imposed forced labour



*Birlik, Uzbekistan, October 2021.  
An Uzbek man hauls cotton buds through a plantation. After decades of systemic forced labour, the government in Uzbekistan successfully eradicated this widespread abuse from the annual cotton harvest in 2021. Photo credit: Vyacheslav Oseledko/AFP via Getty Images.*

**In 2021, an estimated 3.9 million people were forced to work by state authorities.<sup>1</sup> It is among the most egregious forms of modern slavery as it involves states not only failing in their duty to safeguard human rights,<sup>2</sup> but actively using their power to perpetrate abuse.**

While international conventions recognise that states have the power to compel citizens to work, this is limited to specific circumstances; for example, compulsory military service or obligatory work or service for citizens in emergency situations such as famine and natural disaster. A state exceeds these limits when it compels citizens to work as a punishment for expressing or acting on political views, or for the purpose of economic development, or as a means of racial, ethnic, social, or religious discrimination.

State-imposed forced labour can be categorised into three major types: abuse of compulsory prison labour, abuse of conscription, and forced labour for economic development (Figure 8). Abuse of compulsory prison labour accounts for over half (56 percent) of all state-imposed forced labour.

Our assessment of government responses to modern slavery found evidence of all forms of state-imposed forced labour across 17 countries. While most governments have taken some action to end modern slavery, these responses vary widely (Figure 9). All these actions are fundamentally undermined by the practice of state-imposed forced labour.

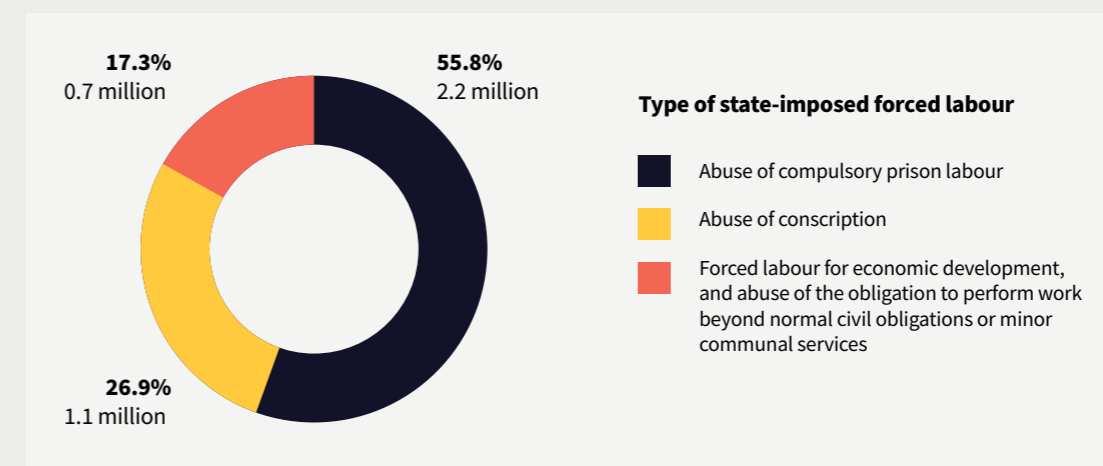
## Abuse of compulsory prison labour

Abuse of compulsory prison labour includes compulsory labour for those convicted of a non-violent political offence, participating in non-violent strikes, breaches of labour discipline, or as a means of discrimination. It also includes compulsory labour in administrative detention and abuse of prison labour for private interests. Reports indicate that state-

imposed forced labour occurs in public and private prisons around the world, including Brazil,<sup>3</sup> China,<sup>4</sup> North Korea,<sup>5</sup> Poland,<sup>6</sup> Russia,<sup>7</sup> Turkmenistan,<sup>8</sup> the United States,<sup>9</sup> Viet Nam,<sup>10</sup> and Zimbabwe.<sup>11</sup> It also occurs in migrant detention centres in Libya,<sup>12</sup> re-education camps in China,<sup>13</sup> administrative detention camps in North Korea,<sup>14</sup> and in medical labour centres in Belarus<sup>15</sup> and Viet Nam,<sup>16</sup> in which citizens struggling with drug addiction are forced to work as part of their recovery.

