

Foreign Affairs Committee

Oral evidence: Xinjiang detention camps, HC 800

Tuesday 2 March 2021

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Members present: Tom Tugendhat (Chair); Stewart Malcolm McDonald; Andrew Rosindell; Bob Seely; Henry Smith; Royston Smith; Neil Coyle.

Business, Enterprise and Industrial Strategy Committee Member present: Ms Nusrat Ghani.

Questions 135-192

Witnesses

I: Dr Samantha Hoffman, Senior Analyst, the Australian Strategic Policy Institute (ASPI); and Dr Radomir Tylecote, Director, Defence and Security for Democracy Unit, Civitas.

II: Chloe Cranston, Business and Human Rights Manager, Anti-Slavery International; and Sophie Richardson, China Director, Human Rights Watch.



Examination of witnesses

Witnesses: Dr Hoffman and Dr Tylecote.

Q135 **Chair:** Welcome to this afternoon's session of the Foreign Affairs Committee. We have two very impressive guests, one from the Australian Strategic Policy Institute, which has done such important work on China, and the second from Civitas, which has built on that work and made a huge difference as well. I invite you, Dr Hoffman, to introduce yourself briefly, and then Dr Tylecote.

Dr Hoffman: I am Dr Samantha Hoffman, senior analyst at the Australian Strategic Policy Institute's International Cyber Policy Centre.

Dr Tylecote: I am Dr Radomir Tylecote, Director of Defence and Security for Democracy at Civitas.

Q136 **Chair:** Thank you. We put on record our extreme gratitude, particularly to Dr Hoffman for being up in the small hours of the Australian morning to be with us today.

May I ask you both, starting with Dr Hoffman, what is the extent of UK involvement or complicity in technological development or transfer to Xinjiang from the private sector, universities or even the Government?

Dr Hoffman: Our research at ASPI includes a project called "Mapping China's Technology Giants". We have seen a number of research co-operations of companies such as Huawei and CETC, for instance, in areas such as data processing and facial recognition. We think it could be quite extensive but there is also a lot more to look at, because we aren't just talking about technologies like facial recognition or surveillance cameras, but things like natural language processing.

For instance, a report I did called "Engineering Global Consent", on a PRC company that is controlled by the central propaganda department, identified two individual academics at UK universities, who were, probably very unknowingly, involved in helping with some natural image processing research linked to part of this company that explicitly works on state security, including facial and voice recognition. So, it is probably far more extensive than we are even able to map.

Q137 **Chair:** Dr Tylecote, you might like to pick up on that, because there are many concerning links between UK universities and Chinese organisations, including funding and joint research projects, academic exchange and so on, including some that were revealed today in the *Daily Telegraph* in an article by Juliet Samuel that you may have seen, in which she highlighted the possibility of British scientists working on the China nuclear programme, which seems pretty extraordinary.



Dr Tylecote: It does. To refer to your original question about Xinjiang and, broadly, the surveillance state that is emerging there in particular but in China as a whole. In that area, we looked at links and research that is coming out of UK university centres that are sponsored by or have research relationships with Chinese military and/or surveillance conglomerates and universities. In general, we think that being involved with these organisations in China is risky. Of course UK universities intend their research to be used for civilian purposes, but we think it is rather naïve that they claim that they can believe it will always be used in that good faith.

When we look at particular technological fields, we find particular risks. For example, at the University of Strathclyde—this is on the surveillance and facial recognition technological group in general—a centre for image processing is backed by Chinese military-linked universities. Some research there has been funded by the UK's Royal Society, which is another issue to come on to, but it has co-operated with PRC institutions on person re-identification and deep feature learning for camera networks. Meanwhile, at Cranfield University in Shrivenham, we see a paper on automated camera surveillance of people showing physical symptoms of stress in collaboration with PRC researchers. Those are just two reasonably useful examples of how technologies that may have innocent uses in the UK and the west are researched alongside PRC organisations and researchers, especially those in sometimes elite military-linked universities and conglomerates, where we think serious risks are being taken.

Q138 **Chair:** You have both spoken about connections. Are there specific examples of joint research being used directly for human rights abuses, and how can this joint research output for these purposes be monitored?

Dr Hoffman: The No. 1 problem that we have is that we are not broad enough in the way that we define the kinds of technologies that are a potential risk. If you look at anything that is a smart cities-linked technology, those technologies could be linked to coercion and the PRC, but oftentimes the problem is that the way the PRC approaches the use of technology in its domestic context is that the technology is always dual use. There could be a perfectly normal reason for using it, as well as a coercive reason at the same time. Monitoring that becomes a lot more difficult, but one thing that needs to happen is perhaps the development of a due diligence tool that any local council or research institution can use and that illustrates the links between companies and the state, as well as the supply chains of PRC companies, in order to at least make that data transparent, so that those entities have a lot more to do to publicly justify their decision making.

Chair: Dr Tylecote, do you have any views on that?

Dr Tylecote: I agree entirely that the issue here is partly technological threats. Of course, we are now in an environment, under the current Chinese Government, of what has been described as civil-military fusion. This is one of the reasons we repeatedly point to what we think, I'm



HOUSE OF COMMONS

afraid, is the naivete of some UK universities and UK university research centres. It is now especially hard to claim that they can be sure that these technologies will be only for civil use, when the Chinese Government has said that it is essential for even purely civilian, let alone mixed civilian and military conglomerates, to apply their knowledge, intellectual property and learning to China's rapid military development. That whole strategic situation for the UK has changed.

One thing that it needs to lead to, in terms of reforms in the UK, is how university research centres and the research that comes out of them are approved. What seems to be happening is that a number of the centres we have looked at have been approved and are legally legitimate, but it is not always clear that the authorities are then aware of the research that is done in these centres. For instance, we talked about surveillance and human rights issues. There are manifest human rights issues with inadvertently helping to arm China in general. You have a centre at the University of Manchester that has been sponsored by China's main ICBM manufacturing conglomerate. Some of the research we have seen coming out of that has explicit potential military use. They describe the potential military uses in the abstracts of papers, and there are diagrams of missiles converging on the same target in some of the research outputs that this has produced. There needs to be reform of how separate research projects are approved, especially if they are getting UK taxpayer funding, as I'm afraid many of these most concerning projects have been.

Below that, we think there should be an audit of UK research councils in general and the funding policies of UKRI and the Royal Society, and also a review of the academic technology approval scheme, whereby the UK vets and can block the entry to the UK of different research staff. I think the Government needs to look more closely at the students, graduates, staff and former staff of China's military-linked conglomerates and universities, and their entry into the UK for research.

Chair: Before I come to Henry, you wanted to come in, Stewart.

Q139 **Stewart Malcolm McDonald:** I have a question in relation to investments specifically for Dr Tylecote. Are you familiar with the Rosslea Hall Hotel in Scotland?

Dr Tylecote: I am not.

Q140 **Stewart Malcolm McDonald:** It was purchased just over a year ago by Chinese investors. It is based on the west of Scotland, which you will know is where the UK's nuclear deterrent is based—in fact, it is within the line of sight of the choke point at which submarines come in and out of the Faslane naval base. It is my understanding that a similar attempt was made to purchase property—I think I am right in saying it was a hotel—in the US, which was blocked by US authorities on the grounds that there were concerns about Chinese investors, perhaps with connections to state intelligence. I make no accusation of that in the case of the Rosslea Hall Hotel in Scotland, just to be clear, but there have been concerns that that is a pattern that the Chinese state follow in places such as Australia, for



example, where they would purchase these properties that are close to sensitive national assets or infrastructure in order to essentially spy on them and monitor them. Could you speak to that issue? If it were to be the case that there was some kind of connection to the Chinese state in the Scottish case, what checks would that go through in the UK in order to assess whether or not it posed any kind of threat?

Dr Tylecote: That is a very interesting question. Thank you for the information. Obviously, I cannot comment on that particular location, but it is widely known that various Chinese entities have tried to make what appear to be strategic real estate acquisitions in Australia—successfully in Australia—and in Iceland and other locations.

This speaks to one of our proposals in our paper, which is for a UK version of the Committee on Foreign Investment in the United States, or CFIUS, which I understand is broadly being considered. One of the roles that a UK CFIUS could carry out is scrutinising real estate transactions. A UK CFIUS would broadly have the responsibility of looking over potentially threatening investments in the United Kingdom. These would not only apply to investments from China. It could oversee university investments and research sponsorship. It would be a relatively broad organisation and it would have, we would assume, input from the FCDO in the form of, for example, investment reports, so understanding where an investment into the UK or with a UK entity could aid a conglomerate or other entity that was involved in a potential human rights abuses abroad. I would also focus on transactions of that sort as CFIUS in the US does. You have just given an excellent example of where more oversight is needed on a systemic level. We talk about strategic incoherence in the paper; this is why I think CFIUS UK needs to happen rather soon.

Q141 **Stewart Malcolm McDonald:** In the case of that particular property, it was financed by cash from the Royal Bank of Scotland. It will presumably have gone through money-laundering checks and that sort of thing. The purchaser did speak to the media and say that he had got calls at the time from the police; he mentioned that he may have even been called by the Ministry of Defence at one point, but he could not seem to recall in one interview. I appreciate I am only just telling you about this case here and now, but is it your view that the checks that would take place are not robust enough as they are?

Dr Tylecote: Again, I cannot speak to that particular case, although it is clearly extremely interesting. Broadly what we describe in the paper is an atmosphere where China is just one example of an authoritarian state that has been treated as a research and investment partner under an assumption that its values, activities and behaviours are converging with those of a liberal democracy. Events of the last 18 months-plus suggest that we have to reassess some of those assumptions and make rules accordingly. My broad assumption is that the investment rules as they stand, for which university investments are just one example, need to be looked at.

