

# Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation

By Adrian Zenz



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Front cover images (from the left, in clockwise order): Rural surplus laborers in transit to the Zhonghai Group Korla Industrial Park on April 24, 2017 (Image source: [Xinjiang Bazhou Government Website](#), archived.); The Kashgar Shenzhen Industrial Park in Southern Xinjiang, where textiles and electronics are produced. (Image source: [The Paper](#)); The snow capped peaks of the Xinjiang Pamir Mountains above the Bulunkou River south of Kashgar, China (Image Source: Stanley, David. *Xinjiang Pamir Mountains*. 2017. [Flickr.com](#)).

# Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program

A Process-Oriented Evaluation

*Adrian Zenz*



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## Executive Summary

*Dr. Adrian Zenz is one of the world's leading scholars on People's Republic of China (PRC) government policies towards the country's western regions of Tibet and Xinjiang. In 2017-2018, Dr. Zenz's analysis played a significant role in bringing to light the Chinese government's campaign of repression and mass internment directed against ethnic Uyghur persons in Xinjiang ([China Brief](#), September 21, 2017; [China Brief](#), May 15, 2018; [China Brief](#), November 5, 2018). Dr. Zenz has testified before the U.S. Congress about state exploitation of the labor of incarcerated Uyghur persons ([CECC](#), October 17, 2019). Previous research by Dr. Zenz has uncovered the existence of two parallel yet distinct large-scale, state-sponsored coercive labor transfer programs in Xinjiang, which target the "graduates" of vocational internment camps and unemployed rural surplus laborers, respectively ([Journal of Political Risk](#), December 10, 2019; [Newlines Institute](#), December 14, 2020).*

*In this special Jamestown Foundation report, Dr. Zenz provides new evidence from Chinese sources, notably previously untranslated documents such as the "Nankai Report", that Xinjiang's labor transfers to other regions or provinces in China meet the forced labor definition of the International Labor Organization (ILO). The report develops a process-focused evaluation model for evaluating coercion at each stage of the labor transfer program.*

*The Nankai Report, along with other Chinese academic sources, indicates that labor transfers are not just serving economic purposes, but are implemented with the intention to forcibly displace ethnic minority populations from their heartlands, intentionally reducing their population density, and tearing apart homogeneous communities.*

*Based on the new findings presented in this report, several experts in international criminal law agree that there are "credible grounds for concluding" that Xinjiang's labor transfer scheme meets the criteria for Crimes Against Humanity of Forcible Transfer and Persecution as defined under the Rome Statute of the International Criminal Court (ICC).*

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## 1.0 Introduction

Newly uncovered evidence from public and non-public Chinese government and academic sources indicates that labor transfers of ethnic minorities in the Xinjiang Uyghur Autonomous Region (XUAR) to other regions and other provinces are part of a state-run scheme to forcibly uproot them, assimilate them and reduce their population density. An independent legal analysis conducted on the basis of the new evidence presented in this report concludes that Xinjiang's labor transfer scheme meets the criteria for Crimes Against Humanity of Forcible Transfer and Persecution as defined under the Rome Statute of the International Criminal Court (ICC).

The present study draws on previously untranslated material, most notably the “Nankai Report,” deleted from the Chinese internet in mid-2020 but obtained by the author. Originally titled the “Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang,” (新疆和田地区维族劳动力转移就业扶贫工作报告, *xinjiang hetian diqu weizu laodongli zuanyi jiuye fupin gongzuo baogao*), it was published in December 2019 by the China Institute of Wealth and Economics at Nankai University (南开大学中国财富经济研究院, *nankai daxue zhongguo caifu jingji yanjiuyuan*).

The Nankai Report gives strong and authoritative evidence for large-scale, coercive state-driven recruitments into labor transfers and for the securitized nature of such transfers to other provinces. It notes that these transfers are intended to “reduce labor costs” for companies.

However, the Report also makes it clear that poverty alleviation through labor transfer is a means to a more troubling end. First, it bluntly states that the state took the “drastic short-term measure” of placing many Uyghurs into “Education and Training Centers” (a euphemism for re-education camps). Second, it notes that labor transfers represent a long-term measure to promote “assimilation” and “reduce Uyghur population density”. The Report recommends that this program should be “initiated quietly” with “no need to overly publicize this internationally.”

Elsewhere, Chinese academic publications describe labor transfers as a crucial means to “crack open the solidified [Uyghur] society” and to mitigate the negative impact of religion. They say that lax family planning policies produced a “severely excessive” number of Uyghur surplus laborers that now constitute a “latent threat to the current regime.”

Overall, the evidence shows that labor transfers constitute intentional displacements of populations deemed “problematic” by the government. This is complemented by two previously unreported campaigns: a) a large-scale transfer scheme by which hundreds of thousands of ethnic minority farmers and pastoralists transfer usage rights to their land or herds to state-run collectives for the purpose of “liberating” them to become industrial laborers; and b) a campaign to settle 300,000 additional Han Chinese settlers in Uyghur heartland regions by 2022 in order to “optimize southern Xinjiang’s population structure.”

Based on the author’s survey of Chinese academic research and government figures, up to 1.6 million transferred laborers are estimated to be generally at risk of being subjected to forced labor (see Section 2.7).



Figure 1: Based on the author's calculations, up to 1.6 million and around 60 percent of rural surplus laborers across Xinjiang are at risk of being coerced into forced labor under the ILO definition. See Section 2.7 and endnote 62 of this report for more details (Source: Victims of Communism Memorial Foundation).

An independent legal analysis of the new evidence presented in this report—which was peer reviewed by four leading experts on international criminal law—states that there are “credible grounds to conclude” that Xinjiang’s labor transfer program meets the criteria of two Crimes Against Humanity under Article 7 of the Rome Statute (see Appendix B).[1] The program violates first the Crime Against Humanity of Forcible Transfer (Article 7 (1)(d)), which relates to safeguarding the “protected interests and rights of persons to ‘live in their communities and homes’” (Appendix B, Section B.1); and second the Crime Against Humanity of Persecution (Article 7 (1)(h)).

### 1.1 The Need for a Systemic Framework to Combat Coercive Labor Transfer Policies

The government of the People’s Republic of China (PRC) operates two large-scale, state-sponsored programs of forced labor in Xinjiang. The first places “graduates” from vocational internment camps into factory jobs that are often located close to the aforementioned camps ([Journal of Political Risk](#), December 10, 2019). Another takes rural surplus laborers from minority regions and assigns them mandatory training and job placements, which include seasonal labor such as picking cotton ([Newlines Institute](#), December 14, 2020). Mass labor transfers put Uyghurs and other ethnic minorities from Xinjiang into factory jobs throughout China. This expands the implications of China’s coercive labor practices for some of the world’s largest suppliers of garments and other manufactured goods.

Growing attention to the issue of forced labor in Xinjiang has given rise to studies and media reports that contain conceptual errors; fail to integrate the nature and contextual development of labor transfers into their analysis; or simplistically equate poverty alleviation with coercion without providing comprehensive systemic evidence. The systemically coercive nature of Xinjiang’s labor transfer scheme is complex and must be established based on the evolution and nature of the program’s policy framework and its wider purposes. The proliferation of material on this subject absent a rigorous framework for establishing and evaluating this systemic coercion poses significant risks. Global efforts to combat forced labor in Xinjiang that rely on an inaccurate conceptual framing of these transfers could end up citing evidence for coercion that does not fit the forced labor context they are seeking to address.

Based on evidence from the Nankai Report and other Chinese academic research, this study aims to:

- a) Present an accurate and comprehensive conceptual framework for Xinjiang's coercive labor training and transfer program, as well as the ultimate goals that this program is intended to achieve (Section 2).
- b) Provide significant new evidence for both systemic and specific aspects of coercion, including coercive land transfer programs under which Uyghurs are made to sublet their lands or herds to state-owned entities prior to labor transfers (Section 3.4).
- c) Develop a new framework for measuring coercion through a process-based approach that applies ILO indicators to each phase of the labor transfer process: recruitment, training, placement, transfer, worker management at destination, and worker retention (Section 3.1).

Overall, these findings considerably strengthen the argument for global supply chain divestment from Xinjiang specifically and implicated Chinese companies more broadly.

## 2.0 The Genesis and Coercive Nature of Xinjiang's Labor Transfer Programs

The ILO defines forced labor as:

“... work for which a person has not offered him or herself voluntarily (concept of “involuntariness”) and which is performed under the menace of any penalty (concept of “coercion”) applied by an employer or a third party to the worker. The coercion may take place during the worker’s recruitment process to force him or her to accept the job or, once the person is working, to force him/her to do tasks which were not part of what was agreed at the time of recruitment or to prevent him/her from leaving the job.”<sup>[2]</sup>

Based on this definition, it is sufficient for work to be “involuntary” in order to constitute forced labor. In Xinjiang, the threat of penalties exists. Refusal to cooperate with the state can result in internment, and a government list of signs of religious extremism defines persons who “refuse to receive government management [or] ... assistance” on religious grounds to be “extremists” ([XUAR CCP United Front Work Department](#), June 19, 2017).<sup>[3]</sup> Much of the evidence related to Xinjiang’s labor transfer program testifies to its involuntary nature.

The transfer of rural surplus laborers (农村富余劳动力转移就业, *nongcun fuyu laodongli zhuanyi jiuye*) out of agriculture and into the secondary or tertiary economic sectors is a common challenge faced by developing countries. Rural surplus laborers are redundant members of the rural workforce whose labor productivity is very low.<sup>[4]</sup> The “transfer” of these workers takes place through the change of occupation from agricultural to non-agricultural work, and often involves geographic relocation. In Xinjiang, this process is promoted through urban resettlements and the construction of large-scale industrial parks near urban centers.

China has also transferred rural surplus laborers to other sectors without significant physical relocation through rural industrialization.<sup>[5]</sup> In Xinjiang, this is being done through so-called satellite factories, small



workshops built in villages to put women and others with household and childcare responsibilities to work ([JPR](#), December 10, 2019).

Labor transfers became an important focus of the mutual pairing assistance program (or “Xinjiang Aid,” 援疆, *yuanjiang*) under which comparatively less-developed regions in Xinjiang are paired with 19 highly developed cities and provinces in eastern China. Through Xinjiang Aid programs, these wealthier regions have financed the construction of industrial sites, including vocational internment camp factories; industrial parks and satellite factories; as well as facilitating labor transfers both inside and outside of Xinjiang ([JPR](#), December 10, 2019, Section 8.0).

Labor transfers to other provinces usually take place under the umbrella of Xinjiang Aid, although their coercive aspects appear to be predominantly rooted in Xinjiang’s locally developed labor transfer program. Key policies and other official documents that describe the transfer mechanism and provide evidence for its coercive elements (including the Nankai Report) either do not mention “Xinjiang Aid” or only mention this mechanism as a general umbrella term without ascribing core aspects of coercion to it.<sup>[6]</sup> For labor transfers within Xinjiang, Xinjiang Aid mobilizes corporations from eastern China to invest in Xinjiang’s manufacturing. For cross-provincial transfers, local Xinjiang governments liaise with Xinjiang Aid counterparts to negotiate opportunities and conditions.



*Figure 2: Rural surplus laborers pose for a photo outside of the Karakax rail station on August 24, 2017, before leaving to work in eastern Anhui province as part of an Anhui-Xinjiang Aid labor program (Source: [Tianshan Online](#)).*

## 2.1 Labor Transfers versus Vocational Internment

Xinjiang’s (and Tibet’s) labor transfer programs are systemically different from the coercive labor placements of persons who were subjected to vocational internment or re-education camps. They are based on different policy regimes, focus on different target groups and require different sets of evidence to prove forced labor. While the labor transfer program started in the early 2000s and became progressively more coercive, forced labor resulting from vocational internment began in 2018 (see Section 2.2).

According to the author's research, work placements of "graduates" from Xinjiang's vocational internment camps are never referred to as "labor transfers." A 2019 central government white paper on "Vocational Education and Training in Xinjiang" states that so-called "vocational education and training centers" perform the de-extremification or "transformation through education" of persons "influenced by extremist thinking", and then reintegrate these persons into society through vocational training and employment ([Xinhua](#), August 16, 2019). In contrast, a 2020 white paper on "Employment and Labor Rights in Xinjiang" does not discuss performing re-education or de-extremification on transferred laborers, and instead describes the primary purpose of labor transfer to be increasing social stability by promoting employment ([State Council](#), September 17, 2020).[7] Workshops that specifically employ internment camp detainees are often described in a "poverty alleviation" context, increasing the potential for conflating the two systems. It is important to note their distinctions: forced labor placements following vocational internment are specific to those who underwent re-education internment while labor transfers broadly target the entire rural surplus labor population. Together, the scope of Xinjiang's two forced labor programs is massive.

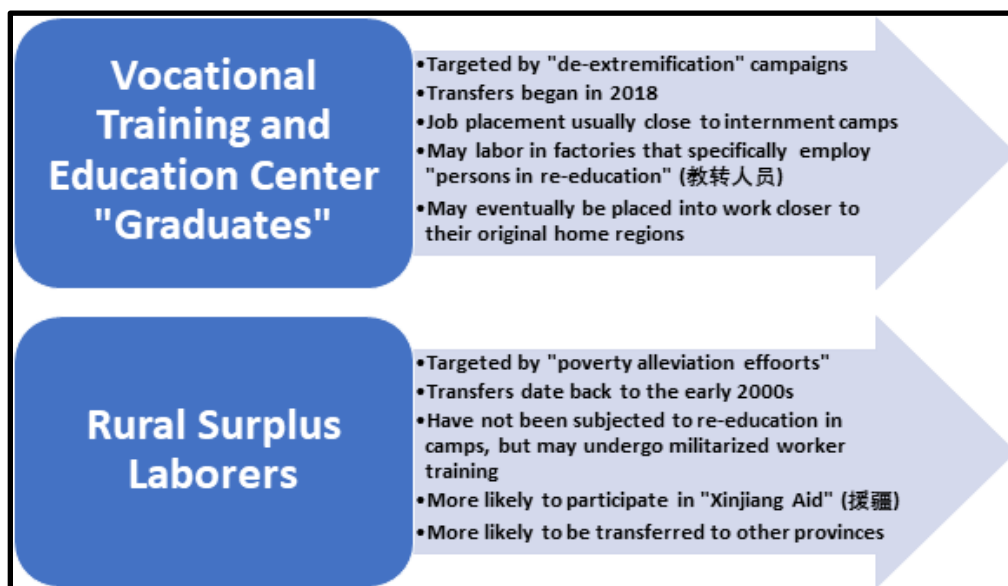


Figure 3: A diagram summarizing two parallel labor transfer programs in Xinjiang, which have sometimes been inaccurately conflated (Source: Jamestown Foundation).

Evidence from leaked documents such as the Karakax List ([JPR](#), February 17, 2020), publicly available government documents and from camp survivors indicates that the initial work placements of these "persons in re-education" (教转人员, *jiaozhuan ren yuan*) can include:

1. So-called "re-education / poverty alleviation workshops" (教培/扶贫车间, *jiaopei/fupin chejian*) located on or immediately adjacent to internment campgrounds ([JPR](#), December 10, 2019, Section 5; [Buzzfeed News](#), December 28, 2020).
2. Industrial parks, many of which contain internment camps or are close to them.
3. Factories anywhere set up by companies specifically to employ "persons in re-education," which receive special government subsidies ([JPR](#), December 10, 2019, endnote 35).

Factories linked to vocational internment began to be set up in 2018 ([JPR](#), December 10, 2019, Section 5).[8] Such factories can have police guards and security equipment provided by the state and are often managed in a “semi-military style.”[9]

In contrast, there is no evidence that rural persons subjected to labor transfers have first been subjected to internment, and they are never referred to as “persons in re-education” (教转人员, *jiaozhuan ren yuan*) ([JPR](#), December 10, 2019, sections 4 and 5). Rural surplus laborers are trained in state-run vocational facilities that can be securitized but are not re-education camps. Instead, they are regular vocational schools (职业学校, *zhiye xuexiao*) that may have received added security features such as fences or cameras, and distinguished from vocational internment camps by terminology, administrative oversight and internal security requirements.[10] These trainings, which are often conducted in a “military-style fashion,” can also be implemented by private companies following state requirements that laborers are subject to political indoctrination and military drill.[11] There is no evidence that rural surplus laborers end up working in factories that are within vocational internment camp perimeters.

It is conceivable that persons from both flow streams may end up working alongside each other. Both graduates from vocational internment camps and transferred laborers work at the Kashgar Shenzhen Industrial Park, although they may work at different factories ([Xinhua](#), November 5, 2018; [The Paper](#), October 25, 2019). Companies can have factories inside a vocational internment camp and at an industrial park, although they are likely to employ workers from different contexts ([Shenzhen Xinjiang Aid](#), October 17, 2018). For example, the Lop County Industrial Park has a vocational internment camp and a vocational training school.[12] The park hosts 155 companies. While it is possible that camp graduates and transferred surplus laborers could work at the same factory, there is so far no evidence of this.

A March 2020 study conducted by the Australian Strategic Policy Institute (ASPI) made an important initial contribution to our understanding of China’s labor transfers from Xinjiang to other provinces ([ASPI](#), March 1, 2020). The study conflates Xinjiang’s two forced labor programs to a substantial degree, stating, for example, that “[labor] transfers are now an integral part of the ‘re-education’ process, which the Chinese government calls ‘vocational training’” ([ASPI](#), March 1, 2020, p.4, endnote 22).[13] However, both the cited and otherwise currently available sources do not substantiate any such conceptual link.[14]

Distinguishing the policy frameworks of the two systems is essential for accurate investigations, particularly into labor transfers outside of Xinjiang. Such transfers are rooted in the rural surplus labor transfer scheme and are not linked to vocational internment. Conflating the two systems can lead to statements that may inadvertently invite misleading or incorrect conclusions, including misinterpretations of government data.[15]

## 2.2 The Development of Xinjiang’s Rural Surplus Labor Transfer Program

The fact that the systems are distinct means that the scale of forced labor in Xinjiang is much greater than just the vocational internment camp network. Xinjiang’s labor transfer program first started in the early 2000s ([XUAR CCP Rural Work Committee Website](#), December 11, 2015). By the end of 2010, it encompassed 2.2 million rural surplus laborers, 83.8 percent of whom were ethnic minorities.[16] Officials during this time complained that Uyghur workers lacked discipline and stability, resulting in low retention rates and a general unwillingness of enterprises to hire them.[17] The problem of unemployed minority rural surplus labors became much more severe after the interethnic clashes that led to the 2009 Urumqi

riots, with studies showing a dramatic decline in the scale of labor transfers to other provinces during this period.[18]

In 2014, after several violent attacks by Uyghurs against the Han majority, Chinese Communist Party (CCP) General Secretary Xi Jinping visited Xinjiang and called for a “period of painful, interventionary treatment” ([New York Times Xinjiang Papers](#), November 16, 2019). During the second Central Xinjiang Work Forum, Xi called for the “strengthening of ethnic interaction, exchanges and blending,” which was to be achieved through an “orderly expansion of the scale of Xinjiang’s ethnic minorities to receive...employment and residence in eastern China” ([Xinhua](#), May 29, 2014). A few months later, Xinjiang’s Party Secretary Zhang Chunxian declared employment to be a top priority, stating that “through full employment [we can] promote ethnic interaction, exchanges and blending, squeezing out...religious extremism” ([China News Network](#), September 5, 2014). In 2015, Xinjiang set a target figure for 50,000 labor transfers outside the region – explicitly presented as a “return to pre-2009 levels” ([XUAR Human Resources Department](#), July 9, 2015).

Since then, Xinjiang’s labor transfer program has become increasingly detailed, intrusive and coercive. The policy of “precise poverty alleviation” (精准扶贫, *jingzhun fupin*) was hailed as a means to achieve a “targeted therapy” for lifting every single household out of poverty ([Xinhua](#), June 6, 2014). In 2016, it was specified that by 2020, 2.61 million people in Xinjiang were to be lifted out of poverty, with 1.74 million people to achieve this primarily through labor transfer and industrialization.[19] In mid-2016, “thought transformation” was mandated to “transform views on employment” (推动就业观念转变, *tuodong jiuye guannian zhuanbian*) ([XUAR Government](#), July 7, 2016). The government also specified an “order-oriented” approach to labor transfer: after companies put in “orders” for employees with certain skills, the state would take batches of the targeted populations, train them accordingly, and then deliver them to companies ([State Council](#), November 23, 2016). An academic study conducted in Kashgar found that by far the greatest share of respondents experienced their first labor transfer in the period between 2014 and 2016.[20]



Figure 4: 442 laborers from Kashgar and Hotan in transit to the Zhonghai Group Korla Industrial Park on April 24, 2017 (Source: [Xinjiang Bazhou Government Website](#)).

In 2017, the year when mass internments began, Xinjiang’s new party secretary Chen Quanguo made labor training and transfer processes in ethnic minority regions even more coercive. Training settings for targeted groups of rural surplus laborers became highly militarized, increasingly securitized, and in several

ways not dissimilar to the vocational internment camps that were being developed at the same time. This approach sought to maximize “iron-like” discipline, obedience, and the production of “standardized behavior” ([Kashi.gov.cn](#), February 24, 2017; [Xinhua](#), June 1, 2017; [Southwest Chinese Medicine City](#), April 18, 2017).<sup>[21]</sup> The minorities’ “backwards” work attitude was to be changed from “I am wanted to work” to “I want to work” ([Xinjiang Economic News](#), November 9, 2018).<sup>[22]</sup>

In January 2018, the government initiated a program to transfer 221,000 laborers from 22 poor counties in southern Xinjiang—with an emphasis on adults from low-income households—to regions outside their original communities by mid-2020, including an “orderly increase of transfer to inner China” ([Xuehua News](#), June 28, 2018; [Xinhua](#), January 10, 2018).<sup>[23]</sup> The program focused on heavy-handed political indoctrination, including “gratitude to the party”, legal knowledge, Chinese language skills, work discipline and military drill.<sup>[24]</sup>

### 2.3 The Nankai Report: An Insider View of the True Purposes of Labor Transfers

The Nankai Report sheds additional light on the ulterior motives behind the labor transfer program, confirming that the primary motivation is neither poverty alleviation nor economic development. It was compiled by three academics from Nankai University’s China Institute of Wealth and Economics based on fieldwork conducted during May 2018 and published in December 2019.<sup>[25]</sup> The Report’s authors were part of a research group investigating poverty alleviation through labor transfer in Hotan Prefecture. One author is the institute’s dean and former deputy secretary-general of the Tianjin municipal government, where Nankai University is located. On-site fieldwork for the Report was directly supported by local authorities and the researchers participated in specially arranged interviews and discussions with high-level local government entities. The authors’ access to government information and relevant sites was privileged, far exceeding that which could be expected by regular academics. A report attachment with recommendations was submitted to the State Council’s Office of Poverty Alleviation (国务院扶贫办 *guowuyuan fupinban*) in October 2018. The Nankai Report was removed from Nankai University’s website in mid-2020 but had previously been archived by this author in May. A full English translation is included in Appendix C.

The Nankai Report bluntly states that China’s “eastern and central regions should have mandatory annual quotas of arranged Xinjiang laborers, which greatly helps to alleviate the shortage of laborers in [these regions] and appropriately reduces labor costs.” It also includes frank admissions regarding the longer-term purposes of such transfers, noting that to solve “problems” in Xinjiang’s Uyghur regions, “drastic short-term measures were absolutely necessary and effective.” These measures refer to the fact that many Uyghurs have been interned in “Education and Training Centers” (教育培训中心, *jiaoyu peixun zhongxin*), the official Chinese euphemism for vocational internment camps. The report states that the number of those interned “greatly exceeds” the number of those who had participated in riots against the state.

According to the Nankai Report, the state is still “carefully screening” Uyghurs, and “those with problems” are being “resolutely dealt with,” while those “without problems” are “being trained.” The Report emphasizes that laborers transferred to other provinces undergo stringent political vetting that typically precludes the participation of formerly detained or imprisoned persons (lit. “two types of people” 两类人员, *lianglei ren yuan*), and likely also precludes “graduates” from vocational internment.<sup>[26]</sup>



Figure 5,6: Detainees listen to “de-radicalization talks” at a securitized re-education facility in Lop County in 2017 (5, left). Rural surplus laborers from Karakax (Moyu) County are sent to labor in Urumqi and Wujiaqu on June 19, 2017 after undergoing “strict political review, physical examination, selection, and pre-job training” (6, right) (Sources: [Wikimedia Commons](#), [Sina](#)).

The Nankai Report goes on to state that the “short-term high pressure” strategy should be changed to a “long-term” approach with a focus on vocational skills training and poverty alleviation. The latter goal is to be achieved particularly through labor transfers, which fulfill two important long-term goals. First, they are an “important method to reform, meld and assimilate a small number of Uyghurs” (referring to the comparatively small population of Uyghurs that is transferred outside of Xinjiang).<sup>[27]</sup> The term for “reform” (感化, *ganhua*) is commonly used in the Chinese justice system to refer to the reform and education of criminals, especially juvenile delinquents ([Supreme People’s Procuratorate](#), March 1, 2020; [People’s Court Daily](#), August 16, 2013). Such reasoning is consistent with Chinese research claims that there is a statistical correlation between unemployment and support for “splittism” (分裂主义, *fenliezhuyi*) and domestic terrorism.<sup>[28]</sup> Another passage in the Report emphasizes that labor transfers can “comparatively quickly change poor people’s views.”<sup>[29]</sup>

Second, the Report states that labor transfers “reduce Uyghur population density in Xinjiang.” Chinese academics commonly complain about high Uyghur population ratios, usually in the context of birth prevention and population control. One 2017 research paper stated that the “severely excessive” number of Uyghur rural surplus laborers was caused by lax family planning policies that created an “excess population” representing a “latent threat to the current regime.”<sup>[30]</sup> Another 2017 report argued that “excessively high ethnic minority population growth” exacerbated the minorities’ population density. This in turn “strengthened their perception that one ethnic group owns a [particular] land area,” which threatened social stability because it “weakens [minorities’] identification with the Chinese Nation-Race.”<sup>[31]</sup>



Figure 7: Beijing plans to “optimize the population structure of southern Xinjiang.” For sourcing, see endnotes 23 and 31 of this report (Source: Victims of Communism Memorial Foundation).

