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## **Joint submission by the Uniting Church in Australia, Synod of Queensland and the Synod of Victoria and Tasmania to the Call for Input – Human Rights in the life cycle of Renewable Energy and Critical Minerals**

The Uniting Church in Australia, Synod of Queensland and Synod of Victoria and Tasmania welcome the opportunity to make this joint submission to the UN Special Rapporteur on climate change call for inputs – Human Rights in the life cycle of Renewable Energy and Critical Minerals.

### **1. What are the positive and negative human rights impacts of different sources, scales and stages of renewable energy development, through its life cycle? What are the causes of these impacts? Who is **disproportionately** affected by negative impacts and why?**

We are deeply concerned by the presence of forced labour in the manufacture of solar panels in China. We have conducted extensive work to try to find a solar panel supply chain with minimal risk of modern slavery being present that supplies into the Australian market. The Synod of Victoria and Tasmania currently recommends that our congregations use 1KOMMA5° panels that are made from German components and then assembled at a factory in China, as the lowest risk product in the Australian market.

Our research points to solar panel manufacturers collectively moving more of their supply chain into China despite public exposure of forced labour in Chinese solar supply chains. The driving factors in such a calculated reliance on human rights abuses are:

- Chinese solar products are the cheapest in the market;
- buyers throughout the supply chain, including the end purchasers, are willing to accept the flimsiest of assurances that modern slavery is not present in the supply chain; and,
- There are no negative consequences to selling renewable products, and many other products as well, in Australia that have involved modern slavery in their production. By contrast, the US Administration has had an impact on deterring solar panels produced with modern slavery from entering the US market through the *Uyghur Forced Labor Prevention Act*.

The focus on the transition to renewable energy being as cheap as possible in Australia is a mechanism to ensure that the actual cost is passed on to people in other parts of the world being subjected to egregious human rights abuses. That said, we note the analysis by the Breakthrough Institute that the majority of production cost reduction in China has been based on legitimate technological advances and innovation in manufacturing. Chinese firms invested heavily in large, modern factories that have achieved high efficiencies of scale. The expansion was aided by substantial regional and national government support through direct subsidies, cheap land, and subsidised, affordable electricity.<sup>1</sup> They have stated that solar production in Xinjiang has also gained a competitive price advantage by relying on electricity related to high emissions.<sup>2</sup>

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<sup>1</sup> Seaver Wang and Juzel Lloyd, “Sins of a Solar Empire”, Breakthrough Institute, 2022, 2.

<sup>2</sup> Ibid., 4.

As the Australian Clean Energy Council pointed out, in the early 2000s, Australia built and assembled solar modules and had the largest solar panel factory in the Southern Hemisphere. However, production ceased in 2009 as the local manufacturer could not compete in terms of price with Chinese production.<sup>3</sup>

As argued by the Breakthrough Institute:<sup>4</sup>

*As discussed in this report, there is evidence that solar PV manufacturing companies and upstream raw materials suppliers with operations in Xinjiang are complicit in the Chinese Communist Party's wider systematic campaign of oppression against Uyghurs, Kazakhs, Kyrgyz, and other minoritized peoples in the Xinjiang region. International corporations and investors outside China arguably share much of the blame for this crisis, having tacitly prioritised reductions in manufacturing costs at the expense of adequate moral accountability in light of increasingly alarming reporting from Xinjiang.*

We have concluded it is impossible to address the risks of modern slavery in the production of goods out of China at the current time due to the endorsement and facilitation of forced labour by the Chinese regime. The regime's involvement makes it impossible to conduct effective on-the-ground investigations to determine if forced labour is present in the production of certain goods. Investigators we have spoken with who have experience working in China have reported that any attempts at meaningful investigation of forced labour inside China are now treated as industrial espionage by the regime. Responses from Chinese suppliers cannot be relied upon as evidence that forced labour is not present in the production of goods. The absence of independent trade unions also hinders any independent verification that modern slavery is not present in the production of the goods in question.

The Australian Clean Energy Council notes there have been reports of intimidation of audit firms that would seek to conduct due diligence into modern slavery risks in China.<sup>5</sup>

The US Government has responded to the problem of forced labour from within the XUAR with the passage of the *Uyghur Forced Labour Prevention Act* on 23 December 2021, which came into force on 21 June 2022. The Act assumes that any goods made wholly or partly in the XUAR have involved forced labour. Cotton, polysilicon and tomatoes are specifically identified in the operational guidance issued by US Customs and Border Protection (CBP).<sup>6</sup> The entry of such products into the US is prohibited unless the importer demonstrates to CBP by clear and convincing evidence that the products were not produced using forced labour.