Stewart Malcolm McDonald: It is interesting because the country of



HOUSE OF COMMONS

origin section on the Companies House website was changed from China to Hong Kong, which was an interesting element to the whole thing. I will leave this case there, I just wanted the witness's view of it.

Chair: Thank you. Bob, if you want to ask about CFIUS, I was going to come to you after Henry, if that is alright.

Bob Seely: Yes, I was just checking that you wanted Henry to come in first and then to come back to this.

Chair: Henry, all yours.

Q142 **Henry Smith:** Thank you. I am interested to get the views of our witnesses—thank you for your attendance today—on which areas of technology, research and collaboration pose the greatest risk of output being used for the persecution of the Uyghurs and other ethnic minority groups in China?

Dr Hoffman: Again, the point we made about all technology being dual-use is really important. The obvious technologies are basic ones of facial recognition, voice recognition, anything related to police geographic information systems—things like facial recognition or surveillance cameras. It is also things like the natural language processing example, which I mentioned. It is a really useful one, because it is a technology that obviously has a lot of very practical, normal and good uses, but it can be applied in a different context. For instance, I was reading about one technology for the paper that I mentioned, "Engineering global consent", which had links to the propaganda department company. A company that they were linked to was looking at researching with the University of Technology Sydney on lip-reading technology—or rather, they were researching with the University of Technology Sydney, and that company was involved in the lip-reading technology. If you applied that and the natural language processing research that a company like GTCOM was involved in, reading lips off surveillance cameras, for instance, is something that could happen in multiple languages, so Uyghur is one key language that they would look to identify.

Really, it is anything that is a smart, emerging technology. It becomes a lot harder to know—it all really depends on the intent of the actor deploying the technology, rather than the technology itself. It becomes a lot harder to know and to determine which ones are good and which are bad in context.

Henry Smith: Thank you, Dr Hoffman. Dr Tylecote, do you have any comments?

Dr Tylecote: Broadly, I would refer to the technological areas of data science, artificial intelligence and facial recognition. There is clearly a concerted effort, I'm afraid, at a strategic level in Beijing to build what seems to be the world's most intensive high-tech surveillance system in Xinjiang. I think we should now take a safety first approach to any form of research collaboration in those areas with PRC entities or researchers in the PRC, let alone companies and corporations like CETC that we know to



HOUSE OF COMMONS

be involved in the development of that system. That should apply to the creation of an entities list—I appreciate that is a slightly different subject—that would bar different Chinese military and surveillance conglomerates and universities from that research.

That said, there are interesting examples of information technology research going on in the UK in collaboration with Chinese military-linked universities to which are attached similar concerns to those you described. At Heriot-Watt University, for example, one researcher collaborated with a very elite Chinese military-linked university on password breaking, so it appears that UK taxpayers funded the development of a password-breaking tool with a leading military university in China, whose staff have been implicated in espionage and one of whose specialist fields is information security. That points to a general strategic mismatch for the United Kingdom. As I say, the need for a safety-first approach on research collaboration is quite clear.

Q143 Henry Smith: It is quite remarkable. That brings me on to a couple of quick follow-up questions. More widely, which areas present risk to the UK's broader security interests, and are there any fields in which research collaboration should be limited, or indeed monitored much more closely? You have already touched on that, but if you could expand, it would be appreciated.

Dr Hoffman: I agree. Anything AI-related, or anything related to bulk data collection and processing, those to me are real key areas. The other linked issue is also the fact that a number of UK companies or law firms, like Clifford Chance, for instance, help Chinese technology companies with their PR in the UK. That is also a problem that is related to this.

It is also things like companies like YouTube being approved by the British Standards organisation for meeting compliance with GDPR, and companies like that being implicated in the activities in Xinjiang as well. So it is not just the direct research co-operation; it is also the way that UK companies help to raise the profile of those companies or help to increase their market penetration in the UK. If you are talking about any technology that collects data as a way of providing a service, such as Hikvision facial recognition cameras in the UK, and they are collecting data that then helps to improve the accuracy of that facial recognition, that is also linked in my view, even though it is not as direct as the research co-operation, for instance.

Henry Smith: Thank you, Dr Hoffman. Dr Tylecote, do you have anything to add?

Dr Tylecote: I agree with the point that some of the risk is not simply inadvertent production of military hardware; some of the time, it is that universities are adding to the prestige of those organisations. For instance, one of the university centres we have discussed has a training agreement—it is not even research—to train the staff of China's largest weapons manufacturing conglomerate. Universities need to be asking



HOUSE OF COMMONS

themselves some straightforward questions about whether those are the kinds of partners that they want.

On the subject of the risk of human rights abuses more broadly, particularly risky technologies of course, there is a human rights abuse risk of providing the Chinese military with anything that could be used to generate new hardware, for example, because of its export markets and the regimes to which it exports kit. We have seen researchers carry out in the UK stealth-related research, radar-jamming research, with the military-linked Key Laboratory of Radar Imaging in China.

The company in China that sponsors the graphene research centre at Manchester, which aims to produce graphene-based coatings there, also appears to have provided a graphene-based coating for the Z-10, China's most recent attack helicopter. Imperial has a centre where an engine technology that was [*Inaudible*] by the leading stealth jet engine manufacturer in China. There seems to have been a breakthrough in a very similar field of technology in one of the centres that it sponsors at Imperial.

We make absolutely no accusations of any intent on behalf of UK university researchers. We believe that they think that they are producing civil-use material, but we also think we have demonstrated that the risk is there. I am afraid that if you are generating material used in any way by the Chinese military, in any part, there is a risk of that being used grievously by China or one of its export partners.

Q144 **Chair:** Can I just say to both of you, it sounds like we are not being taken advantage of so much as pimping ourselves out. It is extraordinary, the level to which we seem to be exposing ourselves to the genuine accusation that we are co-operating with a very hostile state power. Is this just unfortunate? Are we unlucky? Is this happening to everybody, or are we particularly open and vulnerable?

Dr Hoffman: This is happening globally, so it is not just the UK. But especially having gone through the UK university system, I noticed that there were things in the UK that seem a lot worse than in other locations. I think a lot of it has to do with funding models. It seems like a lack of due diligence altogether—

Q145 **Chair:** Or curiosity?

Dr Hoffman: Yes. Explaining away any possible criticism seems quite regular. Earlier I specifically mentioned the law firm Clifford Chance; they were involved in trying to push Huawei's case two or three years ago now, promoting Huawei in the UK, and saying they aren't vulnerable to the intelligence law and so on. I remember I was supposed to speak there at the time, and was removed from the panel, having been told that they became aware of which companies were attending the panel and that they no longer thought I was best suited to be there.

It is all sorts of things. Some of them are very direct—not that I can prove anything from those email exchanges—but it was quite obvious what was



HOUSE OF COMMONS

going on. Then there are things that are less direct. I think people just aren't aware of what is happening.

Chair: Could I perhaps turn to Bob, who I know has got a lot of questions on this.

Q146 **Bob Seely:** Thanks Tom, and thank you both for being on the call. I have to say, the evidence is breathtaking and depressing. To describe the Government, universities and companies in this country as naïve is beginning to be an understatement. Samantha, thank you very much for the incredible work that you and ASPI are doing as well: I am very well aware of your reports.

Before I come to Dr Tylecote to ask him about the CFIUS process—which is the US process to make sure that people who are buying into their high tech are responsible—Sam, was the Clifford Chance report the one that offered legal advice, then in the small print said, “that is in no way legally binding”?

Dr Hoffman: Yes.

Bob Seely: So effectively Clifford Chance was completely whitewashing Huawei, then in the small print they said, “this is not a legal document, but we are a big legal firm that is going to do an impressive document to make it look good for Huawei, but it is not legally binding”. That report.

Dr Hoffman: Yes, the same report.

Q147 **Bob Seely:** Fantastic. I did not realise they were doing PR for them as well. As you know, you have just had a new lobbying law in Australia couple of years ago. We very badly need a foreign lobbying law in this country. Are you saying that Clifford Chance, a legal firm, is doing PR for some of these Chinese corporate entities as well?

Dr Hoffman: I would say that a document like that appeared to be nothing but PR, because it was not really a piece of legal advice. So my question is: what is it then? It is things like those companies investing in research as well, it is not just the Chinese companies but also, for instance, something like Clifford Chance and Huawei both funding Chatham House. These are all concerning collaborations.

Of course, it is not just Clifford Chance, that is just an example I remembered before this hearing as a useful one to point out. It is also PR companies; I came across one in the *Engineering global consent* report. There is a weird PR company called the Honey Partnership that seem to be not only representing GTCOM, the propaganda-linked company, but also Hikvision and other PRC-based companies.

Q148 **Bob Seely:** Turning to Dr Tylecote: on the CFIUS process, one of the slightly concerning things about the National Security and Investment Bill is that there is not going to be much of a process. There is not a CFIUS process. The Secretary of State for BEIS will make a decision on national security, and unfortunately, we were not even able to get a definition of what “national security” is, so it is very vague. We do not have a CFIUS



HOUSE OF COMMONS

process, so companies are being bought by one-party states—be it Russia or China—or their front organisations. Do you think it is realistic for us to have a CFIUS process—so, a really robust process—to ensure that universities behave with ethical and national security considerations in mind?

