

# Assessing the Impact of the Uyghur Forced Labor Prevention Act After Three Years

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## *Introduction*

In a rare near-unanimous vote, the U.S. Congress passed the landmark **Uyghur Forced Labor Prevention Act** (UFLPA) in December 2021. Since coming into force in June 2022, the law has banned the import of all goods made in whole or in part in the Xinjiang Uyghur Autonomous Region of China (XUAR). Congress passed this law because it found credible evidence to suggest that the government of the People's Republic of China (PRC) has been pursuing a deliberate and systematic program of state-imposed forced labor in the region, a violation of international human rights law.

The Uyghur people and other Turkic and Muslim-majority groups in the XUAR **continue to face** egregious human rights abuses that may amount to crimes against humanity. **Forced labor** in the region remains widespread and systematic, impacting a multitude of industries, including **apparel, automotive, critical minerals, agriculture, and solar energy**.

The pervasive use of forced labor in the region, paired with practically no enforcement of environmental standards and massive subsidies for companies that operate there, has resulted in artificially deflated prices for goods and an unfair playing field for U.S. and international companies. The UFLPA is designed to address both the human rights issues in the region and the trade inequities created by them.

The law reflects a wider evolution in U.S. policymaking on forced labor. For nearly a century, the Tariff Act of 1930 has banned the import of goods made with forced labor from entering into the

United States, but that aspect of the act was not truly enforced until a legislative modification in 2015 removed barriers to enforcement. With the UFLPA—as with its predecessor, the [Countering America's Adversaries Through Trade Act](#) (CAATSA), which applies to North Korea—the United States determined that the extraordinary measure of a blanket, but rebuttable, ban on products made in a region is necessary to address situations of state-imposed forced labor, especially since such situations are resistant to audits, inspection, and remediation.

The UFLPA has now been in effect for three years, and policymakers and other stakeholders around the world are attempting to draw lessons from it. Canada and Mexico have adopted bans of goods made using forced labor, the European Union's forced labor ban is set to come into effect in 2027, and other jurisdictions are considering similar measures. Three years is a relatively short window in which to evaluate policy measures, but stakeholders need to make evidence-based assessments now, not five years from now. The time is right to ask: What does the evidence show about the effectiveness of the UFLPA?

### *Assessing the Impact of the UFLPA*

A somewhat common and startling misconception about forced labor import bans is that if the law does not put an immediate end to forced labor, it has not been a success. Likewise, observers will sometimes conclude that the UFLPA has not been effective, either because Customs and Border Protection (CBP) is not catching every prohibited shipment or because the PRC government continues to oppress the Uyghur people. However, this places an unrealistic expectation on the impact that this law, and laws in general, can have in the short (and even long) term. We do not believe that laws prohibiting murder fail because we do not catch all of the murderers and we have not ended murder in our society. The criteria for impact must be more attuned to what the law was intended to do and what it can practically accomplish. When more informed and relevant metrics are used, it becomes clear that the impact of the UFLPA has been enormous.

The following four questions offer a starting point for examining the UFLPA's track record. First, has the U.S. government been able to enforce the law? Second, has it changed corporate behavior and increased compliance? Third, has the law led to negative consequences for those that do not comply? Fourth—perhaps most significant and most challenging to measure—has the law influenced the human rights situation and the lives and livelihoods of those it was meant to impact?

Each of these questions is addressed individually below, though the examples provided often shed light on multiple aspects of the UFLPA's impact.

#### **HAS THE U.S. GOVERNMENT BEEN ABLE TO ENFORCE THE UFLPA?**

As of August 2025, CBP [has detained](#) 16,755 shipments—valued at nearly \$3.7 billion—that it suspects may violate the UFLPA. The products examined by customs authorities include products as wide ranging as textiles and apparel, luxury vinyl flooring, drones, and automotive parts.

These numbers are due in part to significant investment by the U.S. government. CBP has developed [three new isotopic testing labs](#) in Savannah, Los Angeles, and New York that are designed to identify product provenance—XUAR origin in particular—and that assist the agency in determining the validity of importers' claims. CBP has provided the trade community with training, [guidance](#), and [webinars](#)

to inform them of the forced labor issues in the XUAR, the risks associated with importing goods made there, and best practices for due diligence.

There was a learning curve as governmental systems adapted to the unique requirements of the UFLPA. While Congress did allocate funds for CBP's enforcement, the development of this capacity was a process that built on existing structures and expertise but nonetheless took time to develop and refine. Initially, the agency relied on its existing sector specialists and the expertise it had built in enforcing the Tariff Act, deploying supply chain experts to apply their knowledge of counterfeit interception, anti-dumping investigations, transshipment, and other trade compliance issues encountered at ports to the new work of investigating UFLPA violations. These experts' deep knowledge of specific supply chains allowed them to hit the ground running. They initially focused on sectors and products that were known to be produced in the XUAR and had previously been subject to withhold release orders (like solar, apparel, and tomatoes); this focus provided the foundation for establishing processes for identifying and investigating imports. In the three years since the law's entry into force, CBP has expanded its scope significantly to include many more sectors and has apparently streamlined its process of denying noncompliant shipments (as represented by smaller numbers of shipments listed on the UFLPA dashboard as "pending").

