



4 November 2014

Call to support a strong UNGA resolution on the right to privacy in the digital age

We, a coalition of organisations dedicated to promoting and defending the rights to privacy and freedom of expression, including in the digital context, call on your government to support a strong UN General Assembly resolution on the right to privacy in the digital age.

This is a critical opportunity for the UNGA to promote the right to privacy, the protection of which is under threat due to rapid technological advancements that have outpaced national and international legal safeguards. The report published in July 2014 by the UN High Commissioner for Human Rights, prepared in response to UNGA Resolution 68/167, provided a rigorous and nuanced analysis of the challenges to effective promotion and protection of the right to privacy in the digital age. The UNGA must now reinforce the High Commissioner's findings by echoing her powerful language in its forthcoming resolution.

To this end, we believe that it is essential that the General Assembly adopts a resolution that reiterates, in strong terms, the following principles:

- Unlawful or arbitrary interception of communications or collection of personal data, including metadata, violates the right to privacy and can interfere with the freedom of expression, and many other rights, especially when undertaken on a mass scale;
- Surveillance must only be conducted on the basis of a legal framework that is publicly accessible, clear, precise, comprehensive, and non-discriminatory;
- Any interference with the right to privacy must be necessary and proportionate to the pursuance of legitimate aims and not impair the essence of the right;
- Surveillance that involves a state's exercise of power or effective control over personal data, communications, or communications infrastructure, regardless of its location, engages its human rights obligations relating to the right to privacy;
- The human rights obligations of a State regarding the right to privacy extend to the exercise of its regulatory jurisdiction over private parties that physically control data, regardless of its location; and
- Individuals whose right to privacy has been violated as a consequence of surveillance must have access to an effective remedy without discrimination.

Finally, we reiterate our unequivocal consensus that the forthcoming resolution should invite the Human Rights Council to consider establishing a special procedures mandate on the right to privacy. We believe strongly that the establishment of a Special Rapporteur is the most important step that the United Nations can take to ensure that

the right to privacy is given meaning and practical application in the light of technological advancements.

We urge you to remain committed to ensuring the adoption of a strong UNGA resolution that builds on the important report of the High Commissioner.

Yours sincerely,

Amnesty International

Human Rights Watch

Privacy International

ARTICLE 19

Access

Association for Progressive Communications

American Civil Liberties Union

Center for Democracy and Technology

Electronic Frontier Foundation

International Commission of Jurists

World Wide Web Foundation