Beijing has concrete plans to “optimize the population structure of southern Xinjiang” and achieve “long-term social stability” in the region through a large-scale plan to settle 300,000 Chinese, mostly from outside Xinjiang, in southern Xinjiang by 2022 ([XPCC](#), April 26, 2020).[32] This plan relies on the paramilitary colonial settler entity Xinjiang Production and Construction Corps (XPCC, 新疆生产建设兵团, *xinjiang shengchan jianshe bingtuan*), and aims to place large numbers of Han settlers into urban agglomerations in southern Xinjiang. To this end, it ironically performs the reverse task of the Uyghur labor transfer by seeking to attract thousands of skilled workers from eastern China to industrial zones in the XUAR ([Bingtuan Daily](#), April 25, 2019; [Yili Kenqu News](#), January 10, 2020). Together, the Han migration program and the labor transfer program are intended to lastingly alter the region’s demographic composition.

## 2.4 “Stimulate Endogenous Motivation”: Overcoming Religious and Cultural Impediments to Labor Transfer

A review of Chinese academic literature on labor transfers reveals why the state’s approach has become increasingly coercive. Academics agree that minorities’ participation in labor transfers is impacted by a) religious views, b) “backward” (traditional) mindsets and c) the emotional cost of separation from family.

Related studies identify religion as both cause and effect in a vicious cycle: the concentration of Uyghurs in their heartlands is assumed to breed a dense religious atmosphere, which in turn begets closed mindsets that further reduce mobility. “Excessive” religiosity is caused by insufficient interaction with other ethnic groups:

“Due to a lack of population mobility ... the excessively strong atmosphere of religious belief cannot be diluted, and the development of social modernity is retarded.”[33]

The quoted study from 2017 argues that labor transfers represent a strategic means to “crack open the solidified society in southern Xinjiang” and “push [people] out of their closed state [of mind].”[34]

A bluntly worded academic report from 2020 notes that the state must “promote poverty alleviation without being slack, ... be tough with both hands so as to control both [social] chaos and poverty [and] go all-out to ensure social stability.”[35] State-led development must change lazy attitudes of “waiting, relying [and] wanting [handouts]” and “insist on the simultaneous advancement of [both] material poverty and poverty of thinking.”[36] Again, Uyghur population concentrations are viewed as a security risk that is best overcome through labor transfers.

Ironically, Uyghurs have historically been known as skilled entrepreneurs and traveled widely throughout China and central Asia before the state began to detain them ([JPR](#), February 17, 2020). Han Chinese explanations of Uyghurs’ “mental impediments” conveniently leave out other factors for low population mobility identified in their own research. One study showed fear of discrimination to be the most salient impediment to respondents’ willingness to go out to work.[37] Contrary to what might have been assumed, that same study found that views on the importance of “attending religious activities” were the least significance factor in determining respondents’ willingness to travel for work.[38] Another study likewise found that only 12 percent of respondents cited religious concerns as the reason for non-participation.[39] These contradict popular allegations that religiosity is a key factor behind low labor mobility.

## **2.5 Sudden Changes in Willingness to Participate in Labor Transfers**

Chinese research implicitly reveals the impact of state coercion by reporting a dramatic change in Uyghurs’ “willingness” to participate in labor transfer. Studies with fieldwork before 2016 or 2017 report a low willingness, especially among women and married couples. A 2016 study from Konasheher (Shufu) County, Kashgar Prefecture showed that only 18 percent of respondents had gone out to work for longer amounts of time and noted that “farmers were entirely unwilling to go out to work.”[40] The authors themselves were part of village-based work teams charged with mobilizing locals into labor transfer and concluded that, “...the villagers were all unwilling to go.” Even though work was offered in the nearby prefecture center with a good salary, free housing and food, “...not one of the villagers signed up to participate.”[41]

One survey administered across four Uyghur prefectures in 2011 showed that women and married persons were significantly less willing to engage in labor transfers.[42] Another survey conducted in autumn 2017 stated that 70.1 percent of rural households preferred local over remote labor transfers.[43] A study among young persons from southern Xinjiang published in June 2018 (with fieldwork likely conducted in 2016 or 2017) found that in answer to the question “Which type of help do you most need?” only 10.8 percent of respondents opted for “help with employment” (and none opted for the given choice “psychological guidance”).[44]

In comparison, a survey conducted in 2017 in Kargilik (Yecheng) County, Kashgar Prefecture found that over 95 percent of responds were “willing” to participate in labor transfer.[45] Women’s reported willingness was slightly higher than that of men (95.4 versus 95.3 percent), and those who had never participated in such transfers showed essentially the same willingness as those who had participated one or more times. These results not only contradicted findings from past years but were also at odds with several statements made in the same report. For example, the report cites several local government officials saying that those who had previously participated in labor transfers became much more motivated to go out to work. The report also notes—in line with previous studies—that in the surveilled villages “the emotional cost to villagers [from labor transfers] is relatively high, which greatly affects [their] enthusiasm to go out to work.”[46] Importantly, this study took place during the early phase of an extremely coercive labor transfer



plan for Kashgar and Hotan that mandated strict quotas and militarized vocational training ([Xinjiang Daily](#), May 11, 2017).

The white paper on Employment and Labor Rights in Xinjiang cites a survey from early 2020 in Yarkand (Shache) County, which states that 85 percent of the entire workforce was “interested in working outside their county” ([State Council](#), September 17, 2020). This is again at odds with previous research findings. Importantly, Yarkand was at the center of the internment campaign, meaning that participation in labor transfer would be one of the few ways to avoid internment ([JPR](#), November 24, 2019, Section 9.2.2).<sup>[47]</sup>

## 2.6 The Scale of Labor Transfers Within and Without Xinjiang

According to official figures, Xinjiang had 2.59 million rural surplus laborers in 2019—1.65 million of them in the four southern Uyghur-majority prefectures (Aksu, Kashgar, Hotan and Kizilsu).<sup>[48]</sup> Most laborers are transferred into jobs near their homes. In the first 10 months of 2018, 364,000 or 13.3 percent of all labor transfers were outside people’s home prefectures, and 25,378 or 0.93 percent were to other provinces ([Xinjiang Daily](#), November 13, 2018).

Labor transfers intentionally and disproportionately displaced persons from Uyghur-majority population regions and especially targeted the southern Uyghur heartlands and poor households. In 2018, the overall percentage of labor transfer from Xinjiang to outside provinces was 0.92 percent, while labor transfer efforts targeting poor households transferred 11.1 percent (8,334 of 75,000) of the labor population to other provinces ([Guangming Daily](#), November 15, 2018). In 2018, 14,500 of all 25,378 Xinjiang labor transfers to other provinces involved laborers from Hotan alone (Xinjiang Daily: [November 13, 2018](#), [March 5, 2019](#)).

Appendix A shows that labor transfers in Uyghur-majority regions such as Hotan, Aksu or Kizilsu have been causing greater displacement, both through transfers to other regions in Xinjiang (typically 15 to 40 percent) and to other provinces (typically 2 to 12 percent).<sup>[49]</sup> Regions with low shares of Turkic ethnic minorities, such as Bortala Prefecture, have featured much lower degrees of displacement.<sup>[50]</sup>

Between 2017 and 2019, Xinjiang transferred an estimated 76,000 laborers to other parts of China.<sup>[51]</sup> While this might not seem like much, the numbers of both planned and actual transfers outside Xinjiang have increased annually. If one assumes that transferred laborers remain in eastern China, the cumulative population transfer via forced labor would become significant over time – especially given that Xi Jinping spoke of “employment and residence” ([Xinhua](#), May 29, 2014), and that transfers can involve entire households (Section 3.1). A state-led transfer scheme of land and herds from laborers to collective state-owned entities (described in Section 3.4) also enables the government to solidify the long-term transformation of farmers to workers, precluding minorities from returning to their original livelihoods and communities.

## 2.7 Estimating the Scope of Persons at Risk of Forced Labor Through Labor Transfers

The risk of coercion in labor transfers falls into two main categories. Especially since 2014, Xinjiang’s labor transfer scheme has 1) aimed to get non-employed, able-bodied adults to work in state-approved wage labor settings, and 2) sought to increase the numbers of laborers that are transferred away from their home regions.

First, a significant share of ethnic minority adults is not willing to participate due to personal preferences for staying close to family and community alongside commitments such as caring for children and elderly. If they were willing to work, they might accept flexible part-time positions. However, accounts of state-directed labor transfers all describe full-time work settings. A study conducted in Kizilsu Prefecture noted that minorities show a “low willingness” to “participate in the market economy” and preferred flexible part-time work over eight-hour workdays.[52] A 2019 study among transferred laborers in Kalpin (Aksu) County found that 60 percent of respondents worked 8 to 10 hours a day, while 30 percent worked over 10 hours daily (with 62 percent stating that they got no extra pay for overtime).[53]

Second, those who are willing to work often prefer to do so within a certain distance to home. Transfer destinations outside the same township or county typically require the full relocation of adults or entire families, who subsequently end up living in dormitories on securitized factory compounds or industrial parks. Their children or elderly may then be placed in government-mandated centralized care.

According to the Nankai Report, those transferred to nearby locations largely end up in local construction or textile companies.[54] Such transfers can take place to satellite factories located in the same village, or companies located in the same township or county.[55] Cross-regional transfers within Xinjiang often occur either for seasonal labor such as cotton picking or seed-sowing or to staff state-owned enterprises in northern Xinjiang. The Nankai Report indicates that local labor transfers often involve private enterprises that are incentivized by the state through subsidies to employ such laborers.



*Figure 8: Work teams from Yuepuhu (Yopurga) County were dispatched through government-organized transfers throughout Kashgar Prefecture to do industrial and agricultural labor as part of the state’s poverty alleviation work in 2019 (Source: [Sohu](#)).*

Not all labor transfers within Xinjiang would be equally coercive. Those that lead to self-employment—what the Nankai Report refers to as “small-scale scattered and flexible employment” (小规模零散灵活就业, *xiao guimo lingsan linhuo jiuye*)—in small, private enterprises such as handicraft manufacturers might be less coercive. On-site coercion and control of workers as well as restrictions on their movement are higher in industrial parks where workers work, eat and sleep in securitized compounds. However, coercion during recruitment and training would be essentially the same.

A study of labor transfer in a township in Kargilik County, Kashgar Prefecture notes that 43.6 percent of the rural surplus labor force were not yet employed in 2017. Of these, 63 percent were women. The main

reasons cited for unemployment included caring for young children or the elderly, a general unwillingness or other reasons. Among the employed, 18.8 percent worked at companies, mostly at the county industrial park; 20.7 percent in local construction companies; 18.1 percent in seasonal labor; 15.3 percent in other work (including satellite factories) and 25.8 percent were self-employed. Among all those who were employed, 19.9 percent had been transferred to work outside the county.[56]

A 2016 study of a township in Shufu County, Kashgar Prefecture found the unemployment rate among rural surplus laborers was 71.3 percent, 25 percent higher than what was reported in the 2017 Kargilik County study conducted in the same prefecture.[57] While this discrepancy may have resulted from local variation among those surveyed, it is more likely attributable to the draconian new transfer policies introduced in early 2017 ([Xinjiang Daily](#), May 11, 2017). This assumption is confirmed by research conducted in another Uyghur village in the same prefecture, which found that by July 2020, 97.7 percent of the village's total workforce was employed.[58] Similarly, a September 2018 report about a village in Altay Prefecture noted a transfer rate of "over 95 percent", and boasted that "there are no idlers left." [59] A November 2019 account of poverty alleviation work in a village in Hotan stated:

"One can no longer see the dirty, chaotic, and poor conditions of the past. ... Everyone has work and everyone has jobs to do. ... There are fewer idlers under the sun, drunkards and gamblers are gone, wallets are bulging and there is hope for life." ([XUAR Auditing Department](#), November 15, 2019)

Among the unemployed in the 2016 Shufu study, 56.5 percent of surplus laborers were marked "idle at home." [60] These constitute the core target of Xinjiang's labor transfer efforts and thus face the highest risk of being coerced into forced labor. However, even many of the employed might feasibly be working at least partially against their will (or location preference) in the wake of coercive policies enacted between 2014 to 2016.

Three types of labor transfers carry a lower risk of forced labor: 1) Han rural surplus laborers, 2) labor transfers that result in self-employment and 3) labor transfers without the government as intermediary.[61] Assuming a risk factor of up to 70 percent for southern Xinjiang and of 42 percent for other regions, it can be estimated that up to 60 percent or up to 1.6 million rural surplus laborers are generally at risk of forced labor.[62]

A very substantial subset of these 1.6 million are at high risk of coercion. These especially include those unemployed and unwilling to work and those transferred to work destinations not of their choosing—especially securitized industrial parks or any work destination that require longer-term relocation.

### **3.0 Measuring Coercion in Xinjiang's Labor Transfers**

#### **3.1 Applying the ILO Indicator Framework to the Xinjiang Context**

The ILO Convention for the Abolition of Forced Labor states that "any form of forced or compulsory labor" must never be used:

- as a means of political coercion or education...;
- as a method of mobilizing and using labor for purposes of economic development;
- as a means of labor discipline;

- as a means of racial, social, national, or religious discrimination ([ILO](#), 1957).

Beijing’s use of coercive labor transfer to suppress religiosity, achieve poverty alleviation targets and “educate” Uyghurs in the political ideology of the state directly violates this Convention. The ILO has published eleven indicators of forced labor. The ASPI report matched pieces of evidence to six of these (Figure 9), and mainly sought to apply these indicators to the transfer process and final work destination.

ILO Indicators of Forced Labor	ILO Indicators Identified in the ASPI Report
<ol style="list-style-type: none"> <li>1. Abuse of vulnerability</li> <li>2. Deception</li> <li>3. Restriction of movement</li> <li>4. Isolation</li> <li>5. Physical and sexual violence</li> <li>6. Intimidation and threats</li> <li>7. Retention of identity documents</li> <li>8. Withholding of wages</li> <li>9. Debt bondage</li> <li>10. Abusive working and living conditions</li> <li>11. Excessive overtime</li> </ol>	<ul style="list-style-type: none"> <li>• Being subjected to intimidation and threats, such as the threat of arbitrary detention, and being monitored by security personnel and digital surveillance tools</li> <li>• Being placed in a position of dependency and vulnerability, such as by threats to family members back in Xinjiang</li> <li>• Having freedom of movement restricted, such as by fenced-in factories and high-tech surveillance</li> <li>• Isolation, such as living in segregated dormitories and being transported in dedicated trains</li> <li>• Abusive working conditions, such as political indoctrination, police guard posts in factories, ‘military-style’ management, and a ban on religious practices</li> <li>• Excessive hours, such as after-work Mandarin language classes and political indoctrination sessions that are part of job assignments</li> </ul>

Figure 9: A table summarizing ASPI’s matching of evidence to ILO indicators of forced labor. (Source: compiled by author based on the report “Uyghurs for Sale,” [ASPI](#), p.6).

In the case of Xinjiang, such a static matching approach runs into significant limitations. First, the ILO indicators were not specifically designed to evaluate coercion resulting from a systematic government program. Second, the available evidence is strongest for recruitment and training phases, favoring an approach that focuses in detail at each phases of the labor transfer process. Third, some of the evidence given in the ASPI report for specific indicators would benefit from being strengthened. For example, it specified in relation to the ILO criterion “isolation” that workers “have little freedom of movement and live in carefully guarded dormitories, isolated from their families and children back in Xinjiang.” ([ASPI](#), p.6, endnote 34). However, some transfers involve entire families, and the Nankai Report implies that dormitories for couples are commonplace ([Sohu](#), January 16, 2017). Moreover, the statement that workers live in “guarded dormitories” was inferred from a visit by Washington Post reporters to one factory in Shandong Province ([Washington Post](#), February 29, 2020).**[63]**

This study argues that the unique nature of state-sponsored forced labor transfer within and outside Xinjiang is better conceptualized as a systemic process of coercion. A process-oriented approach is better suited to seeing isolated pieces of evidence as part of an integrated whole, allowing their interpretation within the wider context. ILO publications support such a process-driven approach by splitting the operational definition of forced labor into principal dimensions, three of which pertain to: 1. recruitment, 2. work conditions, and 3. the impossibility of leaving ([ILO](#), June 1, 2012, p. 14).

The Nankai Report outlines the following labor transfer phases:

1. Matching: local Xinjiang authorities and Xinjiang Aid counterparts jointly identify labor placement opportunities.
2. Recruitment: local Xinjiang officials mobilize laborers.
3. Political vetting: labor transfer candidates undergo a political vetting process to prevent the participation of actual or potential “terrorists”.
4. Training: laborers are subjected to centralized “political thought education” and other forms of training in Xinjiang prior to the transfer.
5. Transfer: the transfer of laborers takes place in batches (“group-style”) with accompanying officials and security guards.
6. On-site management: workers are managed by officials who also function as security guards.
7. Worker retention: authorities put the laborers’ children and elderly in centralized care facilities and arrange centralized care for their land and livestock.

Based on this and the general body of evidence pertaining to labor transfers, the author suggests a process approach to evaluating coercion that consists of these six phases:

1. Matching / placement (can also take place during or after the training)
2. Recruitment
3. Training
4. Transfer to work destination
5. Worker management at destination
6. Worker retention at destination

Due to space limitations, this report focuses on phases 2 and 4 to 6.[64]

### 3.2 Phase 2: Recruitment

Xinjiang’s current labor transfer program removes the inhibiting factors for participation in the workforce as identified by academic studies by eliminating individual choices. This is especially evident during the recruitment phase and bluntly stated in the Nankai Report. The Report notes that “government-led labor training is primary, self-chosen training is secondary.” In Hotan, the Report states that 30 percent of the participants in labor transfer vocational training register themselves (supposedly voluntarily), while the other 70 percent are organized by local townships “according to labor export quotas and demand.”[65] This clear distinction between “voluntary participation” (自愿参与, *ziyuan canyu*) versus a government-led approach (lit. “enter the countryside, propagate and guide,” 下乡宣传引导, *xiexiang xuanchuan yindao*) is stated several times in the Report. A 2020 study from Kalpin County (Aksu) found that in a sample of 298 surplus laborers, 71.5 percent of had been transferred through government-organized transfers.[66]

The Report describes how government recruitment utilize a “collective village-level mobilization” approach whereby officials enter homes to “propagate” the benefits of labor transfer. Other government reports speak of cadres “deeply penetrating” households and performing “thought work” until they “cause a transformation in the way farmers think about how to choose their employment”([Nilka County Government Website](#), March 27, 2020). Public government documents argue that the state must “increase the ... mobilization ... and guidance for the transfer of surplus labor to help villagers to continually change their employment concepts—from [being] unwilling to go out [to work]’ to ‘I want to be employed” ([XUAR Housing and Urban-Rural Development Department](#), May 13, 2020). In one case, officials sent 200 villagers from a village with

429 households to Lutai Textile Company, a large corporation headquartered in Shandong that produces yarn and fabrics ([Xinjiang Daily](#), October 24, 2018). Lutai in turn participated in Aksu Prefecture's centralized training of surplus laborers and sent workers to factories in eastern China for training ([Xinhua](#), November 28, 2018).

The Nankai Report also outlines a private model wherein government officials send villagers to private “companies operating under government guidance” for the employment training and matching process. For example, Funong Labor Service Company in Pishan County operates a compound capable of housing 15,000 laborers, where villagers are trained and then transferred to work destinations inside and outside of Xinjiang. Funong has a security guard detachment and government officials are stationed on the compound to ensure security, discipline and political indoctrination work.

### 3.3 Phases 4-6: Transfer, On-Site Management and Retention

The ASPI report provided important initial evidence for the securitized nature of the transfer to and management of laborers at their workplaces. It cites sources stating that “[e]very 50 Uyghur workers are assigned one government minder and are monitored by dedicated security personnel.” ([ASPI](#), p.6, endnote 33). The evidence for such “security personnel” was largely derived from two informal and unverified notice board postings on the Baidu “Post-It” platform ([ASPI](#), figure 9, endnote 30; [Baidu Tieba](#), undated).

The ASPI report also states that “in factories across China, many Uyghur workers lead a harsh, segregated life under so-called ‘military-style management’” ([ASPI](#), p. 6, endnote 30). This again references the two informal Baidu posts. The ASPI report’s statement regarding “police guard posts in factories” and restricted movement in “fenced-in factories” are based on a single case in Xinjiang, not at a labor transfer destination outside the region ([ASPI](#), p.19, endnote 108).

In the author’s view, the ASPI report’s core evidence for securitized transfers and on-site management consists of government sources that state that a) laborers are transferred in groups of 50 persons ([ASPI](#), p.6, endnote 33; with additional mentions of accompanying police in two instance [endnotes 171 and 248]); b) are subject to monitoring and surveillance ([ASPI](#), p.11, endnote 64); and c) are “prevented from practicing their religion” ([ASPI](#), p.6, endnote 32).

Here, the Nankai Report provides authoritative additional evidence. It notes that laborers are transferred in groups of “at least 30 to 50 persons,” and that overall groups sizes can number “hundreds of persons.” A key term used by the Nankai Report and other government documents is that of “group-style transfer” (组团式输出, *zutuanshi shuchu*), indicating transfers that are tightly controlled and supervised by the state.[67] “Group-style” labor transfers do not just describe a transfer method. Under the heading “‘group-style’ employment,” a report from Qinghe County, Altay Prefecture describes how government work teams have “enthusiastically adjusted the [local] economic structure,” “guiding village laborers...to transform [their method of getting employed] from spontaneous and temporary towards [government-]organized and long-term” ([Altay News Online](#), July 16, 2019; compare with [Xinjiang Daily](#), August 30, 2019).

According to the Nankai Report, the local Xinjiang government from where workers are dispatched provides accompanying government officials and “security guards” (保安, *bao'an*). Officials stay with the laborers at their work destination, acting as security guards, managers, and translators—a model described as “centralized management performed by bilingual cadres stationed in the factories” (双语干部驻厂配合

集中管理, *shuangyu ganbu zhuchang peihe jizhong guanli*). [68] Officials “eat and live” together with the laborers and perform Chinese language training at night.



Figure 10, 11, 12: Transferred laborers receive food from the company cafeteria (10, upper left), eat meals alongside security staff (11, upper right), and are organized to watch “red revolutionary movies” (12, bottom). According to one company’s promotional materials, such care and oversight is designed to “implement the poverty alleviation policy, but also to enable the employees to fully feel the warmth of our company family (Source: [Zhong Anbao Industrial Group](#)).

Transferred laborers to Suzhou Province are accompanied by officials who “manage” them and are under “paramilitary management” at the factories to ensure that they work in a “disciplined” and “organized” fashion ([Huangjiu](#), August 29, 2019). A state media report of laborers transferred from Aksu to Wufang Optoelectronics Company in Hubei Province says that managing cadres use rest times to “perform thought work” and “talk heart-to-heart” to ensure laborers’ moods and spirits are stable ([Aksu Daily](#), July 31, 2019).

A state media report of intra-Xinjiang labor transfer (from Hotan to Urumqi) says that work contracts last at least three years. By “performing good daily management,” companies “ensure that transferred laborers can be retained, remain stable and do their work well” ([Xinjiang Daily](#), March 15, 2020). A 2018 government note about ensuring “stable employment” in southern Xinjiang’s labor transfer mandates that labor transfer settings “identify and eliminate concealed troubles in a timely manner, ensuring that stable employment rates reach 95 percent” ([Yanqi Government Office](#), November 20, 2018). Transferred laborers who temporarily leave their workplace must report this and are subject to being tracked so that “their whereabouts and actions are clear.” To request leave, employers must submit a written report to the

relevant industry department and the accompanying cadres, who then forward this request to the relevant government leadership group. Enterprises cannot themselves grant leave to laborers.

Further evidence of coercion in the worker management phase—and by implication the worker retention phase—can be gleaned from numerous statements that transferred laborers are to be obedient to factory management. A local labor transfer report from Xinyuan County emphasizes that laborers must “obey the company’s management and abide by all forms of discipline” ([Xinyuan Government](#), March 27, 2017). A similar report from Kashgar notes that “every single transferred laborer must treasure the opportunity, treasure their job, obey the company management, strictly follow company regulations, ... as soon as possible implement their role change from farmer to industrial worker” ([XUAR Housing and Urban-Rural Development Department](#), August 21, 2017) While these reports pertain to labor transfers within Xinjiang, it is likely that the same expectations could apply to transfers to other provinces. An informal notice on a Chinese online platform from an account claiming to be a cooperation partner with the Xinjiang government advertised batches of Uyghur workers to eastern Chinese companies as follows:

“The advantage of employing Uyghur workers is that they are under paramilitary management; workers will not disappear, they will work as long as their contract says they should work. [They are] well-behaved, obedient and not lazy. [They] obey factory arrangements, have strong discipline and their willingness to suffer and work hard is especially strong.

...

Help Xinjiang’s Uyghurs get rid of poverty, ... reduce the turnover rate of [your] company’s workers” ([Zhihu](#), March 6, 2020).

The Nankai Report adds that workers transferred to other provinces can receive financial incentives to encourage “continuous and stable employment.” Such incentives might be sorely needed. A 2017 report about 700 transferred minority workers from Akto to Guangdong states that workers could work as late as 11 PM and up to 30 days per month ([Sohu](#), January 16, 2017). Similarly, a 2019 report on laborers transferred to Shandong province boasted that workers have become “more willing to suffer” and had begun “out of their own initiative” working on Saturdays and Sundays ([Xinhua Online News](#), January 19, 2019). According to the ILO, excessive overtime is an indicator of forced labor (see Figure 9).