**CBP's UFLPA statistics** show that the volume and value of shipments stopped by the agency for UFLPA enforcement took a notable downturn in April and May 2025, with a brief return to average detentions in June. Concerningly, however, in July 2025, CBP only stopped 14 shipments—an unprecedentedly low number that raises questions about the agency's current ability to prioritize enforcement of the law. Some speculate that once the Trump administration's tariff determinations are settled, CBP will step up UFLPA enforcement.

The interagency Forced Labor Enforcement Task Force (FLETF), which is mandated by the UFLPA to compile an **"entity list"** of companies that are known to be engaged in practices prohibited by the UFLPA, has added 144 entities to the list in the law's first three years. This list alerts the trade community to companies that the U.S. government believes are most involved in, or sourcing from, the XUAR, and that should be excluded from supply chains of goods entering the United States. The list also alerts CBP that these companies are presumed to be using forced labor, and thus all imports made in whole or in part by these companies must be refused entry. Per the UFLPA, the FLETF had six months to convene a seven-agency task force and establish processes for adding entities to and removing them from the UFLPA Entity List, which was the first of its kind globally. Refinements and learnings over the last three years have resulted in a rigorous process that ensures that entities under consideration for addition to the list are scrutinized and that sufficient evidence supports each listing decision.

Strong evidence for the effectiveness of listing protocols developed by the FLETF comes from a **recent legal challenge** by a company on the entity list in which the United States Court of International Trade appeared to uphold the government's process (for further discussion, see page 24 of the challenge). Legal defensibility is clearly a crucial indicator for the success of enforcement. Poorly designed processes and procedures (or poor execution of those procedures) could have undermined UFLPA enforcement from the start.

Notably, congressional funding of the UFLPA mandate was influential but not entirely determinative of the success of implementation. Congress **initially appropriated** \$27,495,000 to CBP for its first year of UFLPA implementation but later increased the amount to a total of \$99,428,000 for the 2022 fiscal year. That funding certainly supported the rapid development of enforcement capacity. By contrast, however, Congress appropriated no money to the FLETF for implementation of the entity list and other UFLPA-related work. Instead, the FLETF's seven agencies reallocated resources and personnel to meet Congress's mandate. While funding is critical to the sustainability of this work, it is important to note that even on less than a shoestring budget, enforcement has been possible.

Nonetheless, this record of early success does not mean that the U.S. government can afford to become complacent. There are certainly hundreds more companies that should be added to the entity list, and CBP should be stopping far more (and a more diverse array of) noncompliant products. The precipitous decline in UFLPA detentions and the lack of entity list additions in the last several months (there have been none since January 2025) could create the perception that UFLPA enforcement may not be a priority, which could lead to a rapid decline in due diligence and compliance by companies, ultimately threatening the impact of the law. Robust enforcement has given the UFLPA teeth; with greater resources and White House support, CBP and the FLETF could do far more now that the groundwork has been laid.

### **HAS THE UFLPA CHANGED CORPORATE BEHAVIOR AND INCREASED COMPLIANCE?**

Labor rights advocates around the world have long argued that governments should hold corporations responsible for knowing and addressing the abuses inflicted on workers in the mines, fields, and factories at the ends of their supply chains. Many have also believed that laws would lead to enhanced traceability and transparency standards that would allow for a better understanding of where, and under what conditions, products are made.

The UFLPA creates conditions that have led to both. Importers that do not know where their goods are produced (and under what conditions) can find their shipments stopped at the border and held for months with costly demurrage fees and the potential for loss of the entire cargo. This has led companies to get serious about tracing their supply chains and documenting them down to the raw materials—demonstrating that when legally required to do so, companies can and will trace their supply chains and increase scrutiny of their sourcing. In 2023, the accounting firm KPMG surveyed corporate representatives across a wide variety of sectors and **found that** 85 percent were deliberately monitoring information related to the UFLPA, while 69 percent of were reviewing their suppliers against the UFLPA Entity List. This suggests that, at the very least, the list serves as a powerful communication tool to provide the trade community with information about suppliers that pose the highest risk.

While the list is critically necessary, there are effects of the UFLPA that have been far more profound, including broader industry-wide responses to the law related to sectors and products like cotton, flooring, tomatoes, solar, and automotive manufacturing, all of which demonstrate that companies can and do change their supply chains in response to legislative action on human rights. These sectors and products are covered individually below.

