

**House Foreign Affairs Committee
Subcommittee on Asia, the Pacific, and Nonproliferation**

“Authoritarianism with Chinese Characteristics: Political and Religious Human Rights Challenges in China”

**Written Testimony of Sophie Richardson, China Director, Human Rights Watch
December 10, 2019**

Thank you for the invitation to testify before the subcommittee on a particularly appropriate occasion: Human Rights Day. Yet in China, under President Xi Jinping, there is little to celebrate: human rights defenders continue to endure extraordinary attacks on their work, the government is building a surveillance state unparalleled in the world, and from Hong Kong to Tibet to Xinjiang those peacefully advocating for their human rights are seen—and treated—as enemies of the state. In addition, the Chinese government is expanding its assault on human rights beyond its borders, undermining institutions including the United Nations Human Rights Council and norms such as academic freedom.

Xinjiang

Human Rights Watch has documented serious human rights violations in the northwestern region of Xinjiang for more than 20 years, where Chinese authorities have long conflated the distinct identity of the region’s 13 million Turkic Muslims with political disloyalty, and ignored or suppressed their legitimate grievances. Our past work focused on pervasive restrictions on religious freedom, enforced disappearances, and the forced return to China of Uyghurs and other Turkic Muslims seeking asylum abroad.

Uyghurs and other Turkic Muslims in Xinjiang are now suffering even harsher repression. The government’s “Strike Hard Campaign against Violent Extremism,” launched in May 2014, has since at least 2017 entailed mass arbitrary detention, surveillance, indoctrination, and the destruction of the region’s cultural and religious heritage. Credible estimates indicate that about 1 million Turkic Muslims are being indefinitely held in “political education” camps, where they are forced to disavow their identity and become loyal government subjects. Others have been prosecuted and sent to prison, and some have received lengthy and even death sentences for crimes that violate fundamental rights, such as “splittism” or “subversion.” In September 2018,

we documented the ill-treatment and torture of detainees, and their denial of access to adequate medical care and to family members. Xinjiang authorities also continued to remove children whose parents were detained or in exile and hold them in state-run “child welfare” institutions and boarding schools without parental consent or access.

This year, Human Rights Watch reverse-engineered an app used by police and government officials in Xinjiang that is connected to a police mass surveillance system, called the Integrated Joint Operations Platform (IJOP), which aggregates information about all residents of Xinjiang under the guise of providing public security. Our research into the app revealed that the authorities consider many ordinary and legal behavior, such as “not socializing with neighbors,” “often avoiding using the front door,” using WhatsApp, or simply being related to someone who has obtained a new phone number, as suspicious. The app then flags such people for interrogation; some of whom are then sent to Xinjiang’s “political education” camps. Our findings have been reinforced by the recent publication of leaked Chinese government documents outlining policies in Xinjiang.

As reports of these mass arbitrary detentions began to emerge between late 2017 and mid-2018, Chinese authorities repeatedly denied such detentions were taking place. After a United Nations review of China’s record on racism and discrimination—during which UN experts raised the issue—Chinese officials changed their story, insisting that the facilities were “vocational training schools” designed to combat extremism and promote employment. They continued to insist no one was held against their will. To counter mounting international concern about the crackdown, Chinese authorities have organized several highly controlled trips for selected journalists and diplomats—including from the United Nations—to Xinjiang. In March, Xinjiang authorities announced that they had arrested nearly 13,000 “terrorists” in the region since 2014, and on July 30, publicly stated that “most” held in Xinjiang’s “political education” camps had “returned to society”; neither claim was substantiated with credible evidence.

While some governments have taken meaningful action in response—particularly the US placement of 28 Chinese government agencies on the entities list, and the House’s passage of the Uyghur Human Rights bill—the collective international response has done little to hold China accountable. In July at the UN Human Rights Council, 25 governments joined together for the first time in such numbers to express concern about the extraordinary crackdown in Xinjiang. Remarkably, fearing the wrath of the Chinese government, none were willing to read the statement aloud to the council, as is customary. Instead, the group simply submitted the joint statement in writing. That changed in October at the UN General Assembly when the United Kingdom read out loud a similar statement from a similar coalition of governments, but the initial hesitation shows the extraordinary reluctance of even the most committed countries to challenge China frontally. This fear underpins the impunity that China has come to enjoy in international circles despite the sweeping nature of its abuse.

