



Human Rights Now



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Technology and Responsibility of Japanese Companies Facilitating Mass Surveillance and Serious Human Rights Violations Against Uyghurs and Other Peoples

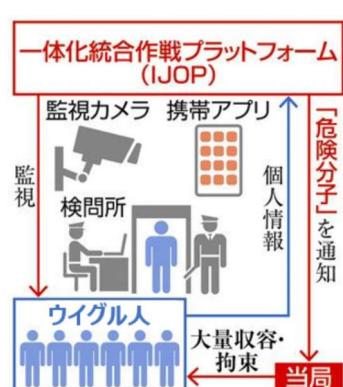
NPO Japan Uyghur Association
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1. The Actual Situation of Mass Surveillance of Uyghurs and Other Turkic Peoples and the Associated Human Rights Violations

We conducted a teardown investigation of surveillance cameras manufactured by Hikvision (Hangzhou Hikvision Digital Technology Co., Ltd.), a major Chinese surveillance camera manufacturer targeted by the United States for its involvement in mass surveillance, which is part of the severe human rights violations against Uyghurs and other Turkic peoples in East Turkestan (Xinjiang Uyghur Autonomous Region). As a result, we confirm that several Japanese companies supplied components to the cameras.

The Chinese government's oppression of Uyghurs and other Turkic peoples has become significantly more severe over the past few years. More than three million Uyghurs and other Turkic peoples have been arbitrarily detained and held in internment camps solely based on their ethnic or religious identity. It has been reported that those arbitrarily detained are routinely subjected to physical

and psychological torture, sexual abuse, forced labour, forced sterilisation, family separation, enforced disappearances, and cultural persecution.



These widespread and systematic human rights violations are supported by a large-scale surveillance system known as the Integrated Joint Operations Platform (IJOP).¹ Internal documents released by the International Consortium of Investigative Journalists (ICIJ) reveal the extent to which the Chinese

¹ 新疆で稼働する大規模な監視システム、Human Rights Watch, 2019/5/2
<https://www.hrw.org/ja/news/2019/05/02/329363>

government is constantly monitoring Uyghurs and sending them en masse to internment camps.² The documents describe the horrifying reality that, in just one week, IJOP reports led to the detection of approximately 24,000 "suspicious individuals" and the detention of approximately 15,000 of them in internment camps.³

In June 2022, the US State Department released its 2021 report on religious freedom around the world, explicitly describing the situation against the Uyghurs and other religious minorities as genocide. In a press conference accompanying the report's release, Secretary of State Antony Blinken condemned the situation, saying, "China continues to commit genocide (mass killings or acts equivalent to the killing of a group, in whole or in part, with the intent to destroy that group) and oppression against the predominantly Muslim Uyghur people and other religious minorities."

Furthermore, 10 parliaments around the world, including the UK, Canada, the Netherlands, Lithuania, Belgium, the Czech Republic, France, Ireland, and the European Union, have passed resolutions recognising the Uyghur genocide (or a serious risk of it), similar to the official US government recognition. The Japanese Diet (both the House of Representatives and the House of Councillors) also passed a resolution expressing concern, calling on the Japanese government to work with the international community to implement comprehensive measures to monitor and remedy the grave human rights situation.

On 31 August 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published a report officially acknowledging that China's violations against the Uyghur people may amount to "the commission of international crimes, including crimes against humanity."⁴ On 31 October 2022, at a meeting of the Third Committee (Human Rights) of the United Nations General Assembly, 50 countries, including Japan, the United States, and the United Kingdom, issued a joint statement expressing "serious concern" over the human rights situation of the Uyghur people. The statement called on China to urgently release those detained and clarify the whereabouts of missing persons, in line with the OHCHR's recommendations.⁵ On 24 November 2022, a UN committee dealing with human rights issues called on China to release Uyghurs held in detention facilities and recommended that the victims be provided with "redress and reparation."⁶ Furthermore, in a report published in August 2022, Japanese scholar and UN Special Rapporteur on Contemporary Forms of Slavery, Obokata Tomoya, a professor at Keele University in the UK, sounded the alarm