Dr Tylecote: Absolutely, and thank you for the question. It is a good opportunity to point out that we are not simply talking about investment from China here. Russia is another excellent example. Broadly, we are talking about investment by entities in authoritarian states that pose all sorts of potential threats. In my personal view, universities are part of what a UK CFIUS should cover. It would have to have a relatively broad remit, because sponsorship of UK research is a form of investment in the UK. Obviously, we have discussed the issue with real estate investments. Potentially, the level of threat could include forms of advice. The US CFIUS issues investment reports that inform the State Department. In the UK, that might include forms of advice in reports from the Foreign Office about where investment is planned by conglomerates whose subsidy may break WTO rules and that represent a more general mercantilist challenge to the UK's economic welfare, as well as how the UK should respond to the proposed investments.

Q149 **Bob Seely:** Sadly, it seems to me that we are completely missing the mercantilist picture altogether. I was amazed by Stewart's example of the Rosslea Hall hotel, which seems an extraordinary coincidence. Let us put ourselves on the side of the universities. Are they being complicit and not really caring whether they are dealing with a one-party authoritarian state, or are they just being complacent, because—clearly—they need funding? As Dr Hoffman pointed out, there is a funding model for UK in which they have to be going out selling their wares. What are the pressures on universities that make—superficially—some very questionable and ethically confused choices?

Dr Tylecote: Clearly, there is quite a degree of complacency. There is no question of that.

Q150 **Bob Seely:** On complacency: why do you think that is? Are they not really caring about who they deal with?

Dr Tylecote: The way I would answer the question generally is this: I want to sound a note of sympathy for UK universities here. As was made clear by Juliet Samuel in her excellent piece in *The Daily Telegraph* today, there is a broad spectrum of university cooperation with PRC military-led organisations. At one end of the spectrum there are, I'm afraid, university cultures that have gone to the extent of now cooperating on research with the Chinese Academy of Engineering Physics, which is China's main nuclear warhead conglomerate. That is one end of the spectrum. Obviously, it is profoundly concerning that a small number of universities have got that far.

Q151 **Bob Seely:** Do we know which universities they are? Have we got a list of the universities that are cooperating with this questionable research?



HOUSE OF COMMONS

Dr Tylecote: It is a matter of public record. It was in today's edition of *The Daily Telegraph*. Those universities are Cambridge, Manchester and Liverpool. But there is a broad spectrum here. At the other end of the spectrum are universities in which one or two research papers have been released, and when we gave people the right to reply to our paper before publishing it, it seemed to me that quite a lot of university vice-chancellors were as shocked as we were, and are very keen to deal with the matter internally. As part of this note of sympathy, universities exist in an environment in which they are told to go forth and seek international research funding. They also exist in a post-cold war research environment. Whereas we used to sponsor defence research considerably in defence research establishments—DREs—some of whose research outputs were private, those were broadly agglomerated and privatised, and a lot of that research has gone into universities, whose culture, quite defensibly in general, is a culture of open and international research collaboration.

I think what we need now is more strategic realism and a good deal of—well, first actually, more spending on defence research in the UK. Our defence R&D spend is simply too low. So, we are seeing taxpayers' money now go to these collaborations with China that we have discussed, which is another issue. But some of the scientific researchers in UK universities might be better placed in research facilities that are not producing public outputs.

Q152 **Bob Seely:** I have two very brief questions, Mr Chairman, just to follow up on that. First, would you then have universities as part of the UK's foreign lobbying laws, so that you make sure that they understand when they are being lobbied and when they have unhealthy relationships with authoritarian states? And, secondly, where would you put this CFIUS-style organisation? Would you put it in BEIS, because they would be very gung-ho for Chinese investment, no questions asked maybe? Or would you put it in the FCO, which will take a more nuanced and perhaps more cautious approach?

Samantha in Australia, please feel free to add, because Australia is obviously a couple of years ahead of us on this lobbying and the concern about China's approach, and I think you have lots that you could teach us.

Dr Tylecote: CFIUS in the US is an inter-agency organisation, and I think its role is inherently that it takes from many Departments—State, Defence and so on—and considerably from the Treasury. So, wherever it is formally located, I think its natural role is that of an inter-agency organisation. It is probably not for me to say at this stage exactly what legislation should be made in response to the national security challenge; that is just my personal view on that strategic placing.

Then, it would be naturally informed by investment reports from the FCDO, for example, by input from BEIS and of course by the MoD. It should be given a sort of free rein.



HOUSE OF COMMONS

Dr Hoffman: I will add a quick couple of comments; I am organising them, sorry, as it is two in the morning here.

On Australia in particular, I think that one thing that we have observed in the last couple of years is that the universities are not registering. My impression is that they think that they do not have to, because they would report to state governments but not the federal level. So, that is one problem, whereas with an organisation like ASPI, we have reported our funding. We have been very clear and we disclose all of our funding in our reports as well. So, we receive money from the US State Department as well as from the UK Foreign and Commonwealth Office, for instance, and all of that has been declared, because we think that it is right to do so. On the other hand, universities that are involved with authoritarian states like the PRC have not necessarily registered that involvement. So, that has been a problem.

On universities, I have actually been looking into this issue for an unrelated consulting project. I noticed that academics in the China field vary widely; it is a very divided field. But often times, some of the feedback I am getting from various people who I speak to in the UK is, "Well, you know, academics are rarely included in university ethics boards decisions on relationships with China", and that seems to be one problem.

I did have one other thing to say, but I have forgotten—

Q153 **Bob Seely:** Okay, but just on that point, this is a process problem partly for universities—that they need to make sure about their ethics processes, that they need to know who they are working for and who they are ultimately working for, etc. So, one can have some sympathy with the universities, because they may not know quite who they are working for, or the right people may not have been on the ethics board. That is clearly no excuse, but it is a mitigation.

Dr Hoffman: Yes, or even that maybe there are people in the university who have directly raised their concerns. Those at senior university management level are ignoring that, because they are more interested in the money and not in ethics. The other thing that I was going to say is that, in approaching and defining what the UK deems a national security risk, it is also important to remember the way China defines state security, which puts the party's interest above all else. It is a whole lot wider than just military security; it is economic security and the party's own political security. That means the risks that the UK should be thinking about should be broader and be taking into consideration the way that the party thinks of state security—not to apply their own security concept itself, but to consider that when mitigating risks.

Bob Seely: Thank you very much. Nus, you wanted to come in.

Q154 **Ms Ghani:** It is great to have both witnesses here today. I am guesting from the BEIS Committee, which is in the process of producing a report on supply chains into Xinjiang. My question to both of you—I will come to Samantha first—is about Chinese surveillance companies that are based



HOUSE OF COMMONS

in the UK or are working here in the UK, particularly Hikvision. What threat do they pose to the UK or UK citizens? I am particularly thinking about their ability to collect data and the fact that they have to declare that data on request by the Chinese state. I will come to you first, Dr Hoffman.

Dr Hoffman: There are many ways these companies can pose a risk. One is that the technologies themselves are always designed according to domestic standards, which are set not only by companies but with the involvement of the National Defence University, the Ministry of Public Security and so on. Standards for facial recognition, for instance, are developed with those state entities as well as commercial companies. Meeting those standards is required in order to meet domestic contracts. When those companies export their products globally, those standards are baked in. It is not as if the technology itself is agnostic.

When that technology goes global—I mentioned earlier the Yitu example, because it was striking to me. I was writing a paper that will be published at the end of the month, and I noted that the British Standards Institution had approved Yitu as being GDPR compliant, even though we know that Yitu's technology was designed for a purpose that includes coercion. The technology is actually used in Xinjiang. That standard setting for normal business activities is quite concerning, but it is not just that. It is also Hikvision cameras being used all over London. I mentioned earlier the bulk collection of data and how that collection of quality data helps to improve the accuracy of AI. It is not as direct, but it is still a problem.

You mentioned the intelligence law. The No. 1 thing to remember is that the party says that the law is there to protect its power. Xi Jinping said so—I think it was a November 2018 speech when he pretty much literally said that. When you are thinking about PRC law, it is always important to remember that. But specifically, the state security legislation and intelligence law say that all companies are required to participate in intelligence. Not only are they required to participate; they are also required to keep that participation secret. Even if a company on its own is trying to avoid pressure from the party state, the unfortunate reality is that the party figures out how to attach itself. It is not necessarily that all the company's activities are directly linked to some centralised plan—that is not the argument. It is more that the party can attach itself when and where it wants to.

Q155 **Ms Ghani:** Dr Tylecote?

Dr Tylecote: Hikvision is a very interesting example. We have two strategic issues here. One is civil-military fusion, and the other, as Dr Hoffman said, is the national intelligence law, whereby any Chinese entity or individual is obliged, when the state says so, to share any intelligence that they may have with the Chinese state. We have described in our paper that strategic incoherence. We think this is a rather good example of where the form of trade we have at the moment is leading evidently to some level of security risk.



HOUSE OF COMMONS

Hikvision exists in a particular technological field. The example of the research that we think could contribute to that is facial recognition. I think there is a great opportunity for a kind of ethical international leadership for the UK here, because the ramifications of facial recognition technologies in the hands of authoritarian states are obviously sinister. Some writers have suggested that the UK may ban facial recognition technologies entirely from camera networks within the UK. That is one possible approach. But obviously the use of these technologies is strictly limited, and that sets an example there.

Another area where more action by the Government is needed is in standards competition. There are now clusters and chains of companies around big conglomerates like Huawei, also around Hikvision, where China is trying to determine the internationally accepted technological standards, that are then taken up by other countries, especially in the developing world, in order to dominate those technologies in the coming couple of generations. We are talking about technologies where this would fundamentally reinvent the way the internet works and build in essentially surveillance and blocking features by Governments. It would alter what are accepted technologies in CCTV and give Chinese conglomerates the leading edge.

