



The following letter was sent on 2 August 2013 to the Director General for International Organizations, Human Rights and Democracy at Canada's Department of Foreign Affairs and International Trade:

We are writing from Business & Human Rights Resource Centre to draw your attention to a human rights concern regarding a Canadian company, Netsweeper, and Netsweeper's decision not to respond to that concern. Further information about this is in point two below.

1. About the Resource Centre

Founded in 2002, the Resource Centre is an international non-profit organization that promotes greater awareness and informed discussion about human rights issues relating to business. We highlight positive steps companies are taking, and also concerns about their conduct that have been raised by civil society. We invite companies to include a response alongside the concerns – to date we have approached companies over 1500 times for a response, and 70% have responded.

Our website also provides tools & guidance, including a portal on the United Nations Guiding Principles on Business and Human Rights.

Mary Robinson, former UN High Commissioner for Human Rights and President of Ireland, is Chair of our International Advisory Network. For further details about our organization please see the ["About us" section](#) of our website.

2. Netsweeper and concerns about internet censorship in Pakistan

In February 2012 the Pakistan Government published a public tender for the "development, deployment and operation of a national-level URL filtering and blocking system". Pakistan-based Bolo Bhi, a human rights organization that works on the right to freedom of expression, said that by participating in the system, companies would be complicit in censorship. It issued a petition calling on companies not to bid for the tender, on human rights grounds. The Resource Centre invited companies to respond and [five committed publicly](#) not to bid for the tender. One, Websense, went a step further and called on other companies not to bid: "we call on other technology providers to also do the right thing for the citizens of Pakistan and refuse to submit a proposal for this contract." Netsweeper, headquartered in Canada, was one of the companies we approached but it did not send a response to us, and apparently did not issue any public statement in relation to the petition.

In June 2013, Citizen Lab at the University of Toronto [published a report](#) stating that it had found Netsweeper products installed on Pakistan Telecommunication Company Limited (PTCL), which accounts for 60% of broadband market share in Pakistan. As the report introduction states: *"This report documents our finding of Netsweeper filtering technology in Pakistan, describes how Netsweeper devices censor content, and explains our most recent results from Internet censorship testing in the country. We conclude our report with specific questions directed to Netsweeper [see below] in the hope of encouraging greater transparency about its product and services, especially in human rights-concerning jurisdictions like Pakistan."*

The questions posed at the end of the Citizen Lab report to Netsweeper are:

- Does Netsweeper have a human rights policy, and does it implement this policy when developing its technologies and sales strategy?

- Does the company assess the human rights impact of its products during the design phase and has it ever discarded or altered designs given their inherent capability to undermine rights of freedom of expression and access to information?
- What resources does Netsweeper devote to human rights program at the operational level? Does Netsweeper ask staff in relevant departments (e.g., legal, sales, engineering) to undergo human rights training?
- Is Netsweeper aware of the “[know your customer](#)” standard, where companies actively investigate whether potential clients may use technology to undermine human rights standards? If so, how does it implement this standard (for example, through active investigation of a government’s human rights record)?
- Has Netsweeper implemented the [United Nations Guiding Principles on Business and Human Rights](#) (the so-called “Ruggie Principles”) in building a business strategy that safeguards human rights standards?
- Has Netsweeper explored joining the Global Network Initiative (GNI), a network of business, civil society, and academic stakeholders, in finding solutions for technology companies to uphold standards of privacy and free expression, as the ICT company Websense did in 2011?

On the Citizen Lab report findings, Bolo Bhi said: “Netsweeper’s apparent decision to allegedly sell the filtering products to Pakistan, despite civil society advocacy groups informing them that the technology will have terrible repercussions for the country, reflects a disregard for civil liberties and fundamental human rights. This is in violation to the [United Nation’s Guiding Principles on Business and Human Rights](#) and ignorance of “[Know Your Customer” Standards for Sales of Surveillance Equipment](#).”

Shahzad Ahmad of the Pakistani human rights group Bytes For All said in [an article in The Toronto Star](#): “We have just gone through the first ever democratic transition to a new government that won power through the vote...No company, from Canada or anywhere, should be helping the government introduce a kill switch on information.”

On 20 June the Resource Centre invited Netsweeper to respond to the Citizen Lab report, but it declined to do so – and as far as we are aware, did not issue any public statement about the concerns raised despite many attempts by human rights organizations and the media to seek their response.

We are surprised, and disappointed, that Netsweeper has refused to respond to civil society in the face of such serious allegations, i.e. that it is undermining the internationally-recognised right to freedom of expression. Bearing in mind the duties of the Canadian Government, and the responsibilities of Netsweeper, under the UN Guiding Principles on Business and Human Rights, we would welcome any details that you can provide as to steps the Canadian Government is taking to urge Netsweeper to respond publicly to the human rights concerns that have been raised. If Netsweeper does respond, we will add its full statement to our website, alongside the allegations.

We will keep the UN Working Group on business & human rights informed about the allegations against Netsweeper and whether it responds to them. We will also keep the 16,000 subscribers of our Weekly Update informed, including the OECD, Inter-American Commission on Human Rights, World Bank, IFC, Wall Street Journal, and Financial Times.

Yours sincerely,

Christopher Avery, Director, Business & Human Rights Resource Centre