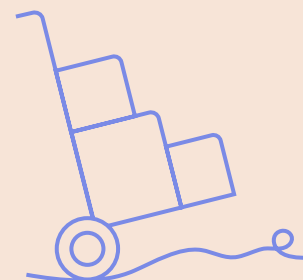Policy Brief (updated):

Effectiveness of forced labour import bans in addressing modern slavery in global supply chains

Author: Dr Sofia Gonzalez De Aguinaga,[1] Bingham Centre for the Rule of Law

Overview

This is an updated version of the Effectiveness of forced labour import bans Policy Brief, first published in December 2021, which was the first in a series of Policy Briefs to assess the evidence base on the effectiveness of different regulatory interventions to address modern slavery in global supply chains.

This Policy Brief assesses the evidence base on the effectiveness of Forced Labour Import Bans (FLIBs) — regulatory trade instruments developed by States that restrict the importation of goods into a given market on the grounds of forced labour[2] (private[3] and/or state-imposed[4]). It does so by undertaking a desk-based review of publicly available evidence in English of forced labour import bans developed and in force by December 2024 and analysing the evidence against an effectiveness framework developed and used by the Modern Slavery and Human Rights Policy and Evidence Centre (PEC).[5]

This update is undertaken in light of the increasing development of forced labour import bans in Europe and North America and the need to better understand the role of trademeasures,[6] in particular of forced labour import bans,[7] as a lever to address forced labour in global supply chains.[8]

---

1. Dr Sofia Gonzalez is a Research Fellow in Business, ESG & Modern Slavery at the Bingham Centre for the Rule of Law, part of the British Institute of International and Comparative Law (BIICL). She is also a Research Fellow at the Modern Slavery and Human Rights PEC, where she leads research work on business and modern slavery. With thanks to Dr Irene Pietropaoli, Owain Johnstone and Prof Alex Balch, authors of the first version of this Policy Brief on which this updated Brief is based on. Thanks also to Monica Day, summer intern at BIICL from Harvard University, who contributed to the literature review, to the Modern Slavery and Human Rights PEC staff (Olivia Hesketh, Liz Williams, Owain Johnstone) that reviewed multiple drafts of this policy brief and to our independent and anonymous peer-reviewers.

2. As defined by the ILO, forced labour "is all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily'. https://www.ilo.org/topics/forced-labour-modern-slavery-and-trafficking-persons/what-forced-labour

3. Privately-imposed forced labour "refers to forced labour in the private economy imposed by private individuals, groups, or companies in any branch of economic activity" (p. 6). ILO (2024) Hard to see, harder to count. Handbook on forced labour surveys. https://www.ilo.org/publications/hard-see-harder-count-handbook-forced-labour-surveys

4. State-imposed forced labour "refers to forms of forced labour that are imposed by state authorities, agents acting on behalf of state authorities, and organizations with authority similar to the state" (p.7) and is prohibited by Conventions Nos. 29 and 105, subject to certain exceptions (p. 148). [It] "operates through a pervasively coercive wider social context marked by a general lack of civic freedoms and a state apparatus that generates powerful coercive pressures through an extensive grassroots apparatus consisting of state and non-state institutions" (p. 149) ILO (2024) Hard to see, harder to count. Handbook on forced labour surveys. https://www.ilo.org/publications/hard-see-harder-count-handbook-forced-labour-surveys

5. See methodology section.

6. In the 2021 G7 Trade Ministers recognised the importance of trade as a lever in addressing forced labour in supply chains, albeit did not specifically refer to import bans https://www.gov.uk/government/news/g7-trade-ministers-statement-on-forced-labour-annex-a

7. The UK government has expressed interest in understanding the impact of the bans. See Policy paper (December 16th 2024): Government response to House of Lords Modern Slavery Act 2015 Committee report, 'The Modern Slavery Act 2015: becoming world-leading again'.