This is a major issue in national strategy that is relatively new. It is an area that is naturally in the BSI's—the British Standards Institution's—domain, where I think we just need to think more strategically, frankly.

We have also discussed the question of an entities list. We think that a full list of Chinese companies that are sanctioned from investing in and selling to the UK is urgent. That should include a consideration of companies in this area.

Q156 **Ms Ghani:** Thank you. Just a quick question—a yes or no answer will suffice. Considering how deep Hikvision is, whether it is in local authorities, or across our country, do you believe that the Government should do a full audit of where Hikvision is and what access it has to our data here in the UK?

Dr Hoffman: *indicated assent.*

Q157 **Ms Ghani:** I assume that is a yes, Dr Hoffman; you nodded. Dr Tylecote?

Dr Tylecote: Absolutely, yes.

Q158 **Royston Smith:** You have both made reference to the global implications of the technology being used in Xinjiang. Can you expand on that a bit? What are the potential global implications of using that technology?

Dr Hoffman: You mean the export of that technology globally?

Royston Smith: Yes.

Dr Hoffman: The implications are really broad. The starting point is that that technology is designed with the intent to coerce. You cannot remove that once that technology is exported. I think oftentimes we—as in



HOUSE OF COMMONS

researchers in liberal democracies—focus on the export of technologies to other illiberal regimes and forget how the export of those technologies to democracies is also a problem, because we cannot control the inherent design features.

The best way I can think of describing it is that this is cyber-insecurity in the supply chain, where something even like the GDPR, in my view, does not really protect from those companies from engaging in the normal collection of data to provide the services they say they are going to provide, and then where that data might go afterwards.

The GTCOM example is the best example I can give you in this context. This company embeds its products in Alibaba Cloud; it embeds its products in Huawei smart conferencing solutions, for instance, and its products are translation services. By collecting language data in 67 languages, according to the company's claims, any of the data that it collects goes back to servers that are controlled by the propaganda department. The company itself literally says that it contributes to state security by helping with voice recognition, facial recognition and image recognition, and its stated goal is linked to helping with military intelligence and propaganda.

If you are looking at something like Huawei or an Alibaba Cloud service, you would not necessarily think about looking at their suppliers. You are just looking at that company but, especially with the collection, transfer and use of data, it becomes quite difficult to track where all that could be used, and how it could be used to undermine the interests of the UK and others.

Q159 Royston Smith: You paint a depressing picture, if I may say so. I do not mean that in the least bit pejoratively. What can this country do to prevent the adoption of tech authoritarianism by other countries? It sounds almost like nothing.

Dr Hoffman: We both mentioned standards, and participating in international standards-setting bodies is one key area, but it is also developing affordable, reliable alternatives to what PRC tech companies offer, so competing effectively. It is also hearings like this.

You mentioned earlier the *Telegraph* article today exposing what's happening. A lot of the time the issue is that, although a lot of this is hidden in plain sight, it is not part of the normal public conversation. We also need to think a little bit further in advance about what technologies are most concerning. For instance, we did a report late last year on China's digital currency electronic payment system. That is an emerging technology that has not yet widely spread.

I do not know what the solutions are, but you can focus on more careful responses to that emerging technology, rather than the sort of whack-a-mole approach that we have taken with companies like TikTok or Huawei. So far, we in the liberal democracies have always been caught on the back

foot. It is kind of being ahead and thinking about which technologies are the most important, as well.

Q160 **Royston Smith:** Dr Tylecote, did you want to add anything to that?

Dr Tylecote: Looking at this from a higher strategic level, some of the surveillance and facial recognition technologies we are describing, used in the wrong ways, have the ability to stunt the development of democracy, especially in developing countries, and harm civil society.

For instance, where we see Chinese companies selling these surveillance systems to the police forces and Governments of some states in east Africa, these same technological systems appear to be used for the arrest of opposition activists. That makes clear what the dangers are, I'm afraid.

In terms of what we can do about this, the first thing, as Dr Hoffman said, is to recognise and discuss the problem. Another possibility is to work through nascent associations, such as the G10 alliance of democracies, and the Commonwealth, with the United States, Five Eyes and so on, and to develop technological alternatives that various countries can purchase.

We are really only at the start of recognising this problem. The first issue is to ensure that our own trade and procurement policies in the UK do not make it worse, by funding and helping the development of the corporates in question. I should be happy to provide in written evidence to the Committee further detail on the sort of purchases that I described in east Africa.

Royston Smith: Thank you, Chairman.

Chair: Thank you, Dr Tylecote. That would be very kind, if you wouldn't mind producing that. Stewart, you wanted to come in for the last of this panel and then we will go on very quickly to our new panel.

Q161 **Stewart Malcolm McDonald:** Thank you, Chair. Forgive me if you can hear a rather loud printer in the background. I am printing Dr Tylecote's reports, as we speak.

I just wanted to ask a brief question, which leads on from what we have been discussing, and that is to move on to what the rules of engagement should be. If we want the benefits of sponsorship—joint research—with China, but we obviously want to minimise the risk of technology being used for abusing human rights and so on, what should the rules of engagement be? I am happy to start with Dr Hoffman.

Dr Hoffman: This is an almost impossible question to answer, in a way. The difficulty, as we have both pointed out, is that so many technologies are dual use. If you want to talk about a specific research collaboration in medical AI, all you have to do is look at the case with a US-based company—I have forgotten its name—that is involved in genomic surveillance in the PRC, I think. That is a little bit more direct, but there are other cases where you would think, "This is a very positive way of co-operating", yet the way that the PRC might use that technology, or



even the data sources used to develop that technology, might be less than ethical.

It is difficult to know where to collaborate when we have not even adequately defined the problem, in my view, in terms of the scale. I mentioned earlier that idea about state security being so broad in the PRC. Security is part of everything, so although I am not saying that collaboration is impossible, that makes it a lot more difficult to say where the red lines are.

Dr Tylecote: May I ask, Mr McDonald, if you could be a little more specific? Are there particular fields you are thinking of?

Q162 **Stewart Malcolm McDonald:** Forgive me: what was the project you mentioned at Heriot-Watt university earlier on? Was it password breaking?

Dr Tylecote: There were two research outputs that we described at Heriot-Watt. One was password breaking for smart watches, and the other was radar jamming for stealth jets.

Q163 **Stewart Malcolm McDonald:** Sure, so let's take those two projects, for example. Do you think it is possible to do that kind of collaboration without it fundamentally being used either to abuse human rights or against our own interests?

Dr Tylecote: I think those two areas are legitimate areas for UK-specific defence research, presumably in secure facilities that, in those two cases, probably would not produce public research outputs. They are certainly not areas that the UK-based researchers, wherever those researchers are from, should be researching with Chinese military-linked universities, in one case in a radar laboratory. We do not think there is anybody in a UK university who would view that as a good starting point. At the very least, for any potentially dual-use technological area—that is, civil and military use—we should not be allowing investment by Chinese military-linked entities. That is the first rule of the game, and then there are questions below that.

Stewart Malcolm McDonald: That is one rule. You have given me one rule to answer the question.

Dr Tylecote: Absolutely. I am about to give you another. There are questions below that about how the academic technology approval scheme works, and who is allowed to enter this country to carry out these areas of research. There is a case in some areas to limit those to a UK-only entity and/or Five Eyes, although I think it requires deeper investigation to say exactly where the line should lie in terms of technology. There are many technological fields where there are potential military uses, but a technology will in general be used for civil applications, but this process has to at least begin.

Stewart Malcolm McDonald: If you think about universities across the UK, the responsibility for universities is with the UK Government in



HOUSE OF COMMONS

England, the Welsh Government in Wales, the Scottish Government in Scotland, and the Northern Irish Executive in Northern Ireland. In terms of where power lies across the UK, it is—I do not want to say “fragmented”, but it is devolved out of the hands of central Government in London. Is that something that can be exploited? If I think, for example, of Scotland—you have already mentioned a couple of Scottish universities—the Scottish Government does not have the competence or the capacity to do the kinds of assessments as to where there is a potential threat or where there are projects going on that you would not want to be going on. You mentioned the ones with the Chinese military, but the UK Government would have the capacity to assess and step in at some point, presumably. Do you think that there is perhaps—I do not want to call it a loophole or a back door, but do you understand the point I am trying to get at?

Dr Tylecote: There are all sorts of areas for the natural domain of local democratic oversight. That said, UK national security and foreign and trade policy, which are all linked, is the natural domain of central Government in Westminster. The question is where universities, at the individual university level, should be free to decide their own research policies and where they should be decided centrally. I think the research policies at universities in general need to be audited and a new legislative framework created under which universities can pursue legitimate relationships with research partners. The first priority is for central Government to—*[Inaudible.]*

Stewart Malcolm McDonald: Okay. Thank you, Chairman.

Chair: Can I thank both witnesses, particularly Dr Hoffman? It is now about half past two in the morning your time. You have been extremely generous with it, so thank you very much and thank you to all at ASPI and Civitas who have contributed so much to the ongoing debate. We will go straight into the next session.

Examination of witnesses

Witnesses: Chloe Cranston and Sophie Richardson.

Chair: Dr Richardson and Chloe Cranston, please introduce yourselves very briefly. Dr Richardson first.

Sophie Richardson: Good morning and thanks for having me. I am Sophie Richardson, Human Rights Watch’s China director, a position I have held since 2006.