### **3.4 Centralized Care Schemes: Land, Herds, Children and Elderly**

The Nankai Report notes that minorities are often unwilling to undergo labor transfer because they have to care for land or herds, children or elderly relatives. In response, the state has instituted centralized care schemes for children or the elderly. Additionally, rural minorities are asked to hand over their land and herds for oversight by centralized government entities. The Nankai Report notes that “centralized, large-scale management of livestock and land” has “greatly facilitated the progress of labor export work.” Laborers pay a fee per head of cattle per year and receive payments per unit of land entered into the trusteeship scheme. Between 2015 and 2020, the share of rural households who obtained legal registration of their land usage right (a prerequisite for participating in the land transfer scheme) increased from 37.5 percent in 18 pilot regions to cover 94.1 percent of all rural households across Xinjiang. **[69]**





Figure 13: A photo of a livestock market northwest of Kashgar, taken on September 17, 2017. The Nankai Report observes that the scale of “centralized, large-scale management of livestock and land” has dramatically increased, facilitating subsequent labor transfers. (Image source: [David Stanley via flickr](#))

The government has embarked on an all-out campaign to enforce the land transfer scheme. In 2019, a region in Qinghe County, Altay Prefecture mass-converted pastoralists to laborers by “liberating 90 percent of the village’s labor force from grazing” through herd trusteeship ([Altay News Online](#), July 16, 2019; compare with [Xinjiang Daily](#), August 30, 2019). Following “vigorous promotion,” 59,000 households in Aksu had transferred 154,500 hectares of land to such centers by November 2020, resulting in the labor transfer of 73,300 persons ([Aksu Daily](#), November 24, 2020). Such drastic livelihood changes are unlikely to be due to voluntary choice. A study published in July 2020 that surveyed rural surplus laborers in Kalpin County found that only 23 percent of respondents were “willing” participate in the land caretaking scheme, 47 percent were “unwilling”, and 30 percent were “unsure.”**[70]** A 2018 government report from Bayingol Prefecture describes the momentum behind such coercive land transfers:

“By the end of September [2018], work teams ... vigorously promoted the transfer of [farm]land, not only warming the hearts of poor households, but also making their brains come alive and activating their hands, presenting a gratifying transformation from ‘I am wanted to get rid of poverty, I am wanted to develop’ to ‘I want to get rid of poverty, I want to develop.’ Work teams...helped 7,115 persons to get employed...” ([Bayingol Daily](#), October 19, 2018).

While these arrangements do not involve a legal transfer of ownership, they provide the government with significant added leverage to prevent laborers from returning to their original livelihoods. This is consistent with frequent statements in government sources that the current generation of ethnic minority villagers are to undergo a complete identity transformation from farmers to industrial workers.**[71]**

#### 4.0 Conclusions

New evidence from the Nankai Report, other Chinese academic publications and publicly available government documents provides strong proof of the systemically coercive nature of Xinjiang's labor transfer programs and underscores a process-oriented approach towards designating such programs to be forced labor. These sources also show that the primary aims of labor transfers are not economic, but political and demographic. Government documents state that labor transfers are part of "raising population quality" (提高人口素质, *tigao renkou sushu*), a concept commonly found in family planning policy that has been associated with eugenics.[72]

Labor transfers, birth prevention and re-education camps arguably represent a tripartite, mutually complementary approach to Beijing's coercive social reengineering project in the XUAR. As such, they form an integral part of the state's campaign of cultural and demographic genocide. Unsurprisingly, the Nankai Report clandestinely recommends that the program should be "initiated quietly," with "no need to overly publicize this internationally."

Appendix B contains a legal analysis based on the findings of this report compiled by Erin Farrell Rosenberg, a specialist in international criminal law and former Senior Advisor to the Simon-Skjoldt Center for the Prevention of Genocide at the U.S. Holocaust Museum. The analysis was peer-reviewed by Stephen Rapp, a former U.S. Ambassador-at-Large for War Crimes Issues; Professor Beth Van Schaack, the Leah Kaplan Visiting Professor in Human Rights at Stanford Law School; and two more experts in international criminal law who wished to remain anonymous.

According to the legal analysis, Xinjiang's labor transfer program meets the criteria of the Crime Against Humanity of Forcible Transfer (Article 7 (1)(d)); and the Crime Against Humanity of Persecution (Article 7 (1)(h)) as set by the ICC Rome Statute ([ICC](#), January 16, 2002). The analysis concludes that the evidence presented in this study "provides credible grounds for concluding that China is committing the crimes against humanity of forcible transfer and persecution against its Uyghur civilian population" (Appendix B, Section IV).

Consequently, the global community is faced with a strong moral imperative to fully divest its supply chains from any product that is made in whole or in part with raw materials or forced labor from Xinjiang.

#### **4.1 Policy Recommendations**

1. The international community should establish a rebuttable presumption that all products from Xinjiang have a high probability of being tainted with coercive labor. The United States should expand the region-wide Withhold Release Order on cotton and tomatoes, issued in December 2020, to include all Xinjiang products.
2. The transfer of Xinjiang's ethnic minority laborers to other provinces implicates a greater number of supply chains. Governments need to establish related monitoring procedures to investigate potentially tainted supply chains. The U.S. House of Representatives Uyghur Forced Labor Prevention Act (2019-2020) (H.R.6210) mandates such monitoring and should be enacted.
3. Governments should establish effective enforcement mechanisms to verify that companies are in compliance with these policies. Companies with potentially implicated supply chains should be required to disclose their suppliers and sources. To this end, the United States should swiftly enact the Uyghur Forced Labor Prevention Act. Other governments should pass similar legislation.

4. Based on the new evidence presented in this report, the international community should perform an atrocity determination in accordance with the ICC Rome Statute provisions on forcible transfer and persecution.

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## Notes

[1] The People's Republic of China is not a signatory party of the Rome Statute, and in December 2020 the office of the ICC prosecutor declined to open a full investigation into actions taken against Uyghurs in Cambodia and Tajikistan (both ICC signatories) because the "precondition for the exercise of the court's territorial jurisdiction did not appear to be met." As of the time of writing, the file remains open and the ICC has asked for more evidence to be submitted. See: Office of the Prosecutor, "Report on Preliminary Examination Activities 2020," International Criminal Court, December 14, 2020, <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-eng.pdf>.

[2] See: "Harder to see, harder to count: Survey guidelines to estimate forced labor of adults and children," International Labor Organization, 2012, p.13, [https://www.ilo.org/global/topics/forced-labour/publications/WCMS\\_182096/lang--en/index.htm](https://www.ilo.org/global/topics/forced-labour/publications/WCMS_182096/lang--en/index.htm).

[3] A similar checklist believed to be used by local cadres in Xinjiang to evaluate the "trustworthiness" of rural Uyghur households lists "forbidden behaviors" —one of them being "resistance to poverty alleviation programs. See also: Abdugheni Sabit, Twitter Post, July 22, 2018, 5:20PM, <https://twitter.com/abdughenisabit/status/1021142854188531714>, "Written Order of China's New Plans Disclosed," Turkistan Press, July 23, 2018, <http://turkistanpress.com/page/cin-39-in-yeni-planlarinin-yazili-emri-ifsas-oldu/247> (Translation from Uyghur to English by Darren Byler).

[4] See: Zhang, Shaoyao, Song, Xueqian, Wan, Jiangjun, Liu, Ying and Deng, Wei, "The Features of Rural Labor Transfer and Cultural Differences: Evidence from China's Southwest Mountainous Areas," Chinese Academy of Sciences, *Sustainability* 11, no. 6: 1522, 2019, <https://www.mdpi.com/2071-1050/11/6/1522>.

[5] See: Banister, Judith and Taylor, Jeffrey R., "China: Surplus Labor and Migration," *Asia-Pacific Population Journal* 4, no. 4, December 1989, <https://esbn.unescap.org/sites/default/files/APPJ-Vol-4-No-4.pdf>.

[6] See: the Nankai Report at <http://web.archive.org/web/20200507161938/https://ciwe.nankai.edu.cn/2019/1223/c18571a259225/page.htm> or <https://archive.is/PyluL>. A full translation is included in Appendix C. In the author's view, sources cited by the ASPI report such as <http://archive.ph/0hKn0> and <http://archive.ph/qBXmu> do not establish "Xinjiang Aid" as the conceptual framing for the coercive nature of transfers to other provinces (ASPI, March 1, 2020, p.12-13, especially endnotes 79 and 80).

[7] The 2020 white paper lists vocational internment camps ("vocational skills education and training centers") as one of the facilities that provide training leading to employment but does not state that such camps are part of the labor transfer of rural surplus laborers. For a more detailed discussion of the nature and purpose of vocational training for labor transfer (in contrast to that in the vocational internment camps), see: "Record of the 14th Press Conference on Xinjiang-related issues in Xinjiang Uyghur Autonomous Region," Chinese Embassy in Turkey, October 18, 2020, <https://web.archive.org/web/20201108215608/http://tr.china-embassy.org/chn/xwdt/t1827313.htm>, Section 3 (question 1).

[8] Most detainees listed in the Karakax List were "released" into forced labor factory jobs in 2019 (JPR, February 17, 2020). In 2018, Kashgar Prefecture alone intended to place 100,000 vocational internment graduates into factory jobs. See: "Notice on Issuing the 'Implementation Plan for Employment Training of Difficult Groups in Kashgar,'" [关于印发《喀什地区困难群体就业培训工作实施方案》的通知] Kashgar Government Public Information Platform, August 10, 2018, <https://web.archive.org/web/20181204024839/http://kashi.gov.cn/Government/PublicInfoShow.aspx?ID=2963>.

[9] In this sense, the vocational internment system constitutes a distinct labor transfer system in that it transfers its detainees, many of whom would have been rural surplus laborers, into factory work. See: JPR, December 10, 2019, Section 5.2. Compare with supporting witness testimony in [Buzzfeed News](#), December 28, 2020.

[10] For a detailed discussion of the distinction between these terms, see: JPR, November 24, 2019, Section 6, Appendix and endnote 59.

[11] See: JPR, December 10, 2019, Section 6.1. See also: "Employment and Poverty Alleviation Training Promotion Plan for the Deep Poverty Four Prefectures of Southern Xinjiang (2018-2020) [新疆四地州深度贫困地区就业扶贫培训促进计划 (2018—2020年)], Xinjiang Department of Human Resources and Social Security, June 28, 2018, <https://archive.fo/zMi4A>.

[12] See: JPR, December 10, 2019, endnote 39. See also: "Luopu County Beijing Industrial Park Master Plan (2017-2030) Environmental Impression Report" [洛浦县北京工业园区总体规划(2017-2030)环境印象报告书], archived PDF download available at <http://bit.ly/2N7T86k>.

[13] The ASPI report strongly associates Xinjiang's re-education internment campaign with Xinjiang Aid. For example: "Local governments and corporations were strongly encouraged to find employment opportunities for newly 're-educated' Uyghurs, under a policy termed 'industrial Xinjiang Aid.'" (ASPI, March 1, 2020, p.12, endnote 79). The cited source discusses labor transfer but not internment camp graduates.

See also: the author's detailed account of labor transfers in [Newlines Institute](#), December 14, 2020, Section 2.

**[14]** The source in endnote 22 discuss the release of graduates from vocational internment but without mentioning the labor transfer program. Other sources cited in the ASPI report likewise do not establish such a link. The report's "re-education camp" case study ([ASPI](#), March 1, 2020, p.18) is a "vocational school" that does not follow established internment camp terminology and is likely a securitized centralized vocational training facility for young adults or rural surplus laborers. The ASPI [Xinjiang Data Project](#) classifies this facility ("Peyziwat Facility #4"; Jiashi County Secondary Vocational School - 伽师县中等职业技术学校; GPS location: 39.48894, 76.70647) in the lowest securitization level (tier 1).

**[15]** For example, a media investigation that identified 135 internment camp factory complexes sought to provide additional evidence for the existence and/or nature of forced labor in select internment camps by citing documentary evidence from the labor transfer system ([Buzzfeed News](#), December 28, 2020).

See also the incorrect claim that the white paper on "Employment and Labor Rights in Xinjiang" might indicate the numbers of persons detained in camps in: Helen Davidson, "Clues to scale of Xinjiang labor operation emerge as China defends camps," *The Guardian*, September 18, 2020, <https://www.theguardian.com/world/2020/sep/18/clues-to-scale-of-xinjiang-labour-operation-emerge-as-china-defends-camps> or Mimi Lau and Linda Lew, "China defends its vocational training centers' in Xinjiang white paper," *South China Morning Post*, September 17, 2020, <https://www.scmp.com/news/china/politics/article/3101986/china-claims-vocational-training-given-nearly-13-million-people>.

**[16]** See: Li, Xiaoxia, "An Analysis of the Development and Current Situation of Xinjiang Minority Industrial Workers [新疆少数民族产业工人队伍发展及现状分析]," *Master's Thesis*, Peking University Department of Sociology, 2017. Formally published in the *Journal of Beifang University of Nationalities (Philosophy and Social Science)*, 2015(04), Pages:32-37. (Page:33), [http://web.archive.org/web/20200102035451/http://www.shehui.pku.edu.cn/upload/editor/file/20180829/20180829105607\\_8254.pdf](http://web.archive.org/web/20200102035451/http://www.shehui.pku.edu.cn/upload/editor/file/20180829/20180829105607_8254.pdf).

**[17]** See: Li, Xiaoxia, 2017, Page:36.

**[18]** For example, see: <https://archive.is/eT5bl> and Li, Xiaoxia, 2017, Page:36.

**[19]** After 760,000 people were lifted out of poverty in 2015, the following targets were set: 630,000 people to be lifted out of poverty in 2016, 590,000 people out of poverty in 2017, 280,000 people out of poverty in 2018, 220,000 people out of poverty in 2019, and 130,000 people out of poverty in 2020. See: <https://archive.is/uKEkJ>.

**[20]** See: Zuliati, Simayi, Chen, Renyuan, and Chen, Yanping, "A Study on the Employment of Ethnic Rural Surplus Labor in Kashgar Region of Xinjiang: Taking Yecheng County as an example [新疆喀什地区农村少数民族富余劳动力就业调查研究—以叶城县为例]," *Northwestern Journal of Ethnology*, 2018(03), Page:18.

[21] For prescriptions on military drilling in vocational surplus labor training throughout various ethnic minority regions in Xinjiang, see:

<https://web.archive.org/web/20191127080847/http://www.xjcbcr.gov.cn/info/1200/57613.htm>,  
<http://m.ylxw.com.cn/particle/91540>, <http://www.xjyl.gov.cn/info/2269/294696.htm>,  
<http://web.archive.org/web/20201228192241/www.xjbl.gov.cn/info/1293/12903.htm>,  
<http://web.archive.org/web/20200527073148/www.tlfiy.net/wap/index.php?c=article&a=show&id=28>,  
<https://archive.is/lIc7B>, <https://archive.is/S4yiT> and <https://archive.is/a5aA1>.

[22] Compare with <http://archive.is/AZEAU>, <https://archive.is/lrtas> and <https://web.archive.org/web/20191127080847/http://www.xjcbcr.gov.cn/info/1200/57613.htm>.

[23] For the 221,000 figure, see <http://web.archive.org/web/20201007145042/http://www.scio.gov.cn/zfbps/32832/Document/1687588/1687588.htm>.

[24] Official policy stated that “all laborers from poor households must undergo this training prior to transfer and employment.” According to government documents, the region's "war on poverty" reached a crucial phase in 2018 and 2019. Poverty alleviation became commensurate with a "military command", and "the southern four regions and prefectures are the main battlefield" in the war against poverty. See: [http://f.china.com.cn/2018-02/07/content\\_50442241.htm](http://f.china.com.cn/2018-02/07/content_50442241.htm) or <http://archive.is/oVSbm>. In this relentless "battle", every administrative level was to “put pressure on each successive lower level” in order to achieve mandated goals on schedule.

[25] See: Original text of the Nankai Report archived at <http://web.archive.org/web/20200507161938/https://ciwe.nankai.edu.cn/2019/1223/c18571a259225/page.htm> or <https://archive.is/Pylul>. An abridged version where some of the most compromising statements had been removed was published with the journal *Theory and Modernization* in July 2019 (see <https://archive.is/JjrNZ>). An English translation is included in Appendix C.

[26] The relevant section in the Nankai Report that discusses transfers in the context of the Pishan Vocational School reads: “Because a considerably large portion of the trained laborers will be exported to [locations] outside of Xinjiang, for reasons related to the political vetting, [the school] does not accept ‘the two types of persons’ for training” (Original text: 因为受训劳动力有相当大部分将输往疆外，出于政审原因不接受“两类人员”培训。). The other mention of “two types of persons” in the context of the Funong private intermediary company likely relates to persons transferred within Xinjiang. Therefore, those who pass the political vetting process may be admissible for such intra-regional transfers.

[27] Original text: “特别是通过劳务输出的方式，既减少了维族在新疆地区的人口密度，也是感化、融化、同化少数维族人员的重要方法”

[28] See: Zhao, Jun and Song, Hongbin, “A Quantitative Study on the Splittist Tendencies of Minority Teenagers—Taking Xinjiang as an Example [少数民族青少年分裂倾向定量研究—以新疆地区为例],” *Issues on Juvenile Crimes and Delinquency*. 2017(01), Pages:29-34 (Page:30).

[29] Original text: “通过劳务输出可以较快改变贫困人们的观念”

[30] See: Zhao, Jun and Song, Hongbin, 2017, Page:30.

[31] See: Li, Xiaoxia, 2017, Page:17.

[32] See: Ouyang, Jin-qiong, Zhou, Chuan-rong and Li, Wen-yao, "Industrial Upgrading, Urbanization and Population Agglomeration in South Xinjiang: Based on County Statistics and SDEM Models [新疆南疆地区城镇化、产业升级与人口集聚——基于县域统计资料与 SDEM 模型]," *Northwest Population Journal*, 2020.

The official designation of this initiative is [新疆生产建设兵团向南发展规划纲要 (中办发 (2017) 74 号)]. In 2019, the XPCC's annual reported noted progress towards this goal by increasing its population in southern Xinjiang by 69,900 compared to 2018, see: "2019 Statistical Report on the National Economic and Social Development of Xinjiang Production and Construction Corps" [新疆生产建设兵团 2019 年国民经济和社会发展统计公报], XPCC, April 26, 2020, <http://web.archive.org/web/20200508151239/http://www.xibt.gov.cn/c/2020-04-26/7346732.shtml>.

[33] See: Lu, Xiaoping and Guo, Jingyuan, "An Analysis of Fiscal Policy to Promote Outbound Labor Transfer in Southern Xinjiang [推动南疆劳动力向外转移的财政政策探析]," *Enterprise Reform and Management*, 2017(01), Page:194.

[34] *Ibid.*

[35] See: Tang, Xianbin and Li, Hongxia, "Basic experience analysis of poverty alleviation in deep poverty areas of Southern Xinjiang——Taking poverty alleviation and hat lifting in Zepu County as the object of examination [南疆深度贫困地区脱贫攻坚的基本经验分析 —以泽普县脱贫摘帽为考查对象]," *Journal of Hotan Normal College*, 2020(02), Page:108.

[36] *Ibid.*, p.109, 2020. An M.A. thesis from 2019 likewise notes that the government organizes laborers to "go out and see" outside places of work in order to "change villagers' stubborn thinking" and increase their ability to "resist the bewitching of external extremist forces." See: AiSan, Gulisitan, "A Study on the Employment of Rural Surplus Labor in Yecheng County [叶城县农村富余劳动力就业问题研究]," *Master's Thesis*, Xinjiang University, 2019, Page:22.

[37] See: Li, Guangming, Ma, Lei and Sun, Mingxia, "Effect of Ethnic Characteristics, Risk Awareness, Employment Environment to Uygur Rural Labor Migrant of Xinjiang [民族特质、风险意识、就业环境对新疆维吾尔族农村劳动力外出务工意愿的影响]," *Areal Research and Development*, 2017(06), Page:162.

[38] *Ibid.* The report author suggests that this is because respondents are referring to labor transfers within Muslim majority regions, where there is access to mosques. However, he does not explain the Halal concern.

[39] See: Deng, Kangchu, Mamati, Aihematijiang and Wang, Qian, "Constraints on the Transfer of Rural Surplus Labor Force in Southern Xinjiang – An Investigation of Sayibag Town in Shufu County, Kashgar

Prefecture [新疆农村富余劳动力转移的制约因素及对策 - 于喀什地区疏附县萨依巴格乡的调查], *Xinjiang State Farms Economy*, 2016(12), Page:84.

[40] *Ibid.*, 2016, Page:83.

[41] *Ibid.*

[42] See: Li, Guangming, Ma, Lei and Sun, Mingxia, 2017. Page:162-163.

[43] See: Ma, Jinli, "Analysis on the Influencing Factors of Rural Labor Force Transfer and Employment in Xinjiang [新疆农村劳动力转移就业影响因素分析]," *Northern Economy and Trade*, 2019(06), Page: 37.

[44] See: Chen, Jun and Jing, Xi-xiao, "Youth Employment Level and Strategies in Ethnic Areas: Case Studies in Xinjiang [民族地区青年就业水平及其提高策略研究——基于新疆的调查]," *Journal of North Minzu University (Philosophy and Social Science)*. 2018(05), Page:74.

[45] See: Zuliati, Simayi, Chen, Renyuan, and Chen, Yanping, 2018, Pages:14-25.

[46] *Ibid.*, 2018, Page:21.

[47] The author's previous research has found that townships in Yarkand featured adult internment shares of up to 28.4 percent in 2018.

[48] In 2010, the region had 2.2 million rural surplus laborers, 83.8 percent of them ethnic minorities. See: Li, Xiaoxia, 2017 Page:33.

[49] In the first four months of 2020, 1,500 or 10.9 percent of all labor transfers in Qira (Cele) County (Hotan) were to regions outside of Xinjiang ([Renminwang](#), April 22, 2020). Between 2010 and 2014, that county's annual out-of-province transfer figure had declined from 963 to 127 in the aftermath of the 2009 riots and subsequent clashes ([XUAR CCP Rural Work Committee Website](#), December 11, 2015). The most recent figure has therefore far surpassed the 2010 peak.

[50] Nilka County, a region with many Kazaks but few Uyghurs, saw high out-of-country transfers but a low emphasis on transfers to other provinces (see Appendix A).

[51] Calculated as 20,859 (2017) + 27,500 (2018; based on 25,378 for January to November 2018) + 28,000 (based on 15,459 for the first half of 2019) = 76,359. Sources: [http://archive.ph/BFUJv](#) (2017), [http://archive.ph/cbssi](#) (2018), [http://archive.ph/dd7sZ](#) (2019). The ASPI report estimates that over 80,000 Uyghurs were transferred to other parts of China between 2017 and 2019. This estimate is based on an extrapolation of actual reported transfers of 61,696 ethnic minorities for 2017, January to November 2018, and the first half of 2019. The author's more conservative assessment takes into account that a greater share of transfers (and other target achievements) typically takes place in the first half of each year.

[52] See: Dayimu, Nueraili, "A SWOT Analysis of Measures for Local Employment of Surplus Rural Labors in Southern Xinjiang——Based on Field Investigations in Southern Xinjiang Kizilsu [新疆农村富余劳动



力就地就业措施的 SWOT 分析——基于南疆克州的田野调查],” *Culture Journal*, 2020(01), Pages:14-15.

[53] See: Chen, Qiao, “The Influencing Factors of Rural Poverty Labor Transfer Employment at Keping County in Xinjiang [新疆柯坪县农村贫困劳动力转移就业影响因素研究],” *Master’s Thesis*, Tarim University, July 2020, Page:28.

[54] This group mostly consist of those unable or unwilling to relocate for various reasons, including those who failed the political vetting process required for interregional and especially interprovincial transfers.

[55] See: AiSan, Gulisitan, 2019, Page:11.

[56] See: AiSan, Gulisitan, 2019.

[57] See: Deng, Kangchu, Mamati, Aihematijiang and Wang, Qian, 2016, Pages:82-86.

[58] See: Xiong, Lili, Tian, Yuan and Su, Haiying, “Investigation and Analysis of Labor Employment in a Typical Poor Village in Southern Xinjiang [新疆南疆一个典型贫困村劳动力就业调查分析],” *Xinjiang Agricultural Science and Technology*, 2020(04), Page:1.

[59] See: <https://web.archive.org/web/20210212200622/http://www.xj.chinanews.com/shipin/2018-09-25/detail-iwrvimra3970637.shtml>. Compare with <http://web.archive.org/web/20210216201850/http://www.mzb.com.cn/html/report/201032696-1.htm> and <http://web.archive.org/web/20210216202438/http://xj.people.com.cn/n2/2020/1107/c186332-34400770.html>.

[60] See: Deng, Kangchu, Mamati, Aihematijiang and Wang, Qian, 2016, Pages:82-86.

[61] In 2010, ethnic minorities made up 83.8 percent of all rural surplus laborers. In 2016, in Ili Prefecture, where ethnic minorities constitute 64.3 percent of the population, 74.0 percent of transferred rural surplus laborers were minorities. Sources: XSY 2017 (table 3-7) and [www.xjyl.gov.cn/info/1362/108555.htm](http://www.xjyl.gov.cn/info/1362/108555.htm) (link defunct, archived download at <http://bit.ly/3qrIPZd>).

[62] Based on 2.59 million total rural surplus laborers in 2019, 1.65 million of them in southern Xinjiang (source: Li, Xiaoxia, “An Analysis of the Development and Current Situation of Xinjiang Minority Industrial Workers”, 2017, Page:33.). Around 15 percent of them are likely Han (based on 2010 data, see endnote [16]). Ethnic minority shares in southern Xinjiang in 2018 were 91.6 percent, in the rest of the region 44 percent. Shares of minorities among surplus laborers are estimated as 99 percent for southern Xinjiang and 60 percent for the rest, resulting in a 84.8 percent total minority share among such laborers. The up to 1.6 million estimate was calculated as: southern Xinjiang: 1.65 million x 70 percent + other regions: 0.94 million x 42 percent (the 42 percent results from 70 percent risk for southern Xinjiang x 60 percent ethnic minority share). Approximately 15 percent of labor transfers (regardless of ethnicity) typically result in self-employment (see: AiSan, Gulisitan, 2019, Page:25; Xiong, Lili, Tian, Yuan and Su, Haiying, 2020, Page:1). One study from Kalpin County (Aksu) states that 71.5 percent of transfers were organized by the government as opposed to self-organized or with the private help of others (Chen, Qiao, July 2020, Page:27). In labor transfer target regions such as Kashgar and Hotan, it can be assumed that this share is higher.

[63] The cited source describes a Han Chinese boss who frequently visited workers' dormitories without providing substantive evidence of guarded facilities. Other references cited in the ASPI report likewise do not give evidence of guarded living quarters or restricted movements for labor transfers outside of Xinjiang.