8. According to Walk Free Modern Slavery Index 2023, the UK imports US$26.1 billion products at-risk of being made using forced labour annually. https://cdn.walkfree.org/content/uploads/2023/11/14130739/gsi-country-study-united-kingdom.pdf

On November 2024, the European Council adopted a Regulation prohibiting products made with forced labour on the Union market.[9] In October 2024, the government of Canada launched a public consultation to strengthen the forced labour import provision introduced in 2020 into its Customs Tariff Act in compliance with Article 23.6 of the 2020 North American trade agreement (the US-Mexico-Canada Agreement. Also in compliance with it, in 2023 Mexico introduced an Agreement that establishes the goods which importation is subject to regulation. In 2021 the US passed the Uyghur Forced Labour Prevention Act which targets the state-imposed forced labour in the Uyghur Autonomous Region (Uyghur Region hereafter) in China to complement its forced labour import prohibition contained in section 307 of the US Tariff Act of 1930 (hereafter section 307). See Annex 1 (available here) for an overview of these instruments.

The desk-based review and analysis of the evidence on the effectiveness of forced labour import bans undertaken for this research is mostly based on section 307 and the UFLPA, as these have been the only bans widely enforced so far. The evidence is expected to increase with time as the implementation of the bans increases.[10]

While it is not yet possible to provide a conclusive answer as to their effectiveness,[11] due to limited, mixed and relatively low quality publicly available evidence,[12] forced labour import bans may be part of a "smart mix" of measures to address modern slavery in global supply chains as they have, to some extent, prevented some products made with forced labour from entering a market, and, in some cases influenced some changes in businesses and governments affected by these bans that relate to identifying, preventing, mitigating, monitoring and remediating forced labour in global supply chains.

This Policy Brief provides key findings from the desk-based review and analysis of the evidence in relation to the below seven thematic sections. For each of these sections, the quality of the evidence was rated following the PEC's quality of evidence framework.[13] The evidence review and analysis can be accessed here.

1. **The concept of FLIBs and its relevance to modern slavery**; `Green`

2. **The development and implementation of FLIBs**; `Green` for development, `Amber` for implementation.

3. **The effectiveness of FLIBs in addressing modern slavery**; `Amber`/`Red`

4. **The actual or potential practical impacts of FLIBs on importing businesses and on governments that implement them**; `Amber`

5. **The connections between FLIBs with other related policy areas**; `Red`

6. **Actual or potential wider consequences of FLIBs**; `Red`

7. **Priorities for future research**.

---

9. Published in the Official Journal of the European Union on December 12th, and entering into force a day after, on December 13th, 2024. See https://eur-lex.europa.eu/eli/reg/2024/3015/oj

10. For more details on the limitations of this research see methodology section.

11. Defined and analysed according to the MS PEC's Effectiveness Framework. See methodology section.

12. See methodology section for details.

13. See methodology section

Key findings

- So far, forced labour import bans have only been developed in the Global North, but they are not homogenous (see Annex 1).

- Forced labour import bans have generally not been developed or implemented in consultation with people with lived experience or following impact assessments (see section 2.1).[14]

- There is evidence of section 307 of the US Tariff Act of 1930 and the Uyghur Forced Labour Prevention Act preventing the entry of some products made with forced labour into the US market, but importers have found different routes of entry including through "transshipment" methods[15] and the "de minimis" exception (see section 3.1).

  - The "consumptive demand" exception of the US Tariff Act of 1930 significantly limited the enforcement of section 307 until 2016 (see sections 2.2 and 3.1).

  - There is no publicly available evidence of the Mexican or the Canadian bans preventing the entry of products made with forced labour despite the Canadian ban being in force since 2020 and the Mexican since 2023.

- A "rebuttable presumption" that shifts the burden of proof onto importers, the implementing authorities' enforcement and investigative resources and capacities, and the ban's interaction with associated domestic trade policies may influence the extent to which forced labour import bans prevent products made with forced labour from entering a market, but more research is needed to confirm this. (see section 3.1).

- There is evidence of section 307 influencing change in large suppliers in the Global South who were affected by a ban that directly targeted specific companies, but the evidence is limited to a few case studies (see section 3.2).

  - These include changes in corporate policy, governance, grievance mechanisms, and remediation.

  - The limited evidence suggests forced labour import bans influence change in suppliers in the Global South via direct and indirect economic pressures that can be attributed to these bans and the that the more pressures are in place — from diverse stakeholders including international buyers — the more likely it may be that the bans, together with other tools, trigger changes in supplier behaviour.