The US has both the resources and longstanding political will to lead the fight against modern slavery, receiving the fifth highest government response score globally. However, these positive actions are belied by laws that allow state-imposed forced labour to occur. Under the 13<sup>th</sup> Amendment to the US Constitution: Abolition of Slavery (1865), a sentence of involuntary servitude can still be handed down for an offence.<sup>17</sup> Prisoners are summarily excluded from the scope of labour law protections — including those that prohibit forced labour — given that compulsory prison labour is considered a legal punishment rather than an economic activity.<sup>18</sup> While international law permits compulsory prison labour under certain conditions, it cannot be used for the benefit of private parties, unless additional requirements are met.<sup>19</sup> Detainees in US private prisons, including pre-trial detainees, allege that they have been forced to work without pay under the threat of punishment.<sup>20</sup>

While noting a lack of recent and available data in some countries such as China and North Korea, the US has the world's largest rate of imprisonment, therefore the risk of state-imposed forced labour is particularly concerning.<sup>21</sup> The burden of risk is disproportionately borne by people of colour, who are overrepresented among US



**Figure 8**  
**Types of state-imposed forced labour**

prison populations, in part due to over-policing and historical mass criminalisation of their communities.<sup>22</sup> This is particularly true for black men living in the US, who in 2020 were 5.7 times more likely to be imprisoned than white men.<sup>23</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has urged the government to take steps to ensure prison sentences involving compulsory labour are not disproportionately issued due to racial discrimination in the criminal justice process.<sup>24</sup> In December 2020, a joint resolution was introduced in the US Congress to amend the Constitution and prohibit involuntary servitude from being used to punish offenders.<sup>25</sup>

**“... I had to work. You don’t get days off. You don’t get to have sick days. And if I didn’t go to work, it was a rule violation.”**

*Dominique Morgan, a former inmate of Omaha Correctional Center, US, 2020<sup>26</sup>*

## Abuse of conscription

Conscription constitutes state-imposed forced labour where conscripts are forced to perform work of a non-military nature.<sup>27</sup> Abuse of conscription is evident in Egypt,<sup>28</sup> Eritrea,<sup>29</sup> Mali,<sup>30</sup> and Mongolia.<sup>31</sup> In 2022, the Special Rapporteur on the situation of human rights in Eritrea reported that the Eritrean national service systematically subjects conscripts to forced labour.<sup>32</sup> This followed a 2015 investigation by the United Nations Commission of Inquiry, which found that the national service effectively served to “abuse, exploit and enslave” citizens.<sup>33</sup> Forced labour in the national service is reported in the construction of roads, dams, and mines,<sup>34</sup> teaching,<sup>35</sup> and other sectors. Young people in their final year of secondary school are forced to combine exam preparation and military training at the Sawa military camp, with many also made to perform agricultural work on surrounding farms owned by government and military officials,<sup>36</sup> and are later conscripted directly into the national service.<sup>37</sup> In addition to intensive forced labour, conscripts receive harsh punishments and abuse, with females also experiencing sexual violence and harassment.<sup>38</sup> Eritreans who flee to evade forced conscription, including unaccompanied children,<sup>39</sup> face heightened vulnerability to modern slavery along dangerous migration routes<sup>40</sup> in addition to the threat of detention, torture, and extrajudicial killing if they are caught.<sup>41</sup>

**“Although some conscripts perform purely military roles in the army, most draftees are assigned to work in civilian administration, infrastructure projects, education and construction and perform other duties, without any free choice about the area of their employment.”**

*Mohamed Abdelsalam Babiker, Special Rapporteur on the situation of human rights in Eritrea, 2021<sup>42</sup>*

## Compulsory labour for the purpose of economic development, and abuse of the obligation to perform work beyond normal civic obligations or minor communal services