[64] Evidence pertaining to phase 3 can be found in the author's previous work: <https://www.jpolicy.com/beyond-the-camps-beijings-long-term-scheme-of-coercive-labor-poverty-alleviation-and-social-control-in-xinjiang/>, and [Newlines Institute](#), December 14, 2020 (Section 2).

[65] Original text: “各乡镇按照劳务输出指标和要求，向培训中心/学校组织劳动力;同时培训中心或学校也接受社会自愿报名，占比在 30%左右”

[66] See: Chen, Qiao, July 2020, Page:27.

[67] See: <https://archive.is/xQ34t>, as well as the coercive labor transfer program established in the Tibet Autonomous Region ([China Brief](#), September 22, 2020).

[68] The Nankai Report also notes measures to help Uyghurs adjust to their new environment, including dedicated cooks and cafeterias that offer halal food.

[69] See: Li, Huifang and Pan, Hao, "A Study of Rural Land Operating Right Transfer in Xinjiang under the Background of Separation of Land Ownership, Contracting Right and Operating Right," *Finance & Economics of Xinjiang*, 2017(02), Page: 53. and <https://archive.is/2qGZN> (2020).

[70] See: Chen, Qiao, July 2020, Page:25.

[71] For examples, see: <http://rmfp.people.com.cn/n1/2018/1115/c406725-30402054.html>, <http://www.xj.chinanews.com/xinjiang/2018-11-15/detail-ivxyuq wz1807844.shtml> or [http://media.worker.cn/sites/media/grrb/2019\\_05/23/GR0607.htm](http://media.worker.cn/sites/media/grrb/2019_05/23/GR0607.htm).

[72] See: <http://web.archive.org/web/20210119203645/http://www.xinjiangyaou.com/xxfk/1123820.shtml> and <http://web.archive.org/web/20200628122703/https://china.huanqiu.com/article/9CaKrnK4n8L>. For additional context, see also: <https://www.nytimes.com/2018/02/20/opinion/china-women-birthrate-rights.html>.

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## Appendix A: Labor Transfer Statistics By Region

Region	Data range	Population group	Laborers transferred locally	Laborers transferred outside county or non-local	Laborers transferred outside Xinjiang	Total numbers of laborers transferred	Source
Southern Xinjiang 22 poor counties	Jan-Sept 2018	Poor households	51,644 (71.5%)	12,275 (17.0%)	8,315 (11.5%)	72,234	<a href="https://archive.is/vxb4o">https://archive.is/vxb4o</a>
Hotan Prefecture	2018	All	n/a	Outside prefecture: 197,600 (32.3%)	14,500 (2.4%)	611,500	<a href="https://archive.is/rTfF3">https://archive.is/rTfF3</a>
Hotan Prefecture	Jan-Feb 2020	All	45,000 (approx.. 67-68%)	22,800 (approx.. 32-33%)	n/a	n/a	<a href="https://archive.is/teMVN">https://archive.is/teMVN</a>
Hotan County	2017	All	Within prefecture: 44,170 (53.8%)	Outside prefecture: 32,078 (39.1%)	5,882 (7.2%)	82,130	<a href="https://archive.is/6FMY3">https://archive.is/6FMY3</a>
Hotan County	Jan-Apr 2017	All	18,582 (63.3%)	6,025 (20.5%)	4,752 (16.2%)	29,359	<a href="https://archive.is/Ekn7D">https://archive.is/Ekn7D</a>
Yutian County (Hotan)	Jan-Jun 2017	All	16,633 (46.5%)	18,408 (51.5%)	693 (1.9%)	35,734	<a href="https://archive.is/QB44j">https://archive.is/QB44j</a>
Qira County (Hotan)	Jan-Apr 2020	All	7,000 (50.7%)	5,300 (38.4%)	1,500 (10.9%)	13,800	<a href="https://archive.is/IDC9K">https://archive.is/IDC9K</a>
Karaka x County	2016	All	22,374 (12.3%)	137,890 (75.6%)	22,039 (12.1%)	182,303	<a href="http://bit.ly/2N0aB0D">http://bit.ly/2N0aB0D</a>
Aksu Prefecture	Jan-Sept 2017	All	90,000 (57.6%)	64,500 (41.3%)	747 (0.5%)	156,300	<a href="https://archive.is/kOqxW">https://archive.is/kOqxW</a>
Awat County	2018	All	n/a	n/a	Over 2,000 (5.7%)	35,000	<a href="https://archive.is/XMTHq">https://archive.is/XMTHq</a>
Cele County (Hotan)	Jan-Apr 2020	All	7,000 (50.7%)	5,300 (38.4%)	1,500 (10.9%)	13,800	<a href="https://archive.is/IDC9K">https://archive.is/IDC9K</a>
Xinyuan County	2019 (plan)	All	n/a	n/a	1,000 (1.3%)	75,000	<a href="https://archive.is/OYjSL">https://archive.is/OYjSL</a>
Bortala Prefecture	Jan-Oct 2020	All	49,054	3,713 (7.0%)	314 (0.6%)	53,081	<a href="https://archive.is/Y1GuX">https://archive.is/Y1GuX</a>
Nilka County	2014 to 2018	All	155,101	53,497 (25.6%)	390 (0.2%)	208,988	<a href="https://archive.is/HCYZf">https://archive.is/HCYZf</a>
Nilka County	Jan-Jun 2020	All	37,578	3,324 (8.1%)	223 (0.5%)	41,125	<a href="https://archive.is/ukhMY">https://archive.is/ukhMY</a>

<b>Township in Nilka County</b>	2020 (plan)	All	2,530	1,896 (41.1%)	190 (4.1%)	4,616	<a href="https://archive.is/cC GDp">https://archive.is/cC GDp</a>
<b>Township in Nilka County</b>	Jan-Jun 2018	All	916 (50.6%)	845 (46.6%)	51 (2.8%)	1,812	<a href="https://archive.is/HC YZf">https://archive.is/HC YZf</a>
<b>Kizilsu</b>	2017	Poor households ("short & fast" project)	908 (14.1%)	4,662 (72.3%)	877 (13.6%)	6,447	<a href="https://archive.is/vP 7vU">https://archive.is/vP 7vU</a>
<b>Township in Kizilsu</b>	2018 (plan)	Poor households	836 (63.5%)	211 (16.0%)	269 (20.4%)	1,316	<a href="https://archive.is/DN Lpu">https://archive.is/DN Lpu</a>

## Appendix B: Legal Analysis of Potential Crimes Against Humanity: China's Transfer of its Uyghur Civilian Population

Prepared by Erin Farrell Rosenberg<sup>1</sup>

Reviewed<sup>2</sup> by Ambassador Stephen J. Rapp<sup>3</sup> and Professor Beth Van Schaack<sup>4</sup>

### Executive Summary

Based on the evidence presented in Dr. Zenz' new report, *Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation*,<sup>5</sup> there are credible grounds to conclude that the Chinese government's transfer of Uyghur laborers from their home county or prefecture in Xinjiang province to other counties within Xinjiang or other provinces of China amounts to crimes against humanity. Specifically, there is substantial evidence that the Chinese government is carrying out a widespread and systematic attack against the Uyghur civilian population pursuant to a government policy. Further, there are credible grounds to conclude that, as a part of the attack, the crimes against humanity of forcible transfer and persecution are occurring.

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<sup>1</sup> Erin Farrell Rosenberg is an attorney specializing in international criminal law (ICL) and reparations. She spent nearly a decade working in ICL, first at the International Criminal Tribunal for the Former Yugoslavia on *The Prosecutor v. Ratko Mladic* case, and then at the International Criminal Court, where she worked in the Appeals Chamber and at the Trust Fund for Victims. She is the former Senior Advisor for the Center for the Prevention of Genocide's Ferencz International Justice Initiative at the United States Holocaust Memorial Museum, where she served, *inter alia*, as the lead author for the report series, *Practical Prevention: How the Genocide Convention's Obligation to Prevent Applies to Burma*. She lectures and teaches frequently on the history and legal frameworks relevant to reparations, including as an adjunct professor with the University of Cincinnati School of Law. She is a member of the Editorial Committee of the Journal of International Criminal Justice (JICJ) and the ABA Working Group on Crimes Against Humanity.

<sup>2</sup> This legal analysis was also peer reviewed by two experts in international criminal law who wish to remain anonymous.

<sup>3</sup> From 2009 to 2015, Stephen Rapp was the Ambassador-at-Large heading the Office of Global Criminal Justice in the US State Department. Prior to that, he served as Prosecutor of the Special Court for Sierra Leone, where he led the prosecution of former Liberian President Charles Taylor, and as Senior Trial Attorney and Chief of Prosecutions at the International Criminal Tribunal for Rwanda. He is currently a Senior Fellow at the United States Holocaust Memorial Museum's Center for Prevention of Genocide, and at Oxford University's Center for Law, Ethics and Armed Conflict. He serves as Chair of the Commission for International Justice and Accountability (CIJA), a Senior Peace Fellow of the Public International Law and Policy Group, and on the boards of Physicians for Human Rights, the IBA Human Rights Institute, the ABA Rule of Law Initiative, Guernica37, and the Siracusa International Institute for Criminal Justice and Human Rights.

<sup>4</sup> Beth Van Schaack is the Leah Kaplan Visiting Professor in Human Rights at Stanford Law School and a faculty affiliate with Stanford's Center for Human Rights & International Justice. She previously served as Deputy to the Ambassador-at-Large for War Crimes Issues in the Office of Global Criminal Justice of the U.S. Department of State, where she advised the Secretary of State and the Under Secretary for Civilian Security, Democracy and Human Rights on the formulation of U.S. policy regarding the prevention of and accountability for mass atrocities, such as war crimes, crimes against humanity, and genocide. She has been a member of the U.S. Department of State's Advisory Council on International Law and served on the United States inter-agency delegation to the International Criminal Court Review Conference in Kampala, Uganda in 2010.

<sup>5</sup> Jamestown Foundation Special Report, "Coercive Labor and Forced Displacement in Xinjiang's Cross-Regional Labor Transfer Program: A Process-Oriented Evaluation", available at: <https://jamestown.org/product/coercive-labor-and-forced-displacement-in-xinjiangs-cross-regional-labor-transfer-program/>.

## Introduction

Numerous government bodies and legal experts (including the United States Congressional Executive Commission on China,<sup>6</sup> the US State Department,<sup>7</sup> Canada's House of Commons' Subcommittee on International Human Rights,<sup>8</sup> the United States Holocaust Memorial Museum,<sup>9</sup> and Essex Court Chambers<sup>10</sup>) have concluded that China's mistreatment of its Uyghur ethnic minority population<sup>11</sup> amounts to crimes against humanity.

These determinations have primarily addressed the specific crimes of imprisonment or other severe deprivations of liberty, enforced disappearance, enforced sterilization, torture, and persecution of the Uyghur population. More recently, attention has focused on China's forced labor program, leading to the conclusion that this conduct may amount to the crime against humanity of enslavement.<sup>12</sup>

However, much less attention has been paid to the distinct issue of the transfer of the Uyghur population to different areas of Xinjiang and outside of Xinjiang to other parts of China. To the extent that this has been addressed, it has been analyzed through the lens of forced labor and not in regards to the forced displacement of Uyghurs from their homes and community. This gap risks creating an incomplete understanding of the crimes being committed against the Uyghurs, and equally if not more importantly, the severe mental harm being inflicted on the Uyghur community. While there may be overlap depending on the factual circumstances at issue, the protected interests at stake that have led to the prohibitions on enslavement and forcible transfer are distinct and each merit accountability for the perpetrators and a robust international response in their own right.

Dr. Zenz' report provides a detailed analysis of the 'transfer' aspect of China's forced labor program and presents compelling new evidence relevant to China's motives in transferring Uyghurs from their homes and communities in Xinjiang. This analysis is limited to the facts presented in Dr. Zenz' report.<sup>13</sup> Further, issues of jurisdiction, admissibility or the identity of potential perpetrators are outside the scope of this analysis. Finally, the analysis uses the standard of proof of 'credible grounds to conclude', a lower standard than that of 'beyond reasonable doubt', which is applicable to individual criminal responsibility.

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<sup>6</sup> Annual Report (2020) ("CECC 2020 Annual Report"), available at: <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/2020%20ANNUAL%20REPORT%20FINAL%201223.pdf>

<sup>7</sup> Press Release, "Determination of the Secretary of State on Atrocities in Xinjiang", January 19, 2021, available at: <https://2017-2021.state.gov/determination-of-the-secretary-of-state-on-atrocities-in-xinjiang//index.html>.

<sup>8</sup> Press Release, "STATEMENT BY THE SUBCOMMITTEE ON INTERNATIONAL HUMAN RIGHTS CONCERNING THE HUMAN RIGHTS SITUATION OF UYGHURS AND OTHER TURKIC MUSLIMS IN XINJIANG, CHINA", October 21, 2020, available at: <https://www.ourcommons.ca/DocumentViewer/en/43-2/SDIR/news-release/10903199>.

<sup>9</sup> Available at: <https://www.ushmm.org/genocide-prevention/countries/china/case-study/introduction/china>.

<sup>10</sup> "INTERNATIONAL CRIMINAL RESPONSIBILITY FOR CRIMES AGAINST HUMANITY AND GENOCIDE AGAINST THE UYGHUR POPULATION IN THE XINJIANG UYGHUR AUTONOMOUS REGION", February 8, 2021 ("Essex Court Chambers Legal Opinion"), available at: [https://uhrp.org/sites/default/files/2021-01-26%20XUAR%20Opinion\\_FINAL.pdf](https://uhrp.org/sites/default/files/2021-01-26%20XUAR%20Opinion_FINAL.pdf).

<sup>11</sup> Several governments and legal scholars have concluded that crimes against humanity are also being committed against other ethnic minority groups in Xinjiang. Without in any way disputing those conclusions, this analysis is limited to only the Uyghur ethnic community. This analysis also does not address any potential crimes against humanity that may be at issue in relation to the settlement of ethnic Han Chinese into Xinjiang. See Zenz, Sections 1.0, 2.3, noting a "campaign to settle 300,000 additional Han settlers in Uyghur heartland regions by 2022".

<sup>12</sup> See CECC 2020 Annual Report, pp. 21, 300; Essex Court Chambers Legal Opinion, pp. 1, 52-54.

<sup>13</sup> The author of this analysis has not independently reviewed the facts and evidence presented in the report. Dr. Zenz' work has been widely accepted as credible and reliable and relied upon for findings of crimes against humanity. See e.g. CECC 2020 Annual Report, p. 295; Essex Court Chambers Legal Opinion, para. 10.



## Crime against humanity of forcible transfer

Unlike war crimes and genocide, there is no international treaty dedicated to crimes against humanity. Therefore, the development of the legal definition of 'crimes against humanity' has mainly occurred through the jurisprudence of international criminal tribunals and the work of the International Law Commission.<sup>14</sup> This analysis uses the legal definition for crimes against humanity set out in article 7 of the Rome Statute of the International Criminal Court (ICC).<sup>15</sup>

While China is not a State Party to the Rome Statute,<sup>16</sup> it is bound by the rules of customary international law that prohibit, among other acts, forcible transfer and persecution as crimes against humanity,<sup>17</sup> as well as similar conduct in armed conflict.<sup>18</sup> For example, China is a permanent member of the United Nations Security Council—which promulgated the statutes of the ICTY and ICTR, granting jurisdiction over persecution, deportation, and other inhumane acts (which encompasses forcible transfer) as crimes against humanity—and did not object to the basis for these crimes in customary law.<sup>19</sup> Indeed, to the extent that the legal definition in article 7 of the Rome Statute departs from customary international law, it is *more restrictive* than the approach of the ICTY and ICTR.<sup>20</sup> As such, the following analysis is conducted on a conservative interpretation of the applicable law.

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<sup>14</sup> The International Law Commission “was established by the General Assembly, in 1947, to undertake the mandate of the Assembly, under article 13 (1) (a) of the Charter of the United Nations to “initiate studies and make recommendations for the purpose of [...] encouraging the progressive development of international law and its codification”. See <https://legal.un.org/ilc/>.

<sup>15</sup> See, for a discussion of the history of the development of the contextual element requirements, International Law Commission, Draft articles on Prevention and Punishment of Crimes Against Humanity, with commentaries, A/74/10 (2019), pp. 28-43 (ILC Draft CAH Convention with Commentaries). Available at: [https://legal.un.org/ilc/texts/instruments/english/commentaries/7\\_7\\_2019.pdf](https://legal.un.org/ilc/texts/instruments/english/commentaries/7_7_2019.pdf).

<sup>16</sup> For a list of China’s ratification status of international treaties, see [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&La](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&La).

<sup>17</sup> Certain peremptory norms of general international law are considered *jus cogens*, meaning that the prohibition is applicable to all states, without the need to establish a treaty obligation, and cannot be derogated from. Arguably, crimes against humanity have this status. For example, the preamble to the ILC Draft CAH Convention states that: “Recalling also that the prohibition of crimes against humanity is a peremptory norm of general international law (*jus cogens*).” The related commentaries set out the reasoning for this assertion, including with reference to the “regional human rights courts, international criminal courts and tribunals, and some national courts” (internal footnotes omitted) that have recognized the *jus cogens* status of crimes against humanity. See ILC Draft CAH Convention with Commentaries), pp. 24-25. Further, the prohibition of specific acts, such as torture and slavery, which are crimes against humanity when committed on a widespread or systematic basis, have *jus cogens* status. With respect to the act of forcible transfer specifically, the International Court of Justice has observed that “the rules of the law of armed conflict which prohibit [...] the deportation of civilian inhabitants to slave labour [...] are rules of *jus cogens*.” *Jurisdictional Immunities of the State (Germany v Italy: Greece intervening)*, Judgment, I.C.J. Reports 2012, 99, at 140, ¶ 93. However, this statement is *obiter dicta* and does not represent a legal finding.

<sup>18</sup> See ICRC, Customary IHL Database, Rule 129. The forcible transfer of civilians, with limited exception, is prohibited under the Fourth Geneva Convention (dealing with the treatment of civilians during armed conflicts) and was a war crime under the Charter of the International Military Tribunal of Nuremberg. It is also codified as a war crime in the Rome Statute of the ICC. Consistent state practice (meaning domestic military regulations and laws) prohibiting the forcible transfer of civilians also demonstrates its customary law status.

<sup>19</sup> See Statute of the International Criminal Tribunal for the former Yugoslavia, art. 5; Statute of the International Criminal Tribunal for Rwanda, art. 3.

<sup>20</sup> For example, neither the ICTY nor the ICTR requires that the widespread or systematic attack against the civilian population, which is essential to the definition of crimes against humanity, is carried out pursuant to a State or organizational policy.

## The contextual elements of crimes against humanity

Crimes against humanity require what are referred to as ‘contextual elements’, meaning that the prohibited act/s must be committed as part of a widespread or systematic attack directed against a civilian population in furtherance of a State or organizational policy.

Article 7(1) of the Rome Statute defines crimes against humanity as specific prohibited acts (namely: (a) murder; (b) extermination; (c) enslavement; (d) deportation or forcible transfer of population; (e) imprisonment or other severe deprivation of physical liberty; (f) torture; (g) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) persecution against any identifiable group or collectivity based on political, racial, national, ethnic, cultural, religious, or gender, in connection with one of the acts listed here or other criminalized acts; (i) enforced disappearance of persons; (j) apartheid; and (k) other inhumane acts intentionally causing great suffering, or serious injury to body or to mental or physical health) that are “committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack”.

Article 7(2)(a) defines ‘attack’ as a “course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack”. In other words, the attack against the civilian population must be promoted or encouraged by the State or organization.<sup>21</sup> This ‘policy’ requirement “ensures that the multiple acts forming the course of conduct are linked”, such that “acts which are unrelated or perpetrated by individuals acting randomly on their own are excluded”.<sup>22</sup> But, while a “policy may consist of a pre-established design or plan”, it “may also crystalliz[e] and develop only as actions are undertaken by the perpetrators” and its existence “may be inferred from a variety of factors”.<sup>23</sup> The ICC Elements of Crimes specifies that “[t]he acts need not constitute a military attack”.<sup>24</sup> The term ‘widespread’ refers to “the large-scale nature of the attack and the number of its victims”, as well as its geographic dimensions in the sense of the attack occurring in multiple locations, whereas ‘systematic’ means the “organized nature of the acts of violence and the improbability of their random occurrence”,<sup>25</sup> often indicated by “the existence of ‘patterns of crimes’”.<sup>26</sup> In principle, an attack which is systematic—a high threshold—will necessarily satisfy the policy requirement, which is a lower threshold.<sup>27</sup>

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<sup>21</sup> See ICC Elements of Crimes, Article 7, Introduction, para. 3. The Elements of Crimes is an instrument to the Rome Statute. The Elements are to be read with the Statute, but the Statute itself is the primary source of the applicable law.

<sup>22</sup> *The Prosecutor v. Dominic Ongwen*, Trial Judgment, 4 February 2021, ICC-02/04-01/15-1762-Red (“*Ongwen* Trial Judgment”), para. 2678.

<sup>23</sup> *Ongwen* Trial Judgment, para. 2679. The Trial Chamber further explained that these factors include “(i) a recurrent pattern of violence; (ii) the existence of preparations or collective mobilisation orchestrated and coordinated by the organisation; (iii) the use of public or private resources to further the policy; (iv) the involvement of [State or] organisational forces in the commission of crimes; (v) statements, instructions or documentation attributable to the organisation condoning or encouraging the commission of crimes; and (vi) an underlying motivation.” See also *The Prosecutor v. Bosco Ntaganda*, Judgment, 8 July 2019, ICC-01/04-02/06-2359 (“*Ntaganda* Trial Judgment”), para. 674.

<sup>24</sup> ICC Elements of Crimes, Article 7, Introduction, para. 3.

<sup>25</sup> See, for an overview of the jurisprudence on the contextual element of the ‘widespread or systematic’ nature of the attack, ILC Draft CAH Convention with Commentaries, pp. 31-34 (internal footnotes omitted).

<sup>26</sup> *Ongwen* Trial Judgment, para. 2682.

<sup>27</sup> *Ongwen* Trial Judgment, para. 2679; *The Prosecutor v. Germain Katanga*, Judgment pursuant to article 74 of the Statute, 7 March 2014, ICC-01/04-01/07-3436-tENG, paras. 1111-1113.

The overwhelming evidence compiled to date<sup>28</sup> establishes that China is carrying out a widespread and systematic “attack” on the Uyghur civilian population, pursuant to a State policy, which, as is discussed below, includes not only disappearing, imprisoning and detaining Uyghurs, subjecting them to sexual violence and enforced sterilization, and destroying their cultural property and identity, but also changing the demographic composition of Xinjiang by removing Uyghurs from their homes and communities and forcibly transferring them to other parts of Xinjiang or China. China’s campaign against the Uyghur civilian population is occurring throughout Xinjiang province and the victims of this attack number in the millions.<sup>29</sup>

## The prohibited act of forcible transfer

### Background

The crime against humanity of forcible transfer refers to the removal of civilians from a place where they are lawfully present (usually, but not always, their residence<sup>30</sup>), without their consent. This differs from the crime against humanity of deportation in that forcible transfer occurs within the borders of a State.

As a crime against humanity, the case law regarding the prohibition on forcible transfer is somewhat complicated, due to its non-inclusion as a listed crime in international criminal statutes until the creation of the ICC Rome Statute. The International Criminal Tribunal for the Former Yugoslavia (ICTY) directly incorporated the crimes against humanity set out in the 1945 Charter of the International Military Tribunal of Nuremberg (IMT), which only included the crime of deportation.<sup>31</sup> Despite this, the ICTY did address forcible transfers as the crimes against humanity of persecution and as ‘other inhumane acts’.<sup>32</sup>

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<sup>28</sup> See *supra* footnotes 3-7.

<sup>29</sup> With respect to the mass detentions, an estimated one to two million Uyghurs and other ethnic Turkic Muslims have been in detention for some period of time. See *The China Challenge, Part 3: Democracy, Human Rights, and the Rule of Law: Hearing Before the Subcommittee On East Asia, The Pacific, And International Cybersecurity Policy of the U.S. S. Comm. on Foreign Relations*, 115th Cong. (2018) (testimony of Deputy Assistant Secretary Scott Busby), available at [https://www.foreign.senate.gov/imo/media/doc/120418\\_Busby\\_Testimony.pdf](https://www.foreign.senate.gov/imo/media/doc/120418_Busby_Testimony.pdf). Dep. Ass. Sec. Busby testified in December 2018 that the US State Department estimated at that time that 2 million people had passed through the detention camps since April 2017. See also Essex Court Chambers Legal Opinion, para. 20. While exact figures are not known, hundreds of thousands of Uyghurs are estimated to have been forcibly disappeared. See Essex Court Chambers Legal Opinion, para. 23; United National Human Rights Council, Report of the Working Group on Enforced or Involuntary Disappearances, 30 July 2018, A/HRC/39/46, para. 88. Regarding enforced sterilization, see Zenz, “Sterilizations, IUDs, and Mandatory Birth Control: The CCP’s Campaign to Suppress Uyghur Birthrates In Xinjiang”, The Jamestown Foundation (June 2020; updated July 21, 2020).

<sup>30</sup> The prohibition on forcible transfer does not require that the affected person have a “residence” in the legal sense. In other words, internally displaced persons or other similarly situated persons are also protected. See *Ntaganda* Trial Judgment, para. 1069 (“The prohibition against forcible transfer is intended to protect the right of individuals to remain in their homes or communities unhindered. The requirement of ‘lawful presence’ does not mean that the victim must have had legal residence in the area. Indeed, this protection extends to individuals who, for whatever reason, have come to live in a community, including internally displaced persons who have established temporary homes after being uprooted from their original communities.”).

<sup>31</sup> 1945 Charter of the International Military Tribunal of Nuremberg (IMT), art. 6 (c); Statute of the International Criminal Tribunal for the Former Yugoslavia (ICTY), art. 5.