**Cotton:** A **November 2024 study** by University of Delaware professor Sheng Lu indicated that in the two-year period of UFLPA implementation under review for the study, U.S. imports of cotton apparel

from China declined (note that more than 90 percent of China's cotton is grown in the XUAR). U.S. cotton apparel imports from intermediary manufacturing countries also declined, and U.S. cotton exports to manufacturing countries including China, Vietnam, and Bangladesh increased. This finding was consistent with [analysis by RAND](#), published in January 2025, that found a steep drop-off in direct imports of all goods from the XUAR between the signing of the UFLPA and the first quarter of 2023, as well as a slight drop during the same period in the import of goods from China that were identified as at risk of forced labor. This suggests that actors in the apparel industry shifted sourcing away from producers that were certainly or likely using XUAR cotton and increased their designation of non-Xinjiang cotton by sourcing U.S. cotton, even for production in China. Reviews of shipping records confirm that many Chinese and Vietnamese yarn manufacturers are increasingly importing U.S., Indian, Egyptian, and Australian cotton.

**Polyvinyl Chloride (PVC):** PVC, which is used to manufacture luxury vinyl flooring (LVF), was added as a UFLPA high-priority sector in July 2024, about a year after [two major](#) XUAR-based, state-owned PVC companies were added to the UFLPA Entity List. Research indicated that the U.S. LVF industry was [heavily reliant](#) on XUAR sourcing. When CBP began detaining shipments of LVF suspected of being made with XUAR PVC in March 2023 (notably, before the companies were added to the entity list and the sector was designated as a high priority), vinyl flooring imports declined [48 percent](#) year on year, as the industry realized it had to seriously reconsider its sourcing. Industry executives, while expressing consternation about the work of documenting supply chains, [indicated that](#) U.S. flooring companies had shifted their sourcing away from the XUAR, were subjecting their supply chains to greater scrutiny, and were onshoring more production in the United States. Shipping records confirm that the industry has moved away from direct XUAR sourcing, though PVC is increasingly moved through opaque commodities traders and logistics firms, hindering supply chain transparency.

**Tomatoes:** Tomatoes and their downstream products were designated as a high-priority sector in the original text of the UFLPA, and the UFLPA Entity List includes several tomato paste companies. Recently, the BBC tested [tomato paste](#) sold at grocers in the United Kingdom, the European Union, and the United States. Despite years of awareness that the XUAR dominates tomato production in China and an increase in consumer concerns about goods made with forced labor, grocery stores in both the United Kingdom and European Union carried tomato paste that—though marked as Italian in origin—was revealed by isotopic testing to be made with tomatoes from China, which supply chain tracing showed to be from the XUAR. One retailer admitted to the BBC that it had, for a short period the year prior, procured tomatoes from China that the BBC found to be supplied by a XUAR company. Additionally, through investigating an Italian supplier of tomato paste, an undercover BBC reporter documented tomatoes purchased from a Xinjiang tomato company with a production date of 2023. The Italian supplier of tomato paste had products for sale at major UK retailers at the time of the investigation.

Compellingly, BBC testing found that exactly zero Italian tomato paste packages tested in the United States contained tomatoes from China. It appears that the UFLPA has successfully compelled supply chain shifts, which in turn prevent U.S. consumers from being subjected to products with misleading labels and that involve forced labor practices. Companies appear to continue to sell such products on other markets that do not have forced labor import bans.

**Automotive:** In December 2023, a **Chinese auto parts manufacturer** was added to the UFLPA Entity List after being exposed a year earlier for **engaging** in state-imposed labor transfer programs. Shortly after the announcement, a major German auto manufacturer **self-reported to CBP** that it had discovered this company to be a supplier of parts installed in cars headed for U.S. ports. The German company requested that CBP allow them to hold the cars in port while they changed out the part, and CBP agreed to do so. Congress reported soon thereafter that other companies had appeared **to not come clean** about importing cars made with parts from that same supplier, which suggests that while some companies are proactive in their efforts to avoid the potential losses associated with detention, other companies may not be as forthcoming in the hopes that they might simply avoid detection.

The automotive example, however, shows that entity list additions do seem to move the needle.

**Research from 2022** revealed that the Chinese supplier in question was part of the German company's supply chain, but it was the addition of the supplier to the entity list that encouraged the German company's self-declaration, the removal of the part (and, hopefully, the supplier), and the report by Congress.

