



Background Briefing: Import Restrictions

<p>Overview</p>	<p>Import restrictions encompass all prohibitions and restrictions applying to imports because of their connection (or potential connection) to modern slavery practices, including the application of tools to prevent the importation and enable the seizure of such goods.</p> <p>Several countries have introduced legislation to restrict the import of goods made with forced labour, including the US, Canada and Mexico, and most recently, the European Union (see Appendix A below for further details).</p> <p>Legislation has also been introduced to target products from particular regions known to be high risk for state-imposed forced labour, such as the Uyghur Forced Labor Prevention Act (UFLPA) in the US.</p>
<p>The case for change</p>	<p>Whilst there is limited robust research¹ on the effectiveness of import bans in reducing forced labour taking place in supply chains (due to the recency of their introduction), the research and evidence in existence² suggests they may be effective at:</p> <ul style="list-style-type: none"> - Engaging the business community in due diligence and addressing risks of modern slavery in their supply chains. - Catalysing government action in third countries, especially where the state itself is participating in the modern slavery violations because the state is not playing its role in regulating labour condition. For example, the US Customs and Border Protection issued forced labour findings and Withhold Release Orders against several Malaysian glove manufacturers in 2021, recognising that the state had failed to protect its workers, which resulted in several manufacturers taking steps to improve their foreign worker pay and condition policies.³ - Providing civil society with the focus of advocacy on particular goods that are known to be produced with forced labour i.e. civil society organisations can support State efforts by raising awareness and increasing public focus on companies operating in these problematic supply chains, in order to encourage changes to business practice. <p>Recent analysis on the effectiveness of the US Import restrictions and the UFPLA notes that <i>‘While it is not yet possible to provide a conclusive answer as to their effectiveness, due to limited, mixed and relatively low quality publicly available evidence, 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</i></p>

¹ Modern Slavery & Human Rights PEC (2021) [Policy Brief: Effectiveness of forced labour import bans](#).

² For example, Katarina Schwarz, Ergul Celiksoy, Joanna Smetek, Ewelina Wolosik, Katarzyna Lubianiec, Agnieszka Makulec, Todd Landman (2022) [‘External Policy Tools to Address Modern Slavery and Forced Labour,’](#) Brussels: European Parliament Policy Department for External Relations and Directorate General for External Policies of the Union, pp. 84-88.

³ *Ibid*, p.85. This WRO has now been lifted and disposable gloves produced by the manufacturer in question are now allowed to enter the United States, as a result of the remedial action taken by the company, provided they are compliant with other U.S. trade and forced labour laws, such as the Uyghur Forced Labor Prevention Act (“UFLPA”) – see <https://www.clarkhill.com/news-events/news/the-u-s-customs-and-border-protection-will-no-longer-detain-certain-malaysian-disposable-gloves-previously-subject-to-withhold-release-order/>



affected by these bans that relate to identifying, preventing, mitigating, monitoring and remediating forced labour in global supply chains.⁴

The **effectiveness of import restrictions** will be dependent on:

1. The **value of the importing market to source country**. The greater a country's market share, the greater its influencing power in trade relations will be, resulting in an increased likelihood that import restrictions it imposes will successfully instigate positive action.

2. A **clear framework for decision-making**, both in relation to imposing restrictions and for lifting them. Businesses and governments alike need to understand the reasons why restrictions have been imposed and what they need to do for them to be lifted if measures are to be effective in activating changes in behaviour. Clear decision-making frameworks also assist actors not currently subject to restrictions to know what is required to avoid import restrictions. This increased transparency can serve to reduce accusations of bias and discrimination in how and where restrictions are imposed.

3. A **level of investigative capacity/resource** to identify and sanction goods being imported. There needs to be a perceived or real threat of sanctions being imposed to catalyse business/state action, which requires (significant) state investment in their competent authorities to undertake investigations.⁵

Which competent authority (i.e. national or international) has responsibility for enforcing import restrictions depends on the location of the suspected forced labour violation. In the case of the EU, where cases involve non-EU countries, the European Commission will take the lead in conducting investigations, whereas national competent authorities will oversee investigations where the risk is located within their own jurisdiction. Collaboration between competent authorities is also mandated when investigations uncover forced labour concerns that extend beyond a single territory, ensuring a coordinated and effective response.