² An ICIJ Investigation CHINA CABLES, ICIJ, 2019/11/24

<https://www.icij.org/investigations/china-cables/>

³ 大規模システムでウイグル族を監視 中国当局の内部文書判明、東京新聞、2019/11/25

<https://www.tokyo-np.co.jp/article/26915>

⁴ 中国がウイグル族に「人道に対する罪」の可能性=国連報告書、BBC、2022/9/1

<https://www.bbc.com/japanese/62747614>

⁵ 中国のウイグル人権問題、日米英など 50 カ国が国連で非難、日本経済新聞、2022/11/1

<https://www.nikkei.com/article/DGXZQOGN31DGU0R31C22A0000000/>

⁶ 中国は新疆ウイグル自治区の拘束者解放を、国連委が勧告、朝日新聞、2022/11/25

<https://www.asahi.com/international/reuters/CRWKB2SF01J.html>

about the situation facing Uyghurs, saying, "Excessive surveillance and restrictions on freedom of movement could amount to slavery, a crime against humanity."⁷ On 13 May 2022, the Kanto Federation of Bar Associations, Japan's largest federation of bar associations (to which approximately 60% of Japanese lawyers belong), adopted a position statement calling for China's acceptance of an investigation by an international organisation and for relief measures for victims.⁸

This series of serious human rights violations would not be possible without a mass surveillance system. On 24 May 2022, tens of thousands of internal documents related to the internment camps, referred to by Chinese authorities as "vocational skills education and training centres," were leaked,⁹ and media outlets around the world reported on the leak, revealing conclusive evidence of inhumane human rights violations. However, an investigation by the Japan Uyghur Association revealed that one-quarter of the detainees included in the "Xinjiang Public Security Files" were reported by IJOP.¹⁰

Furthermore, a report by IPVM, a world-leading security and video surveillance research company, has confirmed that IJOP uses Hikvision cameras to identify Uyghurs when analysing images included in the "Xinjiang Public Security Files."¹¹ BBC footage also showed Hikvision surveillance cameras installed in Uyghur internment camps.¹²

We actually disassembled and inspected a Hikvision surveillance camera of the same type as the one used by IJOP and confirmed that several Japanese companies supplied parts. Details are summarised in the table below.

No.	Company Name	Confirmed Parts
1	ROHM Co., Ltd.	Memory, u-step System Lens Driver, Linear Regulator
2	TDK Corporation	Sensor
3	Asahi Kasei Electronics Corporation	Audio Codec Amplifier
4	THine Electronics Corporation	LVDS Interface
5	Sony Group Corporation	Sensor
6	Seiko Epson Corporation	Timing Device
7	Micron Japan Co., Ltd.	Flash Memory

⁷ 「新疆ウイグルで強制労働」と結論 国連報告者「奴隸状態の可能性」、毎日新聞、2022/8/19

<https://mainichi.jp/articles/20220819/k00/00m/030/015000c>

⁸ <http://www.kanto-ba.org/declaration/detail/r04op02.html>

⁹ 新疆公安ファイル、毎日新聞特設サイト、2022/5/24

<https://mainichi.jp/xinjiangpolicefiles/special/>

¹⁰ ウイグル人強制収容 4分の1が監視システムに基づき収容か、産経新聞、2022/8/30

<https://www.sankei.com/article/20220830-O3FBPOSCGJDHGUEXTLKTBYTJQ/>

¹¹ Hikvision Cameras Used to Catch Uyghurs Featured in Xinjiang Police Files, IPVM, 2022/6/14

<https://ipvm.com/reports/xinjiang-police-files>

¹² Hikvision Cameras Covering Concentration Camps, IPVM, 2019/7/29

<https://ipvm.com/reports/hikvision-bbc>

Using these survey results, we sent a questionnaire to these companies to gauge their awareness of the issue and their future responses, requesting honest answers to promote transparent dialogue between companies and civil society. We received responses from six companies, excluding Micron Japan Co., Ltd. However, most of them seemed they had not conducted an in-depth investigation and only stated their company's management policy. Given the serious nature of this issue, which the international community considers to be genocide and a crime against humanity, it is clear that the companies that have been confirmed to have supplied technology and components for the surveillance systems that support the crime bear significant accountability. However, based on the companies' responses, we must say that they lack awareness of the seriousness of the situation and a sense of social responsibility, and we cannot expect any concrete future actions.

Given that the surveillance system is enabling large-scale detention, supplying technology and parts for the surveillance system can be said to aid and abet these serious acts of human rights abuse. Furthermore, Hikvision is a company that has been subject to trade embargoes by the US government (listed on the Entity List (EL)) due to human rights violations against the Uyghur people, and it has been reported that the US government is considering adding Hikvision to the even stricter Specially Designated Nationals (SDN) list. Given this situation, supplying technology and parts to Hikvision would provide a means for evading sanctions, undermine efforts to end mass surveillance of the Uyghur people, and contribute to the grave human rights violations against the Uyghur people, which have been criticised as amounting to genocide and crimes against humanity.