Crawford and Murphy state that in response to the Act, some of the world's largest module manufacturers appear to have bifurcated their supply chains to create a product line that they claim to be free of XUAR inputs. These 'clean' supply chains are dedicated to providing products to the US market. The proportion of modules made by China-based companies on these dedicated supply chains appears to range from 7% to 14% of the companies' total production capacity globally.<sup>7</sup> The Breakthrough Institute have argued that

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<sup>3</sup> Clean Energy Council and Norton Rose Fulbright, "Addressing Modern Slavery in the Clean Energy Sector", November 2022, 13.

<sup>4</sup> Seaver Wang and Juzel Lloyd, "Sins of a Solar Empire", Breakthrough Institute, 2022, 8.

<sup>5</sup> Ibid., 16.

<sup>6</sup> Yohai Baisburd and Myles Getlan, "CBP Importer Guidance: Uyghur Forced Labour Prevention Act (UFLPA)", Cassidy Levy Kent, 14 June 2022.

<sup>7</sup> Alan Crawford and Laura Murphy, "Over-Exposed: Uyghur Region Exposure Assessment for Solar Industry Sourcing", Sheffield Hallam University, Helena Kennedy Centre for International Justice, August 2023, 1.

tracing and certification protocols designed to assert that solar PV products are “Xinjiang-free” are likely to prove ineffective due to a lack of corporate and government transparency in China, including in Xinjiang.<sup>8</sup>

**2. What are the positive and negative human rights impacts of the life cycle of critical minerals? What are the causes of these impacts? Who is disproportionately affected by negative impacts and why?**

Global Witness has recently conducted an investigation into the human rights impacts of critical minerals.<sup>9</sup> They have concluded that the extraction and trade of some critical minerals is intensifying new geopolitical tensions and reinforcing long-standing patterns of exploitation. Instead of enabling a fair and just transition for both communities and countries globally, the race for critical minerals is exacerbating human rights abuses, deepening inequality and fuelling global unrest. In the Democratic Republic of Congo (DRC), ongoing violence linked to mineral extraction continues, with UN reports suggesting that Rwanda’s involvement in the M23 insurgency is motivated by a desire to extract from the region’s vast cobalt reserves. People working in mining in the DRC are subject to dangerous working conditions, exploitative labour practices and child labour.

Global Witness previously published a critique of the International Tin Supply Chain Initiative (ITSCI) in April 2022.<sup>10</sup> The ITSCI aims to provide a reliable chain of custody of minerals that are not linked to child labour or the influence of armed groups or military forces. In both the Democratic Republic of Congo and Rwanda, government agents acting on ITSCI’s behalf seal and tag bags of legitimate minerals before they are transported for processing or export. In 2018, the OECD evaluated ITSCI’s standard as fully aligned with its own due diligence guidance on mineral supply chains.<sup>11</sup> The findings of the Global Witness investigation suggested that ITSCI’s system permitted the laundering of tainted minerals in the Democratic Republic of Congo. The evidence suggested that large amounts of minerals from unvalidated mines, including ones with militia involvement or that use child labour, entered the ITSCI supply chain and were exported.<sup>12</sup> One of the mines supplying into the ITSCI system was Lukoma, where a militia had used violence against the local population and forced miners to work unpaid. The Ministry of Mines is said to tag bags from the Lukoma mine.<sup>13</sup>

ITSCI’s minimal field staff and lack of oversight made it easy for miners and traders to launder minerals.<sup>14</sup> The International Tin Association (ITA) has ultimate oversight of the ITSCI. It is supposed to run the system to prevent tainted tantalum, tin and tungsten from entering international markets, while at the same time representing the interests of some of the largest buyers of these minerals.

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<sup>8</sup> Seaver Wang and Juzel Lloyd, “Sins of a Solar Empire”, Breakthrough Institute, 2022, 3.

<sup>9</sup> Emily Iona Stewart, “The critical minerals scramble: How the race for resources is fuelling conflict and inequality”, Global Witness, 20 March 2025, <https://globalwitness.org/en/campaigns/transition-minerals/the-critical-minerals-scramble-how-the-race-for-resources-is-fuelling-conflict-and-inequality/>

<sup>10</sup> Global Witness, ‘The ITSCI Laundromat. How a due diligence scheme appears to launder conflict minerals’, April 2022.

<sup>11</sup> Ibid., 3.

<sup>12</sup> Ibid., 4.

<sup>13</sup> Ibid., 4.

<sup>14</sup> Ibid., 5.

