AMENDMENT NC1 TO THE

Procurement Bill

Briefing Note
June 2023

The Amendment

To move the following Clause — “Removal from the procurement supply chain of physical surveillance equipment produced by companies subject to the National Intelligence Law of the People’s Republic of China

(1) Within six months of the passage of this Act, the Secretary of State must publish a timeline for the removal from the Government’s procurement supply chain of physical surveillance equipment produced by companies subject to the National Intelligence Law of the People’s Republic of China.

(2) The Secretary of State must lay the timeline before Parliament.”

Uyghur Genocide

Since 2017, the Chinese government has been involved in the destruction of Uyghur and other ethnically Turkic people’s identity, forced labour, and the implementation of mass birth prevention measures. In December 2021, the independent Uyghur Tribunal found that the Uyghur population in East Turkistan is subjected to torture, crimes against humanity, and genocide at the hands of Chinese government [1]. Underpinning China’s system of oppression is a high-tech network of surveillance, through which China has unleashed ‘wholesale monitoring and tracking of Uyghur individuals, including biometric data collection of facial imagery and iris scans and genomic surveillance through mandatory DNA sampling [2].’ This utopian scale of surveillance utilisation is central to the transformation of the Uyghur homeland into a ‘high-tech penal colony [3].’
The role of Hikvision's and Dahua’s surveillance technology in the persecution of the Uyghurs

Hikvision and Dahua are the world’s largest manufacturers and suppliers of video surveillance equipment. Both companies are owned by the Chinese government. Since 2017, both companies have signed contracts worth at least $1.2 billion for 11 separate, large-scale surveillance projects across the Uyghur region [4]. Hikvision and Dahua are contracted to develop, install, and operate CCTV technology across the region’s public checkpoints, mosques, factories, and concentration camps.

Both companies have developed 'ethnic minority' detection software, which is able to ‘automate the identification of Uyghur faces based on physiological phenotypes’ and track their movements [5]. This intelligence is used to substantiate the arbitrary detention of Uyghurs and other Turkic ethno-religious groups in the region.

Survivor Testimony

Gulbahar Haitiwaji, an Uyghur concentration camp survivor, highlighted the devastating impact on the wellbeing of the Uyghur people from surveillance in concentration camps and detention centers:

‘We would sit on that tiger chair for 24 hours, 48 hours, or even 72 hours… There were cameras everywhere in the detention center, even in the toilets and bathrooms. There were also cameras everywhere in the camp [6].’

And:

‘Beneath the impassive gaze of the security cameras, I couldn’t even open up to my fellow detainees…Women like me, who emerged from the camps, are no longer who we once were. We are shadows; our souls are dead [7].’
The National Security Risk

Hikvision and Dahua are both subject to China’s National Intelligence Law which stipulates that ‘any organisation or citizen shall support, assist, and cooperate with state intelligence work according to law [8].’ The law also permits authorities to detain or criminally punish those who ‘obstruct’ intelligence activities [9]. The presence of vendors who are subject to extrajudicial directions from a foreign government, which conflict with UK law, may risk failure by the carrier to adequately protect networks from unauthorised access or interference [10].

In the UK, Uyghur people face a sustained campaign of transnational repression in the form of threats, harassment, cyberattacks, and online and in-person surveillance. LBC and the Financial Times have recently reported on instances of Uyghur people seeking refuge in the UK being offered thousands of pounds a month and blackmailed by Chinese security officers to spy on Uyghur advocates [11]. Within this context, the Government must take seriously the threat posed by the presence of this equipment to British national security and the safety of exiled and dissident populations seeking refuge in the UK. Without urgent action, the UK risks facilitating a system of surveillance designed to extend Chinese domestic policy across borders.

Hikvision’s presence in the UK

Apart from playing a central role in facilitating the genocide and mass surveillance of Uyghur people, Hikvision and Dahua cameras are widely used throughout the UK, from government departments to nurseries. Research undertaken by Big Brother Watch has revealed that, as of 2020, at least 5 Government departments, over 1/2 of NHS trusts, 1/3 of police forces, and 60% of schools were using CCTV implicated in the Chinese government’s human rights abuses [12]. Despite the national security risks and implication in atrocities abroad, these products, described as ‘digital asbestos’ by Biometrics and Surveillance Camera Commissioner Fraser Sampson, continue to permeate the Government’s supply chains.
Objections and Responses

To shed light on the necessity of bringing change, the three main objections to the Amendment, which emerged in a separate consultation submission to the Bill submitted by Hikvision [13] and during the debate on the Procurement Bill in Parliament [14], are addressed and rebutted below.