Chloe Cranston: I am Chloe Cranston, business and human rights manager at Anti-Slavery International.

Q164 **Chair:** Thanks to you both for coming. I am sure you heard elements of the evidence before. I believe, Ms Cranston, you wanted to add something briefly on universities before we carry on. Is that correct?

Chloe Cranston: No, that would have been Sophie.



Chair: Forgive me.

Sophie Richardson: I wanted to add that we have done very sensitive work on Chinese Government threats to academic freedom worldwide, including in the UK. To pick up on a topic that the last panel discussed, there is much to be said for Governments leaving universities in a financial position to be free and to not have to depend on companies such as CETC to be able to pursue good research. There is also often real tension between scholars at a given university who are knowledgeable about the Chinese Government and its efforts to influence things like academic debates abroad and the management of those universities, and often the academics get left out.

I think that there is a lot of room for much better co-ordination across universities about the different kinds of threats they face, not just in these problematic, tough co-operations but in threats to what students and scholars can say on their own campuses, free of any fear of surveillance or reprisals. We published a code of conduct sketching out some of the steps that we think universities could take. I just wanted to flag all of those dynamics because I think they speak to a number of the issues that were just raised. Thanks.

Q165 **Chair:** Thank you very much. You go straight into what I was going to ask about, so that feeds in very nicely, which was how the UK Government should deal with Chinese companies known or suspected to be complicit with the persecution of ethnic minority groups in Xinjiang or anywhere else, whether through forced labour or surveillance. This is clearly part of the same question. Perhaps you would like to carry on, Dr Richardson?

Sophie Richardson: Sure. Briefly, I think it is important to know who you are doing business with and that requires a certain amount of scrutiny. There is certainly room for a CFIUS-like body in the UK. It is not a perfect institution—it has been incredibly politicised in the US—but if one were to function in the way that it is supposed to, there is real merit in that.

We are proponents of sanctioning companies and creating things like entities lists, but as the previous panel suggested, it is a much broader discussion, particularly on the issue of technology, about standard setting and about Chinese tech companies not just trying to sell equipment to a given Government.

Do you know who has provided all the surveillance cameras and surveillance gear in the Parliament buildings or in the FCO? We know that some of these companies are trying essentially to implant their own technologies, for example at the UN, and to have their standards upheld. No less than that, we think that there is also work to be done by Governments, like the UK's, around Chinese Government efforts of disinformation, both in the UK and elsewhere. It is a huge project, but its time has come.

Q166 **Chair:** Ms Cranston, do you have anything to add to that? How do you feel we should be acting?



HOUSE OF COMMONS

Chloe Cranston: I am primarily able to speak to the forced labour aspect, particularly relating to UK supply chains. Just to underline, our focus has thus far primarily been on the fashion and home furnishing industries, but I am able to comment a bit further. In terms of the forced labour and the complicity in forced labour, and in reference to what Sophie has begun to say, we believe that the UK Government can take lessons from other countries, to support the need for sanctions on both complicit individuals and companies, and bans on particular products, looking, for example, at the role of the US withhold release orders.

On the latter, there are three important angles to consider. Sector-specific bans are needed to identify and address the problem, where we are not just talking about a few individual manufacturers but systemic abuses across entire sectors in the Xinjiang Uyghur Autonomous Region. For example, we support the need for a cotton ban in the UK on products made in whole or in part of cotton from the Uyghur region. The US has done this, and we need other Governments to follow. Otherwise, there is a risk that it will be jurisdiction hopping, which I can speak about later.

We also need to ban the import of products made in whole or in part by particular manufacturers, in order to compel effective due diligence by the importer or buyers of products. I would also highlight the need for sanctions on the parent companies of suppliers operating in the Uyghur region, which, for evidence, have been involved in the Uyghur forced labour programme or other parts of the abuses.

This is a little complicated to explain, but I will try briefly. Essentially, I emphasise the role of parent companies of many UK companies, brands and retailers that continue to work with suppliers in their value chains. For example, they may be working with our facility in the eastern provinces of China or in Vietnam, but the parent companies of those suppliers still have subsidiaries or operations in the Uyghur region. We therefore have UK companies that are still in a financial relationship with a company that overall, in its value chain, is allegedly complicit in the Uyghur region. We have seen this in the garment sector and there is also recent evidence about this in the solar energy sector.

Such sanctions and import bans would be a powerful mechanism to compel more effective due diligence by UK companies, making it a legal obligation for them not to be in business with complicit companies and to get these companies out of UK supply chains. I am expecting an opportunity later to be able to speak a bit more about the role of mandatory due diligence requirements.

Q167 **Chair:** We will come on to that, I am sure. May I ask, Dr Richardson, do you think there is a merit in the US-style entities list?

Sophie Richardson: Yes, absolutely.

Q168 **Chair:** Do you think it works? Would it work well here?

Sophie Richardson: It is early days, in the sense that we have only just seen the US, in the last couple of years, putting any of the Chinese tech



HOUSE OF COMMONS

companies on these lists. It can be difficult to see how the companies are affected, but some of them—especially ones that were heading towards an IPO, for example—have sunk real effort into trying to get off that list, and I think that that is an indication of success. I think that the US, the UK and other like-minded Governments need to think about export controls as well; the problem is not just Chinese companies, but companies from our countries. In the US, for example, we found a medical technology manufacturer that was selling DNA sequencers to the Xinjiang public security bureau. That speaks to the difficulty of tracking what exactly is being sold into this region and how problematic that can be, but I think you probably already have more purchase over what British companies do. Certainly I think there is a role for an entities list and things like targeted individual sanctions, which the UK now also has the tools to do.

Q169 Chair: Thank you. How do you think we should be co-ordinating with other countries in holding these companies to account? We have just heard quite a lot about universities. Is there merit in getting universities not just across the United Kingdom—Scotland, Wales, England and Northern Ireland—but perhaps in the Republic of Ireland, Canada, Australia and so on—

Sophie Richardson: Certainly. I think any particular sanction or consequence that is going to be imposed on a Chinese entity will be more effective if it is co-ordinated across different countries, because as Chloe has just made reference to, the money could simply go somewhere else. The more co-ordination there is in denying the business opportunities—investment opportunities or co-operation opportunities—the more effective it is going to be.

Q170 Chair: Do you see the same with companies, Ms Cranston?

Chloe Cranston: Yes, very much so. I think we see the need for co-ordinated action at several levels, including at the UN. To speak more specifically about supply chains, we see the need for harmonisation of due diligence requirements on companies. We are seeing developments in this direction in the EU and in individual EU countries, towards mandatory due diligence requirements, which mandate companies to ensure that human rights abuses are not happening in their operations. For the UK to maintain the global leadership that we formed originally under the Modern Slavery Act, we need to make sure we do not fall behind. Despite a narrative suggesting it is so, the Modern Slavery Act is really not fit for purpose in comparison with some of the stronger legislation that we are now seeing appear elsewhere.

More specifically on the Uyghur region, we need really explicit and comprehensive messaging from all Governments that due diligence efforts are impossible in the region. What I mean by due diligence efforts being impossible on the ground in the Uyghur region is the impossibility of verifying whether forced labour is absent, but also the impossibility of preventing, mitigating or remedying forced labour. Therefore, in line with the UN “Guiding Principles on Business and Human Rights”, which the UK Government has very much been a supporter of, the only form of due



HOUSE OF COMMONS

diligence that a company can do is to identify its links in the region and to exit these relationships. That message needs to come out clearly from all Governments and thus far it has not.

In line with this, I would then reiterate the need for consistent legal requirements about not sourcing from the Uyghur region. The US Government has introduced the cotton ban, which is very, very welcome, but now we are seeing the risk emerging that some brands are going to try to avoid this by simply exporting their products to other countries instead. The UK, as well as other countries, could essentially become a market that companies use to avoid the more stringent measures in the US, and I do not think that that is something any of us want.

We also need more co-ordination about sharing of intelligence and information—for example, looking at the increasing evidence about other sectors beyond the garment sector. There is a lot coming out now about the Uyghur region as a spot for global sourcing of polysilicon, which is a key material for the solar energy industry. We need to see Governments coming together and highlighting which are the high-risk sectors, and also—to go back to my first point—co-ordination about intelligence sharing and disclosure of suppliers that are known or suspected to be complicit, because we have very complex supply chains and the more intelligence is shared about which suppliers should not be in any brand's or retailer's supply chain, the better.

Chair: Thank you. Andrew, you want to come in.

Q171 **Andrew Rosindell:** Good afternoon, everyone. Yes, I have a question. Through what specific international agreements and treaty organisations should the UK seek to hold those responsible for persecution to account, both in China and elsewhere? I don't mind who answers that.

Sophie Richardson: Chloe, do you want to—

Chloe Cranston: I think that one is probably best for Human Rights Watch.

Sophie Richardson: Well, it depends on which specific piece of the puzzle we are talking about. If it is on forced labour in particular, the UK can find ways of opening its courts to cases for people who are affected by forced labour. That is one strategy, but if you are talking about accountability for serious human rights crimes across the Uyghur region broadly, there are a few options to pursue.

The Committee on the Elimination of Racial Discrimination—CERD—has an option available where one state can take a case against another state if it thinks it is violating that treaty. In theory, the UK could take a case against China to the CERD. I suspect that what China would do very quickly would offer a reservation to the CERD such that a case could not be taken, so if anybody decides to pursue this option, and we have spoken to number of Governments about it, it should be done fairly swiftly. It is not a mechanism that has been used very often and it would not result in



HOUSE OF COMMONS

any actual prosecution, nor would trying to take a case to the International Court of Justice.