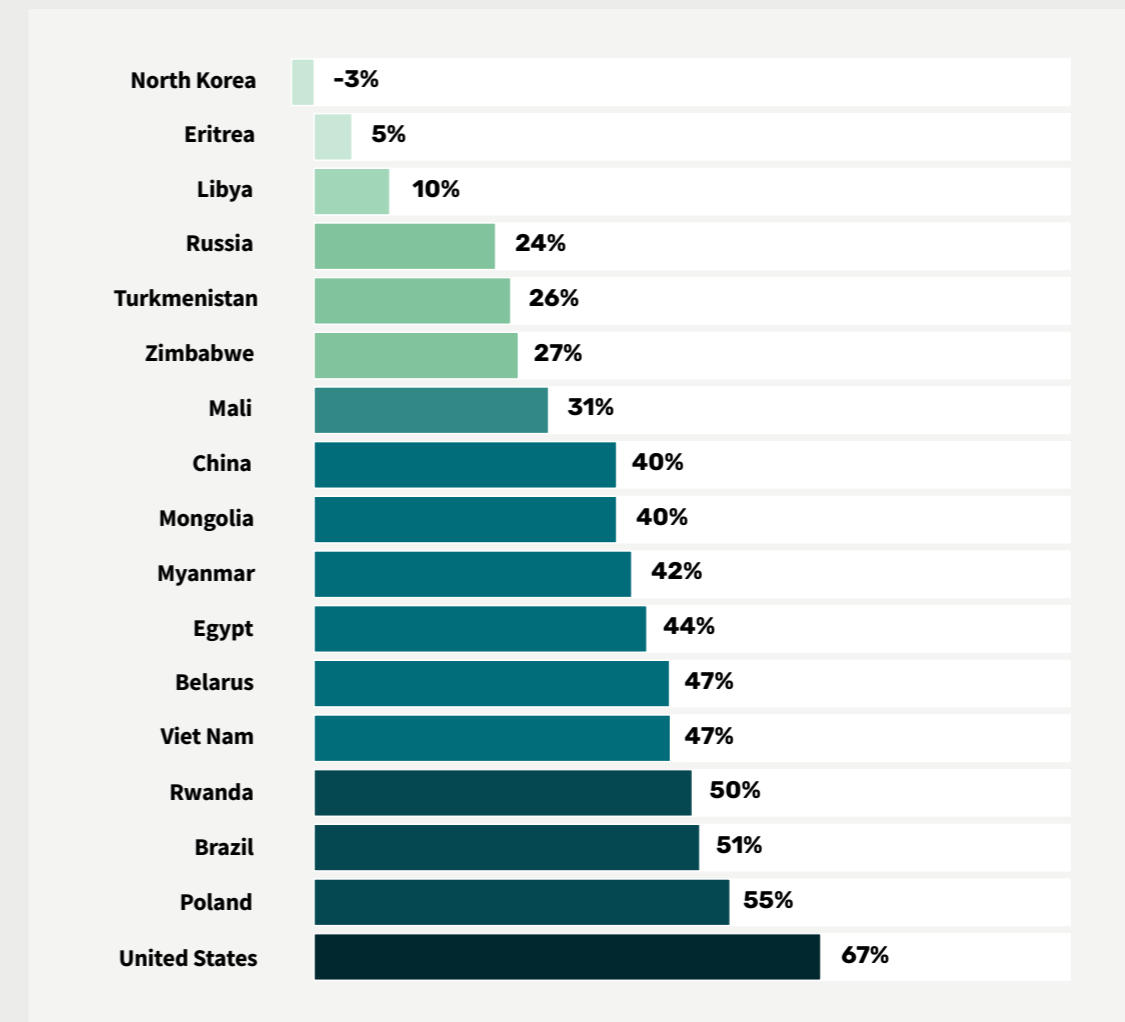
States may perpetrate forced labour through abuse of the obligation to perform work beyond normal civic duties. This is reported in Myanmar, for example, where members of Chin and Rakhine ethnic groups report being forced to work by military forces (*Tatmadaw*) as labourers and porters.<sup>43</sup> In 2019, four villages in Chin state were required to supply one worker per family to transport food rations for the military.<sup>44</sup> Rohingya were also reportedly forced to construct security camps for the *Tatmadaw* under inhumane conditions and the threat of violence.<sup>45</sup> In 2020, disturbing evidence emerged of children being forced by the *Tatmadaw* to clear landmines and work in portering, with some children reportedly used as human shields.<sup>46</sup>