International and local civil society organisations can provide valuable insights to add to the investigative information generated by governmental and multilateral actors. For example, in the US, anyone – e.g. U.S. and foreign NGOs, lawyers, labour unions, and other concerned individuals –

⁴ Modern Slavery Policy and Evidence Centre (2025). Policy Brief (updated) Effectiveness of forced labour import bans in addressing modern slavery in global supply chains.

<https://files.modernslaverypec.org/production/assets/downloads/MSPEC-Import-Bans-Briefing.pdf?dm=1739286324>

⁵ The precise cost of enforcing forced labour import restrictions is difficult to calculate. Cost estimates will need to include enforcement agencies' staffing and resourcing costs, as well as the costs imposed through necessary changes in business practices and through unintended consequences, including commercial disruptions, higher retail prices, and potential environmental harm. See RAND Homeland Security Operational Analysis Center (HSOAC) report - [Combating Forced Labor in Global Supply Chains: Is U.S. Trade Enforcement Making a Difference, and Can It Do More?](#), published in January 2025.



can submit a petition to the CBP to submit evidence that ‘reasonably, but not conclusively’ proves the prevalence of forced labour.⁶

4. Addressing ‘chain of custody’ considerations – many products are not imported in the raw material stage—they are processed in other contexts in between. This creates a traceability challenge, in that addressing modern slavery risks requires either that all processing contexts also impose similar import restrictions or that restrictions are in place also on processed goods that incorporate the high-risk material or product, which is the approach taken, for example, by the EU [Forced Labour Regulation](#).

This issue was tested in the UK’s Court of Appeal in the case of the World Uyghur Congress v National Crime Agency [2024] [EWCA Civ 715](#) (27 June 2024). The Court found that the National Crime Agency’s (NCA’s) decision not to launch an investigation into the importation of cotton products originating from the Xinjiang Uyghur Autonomous Region (XUAR) was unlawful. It found that a potential lack of evidence to justify the seizing of goods at the border, or bringing a case to trial, would not preclude the launch of an investigation under Proceeds of Crime Act (POCA), and that investigations should be based on reasonable suspicions of criminal conduct rather than requiring pre-identified criminal property. It also found that the NCA was wrong to assume that payment of “adequate consideration” within a supply chain means that no criminal behaviour has taken place. This judgement has knock-on consequences for businesses - those that are trading goods with knowledge or suspicion of forced labour involvement may face money laundering investigations and other liabilities. It further highlights the need for businesses to have in place effective supply chain due diligence processes, particularly in high-risk industries and sectors.

5. Remediation - Remediation in the context of import restrictions typically refers to the removal of indicators of forced labour, but may also include the provision of substantive remedies to people in conditions of forced labour, including financial compensation.⁷ The success of import restrictions in addressing modern slavery in third countries ultimately relies on actors within those countries changing their behaviour, which is dependent on the relevant actors being willing and able to make the necessary changes.

Potential negative externalities of import restrictions

The introduction of import restrictions needs to be carefully considered due to the potential for negative externalities, including their potential to harm the people they were intended to protect. The potential negative consequences of imposing import restrictions include:

- **Threats to livelihoods** – Disruption of household income for vulnerable people subject to forced labour who may have limited alternative options

⁶ For further details see Human Trafficking Legal Centre (2020) *Importing Freedom: Using the U.S. Tariff Act to Combat Forced Labor in Supply Chains*. https://htlegalcenter.org/wp-content/uploads/Importing-Freedom-Using-the-U.S.-Tariff-Act-to-Combat-Forced-Labor-in-Supply-Chains_FINAL.pdf?swcfpc=1

⁷ For further information on remediation of forced labour in the context of the US Tariff Act, see [here](#).