We have been very strong advocates of an independent investigation under the auspices of the Office of the High Commissioner for Human Rights into serious human rights crimes in Xinjiang. We certainly appreciate the very strong remarks that Foreign Secretary Raab made the other day at the opening session of the Human Rights Council. The Chinese Government have stalled and there are disingenuous offers for investigators to come. We think they would be very constrained.

At this point, the discussion is really about whether an investigation could continue outside the country. There is certainly plenty of evidence to be gathered. The key now is for the High Commissioner to pledge to report back to the council on the situation and map out pathways to accountability. It is absolutely the case that the Chinese Government are sufficiently powerful in the international system that many of the traditional avenues would be blocked and this would require a certain amount of creativity. However, as we have seen before with the Rohingya, North Korea or even Venezuela, Syria and Yemen, there have been a number of commissions of inquiry or fact-finding missions that have actually led in some cases to recommendations for prosecutions. We think it is entirely appropriate that the Chinese Government should be held to the same standards as any other.

Q172 **Andrew Rosindell:** Do you think it is time for the UK Government to bring a complaint against the parties to the Committee against Torture? Is it time that we raised it to that level?

Sophie Richardson: I certainly do not see why not. The challenge is that the case has to be brought against a state party. I believe the Chinese Government have not signed article 22, which is what they would have to respond to. There are other ways that the UK Government could make their concerns known, not least by leading not only among the like-minded in this respect in the UN, but also in reaching out to some of the new participants in this discussion. The last statement in November was signed by a number of eastern European and Latin American states and was joined by a few more participants from Asia, including Japan.

There is diplomatic work to be done in broadening that coalition. If you look at the political landscape worldwide, Governments are either angry about covid, horrified by Hong Kong or revolted by what is happening in Xinjiang. There are more Governments that are willing to join these efforts, even if they are not in a position to lead. I think the UK certainly has plenty to say about Hong Kong and Xinjiang and could do more on global organising.

Andrew Rosindell: Thank you very much.

Chair: Royston, you wanted to come in.

Q173 **Royston Smith:** Thank you, Chair. My question is to Dr Richardson first, please, but also to Ms Cranston—I don't want one to be under more



HOUSE OF COMMONS

pressure than the other. How can the UK Government take action to support members of the Uyghur diaspora who are facing persecution or harassment, or who are at risk of being forcibly returned? What can the UK Government do to help?

Sophie Richardson: Thank you for the question. For members of the community who are already in the UK, the first logical step is to consult that community and to make sure they are aware that there is Government concern and that there is an effort to collect their stories and understand what their realities are. But I would certainly also make it a matter of diplomatic priority. The idea that one Government is harassing, terrifying and terrorising people who are standing in the UK and are legally UK citizens should be completely unacceptable.

As for other Governments that are forcibly returning Uyghurs, one of the things the UK could do is make sure its door is always open for people who are in need. I would say it happens once or twice a month now that we get a frantic call from somebody who is about to be put back on a plane, and we have to scramble to find a Government that will take that person. The UK could make it known that it will take those people, but also make it known to those other Governments that to forcibly return people to China is, from the UK's perspective, completely unacceptable. I think that would be a helpful deterrent.

Royston Smith: Ms Cranston, do you have anything to add to that?

Chloe Cranston: No, nothing to add.

Q174 **Royston Smith:** Many Uyghur people have been facing persecution through social media platforms, such as WhatsApp. Is there any intervention, support or guidance that might help remedy that issue?

Sophie Richardson: Some forums have standards mechanisms in place for reporting this kind of harassment, but I think individuals often feel that that is not an adequate or a satisfying response, especially when the harassment is coming from a Government.

Again, there is room for the UK Government to make it known that it is collecting information about those kinds of experiences, and to have people whose job it is to liaise with that community and know what their experience is—especially in a case where it can be shown that the harasser is a state actor. That should be an issue that the Foreign Office prioritises in its interactions with the Chinese Government, but I see no reason why the UK Government could not collect some of these kinds of complaints and take them on behalf of the affected parties to those companies, to demand more effective responses.

Q175 **Royston Smith:** Are there any pressures or interventions that the UK Government could be applying to those countries that support China in its persecution of ethnic minority groups?

Sophie Richardson: Is that for me or for Ms Cranston?

Royston Smith: For either, or both. Ms Cranston?



Chloe Cranston: I will let Sophie continue for that one, if that's okay.

Sophie Richardson: Especially for Governments that have reasonably—I am struggling for an adjective here—functional relationships with the UK, it is a topic worth discussing.

For example, when Pakistan, on behalf of the OIC, praises the Chinese Government's policies in Xinjiang, that ought to be a topic of discussion between London and the Government in Pakistan. Some of the Governments that Beijing will line up to support its views are the ones that are beyond the pale—Venezuela, Iran, Saudi and Sudan. These are not Governments that one could expect to take constructive positions.

That said, there is a whole universe of eastern European countries, of democracies in Africa, Latin America and Asia that the UK could be reaching out to, which try to remain quiet or neutral on this topic and which can be persuaded to be more helpful and to not take the Chinese Government's position.

The Turkish Government have walked a very fine line. They have made clear that they are probably not going to align, for example, with some of the statements that the UK has led on about Xinjiang, but they have also been very critical from their own vantage point. So there is merit in encouraging, for example, the Indonesias and the Malaysias of the world, if they are not going to join UK, Germany, US and Canada-driven statements about Xinjiang, that to not align with China would be helpful.

Q176 **Chair:** Ms Cranston, perhaps I can press you a little bit on some of what we are doing here in the United Kingdom. What should we do more to prevent UK companies' involvement in forced labour and identity-based persecution in Xinjiang?

Chloe Cranston: Thank you very much for the question. I already mentioned a few of the points, so I will provide a bit more detail now. At Anti-Slavery International, we are calling for the UK Government, as well as other Governments, to introduce a law, which is a corporate duty to prevent harm in value chains. That would not apply just to forced labour in the Uyghur region, but far more broadly—to human rights abuses and environmental harm across value chains. Such a law would hold UK companies and financial institutions, as well as the public sector, crucially, which is a very important point in terms of the Uyghur region and forced labour, accountable for failure to prevent harm in their operations and supply chains by mandating them to undertake effective human rights and environmental due diligence.

We are calling for such a "failure to prevent" law, as we call it, to be modelled on the Bribery Act 2010. We have seen that that is legally feasible. In February 2020, the British Institute of International and Comparative Law published a study showing that a human rights law modelled on the Bribery Act would work. We believe that the FCDO would have clear scope, likely together with DIT, BEIS and the Home Office, to



HOUSE OF COMMONS

propose such a law and we believe that the Foreign Affairs Committee should—*[Interruption.]* As I referred to earlier, the UK Government—

Q177 **Chair:** Sorry, the line went funny as you were just saying “The Foreign Affairs Committee should”.

Chloe Cranston: Sorry; I do not have the most stable internet connection. I am trying.

We believe the Foreign Affairs Committee should really press the FCDO, together with the other relevant Government Departments, to look at introducing such a law. I really outline the need for the UK to do this in order to maintain its leadership in business and human rights.

When the Modern Slavery Act 2015, particularly section 54 on transparency in supply chains, was introduced in 2015, it was hailed as being groundbreaking. However, it has been proven to have been a failed experiment and we see now numerous countries introducing or being set to introduce far stronger laws. Maybe most of interest for us is that the proposed law in the EU is likely to have UK companies that either export to the EU or operate in the EU in scope. That is likely to create an imbalance between UK companies.

As I believe the Ethical Trading Initiative pointed out in the last hearing, what we really see is a trajectory that is moving towards such requirements anyway, and so, really, what we see is a choice. The UK can either continue to hold its leadership position in responsible business and keep speed with these developments, or it may end up having to follow in the footsteps anyway. We would prefer a proactive approach.

I also want to underline that the law we are calling for, or these models of laws, have widespread multi-stakeholder support, including from business. At Anti-Slavery International, we were involved in having supporting companies to support the developments in the EU and we saw British businesses such as Body Shop and Marshalls publicly call for EU laws in order to harmonise requirements, create legal certainty and, crucially, create this level playing field. I know in its submission to the Foreign Affairs Committee that Asos called for such a law and similarly Marks & Spencer in its submission to the Business, Energy and Industrial Strategy Committee. We also have very large investor support for such laws and here in the UK in 2017, the Joint Committee on Human Rights also called for such a law. It is called for by stakeholders across different sectors.

In addition, and complementary to what we are calling a “failure to prevent” law, I underline the fact as well that we need to be looking at the role of import bans, learning from the lessons in the US. There are some pros and cons to that approach, but in terms of the Uyghur region, we are very much supporting the need for wide regional bans on products coming from the there. As Anti-Slavery International, we have also called, for example, for such bans on cotton or on products produced from cotton from Turkmenistan, where there is also state-imposed forced labour, in a somewhat different way. Various legal options can be taken.



HOUSE OF COMMONS

I would also point to the need to regulate purchasing practices, which has a very high relation to how brands source from China, and also the need for transparent customs data. The current way that UK customs data works is essentially the same as how EU customs data worked—it is not transparent and it is not disclosed and it makes it incredibly difficult for civil society actors, such as ourselves, to identify which UK companies continue to source from the region. In the US, they are able to do that, because the customs data is transparent, but we are not able to do that in the UK. So we have a big question mark over which companies continue to source directly from the region.

Chair: Thank you very much indeed for that; I am very grateful to you for the level of detail that you just gave us. Stewart, you wanted to come in.

