



Agenda item 2: **Panel on the Right to Privacy in the Digital Age: Oral Statement**

The Association for Progressive Communications welcomes the High Commissioner's report on privacy in the digital age and congratulates the Office for its ground breaking, important work. The right to privacy is a fundamental human right. Any limitations must be exceptional, lawful, necessary and proportionate.

At the United Nations Internet Governance Forum (IGF) in Turkey, September 2-5th 2014 a roundtable of participants (including from governments, civil society, private sector, academic and the technical community) agreed to offer a message to the Human Rights Council in order to support the Council's work. In brief that message is:

- The right to privacy was a significant thematic issue at IGF 2014 including concerns about widespread privacy violations, the need for transparency, clear privacy standards and procedures for protection and emerging issues such as mobile internet access.
- We believe that for internet to fulfil its potential, human rights need to be respected on the internet. We note the contribution that the IGF has made to discussion of human rights and the impact of the Human Rights Council resolution 20/8 2012, which affirmed that the same human rights we have offline also apply online. We agree with the High Commissioner that the right to privacy is linked to other rights such as the right to freedom of expression, freedom of association, and to health.
- We agree with the High Commissioner that: "Effectively addressing the challenges related to the right to privacy in the context of modern communications technology will require an ongoing, concerted multi-stakeholder engagement.
- We therefore agree the Council's response to current challenges "should include a dialogue involving all interested stakeholders, including Member States, civil society, scientific and technical communities, the business sector, academics and human rights experts."
- The IGF embodies such engagement as it is a United Nations mandated multi-stakeholder forum.

Questions for the Panel

Given the complexities of this issue, its cross cutting nature and the heavy weight of Council's workload and its broad mandate, we offer our help to consider alternative approaches. We ask today's panellists:

- How can we ensure women's rights to privacy are protected and promoted and ensure the right to privacy in a digital age includes the gendered dimensions of human rights online?
- How can all mandate holders integrate internet related human rights issues into their work?
- Is a new mechanism needed to assist the Council, such as an independent expert or special mandate holder?
- What are the responsibilities of national institutions and how can these and regional human rights mechanisms best respond?
- What are the roles of civil society, business, the technical community and human rights experts?
- How can the Council monitor progress on the report's conclusions and recommendations?
- How can the Council to engage with and utilise the IGF? For example, could the Council refer questions to the IGF or recommend a thematic IGF on internet and human rights issues?

Recommendations

The Council must take steps for further discussion and in-depth study" of possible remedies to the harms caused by large-scale surveillance. In addition to further study of remedies related to State practices, we

recommend more research on surveillance practices by non-state actors and the role and due diligence of states to address this.

We recommend the High Commissioner for Human Rights, Human Rights Council Members, Member States, regional human rights bodies and national human rights institutions to engage with the IGF as a space for dialogue involving all stakeholders and which can assist and inform the Office of the High Commissioner.

We recommend the High Commissioner for Human Rights, Human Rights Council Members, Member States, regional human rights mechanisms and national human rights institutions to participate in IGF 2015 which will take place in Brazil.

[ENDS]

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APPENDIX

Message to the United Nations Human Rights Council from the roundtable for organisers of workshops on enhancing digital trust and the internet and human rights

Participants at the United Nations Internet Governance Forum 2014 met on Friday 5th September to reflect on Forum workshops related to the issues of enhancing digital trust and the internet and human rights. Aware of the United Nations Human Rights Council 27th Session and the Panel which will consider the report of the High Commissioner for Human Rights on the Right to Privacy in the Digital Age.

At IGF 2014 approximately 47 out of 87 workshops focus directly or indirectly on human rights, with privacy, surveillance, freedom of expression, freedom of association, and economic, cultural and social rights emerging as main themes. IGF 2014 participants (including from governments, civil society, private sector, academic and technical community) therefore considered whether to formulate an input that could be brought to the Human Rights Council on the topic of the right to privacy in the digital age.

We agreed on the following key messages:

- The right to privacy was a significant thematic issue at IGF 2014 including concerns raised about widespread privacy violations, the need for transparency, clear privacy standards and procedures for protection and the emerging issues such as mobile internet access.
- We believe that for internet to fulfil its potential, human rights need to be respected on the internet. We note the contribution that the Internet Governance Forum has made to discussion of human rights and the impact of the Human Rights Council resolution 20/8 2012, which affirmed that the same human rights we have offline also apply online.
- We agree with the High Commissioner that the right to privacy is linked to other rights such as the right to freedom of expression, freedom of association, amongst others. We agree with the High Commissioner that: “Effectively addressing the challenges related to the right to privacy in the context of modern communications technology will require an ongoing, concerted multistakeholder engagement.
- We not only agree, we also embody such multistakeholder engagement through our participation at the IGF which is a United Nations mandated multi-stakeholder forum.
- We therefore agree that Human Rights Council’s response to current challenges “should include a dialogue involving all interested stakeholders, including Member States, civil society, scientific and technical communities, the business sector, academics and human rights experts.”
- We urge the High Commissioner for Human Rights, Human Rights Council Members, Member States, regional human rights bodies and national human rights institutions to engage with the Internet Governance Forum as a space for dialogue involving all stakeholders and which can assist and inform the Office of the High Commissioner.
- We urge the High Commissioner for Human Rights, Human Rights Council Members, Member States, regional human rights mechanisms and national human rights institutions to participate in IGF 2015 which will take place in Brazil.

Association for Progressive Communications

5 September 2014