

22 November 2021

Ms Antonia Romeo
Permanent Secretary of the Ministry of Justice

By email: permanent.secretary@justice.gov.uk

Dear Antonia

I am writing in my capacity as the Independent Anti-Slavery Commissioner, a statutory provision of the Modern Slavery Act 2015. My UK-wide remit is to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery and human trafficking offences and the identification of victims.

Today, I am seeking reassurance that your department is taking adequate measures to stop goods that are made from forced labour, and subject to international import bans, from entering your department's supply chains.

Public procurement is an important area where governments can demonstrate leadership in tackling modern slavery. I welcome this government's commitment to extending Section 54 of the Modern Slavery Act to cover reporting to the public sector, and the leadership that your department is showing by publishing its own modern slavery statement ahead of new legislation.

However, I would like to draw your attention to a series of withhold release orders (WROs), or import bans, that the USA has placed on goods that are made under the conditions of modern slavery or forced labour.

Under section 307 of the 1930 Tariff Act, the US government prohibits the importation of any product that was mined, produced or manufactured wholly or in part by forced labour. Companies have 90 days to provide evidence that these issues have been addressed, or risk bans on future shipments.

Withhold release orders can force dramatic turnarounds in corporate behaviour, as was recently demonstrated in Malaysia's disposable glove manufacturing sector. Decades of traditional audits had failed to make any lasting impression, but a series of WROs and investigations by the US Customs and Border Protection (CBP) agency, watched closely by investors and stock exchanges, triggered improvements at an unprecedented pace. Over the past year, the four major Malaysian glove manufacturers have not only improved working conditions but have also repaid more than 20,000 workers an estimated US\$100 million in costs and recruitment fees. The speed and scale of reform has surprised the most seasoned experts in the sector.

WROs are not perfect, nor are they the sole answer to the endemic problem of forced labour. But, based on credible evidence and investigations, they can be a powerful accelerator for change. Nevertheless, without international harmonisation there is a high risk that banned goods will be diverted to nations that are taking a less robust stance, such as the UK.

In October 2021, CBP issued a WRO against Malaysian glove producer Supermax. Responding to this event, Lord Alton of Liverpool asked the UK government what assessment they have made of alleged

labour abuses by the company; how many of the company's products they had purchased, and the cost of those purchases.

I was disturbed by Lord Kamall's response that government had placed an order with Supermax in July for 135 million gloves at a cost of £7.9 million. Despite his reference to safeguards to terminate a contract in the event of substantiated allegations against a provider, no actual termination of the Supermax contract nor practical safeguarding measures were mentioned.

Consequently, I am concerned that the UK government may have other contracts with companies producing, handling or supplying goods that are subject to WROs. Overleaf is a list of the most recent and relevant WROs against products that have a high likelihood of entering the UK, including palm oil, PPE, tomatoes, tech products, textiles and apparel.

I would ask that you share this list with your procurement teams and enquire whether they have let contracts with suppliers, producers or importers of goods that are in whole, or in part, produced by these companies. And, if so, what steps are they taking to work with the businesses to address modern slavery concerns.

As the UK prides itself on leading the anti-slavery agenda, it is vital that government upholds this commitment by sending a strong warning to unscrupulous producers and importers.

I look forward to receiving your response. In the interests of transparency, please respond in a way that enables me to publish your letter on my website.

Yours sincerely,



Independent Anti-Slavery Commissioner

DATE	Company/Area	Products	Application	Status
CHINA				
23.06.21	Hoshine Silicon Industry Ltd and subsidiaries	Silica-based products	Applies to silica-made goods made by Hoshine and subsidiaries, as well as materials and final goods made from or using those products, regardless of where those products are produced	Active
13.01.21	China's Xinjiang Uyghur Autonomous Region (XUAR)	Cotton, tomatoes and downstream products	Applies to products produced in whole or in part in the XUAR region, as well as downstream items produced outside the region	Active
30.11.20	Xinjiang Production and Construction Corporation (XPCC) and subordinates	Cotton and cotton products	Applies to all products produced by XPCC, its subsidies and also any goods made in whole or part derived from that cotton, including apparel, garments, textiles	Active
08.09.20	Hefei Bitland Information Technology Co Ltd	Computer parts	CBP statement: "information reasonably indicates that Hefei uses both prison and forced labour to produce electronics"	Active
08.09.20	Xinjiang Junggar Cotton and Linen Co, Ltd in the XUAR region	Cotton and processed cotton	CBP statement: "information reasonably indicates that this entity and its subsidiaries use prison labour in their raw cotton processing operations"	Active
03.09.20	Yili Zhuowan Garment Manufacturing Co., Ltd. and	Apparel	CBP statement: "information reasonably indicates that these entities use prison and forced labour." CBP identified forced labour indicators include restriction of movement, isolation, intimidation	Active