**Solar:** Since the solar industry announced that it had unusually high exposure to the XUAR in October 2020 and the largest U.S. solar industry association told its members to “**immediately move their supply chains**,” there has been a significant increase in supply chain traceability (though not necessarily a corresponding increase in transparency) and an industry-wide effort to bifurcate supply chains to isolate XUAR-sourced materials from non-XUAR materials. Bernreuter Research indicated in its **Polysilicon Market Outlook** report published in June 2025 that two of the three major non-China-based polysilicon manufacturers had deliberately shifted their sourcing away from the XUAR by 2023, and that all three of them very likely sourced no raw materials from China at all by the time of the report's publishing. Bernreuter noted that since 2021, the XUAR share of the global solar-grade polysilicon market fell from approximately 41 percent to 24.8 percent, by production capacity. Bernreuter further confirmed that the top Chinese module manufacturers have “established separate production lines that use non-Chinese polysilicon for module export to the U.S.” While there remains some risk of XUAR polysilicon being imported via wafers and cells for the solar industry's clean manufacturing sites in Southeast Asia, the larger concern is of a continued lack of transparency in metallurgical grade silicon. Even as the XUAR's share of polysilicon production has fallen, its share of China's metallurgical grade silicon has risen to 53 percent, according to Bernreuter, representing the most critical concern for forced labor inputs for the solar industry at this time. CBP's enforcement requires companies to demonstrate no XUAR inputs down to the raw materials, which seems to have encouraged shifts in polysilicon production, but does not seem to have had the same effect on the further upstream production of metallurgical grade silicon.

Through a consultation with ESG investors, Antislavery International, the Investor Alliance for Human Rights, and Sheffield Hallam University **found** that the UFLPA was unique in its influence over corporate behavior, especially in the green technology sector. The investors said that unlike in jurisdictions that have no such law, the U.S. enforcement of the UFLPA allows investors to make a strong business case for excluding forced labor from supply chains, particularly in the green technology sector, where the environmental impact (the E in ESG) is often given more weight than the social impact (the S in ESG) of



forced labor. Again, the investors reported that the legal risk of enforcement—rather than reputational, ethical, or even material risk—is most effective in changing corporate behavior.

It is worth noting that some companies have opted for solutions other than simple supply chain shifts. Some companies operating in China have chosen to **sell their facilities** in the XUAR, and others have resorted to **dissolving** the **entities** that have been added to the entity list or are otherwise subject to sanctions related to labor transfers from the region. Of course, the larger conglomerates continue to operate despite having closed one subsidiary here or there, and the sold or shuttered facilities sometimes continue production under other owners or names and even sometimes continue to supply the previous owners. Thus, such strategies may not always be evidence of changed practices. Nonetheless, it is clear that some companies are taking active steps to disengage with the region in response to the UFLPA.

Taken together, these examples demonstrate the impact of the UFLPA in incentivizing changes in corporate behavior: Companies have shifted supply chains over relatively short periods of time and excluded materials made with forced labor from their products destined for the United States. CBP detentions for specific importers and UFLPA Entity List designations for individual companies that have participated in violative activities appear to result in the most robust response from importers, as opposed to the simple existence of the law or academic reporting on affected supply chains. For this reason, any decline in enforcement—perceived or real, either by CBP or by FLETF additions to the entity list—will likely result in decreased compliance.

### **HAS THE UFLPA LED TO NEGATIVE CONSEQUENCES FOR COMPANIES DESIGNATED AS RESPONSIBLE FOR VIOLATIONS OF THE LAW?**

The effect of the UFLPA on Chinese companies—especially those named on the entity list—can be significant.

At the **PRC National People's Congress** held in March 2025, Ma Xingrui, a member of the Politburo and party secretary of the XUAR at the time, spoke publicly for the first time about the effect the UFLPA and other U.S. sanctions were having on businesses. He pointed specifically to the 144 PRC entities on the UFLPA Entity List and said that the sanctions represent “one of the biggest challenges in the region’s development.” This suggests that actors at the highest levels of the PRC government have registered the negative consequences for companies that are being targeted for UFLPA enforcement.

In January 2024, the **Centre for Economic Policy Research** (CEPR) published a quantitative study indicating that the Xinjiang Production and Construction Corps (XPCC), the paramilitary corporate conglomerate that governs parts of the XUAR and operates internment camps, prisons, and labor transfer programs, had seen significant losses after the United States sanctioned it for engaging in forced labor. CEPR estimates that sanctions “resulted in a negative stock market return for the XPCC-controlled firms of 1.15 percentage points relative to the control portfolio of unrelated firms. In terms of market capitalisation, this caused a cumulative loss in market value of 905 million RMB (\$129 million) for the targeted companies.”

The XPCC is a massive state-owned conglomerate that the central government considers too big to fail and has long been a revenue loser for the government, as its main objective is regional security and “stability” rather than profit. CEPR found that after sanctions, the XPCC benefited from lower

interest rates, lower tax rates, and higher government subsidies. CEPR concluded that “The Chinese government and connected institutions (e.g. state-controlled banks) seem to reallocate resources to shield targeted companies from the effects of sanctions.” The cost to the Chinese government to prop up farming and manufacturing across the entire region is significant.

