

Yeshiva University, Cardozo School of Law

LARC @ Cardozo Law

AEIJ Blog

Journal Blogs

5-3-2021

Forced Labor in Xinjiang Raises Ethical Concerns for Fashion Retailers

Paul Smith

Cardozo Arts & Entertainment Law Journal

Follow this and additional works at: <https://larc.cardozo.yu.edu/aelj-blog>



Part of the [Law Commons](#)

Recommended Citation

Smith, Paul, "Forced Labor in Xinjiang Raises Ethical Concerns for Fashion Retailers" (2021). *AEIJ Blog*. 291.

<https://larc.cardozo.yu.edu/aelj-blog/291>

This Article is brought to you for free and open access by the Journal Blogs at LARC @ Cardozo Law. It has been accepted for inclusion in AEIJ Blog by an authorized administrator of LARC @ Cardozo Law. For more information, please contact christine.george@yu.edu, ingrid.mattson@yu.edu.

Forced Labor in Xinjiang Raises Ethical Concerns for Fashion Retailers

BY [PAUL SMITH](#) / ON MAY 3, 2021



Photo by Trisha Downing on Unsplash

The Chinese government developed what it calls a “poverty alleviation program”—initially reported to target individuals living in poor, rural regions such as Xinjiang.¹ The program would “compel” those living in poverty in Xinjiang to work for significantly reduced wages in “low-skilled manufacturing industries, including the production of textiles and apparel.”² This coerced labor transfer scheme was mandated by the Chinese government and enforced by different production entities, one being the Xinjiang Production and Construction Corps (XPCC).³ However, recent reports have indicated several notable pieces of information that expand on what was originally known about this coercive labor scheme.

First, reports identified that the workers selected and forced into labor were not simply those that lived in poverty within the region of Xinjiang. Instead, evidence has surfaced which suggests that workers are members of various minority groups located in the region, such as the Uyghur and other Muslim minority groups.⁴ The factories where the coerced labor takes place are located adjacent to “re-education” camps set up by the Chinese government, which

specifically target Muslim and other minority groups.⁵ Interviews with ex-detainees and family members of detainees reveal that the Chinese government has been utilizing the minority groups kept in these camps for labor in textile and apparel factories.⁶ Satellite images have also shown lines of people leaving the camps and walking into the factories.⁷ These revelations have escalated the ethical concerns connected to Chinese labor and manufacturing.⁸

Additionally, the recent reports have indicated that there is a direct connection between use of coerced labor from minority groups and the production of cotton. Xinjiang is not necessarily a manufacturing region, but it is a large producer of cotton. The Xinjiang region produces more than 20% of the world's cotton and 85% of China's cotton.⁹ The region is involved in the importation of more than 1.5 billion garments annually by American brands.¹⁰ Minority groups located both inside and outside of the Xinjiang region have been employed in this coercive labor scheme for the specific purpose of picking cotton for production entities like XPCC.¹¹ Some of the documents released, including online government policy papers and state news reports, show that hundreds of thousands of workers have been sent from regions including Aksu and Hotan to pick cotton for XPCC in Xinjiang.¹²

In late 2020, the Trump administration imposed sanctions and cotton import restrictions on suppliers that are controlled by XPCC in response to these human rights concerns.¹³ Customs and Border Protection (CBP) also issued a "Withhold Release Order" on cotton from XPCC, giving the agency the ability to detain shipments at U.S. ports.¹⁴ Despite these efforts, reports indicate that these human rights concerns extend beyond the XPCC to the whole region, and recommendations have been made to expand the import restrictions to cover all Xinjiang cotton, not just the cotton produced by XPCC.¹⁵ The Chinese government has been critical of this response and continues to maintain that the coerced labor scheme is solely intended for poverty alleviation and work placement.¹⁶

In response to these revelations, numerous major fashion retailers have spoken out against these labor practices, and many have cut ties with their relationships in the Xinjiang region. Companies such as PVH have "promised to suspend any existing relationships related to the production in Xinjiang."¹⁷ This response was in large part due to the published reports that connected the forced detention of Uyghurs to the supply chains of several major fashion retailers, including PVH, Adidas, H&M, and Ralph Lauren.¹⁸

While the Chinese government has criticized the responses of both the U.S. government and the major fashion retailers, Chinese consumers have also declared a boycott of many of the fashion retailers that have been critical of the labor scheme and have severed ties with the region.¹⁹ Some retailers have even been removed from prominent Chinese e-commerce platforms.²⁰ Additionally, many Chinese celebrities have begun distancing themselves from brands that they had previously served as ambassadors with.²¹ This backlash has led several

retailers to be accused of backtracking on their original oppositions since some have taken down forced labor statements on websites and social media.²²

