

UN resolution on the right to privacy, a first step – UN expert on freedom of expression

GENEVA (28 November 2013) – The United Nations Special Rapporteur on the right to freedom of opinion and expression, Frank La Rue, welcomed the adoption of a resolution on the protection of the right to privacy in the digital age by the UN General Assembly, but stressed that this is a first step. “Much more can and must be done to ensure trust in the safety of communications around the world,” he said.

The resolution recognizes the need for States to revise their own laws and practices regarding the surveillance of communications and to establish oversight mechanisms to ensure transparency and accountability for surveillance initiatives, as Mr. La Rue recommended in his latest report* to the UN Human Rights Council.

“The recent revelations on widespread surveillance were alarming signals of the multiple violations to privacy made possible by new technologies,” he noted. “If States are truly committed to ensuring that all the rights which apply offline continue to be valid online, they urgently need to take concrete steps to secure respect for the privacy of communications as a universal right everywhere - not only within their own borders.”

“National laws regulating State involvement in communications surveillance are mostly inadequate or simply do not exist,” the expert said. “To demonstrate their commitment to protect privacy and to ensure people can communicate freely, States can start by immediately revising their own laws and the role of the judiciary, in order to correct serious gaps that exist in most national legal frameworks.”

Mr. La Rue emphasized that the surveillance of communications must never be conducted without independent judicial oversight, even though it might be exceptionally required to monitor communications in order to respond to criminal activity or national security threats. Parliaments should also play a role through the systematic review of the work of security and intelligence entities.

“Blanket and indiscriminate surveillance should never be legal.” La Rue underscored. “International human rights standards demand that any interference with human rights be considered on a case-by-case basis in which a court weighs the proportionality of the benefit to be gained against the harm which may be done.”

For the Special Rapporteur, despite technological changes, no new international legal instruments are needed. “Privacy is a recognized human right. For decades there has been a solid understanding that privacy in postal services should be respected by all States. Therefore, there are no reasons for questioning existing guarantees to privacy in telephone or internet communications,” he said.

(*) Check the full report:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf or

<http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session23/Pages/ListReports.aspx>

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Frank La Rue (Guatemala) was appointed as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in August 2008 by the United Nations Human Rights Council. As Special Rapporteur, he is independent from any government or organization and serves in his individual capacity. Learn more, log on to: <http://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/OpinionIndex.aspx>

The International Covenant on Civil and Political Rights:

<http://www2.ohchr.org/english/law/ccpr.htm>

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