<sup>32</sup> See *The Prosecutor v. Krajišnik*, Judgement, 17 March 2009 (“*Krajišnik* Appeals Judgment”), IT-00-39-A; *The Prosecutor v. Stakić*, Judgement, 26 March 2006, IT-97-24-A (“*Stakić* Appeal Judgment”); *The Prosecutor v. Krnojelac*, Judgement, 17 September 2003, IT-97-25-A (“*Krnojelac* Appeal Judgment”). The crime against humanity of ‘other inhumane acts’ is a “catch-all” provision meant to address acts that are not specifically listed as a crime against humanity in a particular statute, but are considered to be of a “similar character,” meaning that the nature and gravity of the act are similar to a listed crime against humanity. Examples of this crime come from the ICTY, the International Criminal Tribunal for Rwanda (ICTR), and the Special Court for Sierra Leone (SCSL). Because the ICTY’s statute only listed deportation as a crime against humanity, the *Kupreškić* Trial Chamber held that forcible transfer was a crime against humanity as other inhumane acts, finding that the act was of a similar nature and gravity to the listed crime of deportation. At the ICTR, rape was listed as a crime against humanity, but not other acts of sexual violence.

According to the ICTY jurisprudence, the prohibition on forcible transfer safeguards the protected interests and rights of persons to “live in their communities and homes”.<sup>33</sup> Evidence relevant to establishing the crime of forcible transfer includes evidence regarding the creation and implementation of an infrastructure to facilitate the transfer.<sup>34</sup> Not all acts of transfer qualify as the crime against humanity of forcible transfer; the act must be intended to result in the transfer of the civilian to another place.<sup>35</sup> However, there is no requirement that the displacement be intended to be permanent.<sup>36</sup>

Regarding the “forcible” requirement, in *The Prosecutor v. Jadranko Prlić*, the Trial Chamber held:

“The Tribunal’s case-law does not go so far as to require that forcible removal occur “by force” in the strict sense of the word. Indeed, the mere threat of resorting to force or physical or mental coercion may be enough, if the targeted population facing this coercive climate or these threats, has no other choice but to leave its territory.”<sup>37</sup>

Even when consent is given, the overall coercive climate facing the individual must be considered in order to determine the genuineness of that consent.<sup>38</sup> In this respect, “a climate of terror and violence obviates any and all value arising from the consent”.<sup>39</sup>

All people lawfully within a State have the right to choose their place of residence.<sup>40</sup> Permissible grounds for forced transfers of civilians under international law are limited to the security of that civilian population or for military reasons, as well the “exceptional measure” of evacuation for purposes of protecting the population.<sup>41</sup> Forcible transfers based on a policy of “ethnic cleansing” or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population” constitute arbitrary displacement and

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Similar to the approach in the *Kupreškić* case, the ICTR Trial Chamber reasoned that sexual violence could be charged as ‘other inhumane acts’ due to its similar character to the listed crime of rape. In the *Brima et al.* and *Sesay et al.* cases, the SCSL Appeals Chamber upheld convictions for ‘forced marriage’ as a crime against humanity of ‘other inhumane acts’. What these examples show is that, because of its role as a residual crime, what is meant by “other inhumane acts” is constantly evolving based on what crimes are contained in the specific statute that it is a part of. The ICC Rome Statute’s codification of additional crimes against humanity from the IMT Nuremberg and ICTY/ICTR/SCSL statutes means that some acts that were previously prosecuted as “other inhumane acts” are now charged under their specific provision in the Rome Statute. Thus, forcible transfer and sexual violence are now listed crimes against humanity and would not be charged as a crime against humanity of other inhumane acts at the ICC. In the *Ongwen* case, the Trial Chamber convicted Mr Ongwen for forced marriages as a crime against humanity of other inhumane acts. See *Ongwen* Trial Judgment, paras 2741-2751, p. 1073 (GUILTY of count 50 forced marriage as an inhumane act).

<sup>33</sup> *Stakić* Appeal Judgement, para. 277; *Krnjelac* Appeal Judgment, para. 21.

<sup>34</sup> See, for an overview, Case Matrix Network, Means of Proof Digest, available at: <https://www.casematrixnetwork.org/cm-network-knowledge-hub/proof-digest/art-6/6-e/5/#p-6>.

<sup>35</sup> *The Prosecutor v. Naletilić and Martinović*, Judgement, 31 March 2003, IT-98-34-T, para. 537 (“The Chamber is not satisfied that these acts constitute unlawful transfer under Article 2(g) of the Statute, even though the persons, technically speaking, were moved from one place to another against their free will. They were apprehended and arrested in order to be detained and not in order to be transferred. Therefore, the requisite intent is not established. These arrests and movements to the Heliodrom on 9 May 1993 is further considered under unlawful confinement detention as persecution.”)

<sup>36</sup> *Stakić* Appeal Judgement, para. 278.

<sup>37</sup> Judgement, 29 May 2013, IT-04-74-T, para. 50 (“*Prlić* Trial Judgment”).

<sup>38</sup> *Krnjelac* Appeal Judgment, para. 229; *Prlić* Trial Judgment, paras 50-51.

<sup>39</sup> *Prlić* Trial Judgment, para. 51.

<sup>40</sup> International Covenant on Civil and Political Rights (ICCPR), art. 12, Dec. 16, 1966, 999 U.N.T.S. 171. Universal Declaration of Human Rights (UDHR), art. 13(1), G.A. Res. 217A (III) A, UN Doc. A/RES/217(III) (Dec. 10, 1948).

<sup>41</sup> *The Prosecutor v. Radovan Karadžić*, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016, IT-95-5/18-T, para. 492.

are not permissible under international law.<sup>42</sup> The International Committee of the Red Cross identifies the forcible transfer of a civilian population as one method used to achieve “ethnic cleansing”,<sup>43</sup> which “aims to change the demographic composition of a territory”.<sup>44</sup>

### The ICC Rome Statute

The ICC Rome Statute lists forcible transfer as a crime against humanity in article 7(1)(d). To date, the crime of forcible transfer has only been addressed in the trial judgment in the *Prosecutor v. Ntaganda* case.<sup>45</sup> The trial judgment largely follows the approach of the ICTY.<sup>46</sup>

Article (7)(2)(d) of the Rome Statute provides that: “Deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.” While the Rome Statute refers to deportation or forcible transfer of the “population”, the ICC Elements of Crimes clarify that the crime is completed if “one or more persons” are subject to the prohibited conduct, in the context of a widespread or systematic attack against the civilian population.<sup>47</sup>

Footnote 12 to the ICC Elements of Crimes, which follows the case law of the ICTY, specifies that the term “forcibly” is not restricted to physical force, but may include “threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment”. Like the ICTY, the ICC has acknowledged that, while individuals may agree or even request to be removed from an area, “consent must be real in the sense that it is given voluntarily and as a result of the individual’s free will”—and this must be considered with reference to “the prevailing situation and atmosphere, as well as all other relevant circumstances, including in particular the victims’ vulnerability.”<sup>48</sup>

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<sup>42</sup> Representative of the Secretary-General on Internally Displaced Persons, *Guiding Principles on Internal Displacement*, Principle 6(2)(a), UN Doc. E/CN.4/1998/53/Add.2 (1998). Available at: <https://undocs.org/E/CN.4/1998/53/Add.2>.

<sup>43</sup> The term “ethnic cleansing” is a political term, not a legal one. However, ethnic cleansing, can constitute different crimes against humanity, depending on the manner and circumstances in which it is carried out.

<sup>44</sup> See ICRC, Customary IHL Database, Rule 129.

<sup>45</sup> *Supra* footnote 21.

<sup>46</sup> *Ntaganda* Trial Judgment, paras 1045-1074.

<sup>47</sup> ICC Elements of Crimes, article 7(1)(d), para. 1. This is in line with the jurisprudence of the ICTY. See *Krajišnik* Appeals Judgment, para. 309 (“[T]he Appeals Chamber agrees with the statement in the Stakić Trial Judgement that deportation does not require “that a minimum number of individuals must have been forcibly transferred for the perpetrator to incur criminal responsibility” as such a requirement would be “tantamount to negating the protective effect of the prohibition against deportation.” The Appeals Chamber also recalls that, except for extermination, it is not necessary that a crime be carried out against a multiplicity of victims to constitute a crime against humanity: an act directed against a limited number of victims or even against a single victim can constitute a crime against humanity, provided it forms part of a widespread or systematic attack directed against a civilian population.” [Internal footnotes omitted]). In relation to forcible transfer, the ICC Elements of Crimes further provides that: 1. The perpetrator deported or forcibly transferred, without grounds permitted under international law, one or more persons to another State or location, by expulsion or other coercive acts; 2. Such person or persons were lawfully present in the area from which they were so deported or transferred; 3. The perpetrator was aware of the factual circumstances that established the lawfulness of such presence; 4. The conduct was committed as part of a widespread or systematic attack directed against a civilian population; 5. The perpetrator knew that the conduct was part of or intended the conduct to be part of a widespread or systematic attack directed against a civilian population.

<sup>48</sup> *Ntaganda* Trial Judgment, para. 1069.

## Analysis

Following Dr. Zenz' approach, this analysis focusses on the forced labor program that targets the so-called "rural surplus laborer" population, which is distinct from the forced labor associated with vocational internment or re-education camps.<sup>49</sup>

### Forcible Transfer

In terms of the *actus reus*, the evidence is overwhelming. According to the report, in the first 10 months of 2018, approximately 364,000 people were transferred outside of their home prefecture, representing 13.3% of all transfers, and 25,378 people were transferred outside of Xinjiang to another province, representing 0.93% of all labor transfers.<sup>50</sup> Between 2017 and 2019, approximately 76,000 people were transferred from Xinjiang to other parts of China.<sup>51</sup>

There are credible grounds to conclude that these transfers are "forcible" insofar as they do not appear to have been voluntary and resulting from the free will of those affected, having regard to all the relevant circumstances.

First, evidence suggests that refusal to participate in the transfer program carries the threat of being labeled "untrustworthy" and may result in detention.<sup>52</sup>

Second, the comprehensive infrastructure that China has put in place to facilitate the transfer of Uyghurs demonstrates the coercive nature of the program. In particular, at the recruitment stage, the report highlights the difference between "self-chosen" labor training versus a "government-led" approach. The "government-led approach" represented approximately 70% (Hotan) and 71.5% (Aksu) of all labor transfers in two Uyghur majority prefectures in Xinjiang.<sup>53</sup> This "government-led approach" is carried out by government officials and Communist Party cadres,<sup>54</sup> who in the Xinjiang context have the authority to designate a person for detention if he or she does not "consent".

In addition, the government urges Uyghur farmers and pastoralists to place their land and herds into a trusteeship scheme, thereby "liberating" them to participate in labor transfer and leave their home regions. This program functions as an additional form of coercion to facilitate the transfers. While these land and livestock transfers are framed by the government as being the result of "vigorous promotions", the evidence shows that they are carried out by government officials, which suggests that the threat of detention of being deemed "untrustworthy" attaches to any refusal to transfer land or livestock to these government entities.<sup>55</sup> Government sources state that in some instances, 90 percent of a village's farmers were made to surrender their land usage rights in order to be subjected to labor transfer.<sup>56</sup>

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<sup>49</sup> See Zenz, Section 2.1.

<sup>50</sup> Zenz, Section 2.6.

<sup>51</sup> Zenz, Section 2.6.

<sup>52</sup> Zenz, Section, 2.0.

<sup>53</sup> Zenz, Section 3.2.

<sup>54</sup> Zenz, Section 3.2.

<sup>55</sup> Zenz, Section 3.4.

<sup>56</sup> *Ibid.*

Finally, the coercive environment facing Uyghurs in Xinjiang generally has already been established in relation to the mass detention, surveillance, and persecution to which China is subjecting the Uyghur population. These transfers cannot be viewed in isolation, but must be considered within this overall coercive and violent context. In terms of China asserting that Uyghurs are voluntarily agreeing to be transferred, this extraordinarily oppressive environment and the threat of detention or persecution to themselves and/or their family members if a person does not “consent” render any such consent not genuine. As the report succinctly notes in relation to the alleged voluntary interest of Yarkand county residents in being transferred to another county, Yarkand county “was at the center of the internment campaign, meaning that participation in labor transfer would be one of the few ways to escape internment”.<sup>57</sup>

Similarly, regarding the required *mens rea*, the evidence establishes credible grounds to conclude that the intent of the transfers is to remove Uyghur civilians from their homes and communities in Xinjiang. While Xinjiang’s labor transfer program has existed since the early 2000s, the report demonstrates that, following the 2009 interethnic unrest during the Urumqi riots, the Chinese government began to explicitly identify labor transfers as a method to assimilate its Uyghur ethnic population and to reduce the size of the Uyghur population in Xinjiang, which China views as a threat to security and a cause of “separatism”. In 2014 on a visit to Xinjiang, President Xi stated that there was a need for “ethnic mixes, exchanges, and blending”, which would be accomplished through Xinjiang’s ethnic minorities receiving “employment and *residence* in eastern China”.<sup>58</sup> The Nankai Report, published in December 2019, identifies labor transfers as a “long-term strategy” to “reduce Uyghur population density”.<sup>59</sup> Similarly, recently published Chinese academic writings position labor transfers as a means to “crack open the solidified [Uyghur] society”.<sup>60</sup>

The associated land and livestock transfer programs support the conclusion that the labor transfer program is intended to transfer Uyghurs from their homes and communities. While it is not necessary to demonstrate that the transfers are intended to be permanent, the land and livestock transfer program, along with the related “centralized care” programs for children<sup>61</sup> and elderly family members,<sup>62</sup> indicate that Uyghurs may be unable to return to their homes and original livelihoods in Xinjiang. Similarly, labor transfers to other Chinese provinces can involve entire families.<sup>63</sup>

Further, these transfers are manifestly not permissible under international law and, in contravention of international law, appear to be aimed at separating Uyghurs from their community in order to reduce their resistance to assimilation and to change the demographic make-up of Xinjiang by reducing the relative ethnic population share of the Uyghur community and breaking up the community’s density within specific Xinjiang prefectures. The report’s findings include that:

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<sup>57</sup> Zenz, Section 2.5.

<sup>58</sup> Zenz, Section. 2.2 (emphasis added).

<sup>59</sup> Zenz, Section 1.0, 2.3

<sup>60</sup> Zenz, Section 2.3.

<sup>61</sup> The separation of Uyghur children into centralized care homes, boarding schools, and, in some instances, orphanages has been identified as potentially establishing the *actus reus* of article 2(e) of the Genocide Convention. See e.g. Essex Court Chambers Legal Opinion, paras 56-58, 141-142. Dr. Zenz’ previous report addressing this topic explores how the Chinese government is removing children on the grounds that their parents are in some form of detention. That report states that “[c]hildren whose parents are in prison, detention, re-education or “training” are classified into a special needs category that is eligible for state subsidies and for receiving “centralized care”. This “care” can take place in public boarding schools or in special children’s shelters.” See “*Break their Roots: Evidence for China’s Parent-Child Separation Campaign in Xinjiang*”, Journal of Political Risk, Vol. 7, No. 7, July 2019. Available at: <https://www.jpolarisk.com/break-their-roots-evidence-for-chinas-parent-child-separation-campaign-in-xinjiang/>

<sup>62</sup> Zenz, Section 3.4.

<sup>63</sup> Zenz, Section 3.1.

“labor transfers in Uyghur majority regions (Aksu, Kashgar, Hotan, and Kizilsu) cause must greater displacement, both through transfers to other regions in Xinjiang (typically 15 to 40 percent) and to other provinces (typically 2 to 12 percent). Regions [of Xinjiang] with low shares of Turkic ethnic minorities such as Bortala Prefecture show much lesser degrees of displacement.”<sup>64</sup>

The report also finds that, “[i]n 2018, 14,500 of all 25,378 Xinjiang labor transfers to other provinces involved laborers from Hotan alone”.<sup>65</sup>

The jurisprudence on forcible transfer, and the international texts setting out the human rights implicated by its prohibition, do not establish any distance requirement or that the transfer cross over internal administrative boundaries. As such, the transfers of persons from one prefecture to another within Xinjiang may qualify as the crime against humanity of forcible transfer so long as the intent is the transfer of the civilian from the place where they are lawfully present. In this regard, the Nankai report’s reference to “population density” can be credibly argued to refer to dispersing the Uyghur community from the areas of Xinjiang where they constitute a majority to other parts of Xinjiang. This is supported by the evidence showing that Uyghur majority prefectures have higher rates of displacement within Xinjiang (meaning transferred outside of one’s home prefecture or county) than those with lower minority ethnic populations.

### Crime against humanity of persecution

Persecution is another long-established crime against humanity, which may be regarded as the archetypal crime of ‘ethnic cleansing’, and whose foundation in customary international law is well attested. Not only has the ICTY entered numerous convictions for persecution, but so have the International Criminal Tribunal for Rwanda (ICTR) and the Extraordinary Chambers in the Courts of Cambodia (ECCC). The ICC Rome Statute likewise provides for jurisdiction over this crime. Accordingly, while China is not a party to the ICC Rome Statute, this crime remains applicable as a matter of customary international law. Reference to the ICC Rome Statute is made only for illustrative purposes.

Persecution is the only crime against humanity that requires what is called ‘specific intent’. Article 7(1)(h) of the Rome Statute defines persecution as the intentional and severe deprivation of fundamental rights under international law based on the identity of the group (meaning based on the group members’ political, racial, national, ethnic, cultural, religious, or gender identity). As such, persecution is distinctive because it requires that the underlying act is carried out the intent to *discriminate* on a prohibited basis. It also requires that the persecutory act be ‘in connection with any act referred to in this paragraph [article 7 of the Rome Statute] or any crime within the jurisdiction of the Court’, an additional requirement to what is required under customary international law.<sup>66</sup>

A single prohibited act may be charged or result in a conviction as a listed crime against humanity and as the crime of persecution. This is because the crime against humanity of persecution has the distinct element of discriminatory intent.<sup>67</sup>

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<sup>64</sup> Zenz, Section 2.6.

<sup>65</sup> Zenz, Section 2.6.

<sup>66</sup> See ILC Draft CAH Convention with Commentaries, p. 44.

<sup>67</sup> *Krajišnik Appeals Judgment*, paras 388-391. See also ICC, *Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar*, Decision Pursuant to Article 15 of the Rome Statute on the Authorisation of an Investigation into the Situation in the People’s Republic of Bangladesh/Republic of the Union of Myanmar, 14 November 2019, ICC-01/19-27, paras 97-110,



Forcible transfer results in the severe deprivation of the fundamental right under international law to freedom of movement and to choose one's place of residence. The evidence presented in Dr. Zenz' report demonstrates that the forcible transfers are being carried out with the required discriminatory intent, namely based on the Uyghurs' ethnic, religious, and cultural identity. As such, there are credible grounds to conclude that the act of forcible transfer of the Uyghur population also constitutes the crime against humanity of persecution.<sup>68</sup>

## Conclusion

The evidence presented in Dr. Zenz' report, particularly in relation to the Nankai Report, provides credible grounds for concluding that China is committing the crimes against humanity of forcible transfer and persecution against its Uyghur civilian population.

The ICTY has held that forcible separation from one's home and community "is by definition a traumatic experience"<sup>69</sup> that can cause "serious mental harm" to the victims of these acts.<sup>70</sup> The crime against humanity of forcible transfer, while perhaps not often discussed, is in no way a "lesser" crime—and, indeed, to the contrary, is as equally grave as other crimes against humanity.<sup>71</sup> In this regard, the protected interest at stake, namely the right to "live in their communities and homes", is intrinsically tied to the Uyghur people's ability to resist China's attempts to destroy and erase their unique identity and culture.

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wherein the Pre-Trial Chamber determined that the threshold under article 15 of the Statute had been met in terms of the crimes of deportation and persecution.

<sup>68</sup> It should be noted that forcible transfer is not necessarily the only underlying act of the crime of persecution which may be relevant. Persecution not only encompasses the discriminatory commission of acts which are themselves prohibited as crimes against humanity in their own right, but also the "intentional and severe deprivation of fundamental rights contrary to international law". Consequently, since other government bodies and legal experts have identified the commission of other underlying acts of persecution (such as the imprisonment and deprivation of liberty, enforced sterilization, the destruction of Uyghur cultural and religious property, the requirement to provide personal identifying biometric data, and laws criminalizing aspects of Uyghur identity such as their language and manner of dress), forcible transfer would only be an *additional* underlying act of persecution of the Uyghur people in addition to those already established.

<sup>69</sup> *The Prosecutor v. Krstić*, Trial Judgement, 2 August 2001, IT-98-33-T, para. 523.

<sup>70</sup> *Krajišnik Appeals Judgment*, para. 331.

<sup>71</sup> Not only is forcible transfer a grave crime causing immense harm in its own right, it has also been identified as potentially relevant to the development of genocidal intent, when targeted at a protected group. See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)*, Judgment, I.C.J. Reports 2007, 43, 122–3, ¶ 190.

## Appendix C: Translation: “Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang [新疆和田地区维族劳动力转移就业扶贫工作报告]”

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An archived copy of the original Chinese report can be accessed at:  
<http://web.archive.org/web/20200507161938/https://ciwe.nankai.edu.cn/2019/1223/c18571a259225/page.htm> or  
<https://archive.is/PyluL>.

(Summary)

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Southern Xinjiang’s Hotan Prefecture is an impoverished area with a predominantly Uyghur ethnic minority population. It is an area paired with Beijing, Tianjin, Anhui and other provinces that help with the implementation of the poverty alleviation cooperation program [扶贫协作]. The seven counties in the area, including Pishan, Moyu and Qira Counties, are national-level poverty-stricken counties [国家级贫困县] (among them, Minfeng County was lifted out of poverty [脱贫] in 2018 with the aid of Tianjin). In recent years, under the guidance of the National Fine-grained Poverty Alleviation Strategy [国家精准扶贫战略] and with aid from the paired provinces, the poor counties in Hotan Prefecture achieved notable fine-grained poverty alleviation [精准扶贫] work results. In particular, positive progress has been made in the areas of labor transfer [劳动力转移就业] and poverty alleviation work through labor export [劳务输出扶贫工作].

The Nankai University Poverty Alleviation Research [扶贫调研] team conducted research on the poverty alleviation work through labor transfer [劳动力转移就业扶贫工作] in some districts and counties in Hotan, focusing on the situation in Pishan, Moyu and Yutian. First, they learned about the labor employment [劳动就业] plans, targets, and policies that each county directly coordinates and the actual completed labor transfer scale, numbers, results, etc. Next, they concentrated their investigations on several key Poverty Alleviation Through Labor Transfer projects [劳动力转移扶贫项目], including several Training for Export [培训促输出] Labor Transfer Training Projects [劳动力转移培训项目]. For example, the Pishan County Funong Labor Services Co., Ltd. [福农劳务有限公司] with the “Market-Government Combined [市场/政府结合]” model, the Pishan County Vocational Training Center [皮山县职业培训中心] with the “Government-School Combined [政/学结合]” model, and the Yutian County Xinye Labor Transfer Vocational Skills Training School [于田县新业转移就业职业技能培训学校] with the “Government-Enterprise Combined [政/企结合]” model.

Then, they visited several medium, small, and micro enterprises that directly receive laborers for employment [劳动力就业], such as the Tumarisi Handmade Wool Carpet Processing Co., Ltd. [图玛丽丝手工羊毛地毯加工有限公司], a township and village enterprise (TVE) in Qiaoda Township which primarily accepts [laborers] for employment nearby [就近就地就业]; the Aerzu Handicraft Development Co., Ltd. and the Assal Village Mat

Factory, private enterprises in Sayi Village, Muji Town, that primarily conduct “Small-Scale Scattered and Flexible Employment” [小规模零散灵活就业]; the husbandry cooperative of Assal Village, Muji Town [木吉镇阿萨尔村养殖合作社], that was supported in the form of the “Government Labor [Production] supplies Subsidy”; the Moyu County Barimu Trading Co., Ltd [和田霸丽穆商贸有限责任公司], a leading company in Moyu County that primarily uses the “Government Order-Enterprise Processing” [model]; and the Xinxiang Clothing Co., Ltd. [鑫祥服装有限公司], a company that went to Xinjiang from Eastern part of China [内地入疆企业]. Overall, these projects that focus on training for employment [培训促就业] and the small and micro size enterprise projects that directly receive labor for employment have achieved good results in promoting poverty alleviation through labor transfer. They are quite successful measures.

In Hotan Prefecture, there are three basic practices of conducting labor transfer: The first is directly organized and coordinated by government departments, which exports a relatively large number of laborers to other provinces and Northern Xinjiang. The second is, under government guidance and exports and transfers batches of laborers to other places after [the laborers are] educated and trained by labor service companies and training schools. The third establishes more local medium, small, and micro enterprises with government support and attracts batches of laborers for nearby employment [就近就地就业]. Overall, the three counties in Hotan Prefecture have formed a relatively complete mechanism and measure through promoting poverty alleviation work through labor transfer [劳动力转移就业扶贫工作], specifically including the following eleven points:

One, the government plans direct organization and coordination of labor export through relevant departments. Two, the government buys Public Welfare [Employment] Positions [公益岗位] or guides, encourages, and stimulates labor transfer with relevant policies. Three, the government takes the lead to establish Inland Labor Force Demand Information Agencies [内地劳动需求信息机构], or encourages market stakeholders [市场主体] to establish intermediary agencies to expand labor demand. Four, the government supports and funds (free training, reduced-priced food and accommodation, free transport, etc.) professional labor training education. Five, most labor transfers adopt the “Group-Style [组团式]” export model ([it could be] as few as 30 to 50 people in a group or as many as hundreds of people travelling together [in a group]). Six, the government departments set up administrative cadres specifically for leading the group and being in charge of security. Seven, coordinate with the employer [用人单位] to specifically arrange halal food/ husband and wife dormitories/ special leisure [activities]. Eight, organize government cadres to station at the site to manage, translate, ensure safety etc., forming the special “centralized management performed by bilingual cadres stationed in the factories” [双语干部驻厂配合集中管理] model. Nine, provide money for round-trip transportation and monetary rewards to encourage continuous and stable employment of laborers who left home [for work]. Ten, massive arrangement of free or discounted [preferential] nurseries, nursing homes, livestock supporting households [牲畜托养户] and centralized land replacement [土地集中置换] etc. to eliminate the exported laborers’ concerns back home. Eleven, support and fund the establishment of local medium, small, and micro enterprises to absorb more [laborers] for employment nearby etc.