But PRC government subsidies and incentives do not appear to be enough to protect most privately held companies. Media reports, as well as annual reports for companies that have been affected by U.S. import restrictions due to XUAR forced labor, reveal that long-term financial and customer losses have been substantial. After CBP issued a withhold release order on all products made with cotton from the XUAR, many international brands and apparel manufacturers swiftly shifted supply chains to exclude companies operating in the region, resulting in significant losses for those companies. According to an official 2021 corporate disclosure from one Chinese cotton textile company heavily invested in the XUAR, U.S. brands **canceled orders** in response to U.S. policy, leading to significant financial losses for the Chinese company. In 2022, the year the UFLPA went into effect, the same company **reported a loss** of 365 million yuan (\$53 million). Within the first three years of the UFLPA going into effect, that company and 25 of its subsidiaries were **named to the UFLPA Entity List**. The company’s finances appeared to **continue to decline** through 2024. Another major textile company that was added to the UFLPA Entity List in June 2022 claimed to have **lost its entire international market** due to the listing.

The XUAR’s state-owned PVC producer suffered **net operating income losses** of 18 percent in 2022—the year the UFLPA went into effect and luxury vinyl flooring companies began shifting supply chains. The company’s fate continued to worsen, falling by 28 percent in 2023, when it was added to the UFLPA Entity List, despite the company’s announcement that **the listing would not have an impact**. The company’s operating income fell again by 19 percent in 2024.

Another company on the UFLPA Entity List reported in a February 2024 court filing that it had **lost its only U.S. customer** after designation and that one of its subsidiaries had U.S. customers cancel orders, resulting in a reduction of annual U.S. sales to zero. The company also reported that other subsidiaries within the conglomerate had seen canceled contracts and purchase orders.

These examples suggest that there is a high cost for companies engaging in the behaviors the UFLPA is designed to prevent. The losses suffered by these companies clearly demonstrate that international brands are actively responding to the United States’ call to exit the region and are especially responsive to the requirement to end all sourcing from companies on the entity list. As the costs to major manufacturers in China increase, suppliers to the international market are more likely to either **bifurcate their supply chains** so that their shipments to the U.S. market are untainted (as the solar industry has largely done) or end sourcing from the XUAR entirely.

The loss of customers and profit may create a significant deterrence effect against participating in coercive labor programs. There are signs that **at least some companies** operating in China are **willing to refuse** the PRC government’s incentives to participate in labor transfers in order to maintain their international customers; it is likely that some other companies are also refusing, but are less willing to advertise this for fear of repercussions from the PRC government.

Furthermore, even if companies on the entity list continue to participate in state-imposed labor transfers, receive subsidies from the Chinese government that allow them to continue to operate in



the face of sanctions, and/or turn their focus to selling to domestic consumers or alternative foreign markets, U.S. consumers can rest assured that the U.S. government is protecting them from complicity in human rights violations in the region.

Unfortunately (and perhaps predictably), a large number of importers have chosen to reexport their goods to another country if the goods are detained for UFLPA investigation, thereby avoiding some of the cost of potential noncompliance. In 2023, the accounting firm KPMG surveyed corporate representatives across a range of sectors and found that of the companies that had had a shipment stopped for potential UFLPA violation, **45 percent** of them had reexported the detained shipment. This means that the products suspected of being made with forced labor are simply going to other countries and other consumers. Reexports, combined with recent news of **increased cargo flight routes** from the XUAR to the European Union and the United Kingdom and **PRC government statistics showing** increased exports from the XUAR, suggest a need for a more coordinated international response to goods made with forced labor, and perhaps a reconsideration of CBP's permissive reexport policy.

### **HAS THE UFLPA INFLUENCED THE HUMAN RIGHTS SITUATION FOR THE UYGHUR PEOPLE?**

In terms of the UFLPA's most ambitious goal—the elimination of forced labor in the region—it is surely too early to assess impact. An end to state-imposed forced labor in China will only come about when the Chinese authorities make the decision to end their programs. This is to be expected for situations of state-imposed forced labor, where a sea change in an authoritarian government's policy toward an oppressed group is required for meaningful change to occur. No one law or external government can effect that change. Even in places where state-imposed forced labor has been dismantled, as appears to be the case **in Uzbekistan**, it can take a decade or more for that change to occur, and the shift typically results from a variety of different forces. Thus, the metric for the UFLPA's short-term success cannot be the full (or even substantial) cessation of forced labor in the XUAR, even if that is indeed a critical ambition for the law's long-term success.

It does appear, however, that the UFLPA has had some positive and observable impacts on the treatment of the Uyghur population by the PRC government and corporations. The effects of the UFLPA are best analyzed in two categories. The first is its impact on wider systems of repression, including crimes against humanity. The second is its effect on the implementation of forced labor policies in the region more narrowly.