Objection 1. Data privacy and cybersecurity standards of Hikvision are high.

In a separate consultation submission to the Bill, Hikvision claimed that it ‘takes data privacy seriously, abides by all applicable laws and regulations in the countries in which it operates, and its products meet the most rigorous and comprehensive cybersecurity standards [15].’ However, the arguments on high standards of the supplier contradict the UK Government’s own decision to remove Hikvision from secure and sensitive sites. After the Government review on current and potential security threats, which concluded that ‘in light of the threat to the UK and the increasing capability and connectivity of these systems, additional controls are required,’ the British government told its departments to stop installing Chinese-linked surveillance cameras at sensitive buildings [16].

However, the Government’s decision to remove Chinese-state-owned surveillance at ‘sensitive’ sites is not sufficient. The widespread use of Hikvision equipment by police forces, hospitals, and local councils risks providing malign states with a back entrance into UK security and imposing an unwanted reliance on these countries. By contrast, the White House has taken a strong stance on these companies, refusing to support ‘Chinese companies that undermine the security or values of the United States and [their] allies [17].’ Embracing this reasoning would allow the UK Government to be consistent with their commitment to protecting core national security interests and democratic values.

Objection 2. There will be interference with security arrangements on the Government’s estate.

Baroness Neville-Rolfe, the sponsor of the Bill, argued that ‘in mandating a timeline for the removal of existing physical technology or surveillance equipment from the Government’s supply chain, the amendment seeks to interfere directly with security arrangements on the government estate [18].’ However, the ability of Ministers to operate freely and by extension, alongside the independence of the UK Government, is not constricted. On the contrary, this amendment is not about interference, but accountability. The clause is not seeking immediate removal, but provides the Government with six months to publish a timeline for the surveillance to be removed. This is a reasonable condition that asks the Government to make a concrete commitment on removal of this technology within their own terms.
Objection 3. The evidence is 'highly contested.'

In the debate on the Procurement Bill in the Parliament, Alex Burghart, the Parliamentary Secretary at the Cabinet Office, argued that ‘the evidence surrounding the complicity of surveillance suppliers in the oppression of Uyghurs in Xinjiang is highly contested, and it would likely be difficult to show that any supplier had been involved in the matters set out in the clause;' and that ‘even if there was sufficient evidence to do so, the cost and disruption of removing such surveillance equipment from across the entire Government estate would be significant [19].’

Evidence of both Hikvision and Dahua’s involvement in surveillance inside and outside the concentration camps in East Turkistan is well documented. IPVM reported that Hikvision has a custom PRC China interrogation solution that integrates with tiger chairs, metal restraining devices used by Chinese police to lock detainees’ hands and feet, while they are being interrogated [20]. Foreign Policy highlighted that one county in East Turkistan, Karakash, where Hikvision is building a $46 million surveillance project, has seen almost ½ of its Uyghur population disappear [21]. Additionally, Axios has recently shared new details from an internal review of Hikvision contracts with police agencies in the region. It shows that since at least 2020, the company has been aware that some of its contracts with the Chinese state included explicit language about targeting Uyghurs as a group [22]. It was off the back of the body of credible evidence that exists on Hikvision’s involvement in some of the most grievous human rights abuses, that, in 2021, the Foreign Affairs Committee’s called for an outright ban on Hikvision tech in the UK [23].

Furthermore, the Government has itself acknowledged that the scale of the situation in East Turkistan is dire. In the statement to the House of Commons in 2021, Dominic Raab stated that ‘the nature and conditions of detention violate basic standards of human rights, and at their worst amount to torture and inhumane and degrading treatment,’ alongside ‘widespread reports of the forced sterilisation of Uyghur women [24].’ 'Cost and disruption' cannot be an excuse for reducing complicity in what are, by the admission of the former Foreign Secretary, serious violations of absolute human rights as enshrined in the European Convention on Human Rights (ECHR). This is not a high bar, but a low one - no corporation facilitating some of the most serious international crimes defined, including genocide, should receive UK taxpayer money.

Conclusion

This Amendment works to advance UK national security, protect Uyghur communities from transnational surveillance, and send a clear message that the UK will not remain complicit in human rights abuses and genocide abroad.
REFERENCES

[14] https://hansard.parliament.uk/commons/2023-02-07/debates/237d01ac-578d-4083-8ad3-1b53bf032d78/ProcurementBill
[15] (n 13, Written evidence by Hikvision)
[18] (n 13, Written evidence by Hikvision)
[19] (n 14, Hansard, Procurement Bill (Sixth Sitting))