	<p>See 'Impact of import bans on workers', published in December 2024</p> <ul style="list-style-type: none">• Problem displacement – The diversion of goods made with forced labour to areas which do not have import restrictions in place• The stoking of geopolitical tensions – If it is deemed that particular products or products from particular regions are being unfairly targeted it could lead to possible trade disputes and counter measures.• Reduced transparency of supply chains risks as suppliers quash or ignore forced labour concerns for fear of losing business.
<p>Impact on UK businesses</p>	<p>The Forced Labour Regulation, formally adopted by the European Parliament on 23 April 2024, prohibits products made with forced labour (including forced child labour) from being placed on the EU market or exported from the EU. The Regulation was adopted on 12th December 2024 and entered into force the following day. EU countries will then have three years to start applying the new rules.</p> <p>UK businesses will be impacted by the Forced Labour Regulations to the extent that they source goods and products from the EU market, as well as those that are transported through the EU to the UK. The Regulation notes that <i>'The prohibition should apply to all products, of any type, including their components, and should apply to products regardless of the sector, the origin, whether they are domestic or imported, or placed or made available on the Union market or exported...'</i> However, within 18 months of their adoption, the European Commission intends to issue guidelines on 'risk indicators of forced labour' (see Article 23) supporting member state's competent authorities to identify high-risk sectors and products.</p> <p>High-risk goods and products (such as clothing, electronics) that are sourced or manufactured in the EU, or that are transported through the EU from high-risk regions (e.g. China) may be seized and delayed as investigations are completed, impacting on company revenue. UK companies' due diligence processes may be scrutinised and remedial actions to address forced labour risks required. Alternative suppliers of particular goods may also have to be sought while an investigation is ongoing, and a company is found to be in breach. Businesses will need to be confident that they have undertaken adequate due diligence on the goods and products it imports in case of investigation, but must be prepared, including financially, for potential disruption in their high-risk supply chains.</p>
<p>Overview of UK progress to date</p>	<p>In the 2021-2022 parliamentary session, Brendan O'Hara brought forward a Private Members' Bill (the 'Import of Products of Forced Labour from Xinjiang (Prohibition) Bill') to require all companies importing products from Xinjiang to the UK to provide proof that the manufacture of those products has not involved forced labour. The Bill did not make it past second reading in the House of Lords and has not since been returned.</p> <p>On 2 May 2024, Conservative MP, Alicia Kearns, asked the Parliamentary Under-Secretary of State for Business and Trade if there were plans to 'introduce legislative proposals to ban products from UK markets that are made with or transported using forced labour'. She noted that, 'along with 43 Members of this House and 32 human rights organisations' she had written a joint statement calling for import controls on solar panels. The response received was that the</p>



	<p>government has already taken steps to address this issue through the Procurement Act 2023* and the Modern Slavery Act 2015, further noting that the <i>‘the forthcoming UK solar road map will outline a clear path to reaching our solar deployment ambitions, including on energy security’</i>. This is a similar response to that received by Baroness Lola Young in the Second Reading debate on her ‘COPAD’ (due diligence) Bill, where the Government Minister noted that the proposed Bill <i>‘enters a crowded landscape, interacting with a wide range of existing and forthcoming legislation’</i> i.e. suggesting that further legislation was unnecessary.</p> <p>On 3 December 2024, Sarah Champion MP asked an urgent question - <i>‘To ask the Secretary of State for Business and Trade if he will make a statement on the links between the UK’s supermarket supply chains and Uyghur forced labour’</i>. In responding the Business Secretary (Mr Douglas Alexander MP) stated <i>‘In the United States, the European Union, Canada and Mexico, legislation has been introduced or is in the process of being introduced specifically for import bans to prevent such goods from entering their markets in the first place, and I assure my hon. Friend that we are reviewing the impact of those measures to inform what should be the UK’s approach’</i>...</p> <p>And that <i>‘...We as a Government certainly view import controls as one of the range of tools that could be used to tackle forced labour in global supply chains, and that is why we continue to engage with like-minded partners—Governments and businesses—to figure out exactly what is the most effective response.’</i>⁸</p> <p>*NB: The 2023 Procurement Act was introduced to <i>‘to reform the United Kingdom’s public procurement regime following its exit from the European Union (EU)’</i>. Schedule 6 and 7 of the Procurement Act 2023 set out the mandatory and discretionary (respectively) grounds on which a supplier may be excluded from consideration from being awarded a public contract. A mandatory exclusion ground applies to a supplier if the supplier or a connected person has been convicted of an offence referred to in Part 6 and 7, which include an offence under section 1, 2, 4 or 30 of the Modern Slavery Act 2015 (slavery and human trafficking offences), and respective offences in the human trafficking legislation in Scotland and Northern Ireland.</p>
<p>Risks</p>	<p>As noted above, the effectiveness of import restrictions will be dependent on a number of key factors, not least market share i.e. the value of the importing market to source country. Import restrictions are resource intensive tools, and given their potential to exacerbate geopolitical tensions, as well as negatively impact on vulnerable populations working in high-risk sectors, the decision to introduce them should be carefully considered. The drivers of forced labour in supply chains are complex and import bans on their own are unlikely to be effective at reducing forced labour in a sustainable way, and therefore should be considered alongside other regulatory (e.g. due diligence legislation) and non-regulatory levers.</p>