Q178 **Stewart Malcolm McDonald:** Thanks, Chair. My questions tie in with much of what Ms Cranston has just talked about. If we think about companies that want to conduct due diligence of their supply chains, how should the Government best support them?

Chloe Cranston: I am engaging with many, many UK brands, and I have been for over a year now, on what they are doing on this issue. I want to highlight that we co-founded a coalition, which Human Rights Watch is also part of, in early 2020. This is a coalition of Uyghur groups, labour rights groups, trade unions, investors and others, and we have laid out the steps that companies must take to ensure that they have no links to Uyghur forced labour in their supply chains. It has been publicly endorsed, for example, by Asos, New Look and The Foschini Group, or TFG, which owns Whistles, Hobbs and Phase Eight. We also have private commitments from very large high street names. So there is a lot that companies can be doing and they need to be committing to all the steps credibly.

One thing that I have heard from brands about the role of the Government is that they would welcome more intelligence and guidance on what effective due diligence looks like in the context of the forced labour transfers in particular—including, for example, forced labour indicators that work in such a complex form of forced labour.

I personally believe that such intelligence-sharing is really important. As we know, particularly in the fashion industry, this is an industry-wide problem. We can't say that one company is at fault and none of the others are; we really are talking about virtually any single company within the entire textile industry, whether they produce T-shirts or curtains. So there also needs to be intelligence-sharing about which suppliers are complicit, or about their parent companies. This relates not just to supply chains in China but also, for example, to garment manufacturing countries like Vietnam or Cambodia, which have significant import of inputs from the Uyghur region or from China, such as yarn and fabric.

However, I would still reiterate my point about legally mandating due diligence. The problem when we talk about the UK Government supporting companies in undertaking due diligence is that it is still going to be those



HOUSE OF COMMONS

companies that want to do the due diligence that actually do it. There are many companies that won't and have a complete lack of understanding or awareness of their responsibility to do so. The fact is that this needs to extend throughout their entire supply chain and go beyond a tick-box audit approach, and to identify when or where there is a lack of incentive to do so.

That is why we need a legal obligation, so that it is not just a small group of companies, which I can name with one hand, that are taking the action that needs to be taken but the entire industry, pushing the laggards to the top as well.

Q179 Stewart Malcolm McDonald: Let me ask you this, Ms Cranston: you have named a couple of companies so far, which I guess you would say are doing things well and which have signed up to the coalition that you mentioned. But who is refusing, and why?

Chloe Cranston: Realistically, the situation is that a small group of companies are committing but the vast majority are not. If I take the vast majority that aren't committing to take the steps they need to take, there is a couple of buckets I can place them in.

One is those companies looking at how to take the steps they need to take. They are still devising their action plans; they are still working out how to do it. A lot of them are focused on the challenges rather than the solutions.

Then there is also the bucket of companies that, frankly, are in denial and that, frankly, continue to evade their responsibility. Some companies that some of our civil society allies are looking at, for example, are Muji and Uniqlo, which are quite well-known examples on this.

However, I would really emphasise the need for the UK Government and the Foreign Affairs Committee to engage with companies. I really welcome the communication that has been sent by the Foreign Affairs Committee to companies, and how useful and important that is, even to drive forward progress. I really encourage the need to focus on the entire industry, in particular to look at the companies that have a large use of cotton in their supply chains.

But we should also look beyond fashion, as I said. Solar panels are one to look at, as well as agriculture, electronics and publishing. In July 2020, the US published quite an extensive list of industries that were likely to be high risk. I suggest a look at that, as well.

Q180 Stewart Malcolm McDonald: Now is a good time to ask you, Ms Cranston—and I will come to you, Ms Richardson—about the January announcement of the Foreign Secretary on extending this to the public sector and issuing new business guidance. Could you talk to that a bit?

Chloe Cranston: I will take what the Foreign Secretary announced in two parts. First, on the guidance, Anti-Slavery International, together with businesses and civil society, has been calling for guidance, so it was



HOUSE OF COMMONS

welcome that the Government had paid heed to such calls, but really it was a missed opportunity—not nearly strong or detailed enough.

We would have liked to see far clearer guidance to companies on the impossibility of due diligence in the region, not just that due diligence is challenging—“challenging” is an understatement; it is impossible—and the necessity of due diligence on forced labour transfers and the sectors at risk. I will give a comparison. The US guidance was 19 pages long; ours was six paragraphs.

I will move on from the guidance. Guidance is just guidance—

Q181 Stewart Malcolm McDonald: Before you do move on, just highlight for the Committee’s benefit some of the main differences between the US guidance, which sounds way more comprehensive, and ours, which sounds as though it could have been bashed out in an afternoon.

Chloe Cranston: I would be happy to follow up with that in written comment, to provide a bit more detail. For example, the US guidance gave more detail about how the pairing programme works, about how to identify suppliers that were complicit, about the sectors that are at risk, and about the reputational risk involved. I would point in particular to the inclusion of an annex, which listed a number of sectors that are at risk. Also, the complexity of due diligence and the risk of being in a relationship—a financial relationship, I mean—with a supplier that is complicit, was made far clearer.

Q182 Stewart Malcolm McDonald: You mentioned the US as one example. Have you got any other examples that are good? Is there a country that does this better than any other?

Chloe Cranston: In terms of that aspect, I would say that thus far the US Government has been the strongest, particularly in terms of the cotton ban, the withhold release order and sanctions that have been introduced.

Q183 Stewart Malcolm McDonald: When did the US guidance come out?

Chloe Cranston: The very beginning of July 2020.

Q184 Stewart Malcolm McDonald: So, better guidance under former President Trump than we’ve got here. Can I ask you about fines? Do you think fines are enough of a deterrent?

Chloe Cranston: If we are speaking about fines relating to the Modern Slavery Act, absolutely not. In reference to the announcements made at the beginning of January, those were welcomed by Anti-Slavery International.

I think it is important to underline that the announcements made at the beginning of January referred to announcements that had already been made in September 2020 by the Home Office, as those were commitments made by the Home Office in response to the independent review of the Modern Slavery Act. Those were aspects that we had been calling for. We



HOUSE OF COMMONS

had been calling for strengthening the Modern Slavery Act. I note that the timeline to introduce the financial penalties is still not clear.

However, I really want to underline that the upticks to the Modern Slavery Act will do next to nothing to address the risk of Uyghur forced labour in UK supply chains. All that the Modern Slavery Act requires companies to do is to publish an annual statement. It is a reporting exercise and, crucially—I really want to underline this distinction—it does not mandate companies to take action. It does not mean that companies face any liability or accountability for a failure to take actions.

What the financial penalties will relate to is whether a company publishes a statement or not. First and foremost, it is still a paper exercise. The threat of a fine for not publishing a brief statement is a wholly ineffective measure to address human rights abuses in the Uyghur region, as well as more broadly human rights abuses in supply chains in other contexts.

From what I understand of the announcements in January, they do not address the specific situation of the Uyghur abuses, nor do they specifically target companies that are at highest risk of being linked to those abuses. Rather, they were a reiteration, a restatement, of a blanket measure that will apply to all companies.

We have seen some benefits from the Modern Slavery Act, particularly in terms of improving awareness and encouraging some leading companies and investors to take action, but overall, crucially, it has not had the impact. We have seen a two-tier approach appear, with some companies taking action, undercut continuously by the laggards that do not.

The Business and Human Rights Resource Centre, which is a world-renowned organisation working on business and human rights, has analysed over 16,000 modern slavery statements in the past five years. It published a report last week that really showed that the Modern Slavery Act has not led to significant improvements in the vast majority of companies' practices, and I really refer to that report as a reference.

Q185 Stewart Malcolm McDonald: Lastly, before I ask Ms Richardson to make any additional comments, you will be familiar with the £36 million threshold. Is it too high?

Chloe Cranston: When we have been looking at what could be strengthened in the Modern Slavery Act, we have called for a lower threshold. In terms of the law that we are calling for now, which would move beyond the Modern Slavery Act—the “failure to prevent” law, which is a far stronger measure and far more likely to have more benefits, both for business and for workers—we are calling for that to apply to all sizes of companies as well as, crucially, the public sector.

Q186 Stewart Malcolm McDonald: Thank you, Ms Cranston. Ms Richardson, do you want to add anything to what has been said?

Sophie Richardson: I just have a couple of quick points, although I want to make it clear that I agree entirely with Chloe, particularly about due



HOUSE OF COMMONS

diligence. On that point, I would just add that when auditing firms themselves say publicly that they cannot carry out audits in Xinjiang, that underscores the impossibility of doing adequate due diligence. Companies that have tried to tell us what they are doing, when they are being honest, describe a process that is not even close to what robust human rights due diligence would look like.

I also want to agree with the point about the need to legislate these kinds of requirements. About 18 months ago, we suddenly found ourselves deluged by requests for briefings about Xinjiang from investment firms, including a couple of boutique firms—a number of them based in the UK. They essentially wanted to tick the box of having talked to us. It became very clear very quickly that we ought to start that conversation by saying, “I am happy to brief you if, by requesting a briefing, you actually intend to follow some of the advice that we give you,” because many of those firms proceeded to go ahead with investments that had some sort of Xinjiang component in their portfolios.

Q187 Stewart Malcolm McDonald: You can say no to this, but would you name any of those firms?

Sophie Richardson: I can’t, because we did say that we would have them in confidence, but you read about them in the *FT* every day. We will leave it at that.