The UFLPA is perhaps the most potent and practical tool in a suite of international responses that have put pressure on China to reduce its broad repression of Uyghurs. **China's reaction to international pressures**—the most notable and visible of which is the U.S. government's enforcement action under the UFLPA—has included a dramatic reduction (in the hundreds of thousands) in the number of people in detention, the dismantling of checkpoints that Uyghurs encounter while traveling, and the granting of permission for a trickle of Uyghurs to leave the country. The central and Xinjiang governments have also gone to great lengths to try to **display** their purported commitment to labor rights in the region, and the PRC has even ratified two fundamental **International Labour Organization conventions on forced labor**, all while simultaneously operating “**the largest mobilisation of forced labour in the world today—one based on religion and ethnicity**” and also denying that forced labor systems exist. Some of the reductions in visible repression may be part of a **longer-term strategy for the**

**region**; however, it is reasonable to believe that the economic pressure imposed by the UFLPA (and the resulting corporate pressure) has likely played a role in the PRC's attempts to improve the international perception, at least, of its treatment of Uyghurs. Furthermore, China's vocal public rejection of U.S. claims about forced labor and the UFLPA suggest that the law and its enforcement play a significant role in PRC decisions.

To be clear: Mass arbitrary detention, mass surveillance, and overwhelming social control continue to haunt Uyghurs, and the mines, factories, and farms at which they are placed through coercive labor transfer programs have become epicenters for control over their lives and practices. However, it is also indisputable that Beijing has responded to international outrage and the UFLPA by changing visible signs of repression, such as the removal of surveillance equipment and some checkpoints, and giving lip service to labor rights. These changes cannot be taken lightly or ignored, even if they are not sufficient to give Uyghur people the rights they are afforded under the constitution of the PRC.

When it comes to assessing effects on Uyghurs' experiences in the forced labor programs, there is very little relevant data. The pervasive state coercion in the region makes it impossible to conduct free and unfettered interviews with Uyghur people to understand both the situation on the ground and how the UFLPA may be affecting working conditions. Nonetheless, as noted above, a few companies operating in China have courageously admitted that they are eschewing the government's labor schemes and refusing to recruit workers from the XUAR through these rights-violating programs, while others are more quietly disengaging. In some cases, suppliers have changed their labor recruitment practices to be more aligned with international labor standards, no doubt a boon to Uyghur and other workers alike.

Still, PRC government reports suggest **that upward of 3 million** transfers of workers were conducted by state agencies in 2023 (the last year the government reported statistics on this measure), a significant increase over even the year before. Thus, it is clear that the sheer number of people affected by the programs remains extremely high. There is some potential risk that the pressure of the UFLPA has encouraged the PRC government to double down on its use of labor transfer schemes. This means that continued—indeed, increased—pressure is needed to ensure broader change.

While it is impossible to safely speak to Uyghur people on the ground in the XUAR to determine the efficacy of the UFLPA, there are opportunities to learn from the large Uyghur diaspora, whose members are relatively free to express their opinions. Many Uyghurs in the diaspora have expressed appreciation for the UFLPA. **Uyghur rights groups** have argued that any continued sourcing from the region legitimizes and enables the repressive system to continue. **Advocates in the Uyghur diaspora** are united in calling for international bans on the import of goods made in the region. While import bans may not be an immediate antidote to repression, Uyghur community groups are clear in their demand that a blunt instrument is required to make state-imposed forced labor less profitable for the government to sustain and is essential to any hope that Uyghur workers will be treated equitably in the future.

Ultimately, any definitive claims that the UFLPA is directly harming, benefiting, or not affecting the Uyghur population should be taken with extreme skepticism. What can be measured are changes to the state's and corporations' treatment of the Uyghur people, and there are some signs that the pressure is having a positive effect.

It will be some time before the full impact of the UFLPA on Uyghur and other minoritized workers in China—and on the policy environment more broadly—can be understood. And it will always be a challenge to isolate the UFLPA’s effects on people’s lives from the effects of other efforts. In the meantime, however, it is no small thing that U.S. consumers and companies can be more confident that they are not selling or purchasing goods that perpetuate the oppression inflicted upon the people of the XUAR, and that their government is using the economic levers it has at its disposal to try to influence the PRC to change its treatment of the Uyghur people.

### *Challenges for Enforcement, Impact, and Assessment*

The UFLPA is designed to confront a situation of state-imposed forced labor that cannot be addressed through tried-and-true methods of individual corporate engagement, on-the-ground worker rights advocacy, remediation for workers, or appeals to fundamental human rights principles in international fora. As **Antislavery International**, **hundreds of civil society organizations**, and **others** have forcefully articulated, given the failure of these tools to address state-imposed forced labor, full and immediate exclusion of entities involved in such programs in the PRC is the only appropriate response.