⁸ <https://hansard.parliament.uk/Commons/2024-12-03/debates/9C4BAC07-AC59-4274-8903-D50CA1D3AC7C/UKSupplyChainsUyghurForcedLabour?highlight=%27import%20ban%27#contribution-161E2F21-ADCA-42F8-A05A-77844F44C452>



APPENDIX A – Import restrictions in existence overseas

- **The US**, in 2016, enacted the [Trade Facilitation and Trade Enforcement Act](#). This Act amended Section 307 of the [1930 Tariff Act](#) on forced labour. Prior to the amendment, the import ban was only enforced if the product was already available in the U.S. market in quantities high enough to meet consumptive demand. The Trade Facilitation and Trade Enforcement Act closed this loophole.

As of 12th February 2025, US Customs and Border Protection (CBP) is currently enforcing 51 active Withhold Release Orders (WRO) and 9 ‘Findings’. WROs are orders denying entry of goods into the United States based on reasonable evidence that they may be the product of forced labour. Although most WROs have been issued in connection with specific categories of goods produced by individual companies, WROs can equally be issued against international vessels, or against whole regions that produce a certain product linked to forced labour practices, such as the WRO against all Turkmenistan cotton issued in 2018. A WRO allows CBP to detain the products in question at all US ports of entry until/unless importers can prove the absence of forced labour in their product’s supply chain. A ‘Finding’ issued when the CBP determines that forced labour was used in the manufacturing or production of a good or goods entering the US supply chain. A Finding allowed CBP to seize the product(s) in question at all US ports of entry.

- **Canada**, since 1 July 2020, has banned the import of goods produced in whole or in part by forced or compulsory labour, implementing a commitment in the Labour Chapter of the Canada-United States-Mexico Agreement (CUSMA). As of 1 January 2024, the *Supply Chains Act* expanded this import ban to also prohibit the importation of goods made with child labour. Since introducing the ban in 2020, Canada has faced criticism for a lack of publicly reported enforcement actions, including detentions or seizures of goods believed to be produced with prohibited labour, but on 27 September, 2024, Public Safety Canada tabled its first [annual report](#) on the Supply Chains Act in Parliament which showed that it received a total of **5,795 reports** on or before the May 31 reporting deadline.

- **Mexico**, on 17 February 2023, published an [administrative regulation](#) (which took effect on 18 May) prohibiting imports of goods produced with forced labour. The regulation implements Mexico’s obligation under the United States–Mexico–Canada Agreement requiring each country to prohibit the importation of goods into its territory from sources produced, in whole or in part, by forced or compulsory labour. The Ministry of Labor and Social Welfare may initiate, on its own or at the request of a private party, an investigation into whether goods were produced using forced labour.

- On 23 April 2024, the **European Parliament** gave its final approval to a new regulation prohibiting the sale, import and export of goods made using forced labour – the [Forced Labour Regulation](#), which was adopted on 12 December 2024, and impact businesses that sell any products into or from the EU from the end of 2027. As stated in the [Press Release](#), *‘Member state authorities and the European Commission will be able to investigate suspicious goods, supply chains, and manufacturers. If a product is deemed to have been made using forced labour, it will no longer be possible to sell it on the EU market (including online) and shipments will be intercepted at the EU’s borders. Decisions to investigate will be based on factual and verifiable information that can be received from, for example, international organisations, cooperating authorities and whistle-blowers. Several risk factors and criteria will be considered, including the*



prevalence of state-imposed forced labour in certain economic sectors and geographic areas...Manufacturers of banned goods will have to withdraw their products from the EU single market and donate, recycle or destroy them. Non-compliant companies could be fined. The goods may be allowed back on the EU single market once the company eliminates forced labour from its supply chains.'