Chinese government abuses of surveillance technology

Our research is only a snapshot of an evolving system of mass surveillance: these systems are generating massive datasets—unprecedented in human history—of personal information, of people’s behavior, relationships and movements. The Chinese police are researching ways to use such information to understand in a more fine-grained way how people lead their lives. The goal is apparently to identify patterns of, and predict, the everyday life and resistance of its population, and, ultimately, to engineer and control reality.

Among the most disturbing aspects of Xi’s rule and the current situation: Chinese authorities’ development and deployment of surveillance technology that aspires to engineer a dissent-free society. Chinese authorities deny people any meaningful privacy rights from the government’s prying eyes, and, coupled with a deeply politicized judicial system, the lack of a free press, and the denial of political rights, people across the country have no ability to challenge these developments or even truly understand how society is being transformed until it impacts them—or their families—directly.

What are some examples of this technology? One of the Ministry of Public Security’s most ambitious and privacy-violating big data projects is the “Police Cloud” system, which appears to be national. The system scoops up information from people’s medical history, to their supermarket membership, to delivery records, much of which is linked to people’s unique national identification numbers. The Police Cloud system aims to track where the individuals have been, who they are with, and what they have been doing, as well as make predictions about their future activities. It is designed to uncover relationships between events and people “hidden” to the police by analyzing, for example, who has been staying in a hotel or travelling together. In effect, the system watches everyone, and the police can arbitrarily designate anyone a threat and requires greater surveillance, especially if they are seen to be “undermining stability”—an alarmingly ambiguous construct. It’s critical to understand that there is no transparency in such a designation, and no way to challenge it—this is not the same as predictive policing in the US.

The Chinese government is also developing a national “social credit system” that rewards “good” behavior and punishes the “bad.” At present, it is a blacklisting system in which behaviors the authorities disapprove—from “abnormal petitioning” to eating on the subway—can affect one’s ability to obtain services such as getting mortgages and travelling on high-speed trains. The system already has rights implications. We documented a case in which Li Xiaolin, a human rights lawyer, was put on a blacklist for failing to apologize “sincerely” to a plaintiff in a defamation case. In that case, the penalty was exacted in an arbitrary and unaccountable manner: authorities failed to notify him that he had been blacklisted, leaving him no chance to contest his treatment.

To what extent the social credit system will evolve, and how it will interact with the police systems of mass surveillance, remains an open question. It is important to note that the social credit system and the mass surveillance systems were envisioned as part of the Chinese government’s bigger vision for “better” “social management”—meaning, social control.

In December 2017, Human Rights Watch documented Xinjiang authorities' compulsory collection of DNA samples, fingerprints, iris scans, and blood types of all residents in the region between the ages of 12 and 65, in part under the guise of a free public healthcare program. That campaign significantly expanded authorities' collection of biodata beyond previous government efforts in the region, which only required all passport applicants in Xinjiang to supply biometrics. It did not appear that the government has disclosed to the public or to participants the full range of how collected medical information will be used and disseminated or how long it will be stored, and it appears that people were given little information about the program or the ability to opt out of it. We discovered that a US-based company, Thermo Fisher Scientific, headquartered in Waltham, Massachusetts, had sold DNA sequencers to the Xinjiang Public Security Bureau during this period. After inquiries from Human Rights Watch, members of Congress, and the *New York Times*, the company agreed to stop selling that particular technology in that particular region. However, it remains unclear whether it has adopted due diligence policies that might prevent such problems in the future.

The consequences of these technologies across China are enormous: the state is now not only able to peer into virtually every aspect of a person's public and private life, but is also clearly using information gained that way to reward and punish people outside any discernible legal scheme. It's not just the case that it's now "suspicious" if you go out your back door instead of your front door in Xinjiang, it's that the authorities can know that and investigate and punish you for it even though it's legal. You are not only suspicious if you question state policies, your level of suspiciousness is also dependent on who you are related to and who you spend time with.