  - It is unclear if and when these corporate changes translate into sustainable improvements in workers' working conditions, especially from the workers' perspectives.

---

14. The sections mentioned here refer to the sections of the evidence review which can be accessed here.

15. Transshipment means the unloading of goods from one ship and its loading into another to complete a journey to a further destination. See Eurostat Glossary.

- There is evidence of the Uyghur Forced Labour Prevention Act influencing lead firms' partial divestment from the Uyghur Region, and anecdotal evidence of lead firms exiting the region (see section 3.2).

  - Lead firms in the solar sector have reduced their sourcing from the Uyghur Region by bifurcating their supply chains.[16]
  - Some lead firms have announced their exiting from the Uyghur Region, but there is no evidence of this crystallising in practice.
  - There is not publicly available evidence of lead firms cutting ties with specific suppliers in association with bans issued under section 307 (see section 6).

- There is evidence of section 307, among other factors, influencing change in the behaviour of governments affected by a ban that targets a whole industry (e.g., seafood in Taiwan, rubber gloves in Malaysia, cotton from Turkmenistan) – even if the bans do not explicitly aim to do so. (See section 3.3).

  - These changes include public policy reforms (see Malaysia case study), prosecution of perpetrators (see Taiwan case study), and a reduction in the use of state-imposed forced labour (see Turkmenistan case study).

- There is no evidence of the Uyghur Forced Labour Prevention Act and section 307 influencing a reduction in the use of state-imposed forced labour in the Uyghur Region—even if the bans do not explicitly aim to do so.

  - This may partially be related to the ethnopolitical goals that drive state-imposed forced labour in the Uyghur region,[17] which extent and mechanisms of coercion[18] differentiates it from privately imposed forced labour and other forms of state-imposed forced labour contexts.[19]

- There is evidence of sustained economic pressures from multiple actors (including customers' boycotts), among other factors, influencing the elimination of systemic and systematic state-imposed forced labour in Uzbekistan—despite there not being a ban that targets that country[20] (see Uzbekistan case study).

---

16. "Supply chain bifurcation" refers to when a company creates an alternative product line using a separate supply chain dedicated for a specific market. See Crawford Murphy et al. (2023) Over-exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing.

17. Zenz (2023) Coercive Labor in the Cotton Harvest in the Xinjiang Uyghur Autonomous Region and Uzbekistan: A Comparative Analysis of State-Sponsored Forced Labor. Journal of Communist and Post-Communist Studies.

18. "Xinjiang currently operates the world's largest system of state-imposed forced labour", mainly through the non-internment state-imposed forced labour mobilisation system under the "Poverty Alleviation Though Labour Transfer Policy". See https://jamestown.org/program/forced-labor-in-the-xinjiang-uyghur-autonomous-region-assessing-the-continuation-of-coercive-labor-transfers-in-2023-and-early-2024/

19. State-imposed forced labour is not homogeneous. It "includes labour exacted by the State as a means of political coercion or education or as punishment for expressing political views; as a punishment for participating in strikes; as a method of mobilizing labour for the purpose of economic development; as a means of labour discipline; and as a means of racial, social, national, or religious discrimination" (p. 7). ILO (2024) Hard to see, harder to count. Handbook on forced labour surveys. https://www.ilo.org/publications/hard-see-harder-count-handbook-forced-labour-surveys

20. Albeit there have been petitions from NGOs to ban Uzbek cotton under section 307. See https://laborrights.org/sites/default/files/publications/Petition_to_US_Custom_April_30_2013.pdf

- However, there are still instances of state-imposed and privately imposed forced labour in Uzbekistan partially related to an increasingly challenging economic situation in the country, the persistence of the state control system over the cotton harvest, and the lack of freedom of association and bargaining power for farmers.

- While so far none of the forced labour import bans in force mandate remediation to rightsholders as a condition to lift a ban, when remediation has been required under section 307 it has led to economic compensation to workers.

- There is little evidence of forced labour import bans preventing[21] forced labour (see section 3.3).

  - Forced labour import bans allow economic actors (i.e., businesses and investors) to continue profiting from forced labour by not prohibiting the re-exportation of detained or seized goods, they do not target companies at different levels in the supply chain, and do not conceptualise remediation as prevention.

