



General Assembly

Distr.: General
23 June 2016

English only

Human Rights Council

Thirty-second session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Privacy International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 June 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-10541(E)



* 1 6 1 0 5 4 1 *

Please recycle



Privacy International's written statement on the role of the private sector in the digital age

Privacy International welcomes the report of the Special Rapporteur on freedom of expression and the private sector in the digital age (UN doc. A/HRC/32/38, 11 May 2016.)

We agree with the Rapporteur that “state capacity to conduct surveillance may depend on the extent to which business enterprises cooperate with or resist such surveillance”.

Cooperation with unlawful surveillance takes many forms. From allowing direct access of telecommunications networks to state security agencies, a practice that the European Court for Human Rights found as “particularly prone to abuse”.

To the selling of surveillance technologies to governments that use such technologies to crackdown on political dissent, journalists and human rights defenders, chilling freedom of expression, and destroying the possibility of private life and space for political opposition. In recent years, Privacy International published reports showing intelligence and law enforcement agencies being complicit in human rights violations using surveillance systems in Colombia, Egypt, Ethiopia, Morocco, Pakistan, Uganda, and central Asia.

As the Rapporteur makes clear surveillance companies “may be implicated in human rights violations that flow from their sales.”

Effective resistance to unlawful surveillance also takes different forms. From the inclusion of human rights guarantees in licensing agreements and other relevant contracts to judicial challenge of overbroad requests for personal data. From challenging laws or bills allowing unlawful surveillance to providing affected individuals and the public with relevant information (including in the form of transparency reports); to the suspension of service within, withdrawal from, or decisions not to enter a particular market.

Lastly, we welcome the Rapporteur's intention to develop further analysis on the appropriate responses to the mounting demands by states to access, directly or indirectly, personal information. This is an issue of significant relevance for privacy and freedom of expression.

The efforts governments make to undermine digital security take many shapes: from attempts to limit the availability of encryption technologies, to the reliance on vulnerabilities to carry out state hacking (euphemistically called “equipment interference” in the UK); from requirement to provide direct access to communications networks, to the imposition of blanket, indiscriminate data retention to companies.