A report by the international human rights NGO Amnesty International, based on interviews with numerous former detainees and other research, concluded that "China has implemented one of the world's most sophisticated surveillance systems throughout the Xinjiang Uyghur Autonomous Region, creating a vast network of 're-education' facilities that are essentially internment camps," and that "Uyghurs are subject to the world's strictest national surveillance, both inside and outside the camps."¹³

2. State Obligations and Corporate Responsibilities Under the UN Guiding Principles on Business and Human Rights

The Guiding Principles on Business and Human Rights, approved by the UN Human Rights Council in 2011, stipulate that companies have a responsibility to respect human rights. That means that companies must respect fundamental international human rights, such as those outlined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the ILO Core Labour Standards,

¹³ ウイグルでのイスラム教徒迫害は人道に対する罪、アムネスティ・インターナショナル、2021/6/24
https://www.amnesty.or.jp/news/2021/0624_9231.html

not only within their own company but also for stakeholders throughout their supply chains and value chains affected by their business activities. To this end, companies are required to conduct human rights due diligence (DD) based on these international human rights norms to identify, prevent, and mitigate adverse human rights impacts, as well as to establish remediation mechanisms and implement corrective measures. Implementing DD based on the Guiding Principles is an especially urgent task for global companies with supply chains spanning countries.

The Guiding Principles also require states to clearly state their expectations for and support companies' implementation of human rights due diligence. While the Guiding Principles themselves are non-binding soft law, they encourage states to formulate National Action Plans (NAPs) that outline a roadmap for fulfilling their obligations. Japan, for example, announced its "Business and Human Rights Action Plan (2020-2025)" in October 2020, which outlines government initiatives to encourage corporate responsibility to respect human rights, including "promoting efforts in domestic and international supply chains and human rights DD based on the Guiding Principles." In addition, the government has expressed expectations for companies to implement a human rights due diligence process in line with the Guiding Principles, specifically, (1) formulating a human rights policy, (2) conducting human rights due diligence, and (3) establishing a remedy system and engaging in dialogue with stakeholders. Furthermore, in September 2022, the "Guidelines for Respecting Human Rights in Responsible Supply Chains, etc."¹⁴ were published. These guidelines aim to promote human rights due diligence by Japanese companies in accordance with international standards, including the Guiding Principles.

It is self-evident that the large-scale surveillance of Turkic ethnic groups, such as the Uyghurs, and the resulting human rights violations, as described above, violate international human rights law. Therefore, companies need to conduct human rights due diligence regarding the relationship between their business activities and such human rights violations and disclose the results. The Guiding Principles categorise the relationship between business activities and human rights violations as (1) causing, (2) contributing to, or (3) directly related. In this case, the violations are considered to fall under (2) contributing to, or (3) directly related. In such cases, companies are required to avoid contributing, address the resulting impacts, or use their influence to prevent or mitigate adverse human rights impacts (Guiding Principle 13).

Furthermore, while the Guiding Principles impose a responsibility on companies to respect human rights in light of the impact of their activities on human rights, this does not diminish states' obligations to protect human rights. Because voluntary efforts alone are ineffective in implementing human rights due diligence based on a company's responsibility to respect human rights, countries around the world are accelerating their efforts to legislate corporate responsibilities under the Guiding Principles, not

¹⁴ <https://www.meti.go.jp/press/2022/09/20220913003/20220913003.html>

limited to NAPs. Examples include the UK's Modern Slavery Act (2015), France's Human Rights Due Diligence Act (2017), Australia's Modern Slavery Act (2018), and Germany's Supply Chain Due Diligence Act (2020). Furthermore, in February of last year, a draft Corporate Sustainability Due Diligence Directive was announced, establishing mandatory human rights and environmental due diligence in the EU. Discussions are currently underway to adopt the final directive.

Additionally, in September 2021, the EU implemented export control regulations aimed at strengthening its ability to respond to security risks and emerging technologies, strengthening controls on dual-use items, i.e., civilian goods and technologies that could be used for military or national security purposes.¹⁵ Furthermore, in December 2021, the United States, Australia, Denmark, and Norway launched the "Export Controls and Human Rights Initiative,"¹⁶ which Canada, France, the Netherlands, and the UK also expressed support for. When it becomes clear that exported products are unintentionally contributing to human rights violations, as in this case, countries must implement export controls on the relevant items to prevent further human rights violations through corporate activities.

Currently, while Japan has guidelines on human rights due diligence, there are no mandatory laws, and this governance gap ultimately leads to the continuation of business activities that lead to human rights violations, such as this case. Therefore, the Japanese government should consider enacting human rights due diligence legislation and establishing export control policies for products that could lead to human rights violations.