Compulsory labour is also exacted by state authorities for the purpose of economic development. In Turkmenistan, workers and students are forced to participate in the annual cotton harvest, which runs from September to November, for little or no compensation or under the threat of punishment.<sup>47</sup> Public sector workers including doctors and teachers are enlisted to pick cotton, or are made to send others in their place.<sup>48</sup> The private sector may also be required to supply workers, while vulnerable groups such as migrants and students are also forced to work.<sup>49</sup> An estimated 198,000 metric tonnes of cotton are produced in Turkmenistan per year, making cotton the fourth most valuable export for the government.<sup>50</sup> The cotton — and the state-imposed forced labour through which it is harvested — enters the global

market through complex supply chains.<sup>51</sup> Activists such as the Cotton Campaign are increasing pressure on the government to reform this system and call on other governments to adopt robust import controls and businesses to avoiding sourcing Turkmen cotton.<sup>52</sup>

In Rwanda, compulsory labour is present in *Umuganda*, a national community service that takes place once every month.<sup>53</sup> While *Umuganda* is widely believed to benefit the community,<sup>54</sup> the practice is compulsory for those age 18 to 65 years and failure to participate may result in a fine or other penalty under Law No. 53/2007 Establishing Community Works in Rwanda.<sup>55</sup> While the prescription of fines in practice is unclear, the law establishes a threat of penalty for non-participation. In 2021, CEACR requested that the Rwandan government ensure community works are limited to “minor services” in line with international standards.<sup>56</sup>

While there is much progress yet to be made, there were significant positive developments since 2018. In Uzbekistan, following years of collaboration with the ILO and civil society,<sup>57</sup> a global boycott of Uzbek cotton,<sup>58</sup> and a commitment from the government to end its use of forced labour in the annual cotton harvest,<sup>59</sup> independent civil society monitoring by the Uzbek Forum for Human Rights found that no forced labour was imposed by the central government in 2021.<sup>60</sup> In 2022 however, the Forum reported that despite firm political will to prevent forced labour, risks persist in the tightly controlled cotton harvest due to pressure to meet production targets.<sup>61</sup> Continued engagement is needed to create an enabling environment for labour rights by strengthening civic participation and protections for freedom of association and expression.<sup>62</sup>



**Figure 9**  
Government response scores among countries with reports of state-imposed forced labour (per cent) (higher score reflects stronger response)

## State-imposed forced labour in North Korea

North Korea's ostensibly socialist system is upheld by widespread state-imposed forced labour of citizens.<sup>63</sup> Under the authoritarian rule of the Supreme Leader, work is centrally organised and the nature of employment is determined by an archaic social class structure that facilitates forced labour.<sup>64</sup> Forced labour is used as a punishment for expressing political views or views ideologically opposed to the established political, social or economic system. It is also used as a method of mobilising labour for the purpose of economic development and as a means of labour discipline.

In 2017, Walk Free and the Leiden Asia Centre interviewed 50 defectors to better understand the reality of modern slavery in North Korea. The study found evidence of forced labour for economic development and abuse of the obligation to perform work beyond normal civic obligations or minor communal services. According to the study, adults and children are forced to work in mandatory, unpaid communal labour, including in agriculture, road building, and construction.<sup>65</sup> For children, this may involve daily or month-long agricultural work under the threat of punishment at school, while adults may be mobilised for "battles" lasting up to 100 days.<sup>66</sup> Those who refuse face deprivation of food rations or further taxes, and bribery is the only escape.<sup>67</sup> Among the general population, workers are paid in rations, if at all, and in many cases workers report paying for their own employment to avoid imprisonment in labour camps, while also trading labour on the black market to survive.<sup>68</sup>

**"The punishment for being unemployed was six months in a labour training camp. In more severe cases, it was one to three years. The severe cases are people who have never worked. Those are people who continuously did not have any working experience and stayed only at home."**

*Lea, a North Korean defector forced to work by the state*

The study also found that pervasive abuse of compulsory prison labour is perpetrated by the state, with recent evidence suggesting this continues.<sup>69</sup> Individuals held in short and long term detention and prison camps are subjected to forced labour under extremely harsh conditions in construction, farming, logging, mining, manufacturing, and other forms of hard labour.<sup>70</sup> This includes individuals detained for being unemployed or absent from work, and those sentenced for "crimes" such as receiving unauthorized information and exercising other human rights, which are heavily suppressed in North Korea.<sup>71</sup> In 2021, the United Nations High Commissioner for Human Rights found that the level of control, physical and psychological abuse, cruelty, and hard labour within the prison system may amount to the crimes against humanity.<sup>72</sup> North Koreans are also sent abroad to work in sectors such as construction, where they remain subject to threats of severe punishment for non-compliance or political opposition.<sup>73</sup>