Chinese government threats to academic freedom

In March, Human Rights Watch published a proposed Code of Conduct designed to help American and other universities identify and resist Chinese government threats to academic freedom. Based on more than 100 interviews between 2015 and 2018 in Australia, Canada, France, the United Kingdom, and the United States with academics, graduate and undergraduate students, and administrators, some of them from China, the research revealed that schools are poorly prepared to track, let alone effectively resist, problems ranging from visa bans on scholars working on China to surveillance and self-censorship on their campuses.

Some of the more than 350,000 students from China at American universities must deal with the surveillance and censorship that follows them to campus. Our research found that Chinese government and Communist Party intimidation ranging from harassment of family members in China over what someone had said in a closed seminar to censorship by US academic institutions that did not want to irk potential Chinese government partners. One scholar said a senior administrator had asked him "as a personal favor" to decline media requests during a visit by Chinese President Xi, fearing that any criticism could have negative consequences for the university's profile in China.

Even when campus debates take an ugly turn—such as when students from the mainland tried to shout down speakers at a March 2019 event at the University of California, Berkeley, addressing the human rights crisis in Xinjiang, or in September when unidentified individuals threatened Hong Kong democracy activist Nathan Law as he arrived for graduate studies at Yale—schools appear reluctant to publicly respond to these threats against free speech. In mid-October, students at the University of California, Davis, tore down other students’ materials supporting Hong Kong protesters, yet in the ensuing days searching the school’s website for “Hong Kong” yields only information about summer internships—not unequivocal support for peaceful expression.

With considerable tuition dollars and potentially lucrative partnerships with Chinese government-affiliated academic institutions and companies at stake, few schools are even willing to acknowledge the problem. Few actively publicize policies that classroom discussions are meant to stay on campus—not reported to foreign missions, or appoint ombudspersons to whom threats could be reported and thus tracked. They have not joined forces to share experiences and take common positions, and are generally only committing to disclosing all links to the Chinese government—steps that could deter Chinese government overreach—as a result of pressure from the federal government.

The Code of Conduct has been sent to about 150 schools in Australia, Canada, and the United States, and about a dozen have replied. We hope they will consider signing in order to mitigate these unique threats.

Recommendations

The world finds itself confronted with a powerful Chinese government willing to deploy extraordinary resources to deny people inside and outside China their fundamental human rights.

Human Rights Watch appreciates that many congressional interventions on China and human rights have long been bipartisan and bicameral, and that in recent years members of Congress have stood on principle to protest human rights violations even when administrations would not.

We are encouraged by the House’s passage of the [Uyghur Human Rights bill] and hope for swift Senate action and adoption. In addition, we urge the administration to support efforts at obtaining access to Xinjiang by independent observers, possibly under the auspices of the UN High Commissioner for Human Rights; such an effort is critical to determining appropriate accountability mechanisms. Quite simply, China should not be allowed to get away with human rights violations of this scope and scale. In addition, the US should work with like-minded governments to ensure the safety of Uyghur diaspora communities, support efforts at cultural and linguistic preservation, and urgently review the due diligence strategies of any US business operating in Xinjiang.

To address the Chinese government’s expanding use of surveillance technology in the commission of human rights violations, we urge the United States to impose appropriate export

control mechanisms to deny the Chinese government—and Chinese companies enabling government abuses—access to technologies used to violate basic rights. This includes by adding companies to existing export control lists and imposing targeted sanctions under the Global Magnitsky Act against individuals linked to serious human rights violations. US private companies and public universities working in this sector should be encouraged to adopt due diligence policies to ensure they are not engaged in or enabling serious human rights abuses.

We hope that you will urge universities and colleges in your districts to seriously consider our proposed Code of Conduct to protect academic freedom; we believe the ideas are in no way contradictory to schools' existing principles. But we also believe that until academic institutions adopt strategies specifically designed to limit Chinese government and Chinese Communist Party activities on campuses worldwide, anyone engaging on issues Beijing thinks are “sensitive” is at risk of having their rights to academic freedom curtailed.

Finally, the US should recommit its support to independent civil society across China. That community is under sustained assault, and it needs sustained attention from the US government—including both Congress and the executive branch. People from that community paid a terrible price during the 1989 Tiananmen Square Massacre; they have paid it over the past three decades. Yet they have not abandoned the Tiananmen spirit, and neither should the US.