Voluntary frameworks such as the United Nations Guiding Principles and Organisation for Economic Co-operation and Development guidelines, which advocates have relied on to move companies in the right direction, have shown limited impact. For years, many companies have had “zero tolerance for forced labor” policies, and yet many of those companies’ supply chains have been linked to forced labor involving Uyghurs and other groups.

Because of this, the United States is deploying the leverage it has through law and through its role as an importer to force that exit on a large scale in an effort to improve the lives of Uyghurs, or at least refuse to be complicit in their oppression. But even with the powers afforded by the UFLPA, challenges remain in achieving the law’s greatest potential impact.

Political will is critical to the continued effectiveness of the UFLPA. Since the Trump administration took office again in January, we have not yet seen a commitment to wielding the UFLPA effectively. No new entities have been added to the list, and CBP’s detentions have fallen. Without effective enforcement of the law, importers may determine that compliance is costlier than buying artificially cheap goods made in the XUAR. There are hundreds more companies that could be added to the entity list, and a wide range of goods entering U.S. borders are at high risk of having been made in whole or in part in the XUAR and should thus be stopped by CBP. There are few sanctions as strong and effective as the UFLPA. The Trump administration can deploy this tool to punish unfair trade practices and thwart illegal transshipment as well.

Furthermore, the “stick” element of the UFLPA was most effective when the law operated hand in hand with government “carrots” that encouraged industries to expand into the United States. The solar industry’s diversification and expansion outside of the XUAR was reliant in part on **Inflation Reduction Act (IRA) incentives**. However, the Trump administration’s decision to end these incentives has altered the business case for reshoring production away from supply chains linked to Uyghur forced labor. **European solar companies** were moving production to the United States, even as the European Union’s lack of support for the solar industry has hindered the sector and limited the expansion and diversification of the supply chain. Recently, uncertainty has **driven companies to halt**

**their U.S. production** or **stop construction of new facilities**, which will decrease the non-XUAR options available for the materials necessary for solar module manufacturing.

But the UFLPA does not depend on the U.S. government alone. While some companies have demonstrated leadership in reorienting supply chains and establishing traceability, many companies are not going far enough in their due diligence. When KPMG surveyed corporate representatives, the firm found that **68 percent** of companies were only reviewing their Tier 1 and/or Tier 2 suppliers. This leaves the furthest reaches of their supply chains—where Uyghur forced labor is most likely to be a risk—in the dark, exposing companies to surprise detentions that they are not prepared to defend against. The **2025 RAND study** mentioned previously found that while direct imports from Xinjiang had dropped off, U.S. companies continued to have considerable exposure to Xinjiang-tied firms in the second, third, or fourth tiers of their business relationships. If, in the coming months, CBP expands its enforcement and FLETF designates new sectors as high priority for enforcement, there is a grave risk that importers will still be surprised to learn that they are exposed to Uyghur forced labor. Reticence to truly conduct deep dives into supply chains will put companies at serious risk of noncompliance and decrease the chances that Uyghur forced labor will be rooted out of supply chains and that Uyghur lives will be improved.

UFLPA enforcement and impact has heavily relied upon a steady stream of research documenting forced labor in the XUAR and the supply chains most affected by it. **Recent cuts and agency reorganizations** have **eliminated** the vast majority of funding to civil society organizations and academic institutions that provide information critical to enforcement. Private funding for corporate accountability research has also seen a steep decline in recent years. This could seriously impair corporate compliance efforts as well as government enforcement.

Even in an environment where information regarding Chinese government policy and international corporate behavior is held ever more closely to the chest, it is still possible to document the impact of the UFLPA on corporate behavior, as well as its likely effect on PRC treatment of the Uyghur population. Efforts to assess the UFLPA and other import bans cannot rely on standard methods. The evidence will not yet be provided by the people who are trapped in this pervasive and highly coercive form of state-imposed forced labor. After China threatened companies that posted that they would stop sourcing products from the XUAR in 2021, most companies operating in China stopped publishing statements about their ethical commitments or sourcing shifts. Many China-listed companies have stopped reporting who their customers and suppliers are to obscure supply chain relationships with the XUAR. What evidence the companies do provide is in Chinese and buried in corporate annual reports and state media articles. This lack of easy access to information has led more than one researcher to conclude that there is **no way to know** whether forced labor import bans have been effective.

However, these bans are a relatively new approach to addressing labor abuses in supply chains. Thus, in order to accurately measure their impact, new and creative methods must be used. As this report and other research cited here has shown, analyzing evidence provided by the companies and governments themselves (including evidence in the Chinese language) can give a sense of where the law is making the most significant strides. Those strides, in turn, have knock-on effects for due diligence, traceability, transparency, rights protections, and supply chain diversification and sustainability around the world—for the people of the XUAR and beyond.

