

## **The right to privacy in the digital age**

The General Assembly,

PP1 *Reaffirming* the purposes and principles of the Charter of the United Nations,

PP2 *Reaffirming* also the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights,

PP3 *Reaffirming* further the Vienna Declaration and Programme of Action,

PP4 *Noting* that the rapid pace of technological development enables individuals in all regions to use new information and communication technologies (**A/HRC/RES/20/8**) and at the same time enhances the capacity of Governments, companies and individuals for surveillance, interception and data collection, which may violate human rights, in particular the right to privacy, as enshrined in article 12 of the Universal Declaration of Human Rights and in article 17 of the International Covenant on Civil and Political Rights and is therefore an issue of increasing concern;

PP5 *Reaffirming* the human right of individuals to privacy and not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, and the right to enjoy protection of the law against such interferences and attacks (**new, based on article 17 of the ICCPR**), and recognizing that the exercise of the right to privacy is an essential requirement for the realization of the right to freedom of expression and to hold opinions without interference, and one of the foundations of a democratic society (**new, based on the report A/HRC/23/40 (para 24) of the Special Rapporteur**),

PP6 *Stressing* the importance of the full respect for the freedom to seek, receive and impart information, including the fundamental importance of access to information and democratic participation (**PP6 of A/HRC/RES/12/16, Freedom of opinion and expression**),

PP7 *Welcoming* the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression submitted to the Human Rights Council at its twenty third session, on the implications of the States' surveillance of communications and the interception of personal data on the exercise of the human right to privacy (**new**),

PP8 *Emphasizing* that illegal surveillance of communications, their interception, as well as the illegal collection of personal data constitute a highly intrusive act that violates the right to privacy and freedom of expression and may threaten the

foundations of a democratic society (**new, based on the report A/HRC/23/40 (para 81) of the Special Rapporteur**),

PP9 *Noting* that while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law (**based on para 15 of the statement of the High Commissioner for Human Rights, Navi Pillay, on September 20th, 2013**),

PP10 *Deeply concerned* at human rights violations and abuses that may result from the conduct of any surveillance of communications, including extraterritorial surveillance of communications, their interception, as well as the collection of personal data, in particular massive surveillance, interception and data collection (**new**),

PP11 *Recalling* that States must ensure that measures taken to counter terrorism comply with international law, in particular international human rights, refugee and humanitarian law (**A/HRC/RES/19/19, OP1**),

1. *Reaffirms* the rights contained in the International Covenant on Civil and Political Rights, in particular the right to privacy and not to be subjected to arbitrary or unlawful interference with privacy, family, home or correspondence, and the right to enjoy protection of the law against such interference or attacks, in accordance with article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights (**new**);

2. *Recognizes* the rapid advancement in information and communication technologies, including the global and open nature of the Internet, as a driving force in accelerating progress towards development in its various forms (**based on OP2 of A/HRC/RES/20/8**);

3. *Affirms* that the same rights that people have offline must also be protected online, in particular the right to privacy (**based on OP1 of A/HRC/RES/20/8**);

4. *Calls upon* all States:

(a) To respect and protect the rights referred to in paragraph 1 above, including in the context of digital communication (**new, based on OP5a of A/HRC/RES/12/16**);

(b) To take measures to put an end to violations of these rights and to create the conditions to prevent such violations, including by ensuring that relevant national legislation complies with their obligations under international human rights law (**new, based on OP5b of A/HRC/RES/12/16 and on the report A/HRC/23/40 (para 64) of the Special Rapporteur**);

(c) To review their procedures, practices and legislation regarding the surveillance of communications, their interception and collection of personal data, including massive

surveillance, interception and collection, with a view to upholding the right to privacy and ensuring the full and effective implementation of all their obligations under international human rights law **(based on the report A/HRC/23/40 (paras 64) of the Special Rapporteur)**;

(d) To establish independent national oversight mechanisms capable to ensuring transparency and accountability of State surveillance of communications, their interception and collection of personal data **(based on the report A/HRC/23/40 (para 93) of the Special Rapporteur)**;

5. *Requests* the United Nations High Commissioner for Human Rights to present an interim report on the protection of the right to privacy in the context of domestic and extraterritorial, including massive, surveillance of communications, their interception and collection of personal data, to the General Assembly at its sixty-ninth session, and a final report at its seventieth session, with views and recommendations, to be considered by Member States, with the purpose of identifying and clarifying principles, standards and best practices on how to address security concerns in a manner consistent with States' obligations under international human rights law and in full respect for human rights, in particular with respect to surveillance of digital communications and the use of other intelligence technologies that may violate the human right to privacy, freedom of expression and of opinion **(new)**;

6. *Decides* to examine the question on a priority basis at its sixty-ninth session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" of the item entitled "Promotion and protection of human rights" **(new)**.