These methods and measures are gradually explored and implemented in practice. They are easy to implement, effective, and have good results. They are worth seriously refining, summarizing, and persisting with, as well as worth promoting and drawing lessons from in the national poverty alleviation work and in other suitable areas, especially the ethnic minority poor areas [少数民族贫困区].

Relevant Suggestions:

Recommendation for public security departments at all levels: coordinate with all the departments and districts in the relevant jurisdictions to prohibit the refusal of Xinjiang laborers while using disruption to stability as the reason.

The “China Poverty Problems Research Group [中国贫困问题研究组]” of Nankai University China Institute of Wealth and Economics and Nankai University School of Economics has conducted poverty alleviation [扶贫] and

poverty eradication [脱贫] research in recent years. It conducted research in Southern Xinjiang, Hotan and other parts of Xinjiang many times and has discovered a serious phenomenon which must be reported to the relevant government department leaders, in the hopes of attracting close attention so that [the problem] should be corrected in time.

The problem is that, on one hand, the state calls for a concerted national effort to eradicate poverty, especially in the severe poor areas where the ethnic minority resides. The Xinjiang Aid provinces, cities, and districts have indeed given their utmost effort to carry out all kinds of effective [poverty alleviation] work, such as Poverty Alleviation Through Relocation [搬迁扶贫], industrial poverty alleviation [产业扶贫], and education and medical poverty alleviation [教育及医疗扶贫], but especially Poverty Alleviation Through Labor Export [劳务输出扶贫], which is one of the types they hope to adopt, as it has proved to be an approach and method of eradicating poverty [消除贫困] that is more timely, effective and intense.

However, on the other hand, in the process of implementing the effective measure of labor export, numerous serious obstacles were encountered. The most important manifestation of this is that almost all of the public security departments in the labor-importing districts [输入地] in Eastern provinces and regions almost always refuse to accept any type of laborers from the Xinjiang region on the grounds that they may affect local security and stability. Even the northern regions within Xinjiang's adopt a rejectionist attitude toward laborers from Southern Xinjiang. It is understood that this sometimes reaches an intolerable degree. For example, there were many times that Xinjiang laborers in groups under cadre leadership on trains received orders from the local public security department that they were not allowed to disembark as they approached their destination. This led to the occurrence of a lot of embarrassing, depressing, and failing phenomenon. A few times, after explanation, [laborers] were allowed to disembark the train, but not allowed to leave the station platform; after they left the platform, they were then not allowed to enter the factory; after entering the factory, they were then not allowed to work. Even after working in the factory for a few days, they were ordered to immediately return to their hometown in Xinjiang. Otherwise the public security department often used all sorts of reasons to come to the enterprise and inspect, interrogate, and investigate, causing them to be basically unable to work normally in their positions [岗位], and, feeling aggrieved, the enterprise had to seek all sorts of reasons to dismiss the laborers who were already adapted to the job. These situations already have happened in several provinces, cities, and districts. Of course, some provinces, cities, and districts do not allow any people from Xinjiang to enter at all. All of these cited safety and stability as the reason and guise.

We believe that this situation is very inconsistent with the country's promotion of national efforts and "no one should be left behind" [mindset] resolutely to complete poverty eradication by 2020. It is a serious obstacle.

First, from the overall situation, the Uyghurs who participated in the riots a few years ago in Xinjiang, especially in Southern Xinjiang, were after all the minority. And in recent years, all of them have been admitted into the Education and Training Center and [the number even] greatly exceeds [those who participated in riots]. And [the government is] still carefully screening to resolutely deal with those problems and train those without problems. These types of jobs are still proceeding methodically. The assumed number and scope of imaginary rioters should not be expanded indefinitely. Furthermore, the entire Uyghur population should not be assumed to be rioters, as this is very detrimental to the long-term stability of Xinjiang Region.

Second, the management of existing problems in Xinjiang Uyghur Districts. Drastic short-term measures are absolutely necessary and effective, but after the efforts in recent years, the reasoning should change in a timely manner. [The method] should change from short-term high-pressure to long-term development, using education and guiding as the primary method, which focus on strengthening political education, nationally common language education, and skill training. These are all good methods. Helping them to get rid of poverty is the most basic and important approach, especially through labor transfer. This not only reduces Uyghur population density in Xinjiang, but also is an important method to influence, melt, and assimilate Uyghur minorities. Not only can one not refuse their entry in organized systems into the developed Eastern provinces and cities, but one should strengthen the guidance

to assimilate them into all the relatively developed areas in Eastern and Central provinces. This allows for a gradual transformation of their thinking, knowledge, values, and outlook on life through their working as laborers and changing their environment and lifestyle.

Third, the investigation shows that provinces and cities in the Eastern and Central region still have a high demand for labor import. In those regions, a considerable portion of the work in factories and enterprises is labor-intensive. There is a considerably high demand for simple labor force that is unsatisfied. This labor shortage has already caused labor costs to rise substantially for enterprises in the Eastern and Central region. Even so, there is a large number of vacant simple labor jobs.

Fourth, the Xinjiang region has already formed a very good method for [Labor] Export Services. For instance, foremost was establishing and implementing strict political examination and assessment to guarantee that no substandard people are included. Second is that everyone must go through training education [培训教育]. Third is carefully canvassing the Labor Import [劳务输入地] areas, including what enterprise [it is], how many people are needed, the gender ratio, when they are needed, what wages they provide, what type of work this is, Uyghur food and accommodation arrangements, leisure outing arrangements, etc. Fourth is that all places in Xinjiang adopt the Group-Style Method [组团方式] of dispatch. [The number of people] traveling together can be as few as 30 to 50 people in a group or as many as hundreds of people [in a group]. The local government in Xinjiang where laborers are sent from arranges for cadres to accompany the group, a chef to travel with the group, and security guards [保安] carry out management. Of course, these all need mobilization and promotion beforehand and guarantee of voluntariness. [Laborers] are given subsidies for the round-trip fees and are guaranteed to leave and return freely and voluntarily. [The] final [method] is to create good [conditions] for laborers who left home so they can work without concerns. The local government organizes different types of nurseries, care homes, livestock care, land ploughing, et cetera, to relieve outbound laborers from worries when looking back and limiting factors. Local government organizes all kinds of nurseries, nursing homes, cattle and sheep-raising trustee households, and land-cultivation trustee households. This resolves the concerns of laborers who are leaving home for work and all kinds of restrictions.

Fifth, after going through multiple years of severe military security measures, strict control, and hard governance, all parts of Xinjiang are already relatively stable. [What is needed] is the timely adjustment of the high-pressure control idea and initiation of the idea focusing on development and poverty alleviation to guide all the ethnic minorities in Xinjiang to embark on the road of common prosperity.

Therefore, the following are the solemn recommendations:

- (1) State Public Security and State Security Departments should issue the orders from the highest bureaus to all areas in their jurisdictions that, from now on, none of the districts can refuse Xinjiang laborer from entering on the grounds of [their] affecting safety and stability.
- (2) Eastern and central regions should have mandatory annual quotas of arranged Xinjiang laborers, which greatly helps to alleviate the shortage of laborers in [these regions] and appropriately reduces labor costs. All the relevant local governments must complete [this], which can be included in each district's supporting counterpart's assessment indicators.
- (3) Strategically considering the changes in the thinking. One does not need to overly publicize this internationally; one only needs to quietly launch this to demonstrate the effects. This will greatly facilitate the long-term peace and stability of the Xinjiang region, advancing the smooth export of Uyghur surplus laborers in Xinjiang. This helps them eradicate poverty as quickly as possible, guaranteeing that the entire country will be fully lifted out of poverty before 2020 and enter the completion of the great task of a Comprehensive Moderate Prosperity Society [全面小康社会].

The Nankai University China Institute of Wealth and Economics [南开大学中国财富经济研究院]

The Nankai University Poverty Alleviation Research Team [南开大学扶贫调研组]

**Original text attached:**

## **Work Report on Poverty Alleviation Work of Uyghur Labor Force Transfer in Hotan, Xinjiang [新疆和田地区维族劳动力转移就业扶贫工作报告]**

The Nankai University China Institute of Wealth and Economics [南开大学中国财富经济研究院]

The Nankai University Poverty Alleviation Research Team [南开大学扶贫调研组]

### **I. Research Objectives, schedule and Key Research Programs**

From May 24 to May 30, 2018, Nankai University's "Poverty Alleviation Through Labor Transfer Research Team [劳动力转移就业扶贫考察组]" (List [of names] Attached) rushed to Xinjiang Hotan Prefecture to carry out field research on Hotan Prefecture's Poverty Alleviation Work Through Labor Transfer [劳动力转移就业扶贫工作]. In recent years, our country's fine-grained poverty alleviation [扶贫] work was carried out through means such as labor transfer, employment through relocation [异地就业], and labor export and was combined with other methods such as industrial poverty alleviation and relocation poverty alleviation, which has become an important approach for fine-grained poverty alleviation. In addition, it is a more effective means of poverty alleviation when comparing the poverty alleviation results and the costs, and has gained increasing attention from poor areas that have the resources [有条件的] [to implement the method] across the country. This research focuses on the labor transfer operation mechanisms in Hotan Prefecture's Pishan, Moyu and Yitian Counties, as well as the effectiveness of the Poverty Alleviation Work Through labor transfer. It aims to provide optimized measures and feasible suggestions for the next steps of Poverty Alleviation Work Through Labor Transfer [劳动力转移就业扶贫工作] in Hotan Prefecture and other areas across the country.

During the six days of field research, with the strong support of the Hotan Prefecture Human Resources and Social Security Bureau [人社局] and the relevant departments of Pishan County, Moyu County, and Yutian County and with the active assistance of Tianjin and Anhui's Xinjiang Aid [援疆] work groups, the research team successively researched and investigated the poverty alleviation through labor transfer situation of Pishan, Moyu and Yutian Counties and basically achieved the expected results. According to the research plan arrangement, the team's main schedule and research program was as follows:

In the afternoon of May 24, the research team arrived in Hotan City. They spoke with the relevant Human Resources and Security Bureau official and developed a preliminary understanding of how relevant departments in the local government organize labor transfers in general—including the work situation of poverty alleviation and eradication through labor export that was directly organized by the government—and then made basic arrangements for their research route and project locations. They arrived in Pishan County at noon on May 25, and immediately visited two project sites [项目单位] that afternoon. The first was the Pishan County Funong Labor Services Co., Ltd. [皮山县福农劳务有限公司] that applied the "Organized and mobilized by government – Basic Training conducted by Labor Service Company – Dispatched by Labor Service Company [政府组织动员-劳务公司简单培训-劳务公司派遣]" model. The second was the Pishan County Vocational Training Center [皮山县职业培训中心] that applied the "Organized and mobilized by government – Vocational Training Center accepts and trains [laborers] – Government organized transfer and individual employment combined [政府组织动员-职业培训中心自主吸纳及培训-政府组织输送与个人就业结合]" model. Then, along with the on-site visit [results], they discussed with local government officials the quality of the workforce [劳动力素质], stocks and flows quantities [of the workforce], as well as the training situation and the employment situation in Pishan County.

On May 26, the research team visited five projects in Pishan County's Qiaoda Township, Jieyinaike Village, and Muji Town. The first was the Jieyinaike Village, a typical local village with poverty alleviation through labor transfer. The second was the Qiaoda Township Tumarisi Handmade Wool Carpet Processing Co., Ltd. [乔达乡图玛丽丝手工羊毛地毯加工有限公司], a township and village enterprise (TVE) in Qiaoda Township which primarily accepts [laborers] for employment nearby [就近就地就业]. The third was the Aerzu Handicraft Development Co., Ltd., an individual enterprise in Sayi Village, Muji Town, that primarily conduct "Small-Scale Scattered and Flexible Employment" [小规模零散灵活就业].

The fourth was the Assal Village Reed Mat Factory [芦苇制席厂] in Muji Town. The fifth was the Donkey Breeding Cooperative of Assal Village, Muji Town, that was supported in the form of the "Government Labor [Production] supplies Subsidy."

In order to get in-depth results, based on the arrangement of conducting research in the order of "County – Township (Town) – Village – Household" [县-乡(镇)-村-户], the research team also conducted in-person interviews with typical farmers in two households in Sayi Village, Muji Town. One of the family situation interviews was done with a household that has migrant workers, the other was with a household with locally employed labor. The [research team's] visit coincided with the Anhui Xinjiang Aid [援疆] Medical Treatment Team's [医疗队] carrying out of the "Clubfoot [马蹄足病]" special medical treatment support activity in Pishan area. The research team therefore immediately coordinated with the relevant official of the Anhui [Xinjiang Aid] Frontline Command [安徽前指] and Anhui Xinjiang Aid [援疆] Medical Team, and conducted on-site visits and in person conversations with relevant hospitals, doctors, and some patients along with CCTV [央视] resident reporters in Xinjiang.

On May 27, the research team arrived in Moyu County at noon. In the afternoon, they visited two project sites [项目单位] in Moyu County. The first was the Moyu County Barimu Trading Co., Ltd [和田霸丽穆商贸有限责任公司], a leading company in Moyu County that primarily uses the "Government Order-Enterprise Processing" [model]. The second was the Xinxiang Clothing Co., Ltd. [鑫祥服装有限公司], a company that moved to Xinjiang from Eastern China [内地入疆企业]. After the research team visited the two industrial enterprises, they returned to Hotan Prefecture Government that night.

On May 28, the research team went to Yutian County to investigate in the Yutian County "Xinye Labor Transfer Vocational Skills Training School" [新业转移就业职业技能培训学校]. Its specialty was "government organized, voluntary registration, independent enrollment" [政府组织、自愿报名、自主招生] and is committed to Closed-Style Labor Training [劳动力封闭式培训]. On May 29, after the research team had discussions with the Yutian County Human Resources and Social Security Bureau about the labor export situation, they visited the "Yutian County Tianshan Hongye Knitting Garment Company" [于田县天山红叶针纺服饰公司], which is the training base of "Xinye Labor Transfer Vocational Skills Training School [新业转移就业职业技能培训学校]," and other enterprises in the same Industrial Park.

In the afternoon, the research team rushed to Jiayi Township, Xianbaibazha Town, and Tuogerigazi Township, and carried out investigations on the situation of the town and township Labor Export [劳务输出]. In the evening of May 29, the research team returned to Hotan City and had preliminary discussions and summaries on the research trip. The research team returned to Tianjin on May 30.

Through research and investigation, the research team investigated and summarized the situation of the labor transfer situation in the Hotan Prefecture districts and counties that are advanced in labor export. They learned that the Hotan Prefecture Poverty Alleviation Work Through Labor Transfer [劳动力转移就业扶贫工作] has showed initial results. Of course, the poverty alleviation process still needs to be accelerated. The following is the investigation and research report.

## **1. Relevant government departments directly organize and arrange, coordinate internally and externally to resolve problems at every step of labor exports, and make policies to promote the strong development of labor transfer.**

Hotan Prefecture, Xinjiang, is a national-level severe poverty-stricken area. It is supported by mutual pairing of provinces and cities such as Beijing, Tianjin, and Anhui. In recent years, the focus of Xinjiang Aid's poverty alleviation work is "to help the aid-receiving area to achieve its poverty eradication targets on time [助推受援地如期实现脱贫目标]" and "to achieve moderate prosperity in all respects [实现全面小康]" according to schedule. With the support of its mutual pairing assistance provinces and cities, Hotan Prefecture made huge progress on its path of poverty alleviation [扶贫] and poverty eradication [脱贫]. For example, in the areas of Poverty Alleviation Through Industry [实业扶贫], it fostered special industries [培育特色产业], paid attention to attracting businesses through platforms and optimizing business environments etc., and increased efforts to attract businesses, investments, and industries. In the area of poverty alleviation with special characteristics [特色扶贫], it created new project assistance, implemented paired assistance, and strengthened social assistance, etc. In the area of Xinjiang Aid Poverty Alleviation Through Education [教育援疆扶贫], it broke ground in improving the software and hardware conditions of basic education and vocational training, continued education in school, and subsidized off-the-job and on-the-job training, etc. In the area of Xinjiang Aid poverty alleviation through medical care [医疗援疆扶贫], it formed the "group-style [组团式]" medical professionals with apprentices and the "hospital covers a department [院包科]" style medical units support, etc. Among them, Poverty Alleviation through Industry [产业扶贫], Poverty Alleviation Through Relocation [搬迁扶贫], and Poverty Alleviation Through Labor Export [劳务输出扶贫] are the key methods of the fine-grained poverty alleviation work in recent years. And among all the poverty alleviation methods and approaches, poverty alleviation through labor export, also known as poverty alleviation through labor transfer, is the poverty alleviation approach with less input, quick results, and relatively easy operation.

Hotan Prefecture, Xinjiang, is an area with serious excess of simple labor force. The surplus of the simple labor force is the reason why ethnic minority areas [少数民族地区] like Hotan are in chronic poverty and social instability. However, this is also an important social resource for these areas, as it could be the key measure for poverty eradication and reduction if it is addressed well. In the practice of poverty alleviation for several years, people realized that how to use or stimulate these surplus labor resources is not only a major issue involving the timely completion of poverty alleviation tasks, but also a major issue involving long-term social and political stability in Xinjiang. On one hand, as long as one can facilitate these surplus laborers obtaining stable employment, [surplus laborers] will be lifted out of poverty in a sustainable and timely manner after they receive their wages.<sup>i</sup> On the other hand, having more NEET youth [Youth not in Employment, Education or Training] and surplus laborers under full employment is an important measure to achieve a secure and stable social environment. Therefore, apart from applying Poverty Alleviation through Industry [产业扶贫] to increase local employment, when facing the urgent task of tackling "poverty alleviation [脱贫攻坚]", taking various measures to export laborers to regions, inland provinces, and cities that need labor force is an important poverty alleviation approach.

In particular, despite being a national level poverty-stricken area inhabited by ethnic minorities and an area with an unstable social environment which once had serious violent incidents,<sup>ii</sup> Southern Xinjiang can, through labor export, comparatively quickly change poor people's views and their environment, and realize the improvement of living standards sooner. Thus, this is not only conducive to achieving social stability in the long run, but also to achieving the task of poverty alleviation relatively quickly and steadily. The government departments of Hotan Prefecture in Southern Xinjiang have taken a lot of proactive measures in this regard:

First, the prefecture government leaders directly took command of developing and implementing labor transfer plans. Under the unified leadership of the "Ten Departments in One Window" established by the Autonomous Region,<sup>iii</sup> Hotan Prefecture Government's leaders, like all the leaders from various prefectures and counties, were all directly



responsible for organizing labor transfer related work. Hotan Prefecture has a total population of 2,520,000 with over 800,000 households. Of which 705,300 households were registered as poor households [建档立卡贫困户]. The entire workforce was around 1,300,000 [people], of which 600,000 were surplus laborers [富余劳动力]. The plan was to achieve the two “50,000 people” targets in both “Cross Area Employment [跨区就业]” and “employment nearby [就近就地就业]” [programs] in the following years. [The following] looks at these separately. Starting from 2014, [for cross area employment], the plan was gradually to transfer 50,000 people to inland provinces and cities. Of which over 6,000 people have already been transferred to Hubei, Jiangxi, Anhui, Shandong, and other areas. [For transfers] within Xinjiang, the plan was to transfer 50,000 people towards the Northern Xinjiang areas with demand for labor. 22,000 people were already transferred in 2017. The plan was to transfer 15,000 people in 2018. Overall, after a few years of labor export, there were still over 350,000-360,000 surplus laborers [富余劳动力]. The task of Poverty Alleviation Through labor transfer [转移就业扶贫] or Poverty Alleviation Through Labor Export [劳务输出扶贫] is still very heavy.

Second, the relevant Xinjiang Aid Provinces undertook corresponding labor transfer responsibilities. In order to achieve poverty alleviation [扶贫] and poverty eradication [脱贫] work through stable employment (employment of 6 months or more), Hotan Prefecture government also coordinated with the relevant [Xinjiang] Aid provinces to formulate labor transfer assistance plans. For example, the Tianjin Xinjiang Aid Program planned to export over 3,000 laborers from Hotan Prefecture. That program was launched in the beginning of 2018. The first batch of 102 people and the second batch of 150 people from the Yutian County ethnic minority youth labor group [少数民族青年劳动群体] have already been organized and exported to the relevant districts and counties in Qingdao, Shandong. Subsequent batches were being arranged. In 2017, Anhui Province planned to export 1,000 poor Uyghur laborers from Hotan Prefecture to various places in Anhui. As of August 2017, over 500 people had been successfully exported. They were mainly sent to various enterprises in Chaohu City, Huabei City, and Tongling City in Anhui Province. Most of [the enterprises] are textile companies, including famous clothing companies like Youngor Group [雅戈尔].

Third, formed a set of labor transfer mechanisms and systems that link labor export and import regions and formulated a relatively large array of methods in arranging labor export. Relevant local government departments in Xinjiang worked in cooperation with the provinces and cities that were receiving labor. Through several years of hard work, a series of gradually standardized operating mechanisms were formed in the area of labor transfer. The specific methods include:

- 1) Labor export location and import location undergoing serious pairing and communication: All the relevant departments of Hotan Prefecture, for example, the Pishan County government, [work] with Anhui and other Xinjiang Aid Provinces, to first conduct a research on the hiring requirements of the targeted markets, such as the garment manufacturers in Anhui Province. The research content includes age, gender ratio, educational requirements, type of work, pay rate, number of laborers needed, type of enterprise, when [laborers] are needed, etc.
- 2) Promote and introduce earnestly: After receiving the relevant information about relevant labor information, the Poverty Alleviation Offices and other departments in Hotan, in conjunction with the local Human Resources and Social Security Bureaus, promptly announce and promote the gathered labor demand information in Pishan County. The promotion methods include setting up stations specifically for recruitment in every village, mobilizing collectively by villages, officials entering homes to propagate, giving talks from personnel who has successfully been employed.
- 3) Establish and implement strict political examination and assessment: In order to ensure that there are no unqualified personnel mixed in the group of people that are leaving home for employment, the government security department first conducts a political examination of the qualified labor with willingness [to leave home for employment], ensuring the exclusion of terrorists and potential terrorists.
- 4) Conduct concentrated training for all who meet the conditions of the political examination regulation: The contents of training in Xinjiang mainly includes political thought education, social development situation, basic knowledge of production safety, everyday language, company rules and regulations, etc.

- 5) Adopt the Group-Style Method [组团方式] of dispatch: Upon the completion of training and health checks, [the laborers] will travel in groups based on the number of labor export. [The number of people] traveling together can be as few as 30 to 50 people in a group or as many as hundreds of people [in a group]. Xinjiang local government will select a number of political cadres to lead and accompany the group for implementing security and management. [They will] travel with [the group] to the employing unit at the labor import location.
- 6) Form the "centralized management performed by bilingual cadres stationed in the factories" model: After the laborers check in to the local enterprise, the business management personnel first organize professional skills training for the laborers in the company. Once they pass the training and formally start their positions, the government of the exporting location usually allocates a deputy-section-head level cadre [副科级干部] per 50 people to eat and live and station in the factory with them. During the day, [the stationed cadre] cooperates with the factory management and does translation work and then organizes Mandarin language trainings in the evening. The so-called "centralized management performed by bilingual cadres stationed in the factories [双语干部驻厂配合集中管理]" model is hereby formed.

Fourth, developed a range of policy measures that suit local conditions to guide and encourage poor laborers to transfer for employment. 1) In order to encourage transferred laborers to achieve stable employment, the "Anhui Xinjiang Aid [安徽援疆]" [team] and the Hotan local government developed detailed innovative [measures]. For example, if one can achieve six months of continuous employment, the government department will provide a one-time round-trip train ticket from the employment location to their household registration location and guarantee one can leave and return freely and voluntarily. [The government] will also provide additional bonuses for laborers who can achieve over a year of continuous employment. 2) Xinjiang local [governments] arrange Uyghur cooks to accompany the [transferred] groups, organize independent food and accommodation inside the factory areas, coordinate and construct halal restaurants, and arrange a specific time out for leisure etc. 3) Considering the actual situation of ethnic minorities, encourage and allow couples to be exported together, live and work together etc. 4) Take a more flexible approach towards the Labor Export [劳务输出] users. For example, for the enterprises with relatively greater employment needs which cannot easily fully recruit at once, the recruitment, training, and export can be done in several batches. And for over-registered batches, take good notes. When there is a recruitment next time with similar conditions, priority will be given [to these people] etc. 5) Create good [conditions] for laborers who left home [so they can] work without concerns. Local Xinjiang government organizes different types of free or low-cost nurseries [and] nursing homes. This resolves the concerns of laborers who are willing to leave home for work but are held back by children or elderly people who need care at home. 6) Create a large-scale livestock and land transfer mechanism that the large individual livestock farmers to conduct centralized breeding or raising the of cattle and sheep on [the owner's] behalf. The cattle and sheep owner pays a certain amount of custodial fees, which usually costs around 300-500 yuan per annum per sheep/cow, and at the end of the year, the cattle and sheep still belong to the owner. On the other hand, the lands are gathered and transferred to a large farmer. [The owner] collects around 500-800 yuan per annum per mu [approximately 666 m<sup>2</sup>] as transfer fee. Thus, this not only realizes the centralized large-scale management of livestock and land and increased the efficiency and income, but also lifts all kinds of restrictions and eases the concerns at home of laborers who left home for work, which greatly facilitates the work progress of labor export.

Overall, the promotion of poverty alleviation work through labor export and various related labor projects actively accelerated large-scale organized labor transfer from Southern Xinjiang to the Eastern coastal areas [of China] where ethnically Han people gather and reside. This would have a positive effect on Xinjiang's poor ethnic minority population and families. This would also significantly increase their income and result in significant improvement to their thoughts and concepts, which helps greatly promote long-term stability in the various ethnic minorities' areas and achieve the unification of political, economic, and social goals. Although implementing labor transfer would bring instability in the various districts that received transferred laborers in the short term, past experiences show that as long as certain necessary response measures are taken, the problems could be resolved.