Based on the above, we urge companies and the government to take the following actions.

Recommendations for Companies

1. The Japanese companies listed above should clarify their business relationships with Hikvision, conduct human rights due diligence to address the adverse human rights impacts of their business activities, and fulfil their accountability.
2. If the company is still supplying Hikvision with technology and parts, it should immediately terminate its business relationship unless it can clearly deny that such technology and parts are being used to violate the human rights of Uyghurs.
3. Engage in dialogue with stakeholders and review your company's efforts.
4. Implement a thorough investigation of our questionnaire and fulfil your accountability by providing honest responses.

Recommendations for the Government

¹⁵ https://www.eeas.europa.eu/delegations/japan/より強固なeu輸出管理規則が施行される_ja?s=169

¹⁶ <https://www.jetro.go.jp/biznews/2021/12/8b9a309e1d587ea0.html>

1. Based on the Guiding Principles, the government should consider establishing a legal system that requires companies to address human rights risks, including forced labour, in their supply chains. At the same time, it should consider export control regulations to prevent Japanese companies from contributing to human rights violations through their export products.
2. Japanese companies doing business in countries and regions identified as having particularly high human rights risks internationally should be provided with sufficient information about the human rights risks in those countries.
3. In this case, we should work with the international community to urge the Chinese government to fully comply with international human rights treaties ratified by China within its territory.

Appendix: Questions sent to the companies and their responses

I. Questions for companies

1. What is your understanding of the fact that your company's supply of technology and parts to Hikvision is being used to monitor Uyghurs?
2. Hikvision is a company embargoed by the US government (listed on the Entity List) for human rights violations against Uyghurs, and it has been reported that the US government is considering adding it to the Specially Designated Nationals (SDN) list, which imposes even stricter sanctions. Given this situation, your supply of technology and parts to Hikvision would provide a means for evading sanctions, undermine efforts to end mass surveillance of Uyghurs, and contribute to the grave human rights violations against Uyghurs, which have been criticised as amounting to genocide and crimes against humanity. Are you aware of this and providing technology and parts?
3. Will you continue to supply technology and parts to Hikvision? If so, how do you view your company's responsibility to the Uyghur people, who are victims of mass surveillance? If you intend to cease supplying, by when do you plan to do so?

II. Responses from Companies

No.	Company Name	Response
1	ROHM Co., Ltd.	<p>Regarding Hikvision, the company you inquired about, we do not have direct business with them. However, we have confirmed a history of supplying products through distributors.</p> <p>However, unfortunately, we have no way of knowing and are unaware of the intended uses of end products (such as surveillance cameras) that incorporate our components. Furthermore, we have not been able to confirm that the end products were manufactured or sold to violate human rights intentionally. (The rest is omitted.)</p>
2	TDK Corporation	<p>While we refrain from disclosing details of individual transactions, the TDK Code of Conduct clearly states our commitment to complying with the laws and regulations of each country and region, respecting various international norms,</p>

		<p>including human rights, and conducting business activities that take into consideration the interests of stakeholders. Furthermore, the TDK Group Human Rights Policy clearly states our commitment to respecting human rights, and we conduct various surveys and audits of our supply chain and communicate with stakeholders in accordance with this policy. If, during this process, we conclude that there are any violations of our human rights policies, we will take the necessary corrective measures. (Remaining text omitted)</p>
3	Asahi Kasei Electronics Corporation	<p>We conduct our business with a focus on respect for human rights in accordance with the Asahi Kasei Group Human Rights Policy.</p> <p>Please note that we are unable to disclose or comment on individual transaction details, and therefore will refrain from responding to your individual questions. (Remaining text omitted)</p>
4	THine Electronics Corporation	<p>We take seriously your concerns about our customers' use of our products for the applications you have mentioned.</p> <p>We intend to continue to respect human rights and engage in responsible business activities and initiatives by considering and implementing measures to prevent or mitigate any risks associated with these concerns. (The rest is omitted.)</p>
5	Sony Group Corporation	<p>While we refrain from commenting on individual companies or transactions, our company respects and supports the internationally recognised human rights of all people. We also conduct our business in compliance with relevant laws, including the US Export Administration Act. (Full response)</p>
6	Seiko Epson Corporation	<p>We have long practised respecting human rights, fulfilling our social responsibilities, and enriching</p>

		<p>society by sharing values with suppliers, customers, and business partners in our supply chain.</p> <p>The results of previous CSR assessment surveys have not confirmed any serious human rights violations at us, such as child labour, forced labour, or discrimination. (The rest is omitted.)</p>
7	Micron Japan, Inc.	No response