North Korean women and girls additionally risk being forced into sexual slavery by officials of various ranks, including the Supreme Leader himself.<sup>74</sup> Further, the state's control of resources contributes to widespread starvation and malnutrition, which spurs vulnerability to other forms of modern slavery, such as trafficking for forced marriage.<sup>75</sup>

**Pyongyang, North Korea, January 2020.**

*Men work on farmland during the year's first "Friday labour" program, under which while-collar workers are made to undertake physical labour every Friday. Photo credit: Kyodo News via Getty Images.*





**Akto, Xinjiang Province, China, June 2019.**

Vehicles pass through a checkpoint on a road near a facility believed to be a government re-education camp detaining Uyghur peoples. Various reports allege that Uyghurs, and other Muslim ethnic groups, are forcibly held in a network of internment camps in the province, where they reportedly face abuses including forced labour. The government claims the facilities are simply “vocational education centres” to steer people away from extremism. Photo credit: Greg Baker/AFP via Getty Images.

## State-imposed forced labour of Uyghurs and other Turkic and Muslim majority groups

State-imposed forced labour can be used as a means of racial, social, national, and religious discrimination, political coercion and education, and as punishment for expressing political views or views ideologically opposed to the established political, social, or economic system.<sup>76</sup> Since the 2018 Global Slavery Index, there has been a growing body of evidence of state-imposed forced labour of Uyghurs and other Turkic and Muslim majority groups in the Xinjiang Uyghur Autonomous Region (Uyghur region) of China.<sup>77</sup> Abuse of compulsory prison labour and forced labour for economic development forms part of a wider, decades-long campaign to exercise control of Uyghurs.<sup>78</sup> State-imposed forced labour reportedly occurs alongside political indoctrination, religious oppression, mass surveillance, forced separation of families, forced sterilisation, sexual violence, and arbitrary detention in so-called “re-education camps” within the Uyghur region.<sup>79</sup> Several governments have stated that China’s treatment of Uyghurs amounts to genocide.<sup>80</sup>

Under the guise of poverty alleviation and vocational training,<sup>81</sup> state-imposed forced labour is reported in cotton picking<sup>82</sup> and the production of textiles, garments,<sup>83</sup> electronics,<sup>84</sup> polyvinyl chloride (PVC),<sup>85</sup> and other goods.<sup>86</sup> An estimated 45 per cent of the world’s solar-grade polysilicon (a critical component in solar panels) is manufactured in the Uyghur region and is therefore at high risk of being produced with forced labour.<sup>87</sup> While globally there has been a shift towards renewable energy to meet sustainability targets,<sup>88</sup> the use of state-imposed forced labour prevents a just transition to protect both planet and people.

Reports indicate that forced labour also occurs through the transfer of rural populations to work in farms and factories, as well as the involuntary placement of detainees and ex-detainees in factories located inside or near

“re-education camps” in the Uyghur region and in factories across China.<sup>89</sup> For example, a 2020 report identified 27 Chinese factories across nine provinces that had used forced labour of Uyghurs since 2017.<sup>90</sup> State-imposed forced labour has been linked to factories supplying large global brands and is reportedly fuelled by political and financial incentives for local governments and businesses to participate.<sup>91</sup> Those in forced labour face threats of arbitrary detention as well as physical barriers to escape.<sup>92</sup> Similar patterns of abuse are evident in the Tibet Autonomous Region as a means of religious discrimination against and political indoctrination of Tibetans.<sup>93</sup>

State-imposed forced labour is also reported in the prison system administered by the Xinjiang Production and Construction Corps (XPCC), an economic and paramilitary organisation that exercises administrative authority in several parts of the Uyghur region.<sup>94</sup> The XPCC operates several farms, factories, and enterprises out of its prisons that produce coal, cotton, textiles, chemicals, plastics, and other products using forced labour of Uyghurs.<sup>95</sup> Han Chinese imprisoned within the XPCC system are also reportedly subject to forced labour.<sup>96</sup>