Labor export involves the long distant migration of the ethnic minorities in straitened circumstances. It is a poverty alleviation [扶贫] and poverty reduction [减贫] measure with relatively large changes and obvious results. The

government of Hotan Prefecture has insisted on direct organization, coordination and guidance during the start-up phase. They made bold and prudent decisions, which they implemented gradually in a meticulous and rigorous manner. They always maintained communication and coordination with the relevant government departments in the labor-receiving region, such as the public security department, the social security department, and the development and reform commission. Thus, Hotan Prefecture's labor transfer has always been the leading act of the regional government. In the first few years, the majority of labor transfer was carried out through government planning tasks. However, once the significance and advantages of labor transfer became apparent, districts and counties in Hotan Prefecture have also explored and initiated new market mechanisms to promote labor transfer.

## **II. Utilize the role of Labor Service Company [劳务公司] and Training School [培训学校] to increase the intensity of labor transfer and promote export through training**

In the recent years, districts and counties in Southern Xinjiang explored multiple operation methods in their Poverty Alleviation Work Through Labor Transfer [劳务转移就业扶贫工作]. Apart from relevant governmental departments directly carrying out organization and coordination, under the government's guidance, promotions [of labor transfer] were also made through market operations. The subjects of these operations also varied—some were based on Labor Service Companies [劳务公司], some were based on Training Schools [培训学校], and some were mixed. The research team examined several types separately.

1. Pishan County Funong Labor Services Co., Ltd. [福农劳务有限公司]'s "Market-Government combined" model: Funong Company is a market-based operation labor intermediary company. It is a private labor dispatch and labor subcontracting company with guidance from Pishan County Labor and Social Security Bureau. The company's profit comes from employing units' [用人单位] 10% commission based on employees' salaries ([the commission is] directly collected from the employing unit [用人单位], [so] it does not involve a deduction of the laborers' wages). Funong Labor Services Co., Ltd. [福农劳务有限公司] was established in March 2017 and has over 30 full-time employees. The company's organization department is relatively comprehensive. It includes an engineering department, dispatch office, finance office, security guard office, and others. It has specialized staff stationed in the Eastern provinces outside of Xinjiang that are responsible for collecting information about labor demand and connecting the labor-receiving units. The company's staff includes 14 government officials assigned by the government to participate in the daily guidance work. Their main responsibilities are to assist with connecting Funong company and the government and manage the laborers living at the Funong neighborhood accommodation areas as building managers. They arrange security, discipline, and political education [安全纪律政治学习], as well as maintain stability and order.

Funong Labor Services Co., Ltd. [福农劳务有限公司] adopted the "Company Operates under Government Guidance [政府指导下公司运作]" model of Labor Export [劳务输出]. That is, relevant county government departments play a leadership role in guiding policies mobilizing labor training, especially in training of registered poor households. In the training process [培训过程], the Pishan County government provides the [training] site. After the training, [the government] provides employment information and a transportation allowance prior to traveling for employment. Funong Labor Services Co., Ltd. arranges training registration, free training, food and accommodation, and provides nurseries, etc. After completing the indispensable pre-employment training [岗前培训], Funong Company [福农公司] sends people to various locations both within and outside Xinjiang for employment. The initial labor "import-training-export" model of "labor training under government guidance as the primary [type of training], supplemented by voluntary training; the government provides space [for training], the company provides free vocational training; employment through company matching as the primary, with supplementary job position information from the government" was formed.

Specifically, Funong Company's [福农公司] Labor Export [劳务输出] operation mechanism is as follows: First, the source of labor mobilization primarily comes from the unemployed working-age persons based on the statistics of

Tier One Labor Protection Office [一级劳保所] of towns and townships. The unemployed working-age persons include general surplus laborers [富余劳动力] and registered poor household laborers (and some of the eligible "Two Types of Persons [两类人员]" after examination and their dependents<sup>iv</sup>). Second, in the beginning of the mobilization process, the government primarily promotes and mobilizes surplus laborers to actively [seek] employment or guides them to participate in vocational skills training to prepare for employment, and also prioritizes the employment and training of registered poor households. Then, Funong Company [福农公司] primarily attracts the general surplus laborers [富余劳动力] from the society to undergo training and employment arrangements or voluntary employment. Third, at the labor training stage, Pishan County government provides free food and accommodation and training space for the laborers receiving training. Specifically, it adopts the form of providing 13 buildings with a total of 950 low-rent units, which can accommodate 15,000 employees. Then, Funong Company [福农公司] conducts approximate 7 to 20 days of free Vocational Skills Training [职业技能培训] according to individuals' applications or job demand for intended employment. The trainees do not need to make any other payments besides utilities and bringing their own household supplies. Fourth, in the Labor Export [劳务输出] stage, Funong Company [福农公司] conducts the primary unified organizing and exporting and scattered individual exporting [个别零散输出]. [The company] also covers the transportation fees. Government unified organizing and exporting and paying for transportation are secondary [in this case]. Specifically, the collective labor hiring of companies outside of Xinjiang is normally organized by Funong Company [福农公司]. After [laborers] pass the centralized free physical check-ups and political examinations [政审], [Funong] will arrange managing staff to accompany the collective export [of laborers] to the employing unit [用工单位]. [For] the collective labor hiring of companies inside Xinjiang, after [laborers] pass physical check-ups and political examinations [政审], they also are sent to employing unit uniformly [by Funong] and accompanied by managing staff. For the scattered employment [零散就业] within and outside Xinjiang, laborers normally go to the employing unit [用工单位] on their own after they pass free physical check-ups and political examinations [政审]. Fifth, Funong Company signs employment contracts uniformly with the employing unit on behalf of all the exported laborers and promises and guarantees to provide the "Five Social Insurances and One Housing Fund" [五险一金]. Sixth, in order attract poor families to undergo training and realize Poverty Eradication Through Labor Transfer [转移就业脱贫], the company provides free bilingual Uyghur and Mandarin [维汉双语] kindergartens and nurseries for the sons and daughters of the laborers employed nearby [就近就地就业]. Seventh, from the distribution of Labor Export [劳务输出] region and the employing unit [用人单位], Employment nearby [就近就地就业] within Xinjiang is the primary [transferred location], but there are also cross-district employment [跨地区就业] transfers toward Northern Xinjiang. There are fewer exports for employment to the developed Eastern provinces, such as Shandong, Tianjin, Jiangsu and other districts outside of Xinjiang. Rather, many of these types of companies from Eastern provinces are located in the Industrial Parks [产业园区], which are concentrated, [so it is] easy to manage. Eighth, from the industries and types of labor transfer, a lot of the employing units are labor-intensive industries such as manufacturing and garment processing. The laborers are often engaged in basic assembly or manual labor. The laborers employed in other districts in Xinjiang are often engaged in farmlands and fruit and vegetable fields management or in other short-term agricultural production activities.

At present, through Funong Company [福农公司]'s method of Labor Export [劳务输出], the problem of employment of surplus laborers [富余劳动力就业问题] has been largely resolved. The poverty eradication [脱贫] of part of the poor households has been effectively realized. The company trained 4,000 laborers in 2017, and achieved various types of employment for 2,852 people, among which 300 plus people were exported outside of Xinjiang [疆外输出劳动力]. In the first five months of 2018, 1,600 people joined Funong Labor Services Co., Ltd. [福农劳务有限公司], and a total of 2,019 people were employed. The total wages paid in the first quarter was 4,446,000 RMB. The total wages paid [in the first five months] was 22,353,000 RMB, [which is] over 10,000 RMB per person.

2. Pishan County Vocational Skills School's [皮山县职业技术学校] "Government and School Cooperation" [政学合作] model: With the local government's support, Pishan County Vocational Skills Training School [皮山县职业技术培训学校] established the special "Government and School Cooperation" labor export training model, which is similar to a Vocational High School [职业高中] that trains based on demands. The school has 22 management and training staff [管培人员], among which 12 are externally hired Vocational High School [职业高中] teachers who are responsible for professional [skills] course training [业务课程培训]. The school can accommodate 2,000 people for vocational skills training at once. The laborers who participate in trainings come from two groups primarily based on on-demand recruitments. The first is from the school's self-recruited labor trainees, primarily recruited through the "Enter the countryside, propagate and guide + Laborers participate voluntarily" [下乡宣传引导+劳动力自愿参与] method. The other is the government-organized registered poor households from various town and townships that urgently need to eliminate poverty. For all students who enrolled in the school, their food, accommodation, training, and later physical check-ups are completely free, which are all paid by dedicated government funds. At present, the school has already formed a rational and orderly process of "recruit – training – export" [招生-培训-输出], which effectively autonomously resolved the employment problem of a portion the surplus labor [富余劳动力]. Because the school has limited capacity, the number of surplus laborers far exceeds job demand. Therefore, the "Autonomous Recruitment - Training According to Needs – Export to Fixed Position [自主招生-按需培训-定岗输出]" model is currently the school's primary method of Labor Export Training [劳务输出培训].

To be more concrete, the operating mechanism adopted by the Vocational Skills School [职业技术学校] can be briefly described as follows: First, from the source of students, unlike Funong Company [福农公司], the laborers who participate in Vocational Skills School Training [职业技术学校培训] come partially from the registered poor households [建档立卡贫困户] listed in the surplus labor statistical information of the towns and townships' Labor Protection Office [劳保所] while the main body of laborers have the intention to be employed and to voluntarily participate in trainings. Because a considerably large portion of the trained laborers will be exported to [locations] outside of Xinjiang, for reasons related to the political vetting [process] [政审], [the school] does not accept "the two types of persons[两类人员]" for training. Second, the recruitment method is primarily based on the school's autonomy, with cooperation of relevant staff from the government's Human Resources and Social Security Bureau [人社局]. They promote the free Vocational Skills Training [职业技能培训] in various districts and mobilize surplus laborers to actively participate in trainings. And then according to the number of voluntary applicants and the needs of the employing units [用人单位], the school controls the number of laborers who participate in trainings. Third, during the training period, the school provides vocational skill training courses [职业技能培训课程], food, accommodation, and physical check-ups free of charge. The fees are paid by a designated support funds from the Human Resources and Social Security Bureau [人社局]. Fourth, the training contents primarily include politics, law and regulations, safety knowledge, Mandarin education, as well as various short-term vocational training courses as required before employment. For some employing units [用人单位] that have specific requests, there are also long-term specialized skills trainings. After the students complete the trainings and are qualified, the school distributes all the Training Graduation Qualification Certificates [培训结业合格证] at once and issues migrant work permits [外出务工证] for the laborers who will be leaving for work. Fifth, after completing Vocational Skills Training [职业技能培训], [the school] carries out free physical check-ups and political examinations [政审] all at once. Then, according to the type of position [岗位] and its location, the school uniformly arranges free dispatch and have management personnel [管理人员] accompany [the laborers'] travel and be responsible for the stability and order of trainees in their jurisdictions. There is also a portion of the students who previously had experience of employment outside Xinjiang. They choose employment for themselves after going through the school's physical check-ups and political examinations.

Overall, from the distribution of the labor export destinations and the employing units [用人单位], the trainees at the vocational training school [职业培训学校] are laborers with determined qualification and positions [定向定岗]. Where the trainees will be sent to is predetermined when enrolling in school. The locations they will be sent to include various areas both within and outside Xinjiang, primarily focusing on bulk demand outside of Xinjiang, such as the labor-intensive enterprises in food processing, textile, and clothing located in the developed provinces like Shandong, Tianjin, and Jiangsu provinces. From November 6, 2017 to May 15, 2018, a total of 4,600 people were trained, 964 people realized employment within or outside Xinjiang, of which 352 were dispatched in other districts within Xinjiang [疆内跨区]. At present, 430 people are currently undergoing [order-]oriented training [定向培训], of which 150 people are scheduled to go to Wuhan and 113 people to Urumqi. The plan for 2018 is to train 3,000 people, and 23 batches have already been trained; their training was all carried out based on job demands. This also includes conventional training, for which the school has prepared 300-400 people for future needs.

According to the local Labor Protection Department's [劳动保障部门] calculations, in 2018, the vast majority of laborers in Pishan County who passed training at the Labor Service Company [劳务公司] and the Training School [培训学校] and achieved employment were employed within Xinjiang. Of these 6,182 people were employed locally, 352 were employed cross-district within Xinjiang [疆内跨区], and 667 laborers were exported out of Xinjiang. From the types of work, 60-70% of employment is on construction sites, agricultural management, and others within Xinjiang. Then, most laborers employed outside of Xinjiang are primarily in industrial enterprises doing basic manual labor. The average monthly wage for various types of employment is between 3,000 and 6,000 RMB and the annual salary is between 30,000 and 50,000 RMB or above. All of the employed laborers have achieved poverty eradication [脱贫].

3. Yutian County's Xinye Vocational Skills Training School's [新业职业技能培训学校] "Government and Enterprise Cooperation" [政企合作] training and employment model: "Xinye Labor Transfer Vocational Skills Training School" [新业转移就业职业技能培训学校] (from now called "Xinye School" [新业学校]) is a subsidiary unit [下辖单位] of Xinye Group [新业集团], which is a company under the XUAR State-owned Assets Supervision and Administration Commission. To implement the task of poverty alleviation [扶贫] undertaken by the Group, the vocational training school [职业培训学校] was built in September 2016 in cooperation with the government of Yutian County using the PPP [Public-Private-Partnership] method. The school adopts a semi-closed and military-style management method, focusing on carrying out skills training for poor households' work and employment, and focusing on short-term general skills training [技术培训] for laborers, such as vocational skills training (1-2 months), pre-employment training (7-15 days), and practical skills training (in the agriculture category) (1-3 days).

Xinye School's [新业学校] operational mechanisms of labor training and labor export can be roughly summarized as follows: The trainee's recruitment is primarily through voluntary registration via recruitment information posted on the internet, as well as mobilization and promotion via the Labor Export office, towns and townships' Labor Protection Offices [劳保所], and other organizations. Apart from this, the school's relevant staff also carry out free vocational skill training talks and on the spot training and mobilization at various locations. After the trainees go through registration and political examinations, the government provides funds for food and accommodation, physical check-up and the corresponding training uniform, shoes, and hats. The school provides vocational skills training [职业技能培训] courses for free. The content of the training primarily includes three main categories which are implemented through dividing [the trainees] into groups. Number one is vocational skills training [职业技能培训]. The training contents are primarily focused on electricians, welders, excavators, food [preparation], etc. The training is approximately 1 to 2 months long. Number two is pre-employment training [岗前培训], which normally includes political education, safety education, and professional training [业务培训] relevant to employment. The training period is around 7 to 15 days. When there is a situation with insufficient job positions [岗位] or the training results are poor, there will be extended training [延期培训]. Number three is agricultural skills type of training. It is primarily

not at school [but] in the village training. This type of training has uncertain employment needs, and the number of participants is relatively high. The training is primarily about fruit and vegetable planting, animal husbandry, and other relevant skills. The training period is 1 to 3 days.

After the training ends and the exams are passed, the school uniformly distributes the Training Graduation Qualification Certificates [培训结业合格证], and issues migrant worker permits [外出务工证] for the outbound laborers. Then, according to needs, the school organizes unified export and delivery to the employment site, and provides relevant transport, meals and accommodation, accompanying management staff, security protection staff, and negotiates with the employing unit [用人单位] about whether to provide catering service staff. The primary employers are within Xinjiang. The majority of people going to Northern Xinjiang are in the industrial and service industry and some public welfare job positions provided by the government, while the majority of laborers who go to other districts in Southern Xinjiang work in agriculture, animal husbandry management and picking labor services at state-managed farms, cooperatives, industrial parks, and town and township micro factories. Those transferred to the Eastern developed provinces outside of Xinjiang, such as Shandong, Tianjin, Jiangsu and other areas, are mostly in manufacturing, textile, clothing, and other labor-intensive industries.

Comparing the Xinye School's [新业学校] "Training – Employment [培训-就业]" model with the Pishan County Vocational Skills School's [皮山县职业技术学校] "Government and School Cooperation" model, the school's scale is larger and there is a larger number of students. There are more types of training and the contents are richer and the training courses are also more standard. Additionally, the two schools' operational styles are also different; the former operates as a business while the latter is a public institution. But these two schools' characteristics in promoting labor transfer are basically the same. They both value training the laborers from the towns and townships' registered poor households to provide resources for employment to speed up poverty eradication. They both also use the autonomous student recruitment style of "Enter the countryside, propagate and guide + Laborers participate voluntarily" [下乡宣传引导+劳动力自愿参与] at the same time. The government supports the trainees through funds via the schools, providing free food, accommodation, training, and the later physical check-up fees. [Regarding] where the students are transferred for employment, employment nearby within Xinjiang is the primary [location], with transfer to other districts within Xinjiang as secondary. [Laborers] transferred to Eastern provinces for employment are still the minority, but of course the trend is increasing. Since its establishment, the Xinye School's [新业学校] number of trainees has been gradually increasing, and the [training] results are becoming more obvious. In 2016, more than 2,400 laborers were trained; in 2017, 14,000-15,000 people were trained, of which almost 10,000 passed the construction training, and over 80% were employed. By May 2018, 7,470 people were trained, and 3,924 people were employed, of which 2,314 people are registered poor personnel, accounting for almost 60% of the employed personnel. Around 1,500 people are not yet employed, and 700 students are in school. The employed laborers receive an average monthly wage of 3,000 to 5,000 RMB. Their annual income greatly exceeds the poverty line.

Yutian County has a population of more than 290,000 people. There are more than 80,000 working-age laborers, of which over 60,000 are surplus labor. In 2016, 17,000 people were arranged for employment by the Human Resources and Social Security Bureau, 30,000 to 40,000 people sought employment voluntarily, approximately 400 to 500 people were employed in Eastern provinces, and over 460 people were studying in school. In 2017, 1,600 people were exported to Shandong, Jiangsu, Hubei, and Guangdong. Approximately 2,500 people were seasonal migrant laborers. From January to May 2018, among surplus laborers from poor households, 7,471 people were employed outside of Xinjiang, over 2,520 people [took on] land management jobs, and 5,370 people were simple laborers in local enterprises. Although some achievements have already been made, given Yutian County's current Employment Through Training [培训就业] situation, the Xinye Labor Transfer Vocational Skills Training School [新业转移就业职业技能培训学校] needs to continue to play a role in further promoting employment through labor transfer in order to fully realize the task of poverty eradication [脱贫].

### **III. Develop small and micro enterprises and private companies to absorb more [laborers] for employment locally and increase the scale of labor transfer.**

On May 26, the research team investigated the labor transfer situation in the township and village enterprises (TVE), private companies, and cooperatives located in Qiaoda Township and Muji Town in Pishan County. On May 27, the research team visited Moyu County Barimu Trading Co., Ltd. [霸丽穆商贸有限责任公司]. All of these employment-accepting business projects can be summarized in the following four models. First, the Tumarisi Handmade Wool Carpet Processing Co., Ltd. [图玛丽丝手工羊毛地毯加工有限公司], a township and village enterprise (TVE) in Qiaoda Township which primarily accepts laborers for “employment nearby”. Second, the Aerzu Handicraft Development Co., Ltd. and the Assal Village Mat Factory, private enterprises in Sayi Village, Muji Town, that primarily conduct “Small-Scale Scattered and Flexible Employment” [小规模零散灵活就业]. Third, the husbandry cooperative of Assal Village, Muji Town [木吉镇阿萨尔村养殖合作社] that was support by the “Government Labor [Production] supplies Subsidy” [政府劳动资料补贴]. And fourth, the comprehensive private company Moyu County Hotan Barimu Trading Co., Ltd. [霸丽穆商贸有限责任公司].

1. Tumarisi Handmade Wool Carpet Processing Company Limited's [图玛丽丝手工羊毛地毯加工有限公司] specialties: Tumarisi Handmade Wool Carpet Processing Company Limited is a three-in-one leading agricultural industrialization key enterprise with an employment base, a staff skills training center, and a Flourishing Farmers' Professional Cooperative [兴旺农民专业合作社]. It has won the honorary titles of XUAR's and local outstanding enterprise and advanced collective. The company is primarily in the production and processing industry such as producing wool carpets and silk textile. It uses equipment specially for carpet silk weaving, including around 20 sets of carpet weaving machines and 10 sets of silk looms. In its product exhibition hall, hand-made carpets of varying specifications and silk fabrics, such as silk scarves, ties, and other handmade products are displayed and sold. Labor productivity is relatively low.

At present, Tumarisi Company's [图玛丽丝公司] production scale is still relatively small and its ability to accept laborers is limited. The source of its labor is mainly surplus laborers [富余劳动力] from villages close to the town and township, including those who are unable to participate in local government-organized employment that requires leaving home, such as the housewives, patients with chronic diseases, and those who did not pass the political examination [政审]. During the periods of low demand for silk fabrics and carpets or the farming season, most laborers return to agriculture production. Then during the off-season, they return to the factory and continue to produce carpets and other products. The company irregularly organizes laborers to [participate in] simple legal knowledge education and Mandarin language [国语] training. Families with children can bring them to the factory for care during working hours. The company provides a space specially for childcare. The company can accept more than 30 laborers long-term and can accept more surplus laborers [富余劳动力] during the farming off-season and when the order demand is high. When there is work, the wage is 80 to 100 yuan/day per person, which can basically realize poverty eradication through employment [就业脱贫].

2. The situation at the Aerzu Handicraft Development Co., Ltd. and the Assal Village Mat Factory: Muji Town Assal Village Mat Factory [木吉镇阿萨尔村制席厂] also has the function of Sayi Village People's Labor Service Station [群众工作服务站]. The company's head is a Uyghur woman. Her husband was sent to an Education Training Center [教培中心] for political reasons, which also affected the company's business to a certain extent. The products that the company primarily produces are traditional clothing and household goods such as embroidery and cross-stich. It has a showroom with more than 40 sets of sewing equipment. The workshop's production is not using the assembly line method. The entire item of clothing is completed by one person's sewing, and the production efficiency is low. During the [factory's] off-season or intensive farming season, laborers return to agricultural production. After the intensive farming season, the market demand determines the number of laborers and production scale.

The Assal Village Mat Factory [阿萨尔村制席工厂], similar to Aerzu Company [阿尔组公司], also has a simple production method. The factory has 2 machine units for 6 laborers to make mats at the same time, producing hand-



made and machine woven mats of different quality. The hand-made mats are primarily made from the raw material, reed stalks. After the reed stalks are crushed manually, it will be hand-woven into mats. They are more delicate, but also require more labor. For the machine woven mats, the crushed reeds are placed on the conveyor belt, then the machine presses them into a mat. Assal Village Mat Factory's [阿萨尔村制席工厂] production scale is smaller than Tumarisi Company's [图玛丽丝公司], and the laborers primarily come from the local village and some surplus laborers [富余劳动力] of nearby villages. The laborers are primarily women, and mostly in short-term scattered employment [短期零散就业].

3. The operational model of Assal Village's husbandry cooperatives: Assal Village also established a Donkey Breeding Cooperative. It primarily consists of the shareholders of the cooperative and the shareholders are registered poor households, for whom the government buys production supplies. At the end of the year, dividends are based on the scale of the production supplies. The cooperative has approximately 30 donkeys, all are bought by the government and invested into the cooperative. Then, the shares are demutualized to the registered poor households. The government provides farming technology, feed selection and distribution, and breeding equipment for the village entrepreneurial farming households [创业养殖户] who are responsible for farming and marketing. Under the cooperative model, it can accept a small amount of agricultural surplus laborers and they can participate in the cooperative's daily production in a more flexible manner. For example, the daily work of cleaning enclosures and feeding livestock, which allows laborers to earn extra wages in addition to dividends, which effectively alleviates the poverty problem. This type of cooperative model encourages poor households to care for and participate in the cooperative's production businesses, engaging in a set amount of labor and earning a set amount of income and dividends. Although the government provides funds [for the production], comparing to the method of the government directly distributing money to the poor households, this is much more effective. Moreover, it is more sustainable, renewable and expandable, so it can be more effective in achieving poverty reduction and poverty eradication.

4. Moyu County's Hotan Barimu Trading Company Limited's [霸丽穆商贸有限责任公司] "Government Order – Enterprise Process" [政府订单-企业加工] model: In the afternoon of May 27, the research team arrived in Moyu County to conduct research and investigation. Moyu County has an area of 25,000 km<sup>2</sup>, of which there is 540,000 mu [approximately 360 km<sup>2</sup>] of arable land. There is a population of 640,000 so the average person has 0.8 mu of arable land. The incidence of poverty is 38%. To quickly eliminate poverty [消除贫困], Moyu County already exported three batches of laborers outside Xinjiang in 2018, with an average of 500 people each time. They are primarily exported to provinces like Shandong, Guangdong, Anhui, Jiangsu, and Jiangxi. The plan for the next step is to train more professionally skilled laborers to leave home for work, for example, vocational high school students, auto repairers, chefs, tailors, etc. Apart from active promotion of transfer to other locations for employment, the county government also pays special attention to local labor transfer to increase the work intensity of achieving poverty alleviation [扶贫] and poverty elimination [脱贫]. [The research team] selected a typical representation of attracting laborers for employment transfer in Moyu County for investigation during the research period: the Barimu Trading Company Limited [霸丽穆商贸有限责任公司].

Moyu County Barimu Trading Company Limited [霸丽穆商贸有限责任公司] was founded by the university graduate Wubulijiang [乌布力江]. He adopted the professional cooperative [专业合作社] model in 2010, but in 2012, he initiated the establishment of a limited liability company instead. The company has a wide range of services. Its main business is the processing and sale of garments, as well as the sale of handicrafts, building materials, hardware, agricultural products, and some small cross-border trade. Additionally, it also conducts Vocational Skills Training [职业技能培训]. At present, it already has 24 micro factories, of which 14 are in Moyu County, 9 in Hotan County, 1 in Luopu County, and in total it has over 2,000 sewing machines. On average, every micro factory can accept 30 to 100 laborers, and currently they have 1,350 people in total, including 990 from poor households. The company consults production and management methods of companies in eastern provinces, adopting a professional assembly line production method. It can produce up to 4,000 to 5,000 sets of clothing daily. In 2017, its output value reached over 30 million yuan, and the plan is to reach an output value of 100 million yuan. As of the investigation day, it had reached over 13 million yuan. The company adopts a piece rate pay. The laborers' average wages can

reach 1,800 RMB per month and can reach 6,000-7,000 RMB at most. Since the establishment of Barimu Company [霸丽穆公司], it effectively addressed a large amount of [un]employment for local laborers, successfully realizing Poverty Eradication Through Employment [就业脱贫].

