

Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Call for Submissions: The Surveillance Industry and Human Rights

Governments and non-governmental actors have increasingly used digital surveillance technologies to undermine human rights. Examples from around the world have illuminated the use of such tools to target journalists, human rights activists and organizations, and others in civil society. These tools are often, though not exclusively, developed, marketed, and deployed by private surveillance companies, seemingly without legal constraint affecting their transfer across borders. International constraints are extremely limited, though the Wassenaar Arrangement provides guidelines to limit the export of dual-use technologies. Domestic constraints are uncertain as well, both in terms of export and import.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression is studying the obligations and responsibilities of States and businesses to ensure compliance with human rights standards in the procurement, transfer, and use of surveillance technologies. The outcome of the study will contribute to the report of the Special Rapporteur to the General Assembly in October 2019.

The Special Rapporteur is interested in collecting information concerning State and business responsibilities to limit the export and use of surveillance technologies to undermine fundamental rights. Thus, he invites States, civil society, private businesses, and other interested stakeholders to share concise comments and/or existing or already published materials focusing on one or more of the following:

A. Information concerning the domestic regulatory frameworks that may be applicable to the development, marketing, export, deployment, and/or facilitation of surveillance technologies by private companies, such as:

1. Laws, administrative regulations, judicial decisions, or other policies and measures that impose regulations on the export, import or use of surveillance technology;
2. Remedies available in the event of illicit export or use of private surveillance technology;
3. Whether the laws, regulations, or policies identified are consistent with State obligations under Article 19 of the International Covenant on Civil and Political Rights, Article 19 of the Universal Declaration of Human Rights, and other relevant human rights standards.

B. Information concerning the use of such surveillance technologies:

1. Details of emblematic cases of State use of private surveillance technology against individuals or civil society organizations.
2. Company policies to ensure that the development and sale of surveillance technologies meets human rights standards, particularly those articulated in the UN Guiding Principles on Business and Human Rights.
3. The extent to which private surveillance companies offer services to States and other actors to deploy their technologies in specific circumstances, and the extent to which companies are aware of the end-use of the technologies they market.
4. Company standards or policies to monitor the use of their technology after it is sold to governments.

Submissions will be posted on the OHCHR website at the time of the report's publication, except those containing a clear request not to be made public. Please send submissions, not exceeding 2500 words, no later than **15 February 2019** to freedex@ohchr.org using the email title: "Submission for surveillance study." Those wishing to file securely may submit to atoh@law.uci.edu (fingerprint: 5C85 1D96 D604 8BE0 F983 A0DF 14CA 643A 9603 79DD).