  - Advocates may play a role in the potential of forced labour import bans to prevent forced labour. For instance, advocates have used Sec. 307 to file petitions that target lead firms at the top of the supply chain, but a ban has never been issued in response. Advocates may also file a petition to shift power towards workers, but such petitions have not been filed yet.

- In theory, forced labour import bans could potentially complement other regulatory measures aiming to address forced labour in global value chains (such as trade sanctions and mandatory human rights due diligence legislation). However, it is too early to have evidence on this as the bans have not co-existed with these instruments at all or for long enough (see section 5).

- Lead firms and suppliers need to absorb the costs of complying with forced labour import bans, but these are likely to vary and the forced labour import bans laws do not specify which businesses are to absorb which costs (see section 4).

  - Sec. 307 has mostly targeted suppliers at the centre of supply chains and as a result these have been absorbing significant costs (compared to lead firms), such as those related to remediation (see Malaysia rubber gloves case study).

- Governments need to absorb the costs of enforcing the bans, but these are likely to vary according to the enforcement mechanism of the ban, and the existing resources and capacities of the implementing authorities.

---

21. Understood as "an ongoing process of *avoiding* and *minimising* exploitation and harm, which can be achieved through intervening before harm occurs, by intervening early and by treating harms". This definition of modern slavery prevention was informed by people with lived experience in Such et al. (2022) https://files.modernslaverypec.org/production/assets/downloads/Modern-Slavery-PEC-Prevention-Research-Summary-final.pdf

- Governments that develop forced labour import bans may need to invest in additional human resources, capacity building, technology systems (especially traceability), and in producing guidance for companies (see section 4.2).

- There is limited and mixed evidence on whether forced labour import bans have negative consequences on trade. (See section 6).

  - There is only evidence of countermeasures by China, influenced by the Uyghur Forced Labour Prevention Act and section 307, among other factors. This may partially be related to factors external to the ban itself (e.g., existing geopolitical tensions), but more research is needed.
  - Production capacity for different materials largely produced in the Uyghur region is expanding into other countries, including the US.

- There is limited and mixed evidence on whether forced labour import bans have negative consequences on rightsholders (e.g., job and wage losses). See section 6.

  - Allegedly, the bans on Malaysian glove manufacturers negatively impacted workers, but at the same time a systematic analysis of cases under section 307 did not find evidence of negative impacts on workers.

- Having forced labour import bans (that do not prohibit re-exportation) in some countries but not in others, may lead to some becoming "dumping grounds"[22] of products made with forced labour.

---

22. There is not an agreed definition of what a "dumping ground" is, but here is understood as an increase in the importation of goods made with forced labour into a given market.

Methodology

This research aimed to answer the following questions:[23]

1. What *are* Forced Labour Import Bans and how are they *relevant* to modern slavery?

2. How have existing and emerging forced labour import bansbeen *developed* and *implemented* globally?

3. What does the evidence show about the *effectiveness* of forced labour import bans in addressing modern slavery?

4. What does the evidence show about *actual or potential practical impacts* of forced labour import bans on importing businesses and on governments that implement bans?

5. What does the evidence show about any *connections* between forced labour import bans and related policy areas?

6. What does the evidence show about any actual or potential *wider consequences* of forced labour import bans?

7. Future research.

To do so, a desk-based review and analysis of publicly available evidence up to December 2024 on the implementation of forced labour import bans developed and in force worldwide[24] was conducted in the English language[25]. The forced labour import bans covered in this brief are the following (see Annex 1).

1. Section 307 of the US Tariff Act of 1930 (amended 19 U.S.C. § 1307). In force since 1930 but only widely enforced since 2016.

2. Section 321 (b) of the Countering America's Adversaries Through Sanctions Act (CAATSA),[26] under section 307 of the Tariff Act of 1930. In force since 2017.

3. US Uyghur Forced Labour Protection Act, under section 307 of the Tariff Act of 1930. In force since June 2022.

4. Canada's Import prohibition on Goods Produced by Forced Labour as part of the 2020 Canada–United States–Mexico Agreement Implementation Act and Canada's Fighting Against Forced Labour and Child Labour in Supply Chains Act. In force since July 2020.