**4. Are there good practices or lessons learned in regulating, monitoring and funding renewable energy development, including critical minerals, which can support a just transition and the protection of human rights, as well as the achievement of SDGs 13 and 14?**

***Developing sovereign manufacturing capacity***

The neoliberal economic system leaves society caught between the urgent need to act on climate change, and severe human rights abuses through supply chains that taints the shift to renewable energy. Countries must develop sovereign manufacturing capacity as well as implementing robust regulation and monitoring of procurement and manufacturing on businesses to ensure that human rights are respected through the international supply chain. Some examples of developing sovereign manufacturing capacity are the Australian government's support for the Australian Centre for Advanced Photovoltaics to develop new solar technologies, and the Silicon to Solar study, an initiative of the Australian Photovoltaic Institute.

In 2024, the Australian Churches Ecological Taskforce (ACET) wrote to the Minister for Climate Change to ask the Australian Government to ensure these research projects examine how solar panels could be produced in Australia without any reliance on forced labour in China.

The Australian Government is also supporting the Solar SunShot program, to be delivered by the Australian Renewable Energy Agency, which will support the continued growth of the Solar PV manufacturing capacity of Australia. The program aims to support manufacturing facilities in Australia across the solar supply from ingots and wafers to cells, module assembly and related components, including solar glass, inverters, advanced deployment technology, and solar innovation.

***Consumers unable to demand respect for human rights in renewable energy supply chains***

The focus on the transition to renewable energy being as cheap as possible for people in Northern countries, contributes to human rights abuses in the international supply chain. For example, most solar businesses have increased opacity, making it nearly impossible for consumers, procurers, investors and governments to identify a solar module they can fully trust is not made with forced labour of Uyghurs or other ethnic minorities in China.

**6. Are there specific barriers in the context of State regulation or business conduct that undermine the protection of human rights in the full life cycle of renewable energy and critical minerals? How can these barriers be addressed?**

***Need for Countries to have a Human Rights Act***

In the 2024 Inquiry into Australia's human rights framework (the Inquiry), numerous submitters recommended a robust human rights framework which comprehensively implements the *United Nations Guiding Principles on Business and Human Rights* (UNGPs) for human rights due diligence.<sup>15</sup> The final report of the Inquiry recommended that the Australian government establish a *Human Rights Act*.

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<sup>15</sup> Parliamentary Joint Committee on Human Rights (2024). Inquiry in Australia's human rights framework final report, available at:  
[https://parlinfoaph.gov.au/parlInfo/download/committees/reportjnt/RB000210/toc\\_pdf/InquiryintoAustralia'sHumanRightsFramework.pdf](https://parlinfoaph.gov.au/parlInfo/download/committees/reportjnt/RB000210/toc_pdf/InquiryintoAustralia'sHumanRightsFramework.pdf)

The Australian *Modern Slavery Act 2018* requires Australian businesses to report on the efforts taken to respond to modern slavery risk in their supply chains. However, in practice firms are rarely subject to liability for the human rights abuses in their supply chain, despite being responsible for the coordinated organisation of the supply chain and gaining the most profit from the supply chain.<sup>16</sup>

***States should adopt a National Action Plan on Business and Human Rights***

The Human Rights Council and United Nations Working Group on Business and Human Rights have called on States to adopt a National Action Plan on Business and Human Rights (NAP) as a means of implementing the UNGPs within their respective territories and jurisdictions. In October 2017, the Australian Government decided not to proceed with the development of a NAP. The Australian Human Rights Commission recommended the Australian Government develop a NAP to ensure there is a plan for implementation of the UNGPs that is targeted, transparent, measurable and informed by relevant stakeholders.

Australia's *National Renewable Energy Supply Chain Action Plan* does not address human rights abuses in supply chains, and neither does Australia's *Critical Minerals Strategy 2023–2030*.

Legislative and policy reform in countries should also incorporate the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct.<sup>17</sup>

***Reporting human rights abuses in supply chains through sustainability disclosures***

States should also ensure businesses are reporting on human rights abuses, as part of 'sustainability' disclosures.<sup>18</sup> The current International Sustainability Standards Board (ISSB) standards are primarily focused on the climate aspects of sustainability.<sup>19</sup> Efforts internationally to build out the content of standards for reporting on the risks to human rights for businesses are only just emerging.<sup>20</sup>

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<sup>16</sup> Ibid.

<sup>17</sup> Fiona David and Dr David Tickler, (2023) August 7, 'How can Australia's human rights infrastructure better enable the net zero transition?' Insights, available at: <https://fairfutures.com/insights/how-can-australias-human-rights-infrastructure-better-enable-the-net-zero-transition>

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.