One point that bridges this question and the one that Mr Smith asked a moment ago about what to do about other Governments that are supportive of the Chinese Government’s position, is that that also makes me think of companies that are vocally supportive of the Chinese Government’s position. I realise that we are talking primarily about Xinjiang today, but it is very hard to do the work that we do documenting the Chinese Government’s efforts to strangle democracy in Hong Kong and not think about HSBC publicly expressing support for the national security law. I think there is room for an inquiry into the businesses that have publicly taken positions for a law that stands to do them real harm, but lends the Chinese Government credibility it certainly does not deserve.

Q188 Stewart Malcolm McDonald: Can I ask a brief final question? With regards to the people working under forced conditions—this is maybe more for you, Ms Richardson, but feel free to jump in here, Ms Cranston—how can companies, and I suppose the UK Government, help people working under these conditions to seek remediation?

Sophie Richardson: Actually, Chloe, I think that is a little bit more of a question for you.

Chloe Cranston: It is an extremely important, but difficult, question, and it is something we have been looking at over the past months. First of all, it is important to look at other cases of systemic abuses, and to understand the precedents and learnings for remediation. However, unfortunately—or perhaps fortunately—there is little learning to take from other examples, because what we are talking about is a very widespread,



HOUSE OF COMMONS

severe scale of forced labour abuses within a wider ethnic and religious persecution scheme.

We have been looking at how remediation for the labour transfers could work. There are many, many challenges. I have been in many discussions with companies around this, and there are brands that want to look at remediation but are unsure about how to approach it. Realistically, the lack of access and other issues mean that right now, the most credible approach by brands that had had the use of forced labour transfers within their supply chain could be to, for example, provide a donation to Uyghur groups that are aiding asylum seekers. That is something we are discussing with brands. That is very specifically around the forced labour transfers.

However, I would underline that broadly—this goes back to Sophie’s point about asylum seekers in general—I believe this is a question that really needs to be discussed with the Uyghur community. Generally, in responsible business principles, what we say is that workers need to be consulted themselves. We can’t do that in this case, so the Uyghur groups and the Uyghur community act as the only sole credible representative of the victims, and they really need to be engaged on this matter. That is what we are saying to UK companies as well. At Anti-Slavery we are really trying to facilitate those conversations as well and make sure that companies speak to the Uyghur groups themselves and really hear that perspective and really understand what are the credible solutions that actually are in Uyghur groups’ interests and needs.

Q189 Stewart Malcolm McDonald: That is a really interesting answer. What role do you see, then, for the Foreign Office or for Government at large, in that?

Chloe Cranston: I think that is a really interesting question. I think this is one of the areas where the UK Government can play a role, as well, to bring the stakeholders together to understand what the legal avenues to redress are. I think that is a really, really important one. There should be legal avenues to redress, and we should be making sure that they work and that they are effective.

Stewart Malcolm McDonald: Ms Richardson, do you want to add anything to that?

Sophie Richardson: Especially for diaspora communities, the last few years have been a nightmare. These are people who are really living psychological torture every day—not knowing what has happened to family members or having only just made it out of the country, and trying to help others. It is a small community, but it is one that is desperately in need of certain kinds of services. Not only does it need the protections that people ought to enjoy—to be able to talk to each other and not be harassed on social media or by getting phone calls from officials in the region telling them about their relatives; and knowing that there are states or entities that they can go to to share these problems and try to find solutions—but it is also a community that is desperately in need of



HOUSE OF COMMONS

mental health support services and resettlement. With every kind of service you can imagine, torture victims need it on a larger scale. That is maybe a little too broad or blunt a way to put it, but it is a community that doesn't just need international justice done for the destruction Beijing has visited on the community across the Uyghur region; even the people who have made it out, so to speak, need a lot of assistance and support.

Stewart Malcolm McDonald: Thank you, Dr Richardson and Ms Cranston. Chair, that is all from me.

Q190 **Chair:** Thank you very much. May I just ask very quickly, which Uyghur groups do you think, in particular, speak well for the Uyghur community?

Sophie Richardson: We work regularly with the Uyghur Human Rights Project, the World Uyghur Congress and a number of different cultural organisations. There are individuals who have not, I think, wanted particularly to align with any of the diaspora groups but were very effective spokespeople, and I would be happy to send a list of names if that is helpful to you.

Q191 **Chair:** We are always interested in groups that share widespread recognition. We speak to some already but it always helps. May I ask, just following on from that: how can the Government work to increase transparency and awareness as to what is happening in Xinjiang, both in China and abroad? How do you think the BBC World Service has been sanctioned on this, and what difference does it make?

Sophie Richardson: Just to clarify quickly about the BBC in particular, it was already extremely limited in how it could be distributed across the mainland. Having lived, studied and worked in China since the late 1980s, I can tell you that when I was student, we used to sneak into the fancy hotels to catch a glimpse of BBC news. Those were generally the only places where it was accessible. What has happened recently is that now, it cannot even broadcast in that way. I have to tell you that I will not be terribly surprised if Chinese authorities come after the BBC's journalists in the same way it has against *The New York Times*, *The Washington Post* and *The Wall Street Journal*, which, obviously, is hardly optimal in the run-up to the Olympics.

All that said, I think the Government has the ability to convene high-profile expert panels to talk about those kinds of problems. It could undertake initiatives with like-minded Governments and think-tanks. It could certainly continue to be a leader at an institution such as the Human Rights Council, especially while it is a member over these couple of terms. It could convene like-minded embassies in Beijing to discuss these issues. Publishing in Uyghur and in Chinese, if you can, to recognise and reach out to those communities will be important. Raising the awareness that there are communities in the UK who are UK citizens but continue to be persecuted by another Government while standing on UK soil is also a point worth making. I am sure Chloe will have other additional suggestions.



HOUSE OF COMMONS

Chloe Cranston: I do not have a huge amount to add—I would agree with all that. I think that the only angle I would add to is the need for awareness by the everyday person on the street, or “consumer awareness” as I would talk about it in my work.

The BBC’s reporting has been very important for that, particularly the report that came out in December about cotton. We really see that when big media platforms like that put out those investigations, it does lead to a high amount of interest from the general public in these issues.

I would really not push for the burden of responsibility to be on consumers to be conducting due diligence on which brands are responsible. The *Financial Times* has today published an op ed very much in that direction, saying that consumers should not have the responsibility for policing brands. On the Uyghur issue in particular, I think it has been really commendable how much more media attention we have had on this in maybe the last seven months—we have had a lot more media attention. However, on the link to supply chains, to everyday products that we have on our shelves, or to the services that we are using, in my personal opinion, I am not sure to what extent that is actually in the public awareness right now. We are certainly trying, and I do hear from brands that they are getting increasing queries from consumers on this, but the message to make it understood that this is everybody’s issue—not the Government’s, or the brands’, but really everybody’s—and that it touches us all, regardless of who we are, needs to be put forward more. The UK Government could do a lot more in that regard, considering the role of the BBC there, as well.

Sophie Richardson: May I just make one quick point?

Chair: Of course, please do.

Sophie Richardson: What would happen if, for example, the members of this Committee pledged to ensure—for a week or a month or whatever period—that you would not, in your personal or professional lives, use any of the kinds of products, goods or services that we are talking about? That none of the clothes that you are wearing came from Xinjiang cotton; that none of the technology in your offices comes from any of the companies like CETC or Hikvision? I think Chloe makes a great point about living these possible policies, and I think it is always especially evocative when people who are informed commit to the public that they will try to affect these things in their daily lives. I think that might be a very effective way of helping make the point, and to oblige the Foreign Office to do the same.

Q192 **Chair:** You raise an important challenge and I think it is one that we may have to consult with you on to make sure we are living up to the promise we make. As you correctly identified already, actually identifying these products is a lot harder in the UK than you might imagine. It is very hard to be certain whether even the shirt that I’m wearing now has indeed come from Uyghur cotton. Given that it was made around 10 years ago, it might be hard to find out, I confess. May I just ask one last question before we take offline that suggestion and consult you later on how we



HOUSE OF COMMONS

might complete it?

On the use of social media platforms like Douyin, how do you feel they work in raising awareness in Xinjiang? Should we be giving them the same protections as we give journalists?

Sophie Richardson: Do you mean people who use those platforms? That's a tricky question, partly because any Chinese social media platform is obviously subject to fairly pervasive state censorship, and they are also used by the state to show people what the state wants shown. So it is very tricky to propose the idea that anybody using those platforms would be the same as a journalist—particularly one committed to the same kinds of ethical standards that we would expect in terms of impartiality, credibility, transparency and adequate recognition of sources.

All of that said, even controlled or censored platforms can have useful information. Family members we spoke to in Kazakhstan, for example, had been separated from their very young children. Then by assiduously looking at a platform like Douyin, they found images of their children who had been placed in state care. These are agonising moments but were it not for that platform they wouldn't have that information. I don't have perfect answers for that question, I'm sorry. Maybe Chloe does.

Chloe Cranston: No, I'm afraid I have nothing to add.

Chair: Can I thank both of you very much indeed? This has been an extremely revealing session, not just in raising the challenge of how we as Committee members who have followed this very closely can avoid using goods made with forced labour or repression in our own daily lives, but also in raising the challenge for universities and businesses in the United Kingdom and around the world.

The challenge that you correctly posed to us at the end is one that we should be posing to universities and companies through the UK. The purpose of this inquiry is to try and raise that profile to make sure that that question is put on boardrooms and university campuses in the UK and, I hope, anywhere else that this report will be read. Thank you very much indeed for your time this afternoon. You have been very generous with it and we are hugely grateful.