

BIG BROTHER WATCH

**Big Brother Watch Briefing on the
Procurement Bill for Second Reading in the
House of Lords**

May 2022

About Big Brother Watch

Big Brother Watch is a civil liberties and privacy campaigning organisation, fighting for a free future. We're determined to reclaim our privacy and defend freedoms at this time of enormous technological change.

We're a fiercely independent, non-partisan and non-profit group who work to roll back the surveillance state and protect rights in parliament, the media or the courts if we have to. We publish unique investigations and pursue powerful public campaigns. We work relentlessly to inform, amplify and empower the public voice so we can collectively reclaim our privacy, defend our civil liberties and protect freedoms for the future.

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1. In the Green Paper 'Transforming Public Procurement', the Government set out key principles for public procurement in the UK: value for money, public good, transparency, integrity, equal treatment and non-discrimination. In particular, the Green Paper stated that 'public good' should support the delivery of strategic national security priorities, public safety and ethics. Consistent with international practice, the Green Paper further emphasised that "public procurement is regularly leveraged to achieve social and environmental value beyond the primary benefit of the specific goods, services and capital".
2. Accordingly, Big Brother Watch believes that the Procurement Bill is a key opportunity to ensure that public sector procurement promotes ethical and human rights standards in the UK and internationally. However, the Bill currently contains no provisions that could disqualify suppliers associated with serious human rights abuses, which is a concerning omission. We recommend that the Procurement Bill is amended to include at least a discretionary exclusion ground for companies closely associated with serious human rights abuses.

The case for debarring Hikvision and Dahua

3. Hikvision and Dahua are Chinese state-owned surveillance companies. Both companies provide technology that is central to the regime of ethnic persecution of the Uyghur population in Xinjiang and both hold contracts to build and operate surveillance systems in the region.¹ The Foreign Affairs Committee's report on the UK's responsibility to act on atrocities in Xinjiang, *Never Again*, concluded that these companies were involved in "technology-enabled human rights abuses" and should be banned in the UK.²
4. The Government's response to the report in November 2021 stated, "The forthcoming Public Procurement Bill will further strengthen the ability of public sector bodies to disqualify suppliers from bidding for contracts where they have a history of misconduct, including forced labour or modern slavery" and that the Government was working to "enable commercial teams to more effectively exercise their discretion to exclude suppliers linked with modern slavery and human rights violations." This statement was repeated in response to a written parliamentary question on the use of "Chinese-made surveillance cameras" in

¹Hikvision, Xinjiang, Uyghurs & Human Rights Abuses – IPVM, Conor Healy, 17th May 2022: <https://s.ipvm.com/uploads/eab3/fcde/Hikvision%20IPVM%20White%20Paper.pdf>; Dahua Operates China Police Surveillance – Charles Rollet, IPVM, 14th April 2021: <https://ipvm.com/reports/dahua-police>

² Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond, Second Report of Session 2021–22 – Foreign Affairs Committee, 29th June 2021, HC 198: <https://committees.parliament.uk/publications/6624/documents/71430/default/>

the public sector in February of this year.³ Whilst modern slavery is referenced in the Procurement Bill, human rights violations are not. There is no simple mechanism by which suppliers linked with human rights violations such as Hikvision can be rejected under this Bill.

5. The US has already banned Hikvision and Dahua due to national security concerns.⁴ Additionally, the European Parliament has voted to remove Hikvision cameras from its buildings, citing “an unacceptable risk that Hikvision, through its operations in Xinjiang, is contributing to serious human rights abuses”.⁵
6. Big Brother Watch’s research has found that Hikvision and Dahua are widely used across the UK’s public sector.
 - 61% of our public bodies use Chinese-made CCTV (Hikvision or Dahua)
 - More than 10% of public bodies had advanced CCTV capabilities, including thermal scanning or facial detection
 - 63% of schools, 66% of colleges and 54% of universities use Chinese-made CCTV
 - 35% of police forces use Hikvision cameras
 - 60% of NHS trusts use Chinese-made CCTV
 - 73% of local authorities use Chinese-made CCTV⁶
7. The Procurement Bill is a key opportunity to remove Hikvision and Dahua from the public sector, where they pose significant ethical and security concerns. **It is critical that Peers use this opportunity to stress the need for a prohibition on the procurement of Hikvision and Dahua surveillance cameras.**
8. The Procurement Bill contains provisions for the creation of a centralised ‘debarment list’ (clause 59), which allows Ministers to prohibit suppliers from contracting with public bodies if they fall under certain exclusionary grounds (Schedules 6 and 7). However, a supplier’s involvement with serious human rights abuses is not listed even as a discretionary ground for exclusion.

³Written question: Lord Alton to Baroness Trafford, answered 22nd February 2022, UIN HL6066: <https://questions-statements.parliament.uk/written-questions/detail/2022-02-08/hl6066>

⁴ Congress passes bill banning new FCC equipment authorizations for Hikvision, Dahua and others – Joel Griffin, Security Info Watch, 29th October 2021: <https://www.securityinfowatch.com/video-surveillance/article/21243600/congress-passes-bill-banning-new-fcc-equipment-authorizations-for-hikvision-dahua-and-others>

⁵ EU Parliament Removes Hikvision, Citing Human Rights Abuses – Charles Rollet, IPVM, 29th April 2021: <https://ipvm.com/reports/hik-eu>

⁶Who’s Watching You? The dominance of Chinese state-owned surveillance in the UK – Big Brother Watch, 7th February 2022, p. 8-9: https://bigbrotherwatch.org.uk/wp-content/uploads/2022/02/Whos-Watching-You_The-dominance-of-Chinese-state-owned-CCTV-in-the-UK-17746.pdf

9. The Government should insert a 'serious human rights abuses' ground to the 'discretionary exclusionary grounds' in Schedule 7, which would allow Ministers to place Hikvision, Dahua and other technology companies that are linked to serious human rights abuses on the central debarment list.