Barimu Trading Company Limited [霸丽穆商贸有限责任公司] gradually developed the “Government Order – Enterprise Process” [政府订单-企业加工] model. That is, under the premise of promising to prioritize solving the employment of laborers from poor households, Barimu Trading Company Limited [霸丽穆商贸有限责任公司] cooperates with the relevant government departments. The government departments provide sufficient orders to form a larger-scale garment processing business, such as the county education bureau’s [教育局] unified orders of uniforms for students and the daily training clothes for the nearby garrison and the corporate security guards, etc. This is coupled with some small-scale overseas orders and other business expansions. This helps the development of Barimu Company [霸丽穆公司], and it has become a key leading enterprise in Moyu County, and even Hotan Prefecture.

To be more concrete, its operating mechanism for labor transfer can be summarized as follows: First, the laborers hired by Barimu Trading Company [霸丽穆商贸公司] are primarily from these two categories: registered poor households in nearby towns and townships and ordinary working-age unemployed personnel, including farmers who have not received training. It also has skilled workers who have undergone vocational skills training. Because the working conditions and wages are relatively better, the company has a sufficient number of laborers. Second, after [the laborers] enter Barimu Company [霸丽穆公司], the company provides free food and accommodation and carries out an approximately one-month long pre-employment Vocational Skills Training program [职业技能培训], primarily comprised of skills training. [The company also provides additional] skills training according to each person’s application or type of work they intend to do. During the training period, [the company] provides 600 RMB as a monthly wage and provides free transport for the employees who are in employment nearby for three years or more and do not live on-site. Third, for the laborers who went through unified training and passed the physical check-up, according to their type of work, they are accepted to the closest company factories. They then all sign employment contracts with Barimu Company [霸丽穆公司] and also are promised to receive “The Five Social Insurances and One Housing Fund” [endowment insurance, medical insurance, unemployment insurance, employment injury insurance, maternity insurance, and Housing Provident Fund].

Then there is the Xinxiang Clothing Limited Company [鑫祥服装有限公司], a garment production and sales factory built by a company from outside of Xinjiang. Its operations and the model of accepting laborers for employment transfer are similar to that of Barimu Company [霸丽穆公司]. But the difference is that Barimu Company [霸丽穆公司] can be considered a contractor oriented towards government orders, whereas Xinxiang Clothing Company [鑫祥服装公司] is a market-oriented private manufacturer.

Indeed, Barimu Company [霸丽穆公司] and Xinxiang Clothing Company’s [鑫祥服装公司] success is inseparable from the support of the local government. Fundamentally, both are a kind of “government and enterprise cooperation [政企合作]” model, but it is different from Funong Company’s [福农公司] “government and enterprise cooperation [政企合作]” model. Funong Company’s [福农公司] model focuses on the training and export of laborers, emphasizing the cultivation of laborers’ skills, and the corporate profitability lies in the number of laborers trained and exported. Barimu [霸丽穆] and Xinxiang [鑫祥] Companies’ focus is to directly provide employment positions [岗位] for laborers, achieving the goal of poverty eradication through employment for the employees. The two achieve the same goal by going different routes. Both are ways to resolve effectively the employment of excess local agricultural laborers and poverty eradication [脱贫] problems.

## **V. The labor transfer experiences, practice, and problems faced in Hotan Prefecture**

By investigating the labor transfer situation in the three counties in Hotan Prefecture, we discovered that the poverty alleviation task in Xinjiang's Uyghur ethnic minority region [少数民族地区] was relatively severe, but at the same time, the intensity and scope of poverty alleviation was unprecedented and the results were also relatively obvious. Hotan Prefecture's labor transfer has three basic approaches. The first is directly organized and coordinated by the government department. They export a relatively large-scale labor force to both Northern Xinjiang and other provinces. The second is under the government's guidance, after the Labor Service Company [劳务公司] and the Training School [培训学校] train and educate [the laborers], [they] export a batch of laborers. The third is the government supports local establishment of medium, small, and micro enterprises to accept and absorb a batch of employees for employment nearby.

Looking at these separately, one aspect is that under the government's guidance, they improve, ameliorate, and elevate the supply quality and number of laborers. From this they formed labor export operating mechanisms through the training processes in the three counties of Hotan Prefecture. It shows obvious mutual coordination characteristics and they can be briefly summarized as follows: The district government Human Resources and Social Security Bureau issues labor export mandates to districts and counties based on labor demands → The County Human Resources and Social Security Bureau guides and coordinates with the County Training Centers [县培训中心], Training Schools [培训学校] and employing units [用人单位] and connects labor export plans and also makes online announcements → Each town and township organizes laborers for training centers/schools according to the labor export indicators and requirements. At the same time, the training center [培训中心] or training school [培训学校] also accepts voluntary registration from society, which is around 30%. → The Training Centers/ Schools train them into qualified laborers. Then some of them enter employment positions coordinated by the government and demanded by enterprises. The rest are labor reserves [劳动储备].

On the other hand, [under the government's guidance, they] identify and expand the number and scale of labor demand. Three aspects of labor demands have already been mapped out: They can be categorized as demand from outside of Xinjiang, demand from within Xinjiang (meaning realizing employment within the XUAR, but outside Hotan Prefecture) and employment nearby (meaning realizing employment within Hotan Prefecture). The demands from outside of Xinjiang are primarily from prefecture Human Resources and Social Security Bureaus, county Human Resources and Social Security Bureaus, and work groups stationed outside Xinjiang or work positions found by staff. The provinces with more laborers include Hubei Province, Shandong Province, Jiangxi Province, and others. The demands within Xinjiang include the state-owned enterprises in Northern Xinjiang, which was designated by the Autonomous Region [government] to take on the task of undertaking laborers. And, regions like Aksu and Bayingolin Mongol Autonomous Prefecture in Southern Xinjiang where seasonal labor is needed, for example, cotton picking, seed sowing, and other land management work. The demands of employment nearby primarily come from locally established construction companies, textile companies, and others. It is mainly for groups of people that are unable to leave home for work, such as those who are unwilling to travel, those who have special family difficulties, and those who failed the political examination.

Overall, the three counties in Hotan Prefecture have already formed relatively comprehensive mechanisms and methods for labor transfer: First, the government directly organizes and coordinates labor export. Second, the government makes policies to guide and encourage labor transfer. Third, the government takes the lead in organizing or encouraging the main market players to expand their labor needs. Fourth, the government supports and funds labor training and education. Fifth, labor transfer uses the "Group-Style [组团式]" export method. Sixth, the government department arranges staff specifically to lead the group and be responsible for security. Seventh, [the government] coordinates the employing units [用人单位] to specifically arrange Uyghur halal food/ accommodation/ leisure [activities]. Eighth, [the government] organizes government cadres to be stationed at the site to manage, translate, ensure safety, etc. Ninth, [the government] provides money for round-trip transportation and monetary rewards to encourage continuous and stable employment of laborers who left home [for work]. Tenth, [the government] arranges the "Preferential Four Care Arrangements" [优惠四托], which includes discounted [preferential] nurseries, nursing homes, livestock care, and centralized land conversion to eliminate the exported

laborers' concerns back home. Eleventh, [the government] support and fund the establishment of local medium, small, and micro enterprises to absorb more [laborers] for employment nearby, etc. And so on. It is worth seriously summarizing and continuing onwards, and also worth promoting and borrowing from in other relevant areas.

Obviously, there are also problems that exist. Through the investigation, the research team discovered that the volume of surplus labor is still massive, and that the vast majority were unemployed or in hidden unemployment [隐性失业]. Labor transfer also has prominent structural contradictions. Among laborers who have already been transferred, there is a shortage of skilled personnel, which cannot fulfil the needs of economic development. The present problems are enumerated here below.

First, the labor force are themselves low-quality, for example, their lack of education, backward thinking, and low-level language communication are problems. The majority of farmers are of low educational quality. They are all at elementary school level. Their average educational level is around 6 years (6-7 years). A relatively high portion of the population is illiterate or low-literate. Their self-learning ability is clearly insufficient. Apart from this, fettered by traditional concepts, there are still some laborers who are unwilling to leave their homes and have serious homesickness. The government's strong guidance in recent years has led to significant improvements, but some of those [ideas] still exist. The concept of being content with the status quo and settling for a small fortune is common. The problems of quality and attitudes cannot be solved easily in the short term but require persistent measures.

Second, labor transfer is relatively low level and single-skilled. It is an employment form which mainly involves basic manual work that uses physical strength, youth and even health as bargaining chips. This determines that the employment period is probably limited and makes labor transfer precarious. Measures should be taken to elevate the skills level of the transferred laborers.

Third, the training channels for professional and technical personnel [专业技术人员] are narrow. Existing vocational skills schools [职业技术学校] are concentrating mainly on training in low-technology, labor-intensive industries (mat weaving, fruit, vegetable and flower production techniques, horticulture), while welding technology and applications and computer applications still need to be strengthened. Moreover, the training period is relatively short, and the pertinence of training needs to be continuously improved.

Fourth, Hotan Prefecture's agricultural surplus laborers [富余劳动力] are almost entirely ethnically Uyghur and Mongol. Their Mandarin Language [国语] level is low. Basically, they cannot communicate in normal Mandarin. Although there is regular Mandarin Language Training [国语培训], it is all short-term assault-style training [突击式培训]. Conventional Training [常规培训] and General Cultural Education [通识文化教育] need to be strengthened.

Fifth, there is still [in]sufficient development of employment positions [岗位] outside of Xinjiang, and information on labor demand is neither sufficient nor adequate. Governments at all levels and enterprises in the Xinjiang region do not have a full grasp of the information on the labor needs of enterprises in Eastern provinces. A large number of enterprises in Eastern provinces are experiencing labor shortages. Enterprises want to employ laborers but find it difficult to recruit workers from Xinjiang. Due to the lack of timely connection with the [labor] importing areas [输入地], employment opportunities are often missed, and may even lead to losses and wage arrears in the labor export services.

Sixth, excessively strict political examinations [政审] have prevented a large number of young adults from leaving home. Out of the pressure to maintain stability, Xinjiang has a strict political examination for laborers leaving Xinjiang. At the same time, [labor] importing areas also have extremely harsh political examinations [政审] towards Xinjiang's Labor Export [劳务输出] laborers. Xinjiang Region has itself developed a good situation in recent years after fully committing to maintain stability, especially towards carrying out systemic training and education transformations for

young adults, which created a high-quality labor source. In many of the [labor] receiving areas governments are willing to accept Xinjiang's low-cost laborers. However, because promotions were seriously insufficient, the result was that the enterprises and market in Eastern provinces did not understand Uyghur people. They have long held misconceptions about Xinjiang's laborers, worrying that they will disrupt social order and endanger local security. Therefore, for the sake of social stability, the public security departments in some [labor] importing districts are more disapproving of the use of Xinjiang laborers. This "black and white faces" role of the government and public security makes it difficult to export a large number of Xinjiang's surplus labor to places outside of Xinjiang<sup>v</sup>.

## VI. Conclusions and Recommendations

To Conclude, the research team investigated the situation and mechanisms related to the promotion of labor transfer in Hotan Prefecture. The summary of these experiences shows that Hotan Prefecture's poverty Alleviation through labor transfer is a relatively successful and effective poverty alleviation method. It is worth summarizing, refining, persisting, and promoting. In order to complete the poverty eradication task as quickly as possible, one must seriously adhere to current experience, overcome existing problems, and increase the intensity of the transfer work for [employment] nearby [就近就地], while at the same time, continue to increase the intensity of labor export to other districts within Xinjiang. In particular, strive for the export of more laborers who have went through skills training and have higher levels of Mandarin outside of Xinjiang. This will achieve the strategic shift from a focus on employment nearby to an equal focus on employment nearby and cross-province employment [跨省就业], establishing and forming continuous and stable mechanisms of labor transfer. To this end, more effort is still necessary:

One, persisting with the government's direct coordination and policy guidance. Relevant government departments at all levels need to strengthen their accountability system, especially the Labor Protection Departments, poverty alleviation coordination agencies, and other relevant departments. [They] need to create specific labor transfer and export plans according to the state mission, issue guides and allocation targets to relevant institutions and bodies, and guide other departments, enterprises, and the market to gather funds, human resources, and information broadcast toward the area of expanding labor export. At the same time, [relevant government at all levels] need to persist with the past incentivizing policies (for example the "Preferential Four Care Arrangements" [优惠四托]), and even introduce new incentives ("Support all that can be supported" [能托尽托]). [They should] provide funding and rewards to excellent labor export and transfer agencies, enterprises, and individuals and support the whole society's interests, concerns, and participation in the work of surplus laborers employment to increase the scale and effectiveness of labor transfer and export as soon as possible.

Two, firmly insist on the labor mechanisms of promoting "export" by "training". Based on pre-employment training, focus on professional skills training, and use Mandarin Language through every stage of training. On the foundation of the present Employment Through Government Guidance [政府引导就业] model, gradually implement the model of connecting market needs and "order-oriented" training, and gradually ease the dependence on government. Regarding who to train, highlight and grasp the laborers with greater potential and more easily accept skills trainings, such as recent junior and high school graduates and the young adult farmers with intentions of employment. Strive for exporting this portion of laborers outside Xinjiang. Regarding what profession to train, focus on the ones with high market demand that are easy to employ, for example welders and turners in the manufacturing industry, carpenters in the construction industry, beauty, catering and home appliance repairs in the service industry, and the increasing [positions] that need the use of computers in emerging industries. It is necessary to integrate training resources [培训资源]. Integrate the training resources of human resources, education, women's federations, agriculture, poverty alleviation, and other departments. Strengthen labor skills education, Mandarin language education, and labor discipline awareness, and law and regulations awareness training. Strive to make sure laborers "can be exported and can remain stable" [输得出、稳得住].

Three, establish a market-oriented labor and employment precise pairing mechanism. Under government guidance and on the basis of mapping the situation of its own labor force, encourage relevant employing units [单位], schools and enterprise bodies actively to develop labor pairing in each district within and outside Xinjiang. Improve employment information services, actively connect and pair, and promote the pairing of rural surplus laborers with positions in enterprises to achieve point-to-point [点对点] precise labor pairing and transfers to increase income. Encourage and support labor dispatch companies [劳务派遣公司], labor transfer intermediaries [劳动力转移中介机构] to participate in the labor transfer work, gradually forming a mechanism whereby "government policies guide, town and township organize registrations, intermediaries organize and participate, and residents independently realize employment [政府政策引导, 乡村组织登记, 中介主体组织和参与, 居民自主实现就业]", operating in a market-oriented manner and actively guiding the development of labor transfer to flow from disordered to ordered.

Four, taking the next step in streamlining the export channels. The role of various field workstations established by the government and intermediary agencies must be expanded and strongly intensified. In areas where seasonal transfers [季节性转移] are relatively concentrated, workstations [工作站] should be set up in accordance with the size of the group of people being exported to coordinate the service work of laborers in Hotan Prefecture within the area and to avoid the drawbacks of multiple management in one area and the ills of acting alone and scattered resources. Through the establishment of service agencies at all levels, resolve and mediate labor disputes in a timely manner, effectively safeguard the legitimate rights and interests of laborer's left home for work so they are able to work without concerns back home, in order to realize a harmonious and orderly working environment.

Five, the public security organs within Xinjiang should carefully sort out, categorize and manage the focus persons under [government] control [重点管控人员] who were entered in the labor export [劳务输出] search system. For individuals with minor violations of social security many years ago, based on current performance, promptly remove [them] from focused monitoring and the list in the Police Enquiry Platform [警务查询平台] system to avoid unnecessary trouble for laborers leaving home for work. More importantly, public security organs outside of Xinjiang should start supporting and promoting poverty eradication in the overall Xinjiang region as quickly as possible, and not always look at the Uyghur community [维吾尔群体] through tinted lens. From the perspective of the national task of accomplishing Moderate Prosperity by helping poor areas to get rid of poverty, assist local governments and enterprises in absorbing more Uyghur population in Xinjiang for employment, thereby helping them solve problems and hardship they may encounter during employment (see appendix).

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## Appendix

Recommendations for the national high-level public security department to issue an order to prohibit the eastern provinces and regions from rejecting Xinjiang laborers on the grounds of affecting stability.

Relevant officials of relevant state departments,

The “China Poverty Problems Research Group [中国贫困问题研究组]” of Nankai University China Institute of Wealth and Economics and Nankai University School of Economics has conducted poverty alleviation [扶贫] and poverty eradication [脱贫] research in recent years. It conducted research in Southern Xinjiang, Hotan and other parts of Xinjiang many times and has discovered a serious phenomenon which must be reported to the relevant government department leaders, in the hopes of attracting close attention so that [the problem] should be corrected in time.

The problem is that, on one hand, the state calls for a concerted national effort to eradicate poverty, especially in the severe poor areas where the ethnic minority resides. The Xinjiang Aid provinces, cities, and districts have indeed given their utmost effort to carry out all kinds of effective [poverty alleviation] work, such as Poverty Alleviation Through Relocation [搬迁扶贫], industrial poverty alleviation [产业扶贫], and education and medical poverty alleviation [教育及医疗扶贫], but especially Poverty Alleviation Through Labor Export [劳务输出扶贫], which is one of the types they hope to adopt, as it has proved to be an approach and method of eradicating poverty [消除贫困] that is more timely, effective and intense.

However, on the other hand, in the process of implementing the effective measure of labor export, numerous serious obstacles were encountered. The most important manifestation of this is that almost all of the public security departments in the labor-importing districts [输入地] in Eastern provinces and regions almost always refuse to accept any type of laborers from the Xinjiang region on the grounds that they may affect local security and stability. Even the northern regions within Xinjiang's adopt a rejectionist attitude toward laborers from Southern Xinjiang. It is understood that this sometimes reaches an intolerable degree. For example, there were many times that Xinjiang laborers in groups under cadre leadership on trains received orders from the local public security department that they were not allowed to disembark as they approached their destination. This led to the occurrence of a lot of embarrassing, depressing, and failing phenomenon. A few times, after explanation, [laborers] were allowed to disembark the train, but not allowed to leave the station platform; after they left the platform, they were then not allowed to enter the factory; after entering the factory, they were then not allowed to work. Even after working in the factory for a few days, they were ordered to immediately return to their hometown in Xinjiang. Otherwise the public security department often used all sorts of reasons to come to the enterprise and inspect, interrogate, and investigate, causing them to be basically unable to work normally in their positions [岗位], and, feeling aggrieved, the enterprise had to seek all sorts of reasons to dismiss the laborers who were already adapted to the job. These situations already have happened in several provinces, cities, and districts. Of course, some provinces, cities, and districts do not allow any people from Xinjiang to enter at all. All of these cited safety and stability as the reason and guise.

We believe that this situation is very inconsistent with the country's promotion of national efforts and “no one should be left behind” [mindset] resolutely to complete poverty eradication by 2020. It is a serious obstacle.

First, from the overall situation, the Uyghurs who participated in the riots a few years ago in Xinjiang, especially in Southern Xinjiang, were after all the minority. And in recent years, all of them have been admitted into the Education and Training Center and [the number even] greatly exceeds [those who participated in riots]. And [the government is] still carefully screening to resolutely deal with those problems and train those without problems. These types of jobs are still proceeding methodically. The assumed number and scope of imaginary rioters should not be expanded indefinitely. Furthermore, the entire Uyghur population should not be assumed to be rioters, as this is very detrimental to the long-term stability of Xinjiang Region.

Second, the management of existing problems in Xinjiang Uyghur Districts. Drastic short-term measures are absolutely necessary and effective, but after the efforts in recent years, the reasoning should change in a timely manner. [The method] should change from short-term high-pressure to long-term development, using education and guiding as the primary method, which focus on strengthening political education, nationally common language

education, and skill training. These are all good methods. Helping them to get rid of poverty is the most basic and important approach, especially through labor transfer. This not only reduces Uyghur population density in Xinjiang, but also is an important method to influence, melt, and assimilate Uyghur minorities. Not only can one not refuse their entry in organized systems into the developed Eastern provinces and cities, but one should strengthen the guidance to assimilate them into all the relatively developed areas in Eastern and Central provinces. This allows for a gradual transformation of their thinking, knowledge, values, and outlook on life through their working as laborers and changing their environment and lifestyle.

Third, the investigation shows that provinces and cities in the Eastern and Central region still have a high demand for labor import. In those regions, a considerable portion of the work in factories and enterprises is labor-intensive. There is a considerably high demand for simple labor force that is unsatisfied. This labor shortage has already caused labor costs to rise substantially for enterprises in the Eastern and Central region. Even so, there is a large number of vacant simple labor jobs.

Fourth, the Xinjiang region has already formed a very good method for [Labor] Export Services. For instance, foremost was establishing and implementing strict political examination and assessment to guarantee that no substandard people are included. Second is that everyone must go through training education [培训教育]. Third is carefully canvassing the Labor Import [劳务输入地] areas, including what enterprise [it is], how many people are needed, the gender ratio, when they are needed, what wages they provide, what type of work this is, Uyghur food and accommodation arrangements, leisure outing arrangements, etc. Fourth is that all places in Xinjiang adopt the Group-Style Method [组团方式] of dispatch. [The number of people] traveling together can be as few as 30 to 50 people in a group or as many as hundreds of people [in a group]. The local government in Xinjiang where laborers are sent from arranges for cadres to accompany the group, a chef to travel with the group, and security guards [保安] carry out management. Of course, these all need mobilization and promotion beforehand and guarantee of voluntariness. [Laborers] are given subsidies for the round-trip fees and are guaranteed to leave and return freely and voluntarily. [The] final [method] is to create good [conditions] for laborers who left home so they can work without concerns. The local government organizes different types of nurseries, care homes, livestock care, land ploughing, et cetera, to relieve outbound laborers from worries when looking back and limiting factors. Local government organizes all kinds of nurseries, nursing homes, cattle and sheep-raising trustee households, and land-cultivation trustee households. This resolves the concerns of laborers who are leaving home for work and all kinds of restrictions.

Fifth, after going through multiple years of severe military security measures, strict control, and hard governance, all parts of Xinjiang are already relatively stable. [What is needed] is the timely adjustment of the high-pressure control idea and initiation of the idea focusing on development and poverty alleviation to guide all the ethnic minorities in Xinjiang to embark on the road of common prosperity.

Therefore, the following are the solemn recommendations:

- (1) State Public Security and State Security Departments should issue the orders from the highest bureaus to all areas in their jurisdictions that, from now on, none of the districts can refuse Xinjiang laborer from entering on the grounds of [their] affecting safety and stability.
- (2) Each year, the eastern and central regions should have mandatory annual quotas of arranged Xinjiang laborers. All the relevant districts must achieve and can be included in each district's supporting counterpart's assessment indicators.
- (3) Strategically considering the changes in the thinking. One does not need to overly publicize this internationally; one only needs to quietly launch this to demonstrate the effects. This will greatly facilitate the long-term peace and stability of the Xinjiang region, advancing the smooth export of Uyghur surplus laborers in Xinjiang. This helps them eradicate poverty as quickly as possible, guaranteeing that the entire country will be fully lifted out of



poverty before 2020 and enter the completion of the great task of a Comprehensive Moderate Prosperity Society [全面小康社会].

(Note: This piece was reported to the relevant leaders of the State Council's Office of Poverty Alleviation [国务院扶贫办 – abbreviation for 国务院扶贫开发领导小组办公室] in early October 2018. In March 2019, Professor Zhong Maochu [钟茂初] reported [this piece] to the relevant state departments through the "social conditions and public opinion" [社情民意] channel as a member of the National Committee of the Chinese People's Political Consultative Conference.)

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i For example, in 2017, a Pishan Uyghur laborer who went to work in an electronics factory in Xiaogan, Hubei, can usually get an average monthly wage of around 3,500 to 5,000 RMB. In comparison, the average monthly wage of employment at enterprises in northern Xinjiang is from 3,000 to 3,200 RMB, while the average monthly wage for employment nearby is 1,500-2,800 RMB. One can see that the monthly income from employment in enterprises outside of Xinjiang exceeds the poverty line in one month, and even employment in the northern part of Xinjiang and employment nearby only take two months to get rid of poverty. The effect of this on poverty eradication and poverty reduction is both rapid and obvious.

ii Refers to the "7.5 [Fifth of July] Riot Terrorist Incident" that took place in Urumqi, Xinjiang, and isolated areas in Southern Xinjiang in July 2009.

iii The unified leadership of "Ten Departments in One Window [十部一办]" are these ten departments: the Municipal Development and Reform Commission [市发改委], the Municipal Justice Bureau [市司法局], the Municipal Civil Affairs Bureau [市民政局], the Municipal Agriculture and Animal Husbandry Bureau [市农牧局], the Municipal Radio and Television Bureau [市广电局], the Municipal Cultural Bureau [市文化局], the Municipal Education Bureau [市教育局], the Municipal Earthquake Administration [市地震局], the Municipal Sports Bureau [市体育局], and the Municipal Ethnic and Religious Affairs Committee [市民宗委]. According to the "Guiding Opinions on Providing More Convenience in Government Review and Approval Services [关于深入推进审批服务便民化的指导意见]" issued by the General Office of the Central Committee of the Chinese Communist Party [中共中央办公厅] and the General Office of the State Council [国务院办公厅], it proposed to optimize and improve the "one-stop style" [一站式] function of government service halls at all levels, and further promote a unified examination and approval [审批] services in the halls. Integrate the separate departmental service windows into a comprehensive services window, perfect the work model of "comprehensive reception at the front desk, categorized examination and approval at the back, and output from a comprehensive window [前台综合受理、后台分类审批、综合窗口出件]". Implement one-window acceptance and integrated services to realize "one-window for all services" [一窗通办].

iv The so-called "Two Types of Persons" [两类人员] refers to persons in the community who are serving sentences [社区服刑人员] and persons released from prison [刑释解教人员].

v In recent years, the Uyghur laborers from Moyu County who have been sent to Anhui, Qingdao, and other places have the record of being repatriated by the public security departments at their work sites, or forced to be transferred to other enterprises or even other areas, such as from Anhui to Shandong, et cetera. This caused huge negative impact. This is also contradicts the central government's poverty alleviation strategy. See Appendix.