The Biden administration has doubled down and further condemned the practices of the Chinese government in the Xinjiang region.²³ The issue faced by major fashion retailers is whether to continue business with the Xinjiang region, and unfortunately, there is no clear-cut answer as to which decision is ultimately more advantageous. The effects of the COVID-19 pandemic have had a significant financial impact on numerous brands, from small start-ups to major retailers.²⁴ More notably, the Chinese market has continued to be lucrative for fashion brands as it has rebounded quite significantly from the effects of the pandemic and “the fact that there is less disruption there than in other key markets, like Europe.”²⁵ Hugo Boss, a German company that does business in the Xinjiang region, recently stated that it will continue to “purchase and support Xinjiang cotton.”²⁶ This divide is likely to persist given the lack of a simple, straightforward solution, but if the Biden administration continues to put pressure on the Chinese government, many fashion brands could ultimately have the decision made for them.

Paul Smith is a Second-Year Law Student at the Benjamin N. Cardozo School of Law and a Staff Editor at the Cardozo Arts & Entertainment Law Journal. Paul is interested in fashion and trademark law. Paul is also on the e-board of the Cardozo Fashion Law Society and is presently interning at Calvin Klein.

-
1. Adrian Zenz, Coercive Labor in Xinjiang: Labor Transfer and the Mobilization of Ethnic Minorities to Pick Cotton, NewLines Institute (Dec. 14, 2020), <https://newlinesinstitute.org/china/coercive-labor-in-xinjiang-labor-transfer-and-the-mobilization-of-ethnic-minorities-to-pick-cotton/> [<https://perma.cc/9GTT-5J7W>].
 2. Id.
 3. Id.
 4. John Sudworth, China’s ‘tainted’ cotton, BBC News (Dec. 2020), <https://www.bbc.co.uk/news/extra/nz0g306v8c/china-tainted-cotton> [<https://perma.cc/6WKN-8XEZ>].
 5. Id.
 6. Id.
 7. Id.
 8. Id.
 9. Vanessa Friedman & Elizabeth Paton, What Is Going On With China, Cotton and All of These Clothing Brands, N.Y. Times (Apr. 2, 2021), <https://www.nytimes.com/2021/03/29/style/china-cotton-uyghur-hm-nike.html> [<https://perma.cc/Q7WZ-YHTH>].
 10. Id.

11. Helen Davidson, Xinjiang: more than half a million forced to pick cotton, report suggests, *The Guardian* (Dec. 15, 2020), <https://www.theguardian.com/world/2020/dec/15/xinjiang-china-more-than-half-a-million-forced-to-pick-cotton-report-finds> [<https://perma.cc/DTD8-5Q8E>].
12. Id.
13. Geneva Sands, US blocks cotton imports from China region over reported forced-labor abuses, *CNN Politics* (Dec. 2, 2020), <https://www.cnn.com/2020/12/02/politics/cbp-cotton-imports-china-forced-labor/index.html> [<https://perma.cc/2SQE-GQVB>].
14. Id.
15. Supra note 9.
16. Supra note 7.
17. Thomas Coffey, What You Need To Know About The Cotton Injustice In Xinjiang, *Human Rights Pulse* (Mar. 1, 2021), <https://www.humanrightspulse.com/mastercontentblog/what-you-need-to-know-about-the-cotton-injustice-in-xinjiang> [<https://perma.cc/D3YJ-RLE5>].
18. Supra note 7.
19. Sarah Maisey, The Xinjian cotton issue explained: Why shoppers in China are boycotting Burberry and H&M, *The Nat'l News* (Mar. 28, 2021), <https://www.thenationalnews.com/lifestyle/the-xinjiang-cotton-issue-explained-why-shoppers-in-china-are-boycotting-burberry-and-h-m-1.1192650> [<https://perma.cc/8VXV-9U8C>].
20. Id.
21. Id.
22. Simon Glover, Brands accused of backtracking on Xinjiang, *Ecotextile News* (Mar. 26, 2021), <https://www.ecotextile.com/2021032627586/fashion-retail-news/brands-accused-of-backtracking-on-xinjiang.html> [<https://perma.cc/5FVQ-V64R>].
23. Alex Leary & William Mauldin, U.S. Condemns Chinese Boycotts of Companies Shunning Xinjiang Cotton, *Wall St. J.* (Mar. 26, 2021), <https://www.wsj.com/articles/u-s-condemns-chinese-boycotts-of-companies-that-avoid-xinjiang-production-11616784162> [<https://perma.cc/4DVE-8PJG>].
24. Supra note 9.
25. Id.
26. Id.