---

23. Note that question 1, 4 and 5 were not posed in the previous policy brief and question 2 was partially addressed in the Brief and in the Annex. See https://www.modernslaverypec.org/resources/forced-labour-import-bans

24. Those regulations proposed but that have not passed the legislative process are not included in this review. For example, in the UK a Private Members' Bill was introduced in 2022 to prohibit the import of products made by forced labour in the Xinjian region, and in Australia a private Senator Bill was also introduced seeking to ban imports of goods using Uyghur forced labour.

25. Documents in Spanish were reviewed only in relation to Mexico's forced labour import ban.

26. This is the short title. The original title is: An act to provide congressional review and to counter aggression by the Governments of Iran, the Russian Federation, and North Korea, and for other purposes.

5. Mexico's [agreement that establishes the goods which importation is subject to regulation](#)[27] as part of the [2020 United States-Mexico-Canada Agreement (USMCA).](#) In force since May 2023.

6. [Regulation of the European Parliament and of the Council on prohibiting products made with forced labour on the Union Market and amended Directive (EU) 2019/1937](#). In force since December 13th, 2024.

Effectiveness

To answer question 3 (effectiveness), publicly available evidence on the implementation of the US, Canadian and Mexican bans was reviewed and analysed against the effectiveness framework outlined below, previously developed by the Modern Slavery PEC[28] and used in several PEC-funded research projects.[29] The EU forced labour import ban was not included in this assessment of effectiveness as while it is already in force, it will only become applicable from December 14th, 2027.[30]

The Effectiveness framework has been adapted to suit forced labour import bans as follows:

1. **Effectiveness Type 1: Preventing the entry of products made with forced labour into a market**: Effectiveness of the law in achieving the goals of the law. In this case, preventing the importation of goods made wholly or in part with forced labour into a country.

2. **Effectiveness Type 2: Changing business behaviour**: Effectiveness of the law at changing business behaviour as it relates to practices caught by the ban or in relation to the ban's requirements.[31]

3. **Effectiveness Type 3: Addressing Modern Slavery:** Effectiveness of the law at addressing forced labour, understood here in line with the UNGPs as identifying, preventing, mitigating and remediating for human rights abuses such as modern slavery.

    a. **Evidence of behavioural change in governments affected by a ban** is discussed under this type of effectiveness due to their potential to address forced labour, either because the state itself is involved in imposing it or because it is introducing labour and other regulations with the potential to address it.

---

27. Translated by the author from the original title in Spanish: "Acuerdo que establece las mercancías cuya importación está sujeta a regulación a cargo de la Secretaría del Trabajo y Previsión Social".

28. Adapted from the Framework developed by Hsin, New, Pietropaoli and Smit ['Effectiveness of Section 54 of the Modern Slavery Act Evidence and comparative analysis'](#), Modern Slavery and Human Rights Policy and Evidence Centre (February 2021).

29. See the [effectiveness of section 54 of the Modern Slavery Act](#), [effectiveness of mandatory human rights due diligence (mHRDD)](#), and [public procurement measures to address modern slavery](#).

30. See [https://eur-lex.europa.eu/eli/reg/2024/3015/oj](#) The EU forced labour import ban was included in this review for comparative purposes on design and future lessons for its implementation.

31. Including those related to human rights due diligence as per the UNGPs.

Limitations

The main limitation of this desk-based evidence review is the lack of publicly available evidence in English on the effectiveness of forced labour import bans, especially beyond type 1. The limited evidence publicly available mainly comes from a few scholars, the US authorities, NGOs and the media. However, there is a lack of official evaluations and studies systematically analysing the impact of forced labour import bans on rightsholders, businesses and governments affected by the bans and the implications of this for addressing modern slavery in global supply chains.[32] This lack of evidence does not mean that forced labour import bans are ineffective. Rather, it means that the evidence has not been collected yet (in the case of some bans such as the Mexican and Canadian it may be too early to do so) or it is not in the public domain, limiting our understanding of their effectiveness. More evidence may become available with time as the implementation of FLIBs increases.