## *Recommendations*

### **RECOMMENDATIONS FOR THE U.S. GOVERNMENT**

- **CBP should significantly increase the volume of shipments stopped for UFLPA investigation and diversify the sectors investigated** to ensure broad and sustained compliance. CBP can review the latest research on Uyghur forced labor as well as China's recent directives on industrial development in the region to determine the sectors that are most affected.
- **CBP should send Risk Analysis and Survey Assessments (RASAs) to companies** in relevant sectors to encourage awareness and increase importer readiness.
- **CBP should update its guidance and webinars on UFLPA.** CBP and the trade community have increased their knowledge of supply chains, documentation, and investigation processes significantly since the agency's 2022 and 2023 materials were shared with the trade community. Updating these materials could assist the trade community in undertaking efforts to increase compliance.
- **The FLETF should expand the UFLPA Entity List** to include the thousands of additional companies that operate both within and outside the XUAR that are using forced Uyghur labor or are sourcing from the region. The entity list is a proven tool for raising trade compliance and awareness.
- **The Department of Labor should add more products** made in whole or in part with Uyghur forced labor to its [List of Goods Produced by Child Labor or Forced Labor](#).
- **Through the UFLPA diplomatic strategy and future trade agreements, the U.S. government should encourage trade partners to adopt legislation similar to the UFLPA.** This effort would start to close off global market access to goods made with state-sponsored forced labor. The development of these trade agreements must be done in consultation with workers, unions, and representative groups such as Uyghurs in the diaspora.
- **Homeland Security Investigations should be deployed to investigate transshipment** of likely UFLPA-noncompliant goods through third countries as well as the bifurcation of supply chains in response to the UFLPA, which dampens the beneficial impact of the law and disadvantages producers who root out noncompliant goods from their supply chains. CBP should levy fines against noncompliant companies and seize and destroy their shipments as the agency's authorities allow. In addition, the U.S. Trade Representative should impose trade restrictions to address such bifurcation.
- **Congress should fund the FLETF** to conduct the work that is mandated by the UFLPA, including the provision of funding for research and administration across the seven member agencies.
- **Congress should allocate or reinstate subsidies and financing for onshore production of critical materials** that are threatened by the artificially deflated cost of XUAR-made alternatives. U.S. producers of strategic materials such as polysilicon, magnesium, titanium, lithium, and aluminum are operating at a distinct disadvantage and are at risk of closing unless the United States provides support.

## RECOMMENDATIONS FOR INTERNATIONAL GOVERNMENTS

- **International legislative bodies should pass forced labor import bans** that effectively deny entry to all products made in part or in whole with forced labor. This legislation should include mechanisms to establish a rebuttable presumption that all products made in the XUAR are made with forced labor; additionally, legislation should allow governments to establish regional or sector-specific forced labor import bans in cases of state-imposed forced labor. Workers, unions, and other representatives (such as Uyghurs in the diaspora) should be part of the development of any such laws, helping to ensure that adequate protections and meaningful remedies are included.
- **Governments should cooperate to identify forced labor in supply chains.** As a start, the U.S. government could consider sharing information—such as the underlying basis of UFLPA entity listings—with like-minded allies, while ensuring reasonable safeguards for the protection of victim identity and monitoring how the information is used by partner governments. This would increase the effectiveness of the UFLPA by reducing the ability of bad actors to circumvent CBP scrutiny through transshipments or by forum-shopping and gaining market access outside the United States. At minimum, CBP should notify partner agencies in other countries when it has knowledge that shipments denied access to the United States due to UFLPA are destined for a like-minded market. Such cooperation could commence between United States-Mexico-Canada Agreement (USMCA) partners, all of whom have forced labor import bans and have agreed to information sharing provisions specific to forced labor.

## RECOMMENDATIONS FOR FUNDERS

- **Public and private funds should be allocated to support civil society and academic institutions in conducting forced labor and supply chain research.** The Department of Labor and the Department of State should fund academic and civil society research on supply chains affected by Uyghur forced labor, as well as on broader PRC repression in the region. Private foundation grantors should prioritize funding for research that identifies international policy responses to forced labor imports and methodologies for researching state-imposed forced labor.

## RECOMMENDATIONS FOR THE TRADE COMMUNITY

- **Trade associations should convene a best practice working group to share learnings across sectors.** The solar and apparel sectors have been the most targeted by CBP due to the XUAR's high production in those sectors. Sharing best practices for due diligence and compliance with other sectors could increase other sectors' ability to respond to CBP requests.
- **Importers should swiftly expand the scope of their due diligence** to the raw materials in their supply chains in order to prepare for potential UFLPA detentions. ■



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