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HRW.org

June 13, 2017

Marc Casper, CEO
Thermo Fisher Scientific
168 Third Avenue
Waltham, MA USA 02451

CC:

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Dear Mr. Casper,

I am writing on behalf of Human Rights Watch to request information about Thermo Fisher Scientific's business relationship with the Ministry of Public Security in China.

Human Rights Watch is an independent non-governmental organization that monitors and reports on compliance with international human rights standards in more than 90 countries around the world. We have been reporting on and advocating solutions to human rights abuses in China for over 20 years. In the interests of thorough and accurate reporting, we are writing to solicit further information and other perspectives you may have about your activities in China.

Background

In May 2017, Human Rights Watch [documented](#) the mass collection of DNA by the Chinese police for a nationally searchable database without oversight, transparency, or privacy protections. In many parts of the country, police officers are compelling ordinary

individuals – neither convicted nor even suspected of a crime – to have their blood drawn and DNA taken. Because Chinese police – a force known for its rights abuses including the use of [torture](#), and one that is rarely held accountable – wield wide powers, people have little ability to refuse the collection of such personal information.

Human Rights Watch documented police drives to collect DNA from broad categories of target populations, including those authorities perceive as potential threats to the Chinese Communist Party's grip on power, such as migrant workers, dissidents, and minority Muslim Uyghurs. This form of social profiling is broad and discriminatory, and add to the heightened government surveillance these groups are already being subjected to.

Human Rights Watch also [reported](#), in November 2016, that police have required passport applicants in Xinjiang – again, not suspects or convicts in a criminal case – to [supply DNA samples](#) as part of their application. The requirement for DNA sampling applies to all passport applicants who reside in the region, including the approximately 10 million Uyghurs, a Muslim minority whose religious and ethnic expressions are heavily repressed by the Chinese government.

Further investigation by Human Rights Watch found that in September 2016, the Xinjiang regional police bureau [issued](#) two calls for [tender](#) – at 60 million RMB (US\$8.69 million) and [20 million RMB](#) (US\$2.90 million) – for a total of 12 DNA sequencers, 30 polymerase chain reaction (PCR) amplifiers, and 1000 batches of genotyping kits. HRW separately spoke to four DNA experts who said this purchasing indicates that the Xinjiang Public Security Bureau (PSB) intends to build large-scale infrastructure to profile a large number of individuals.

Human Rights Watch has found credible information indicating that Thermo Fisher Scientific has previously supplied DNA sequencers to the Xinjiang Public Security Bureau, and is a major supplier to the Ministry of Public Security elsewhere in China. For example, the Shawan County Police Bureau in Xinjiang issued a [public notice](#) dated November 17, 2015, forensic scientists stated that DNA sequencers, PCR amplifiers, and associated reagents of Thermo Fisher Scientific are used “by the 20 DNA labs in Xinjiang” as well as “widely used by forensic labs [across China].” In addition, a [report](#) in *Nature* magazine following Human Rights Watch's

investigations quoted “a sales officer at a firm involved in the procurement” confirming that “Xinjiang police have purchased eight sequencers produced by Thermo Fisher Scientific.”

DNA databases are not inherently illegal and have been justified at times as permissible investigative tools. But to meet international privacy standards enshrined in the International Covenant on Civil and Political Rights, which China has signed but not ratified, a DNA collection and retention mechanism must be comprehensively regulated, narrow in scope, and proportionate to meeting a legitimate security goal.

The United Nations Special Rapporteur on the right to privacy has noted that DNA databases can raise human rights concerns, including “potential misuse for government surveillance, including identification of relatives and non-paternity, and the risk of miscarriages of justice.”

We note that Thermo Fisher Scientific has [committed](#) to offering services and products that “enable its customers to make the world healthier, cleaner and safer.” Thermo Fisher Scientific stock is also part of the portfolio of many ethical investment funds.

Questions for Clarification

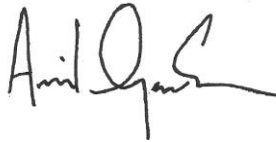
As part of our ongoing research into this issue, we would welcome your information on Thermo Fisher Scientific’s role in this situation and we would greatly appreciate your response to our questions:

1. Can you please confirm and provide details about whether Thermo Fisher Scientific supplies sequencers to the Xinjiang Public Security Bureau?
2. Can you please confirm and provide details about Thermo Fisher Scientific’s business relationship with the Ministry of Public Security in China?
3. Can you provide details regarding what steps Thermo Fisher Scientific has taken to monitor the use of its equipment to ensure that it is not used inappropriately?

4. Can you provide details of any human rights policies and procedures Thermo Fisher Scientific may have and how they apply to operations, sales, or other business in China?
5. Can you provide any details on conversations or discussions you have had with Chinese authorities about the ultimate use and purpose of Thermo Fisher Scientific's equipment?

We would welcome a response to these questions and any other comments you may have by July 10, 2017. Thank you for your assistance in these matters. If you wish to contact us, please find our information below.

Sincerely yours,



Arvind Ganesan
Director, Business and Human Rights Division
Human Rights Watch



Sophie Richardson
China Director
Human Rights Watch