Most publicly available evidence on the implementation of forced labour import bans comes from section 307 of the US Tariff Act of 1930 as it has been enforced for longer (since 2016), while others are yet to be enforced (e.g., the Mexican ban) or do not yet apply (e.g., the EU ban). For instance, all case studies of corporate change, and most of those of government change included in the evidence review are in relation to section 307. Moreover, the case studies discussed to illustrate changes in corporate behaviour are all from Malaysian rubber gloves' manufacturers as there are more reports and research on them, likely due to the significant media attention they attracted. This, however, does not mean that other businesses and governments may not be making internal changes as a response to section 307 or other FLIBs. Rather, it may mean that these are less documented.

Establishing a causal relationship remains a limitation in research. So far, the limited available evidence looking at the impacts of forced labour import bans has not established a causal relationship between the bans and impact on forced labour. Likely due to the difficulty of doing so as FLIBs do not operate in a policy vacuum. Therefore, the evidence discussed here, and the factors identified following the analysis of the existing evidence, suggest a correlation—that is, a relationship between business and government changes and FLIBs—but not causation. Future empirical studies should assess whether and how the identified factors in this brief influence the effectiveness of forced labour import bans.

---

32. A notable exception is a 2023 report by The Remedy Project which analysed the effects of import bans issued under Section 307 of the US Tariff Act using nine case studies.

Quality of the evidence

The general quality of the evidence analysed for this research is low due to the limitations outlined above. Each question analysed in this Brief was rated using the Modern Slavery PEC's rating framework as shown below in Box 1.

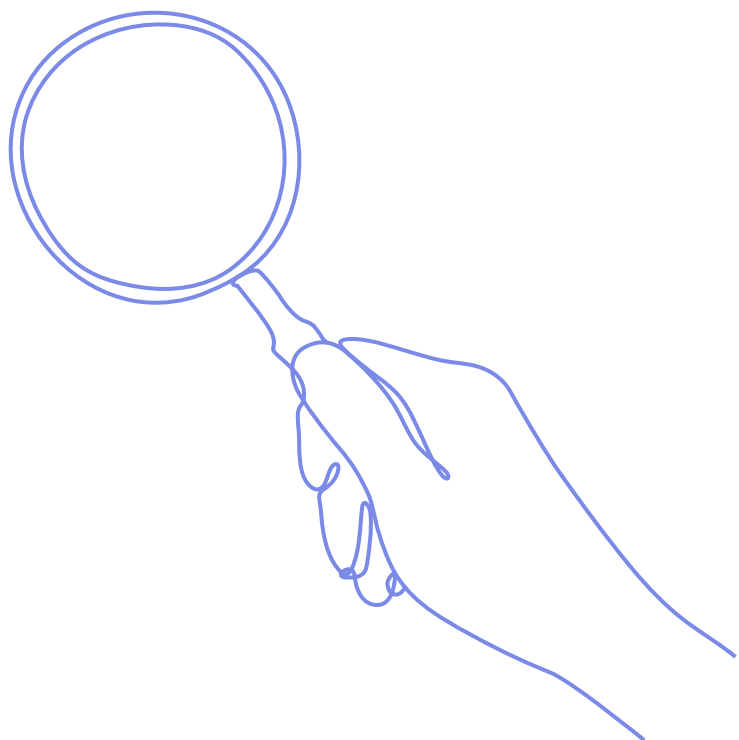### Box 1: Evidence quality assessment – description of ratings

Green

There is a well-established body of evidence on this issue; the overall landscape and evidence gaps are well understood; evidence is grounded in rigorous and peer reviewed research

Amber

There are some rigorous and peer reviewed research studies on this issue; evidence base is growing but there remain gaps in understanding

Red

There are no or very few rigorous research studies on this issue; evidence base is anecdotal; data sources are very limited

---

The Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery and Human Rights PEC) works to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to address it. The Centre funds and co-creates high-quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society, survivors and the public on a scale not seen before in the UK to collaborate on solving this global challenge.

Hosted by the Humanities Division at the University of Oxford, the Centre is a consortium of three universities consisting of the Wilberforce Institute at the University of Hull, the University of Liverpool, and the Bonavero Institute of Human Rights at the University of Oxford, with the Bingham Centre for the Rule of Law (part of the British Institute of International and Comparative Law (BIICL)) working in close partnership.

Read more about the Modern Slavery and Human Rights PEC at

www.modernslaverypec.org