The Chinese Communist Party denies the use of forced labour in its factories, and state-controlled media claims that participation is voluntary.<sup>97</sup> However, state-imposed forced labour in China has received heightened attention in recent years, with calls for all companies to restrict sourcing from the Uyghur region as it has become impossible to operate in accordance with the United Nations Guiding Principles on Business and Human Rights (UNGPs).<sup>98</sup> The European Union and several countries have introduced sanctions and measures such as divestment in response to the abuse.<sup>99</sup> In the United States, specific legislative measures have been adopted to prevent the import of goods made with state-imposed forced labour in the Uyghur region.<sup>100</sup>

**“I was sent to the factory, a kind of sweatshop, I suppose, making gloves. ... The products were exported abroad, we were told, and sold to foreigners. You made some money, but if you stopped working, they sent you back to the camp. So, there wasn’t much of a choice.”**

*Gulzire Auelkhan, Kazakh woman in forced labour in the Uyghur region, China, 2019<sup>101</sup>*

## Tainted supply chains

State-imposed forced labour may seem like an issue contained within national borders, yet many products associated with forms of state-imposed forced labour end up in global supply chains, with implications for governments, businesses, and consumers around the world. During the pandemic, for example, personal protective equipment (PPE) at risk of being produced using forced labour of Uyghurs was reportedly imported to Australia<sup>102</sup> and the United Kingdom,<sup>103</sup> and PPE produced using forced labour of North Korean women in China was reportedly procured by the UK government.<sup>104</sup>

Businesses that profit from state-imposed forced labour are increasingly exposed to associated legal, financial, and reputational risks.<sup>105</sup> As noted above, the Supreme Court of Canada ruled in February 2020 that a mining company could be prosecuted in Canada for using the forced labour of conscripts

at their mine in Eritrea.<sup>106</sup> A confidential settlement was reached following the decision.<sup>107</sup> At the time of writing, other legal actions are underway in Germany, the Netherlands, and France against companies that allegedly used state-imposed forced labour in their supply chains.<sup>108</sup>

State-imposed forced labour is arguably the most challenging form of modern slavery to address. Ending abuses by the state against the very citizens it is entrusted to protect requires strong political commitment. While governments imposing forced labour must ultimately take action to reform the systems that enable their abuse, the reality is that change is most likely to arise from sustained external pressure from other governments, businesses, and civil society.



Hebei, China, October 2021.

A farmer tends his sheep near solar panels installed on a hillside. Modern slavery risks permeate the supply chains of renewable energy products like solar panels and wind turbines. Photo credit: Greg Baker/AFP via Getty Images.

## Recommendations for governments

- 1 Governments committing state-imposed forced labour must immediately publicly acknowledge the existence of serious human rights violations that are tantamount to state-imposed forced labour and take actions to end it. This must include addressing underlying persecution and discrimination driving state-imposed forced labour practices and repealing legislation and criminalising practices that allow state-imposed forced labour to occur.

### Other governments must prioritise human rights and take action, including:

- 1 Leverage bilateral relations, trade, and other diplomatic measures to pressure perpetrators of state-imposed forced labour to eradicate the practice, including introducing Magnitsky-style and other coordinated sanctions.
- 2 Strengthen public procurement systems to prevent sourcing goods made with state-imposed forced labour and ban companies from tendering if they are connected to state-imposed forced labour.
- 3 Introduce legislation requiring businesses to conduct mandatory human rights due diligence to avoid sourcing goods made with state-imposed forced labour, banning import of goods made with state-imposed forced labour, and prohibiting the export of goods to companies using state-imposed forced labour.
- 4 Introduce restrictions on investments connected to state-imposed labour.

## Recommendations for business

- 1 Where state-imposed forced labour exists in a country, region, industry, or company and if operating in line with the UN Guiding Principles has become impossible (for example, conducting due diligence or providing effective remediation), withdraw from sourcing goods and services from that country, region, industry, or company as necessary.
- 2 Avoid investing in companies connected to state-imposed forced labour, for example, private equity investments that might contribute, or listed equity investments that might be directly linked, to state-imposed forced labour.