DATE	Company/Area	Products	Application	Status
	Baoding LYSZD Trade and Business Co Ltd		and threats, withholding of wages, and abusive working and living conditions.	
25.08.20	No. 4 Vocational Skills Education Training Center (VSETC), XUAR	All products	CBP statement “information indicates that this “re-education” internment camp...is providing prison labour to nearby entities in Xinjiang.” CBP identified forced labour indicators include highly coercive/unfree recruitment, work and life under duress, restriction of movement	Active
MALAYSIA				
04.11.21	Smart Glove group (including GX Corporation Sdn Bhd, GX3 Specialty Plant, Sigma Glove Industries, and Platinum Glove Industries Sdn Bhd)	Disposable gloves	Seven ILO indicators of forced labour found during CBP’s investigation	Active
21.10.21	Supermax Corporation and subsidiaries (Maxter Glove Manufacturing Sdn Bhd, Maxwell Glove Manufacturing Bhd and Supermax Glove Manufacturing)	Disposable gloves	Ten of 11 ILO forced labour indicators found during investigation	Active

DATE	Company/Area	Products	Application	Status
30.12.20	Sime Darby Plantation Berhad and subsidiaries and joint ventures	Palm oil and palm oil products	All 11 ILO forced labour indicators were found in its production process (palm oil is found in cosmetics, processed foods, biodiesel, soaps)	Active
30.09.20	FGV Holdings Berhad, subsidiaries and JVs	Palm oil and palm oil products	As well as many forced labour indicators, there is also evidence of forced child labour used in the production process	Active
15.07.20	Top Glove Corporation Bhd	Disposable gloves	WRO lifted 09.09.21 – WRO modified after CBP review, finding that TG had addressed all 11 forced labour indicators in its facilities – including \$30 million in remedial payments to workers	Inactive
30.09.19	WRP Asia Pacific Sdn Bhd	Disposable gloves	WRO lifted on 24.03.20 – CBP reviewed evidence and found that the company was no longer operating forced labour conditions	Inactive



Ministry
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Dame Sara Thornton DBE QPM
Independent Anti-Slavery Commissioner
5th Floor, Globe House
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London, SW1V 1PN

[By email]

23 December 2021

Dear Dame Sara,

GOVERNMENT PROCUREMENT PROCESSES AND MODERN SLAVERY

Thank you for your letter of 22 November seeking reassurance that the Ministry of Justice (MoJ) is taking adequate steps to stop goods that are produced using forced labour, and subject to international import bans, from entering our department's supply chains.

We have reviewed the list of companies producing, handling or supplying goods that are subject to Withhold Release Orders and can confirm that the MoJ has no current contracts or spend against any of the companies listed.

In the MoJ we take the issue of modern slavery seriously. On 25 November, the MoJ published its first Modern Slavery Statement on the gov.uk website and the Modern Slavery Statement Registry site. We have adopted a cross-departmental approach to identify, mitigate and raise awareness of modern slavery risks in our supply chains and operational line. This is overseen by our Director-led Modern Slavery Leadership Group.

Further information about our approach to tackling modern slavery is provided in the attached annex.

Yours ever
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ANTONIA ROMEO

Annex 1 - MoJ Approach to Tackling Modern Slavery

The MoJ Modern Slavery Leadership Group brings together leads from our agencies and ALBs as well as our functions, including Commercial, Human Resources, Policy, Legal and Communications, to identify gaps and proportionate actions to strengthen the MoJ's modern slavery response.

We recognise the importance of tackling modern slavery across the whole organisation, in particular raising awareness in our prisons and probation services where there may be both victims and perpetrators. From a commercial perspective, we have work underway to establish our modern slavery risk across all our contracts using the Home Office developed Prioritisation Tool, which helps to determine which suppliers to invite to complete the Modern Slavery Assessment Tool (MSAT). The MSAT is a more detailed risk assessment and management tool completed by suppliers to help them identify where there may be risks of modern slavery.

To date, the MoJ have risk assessed 93% of our contracts and have identified those that are high or medium risk. Suppliers of all these have been asked to complete the MSAT (if not already completed).

All newly awarded contracts will continue to be risk assessed and data captured within our e-sourcing system. Guidance is being developed for contract/operational managers so that they are clear on their responsibilities to regularly discuss modern slavery actions from the MSAT with the supplier.

For categories we have identified as high risk, bespoke training is being developed for commercial teams so they can ensure they are rigorous in their oversight of procurement. This is further to modern slavery training for all new commercial staff at induction which covers areas such as which sectors and products are most often impacted and highlights the actions commercial teams must take to guard against modern slavery in our supply chains.