

SHORT VERSION FOR ORAL PRESENTATION

Monday, June 10, 2013, Agenda item 8:/General Debate/

Civil Society Statement read by the Association for Progressive Communications to the Human Rights Council on the impact of State Surveillance on Human Rights addressing the PRISM/NSA case.

Thank you Mr. President. We express strong concern over recent revelations of surveillance of internet and telephone communications of US and non-US nationals by the government of the United States of America and that US authorities shares the results with other governments. Of equal concern is the apparent complicity of some US-based Internet companies with global reach.¹ These revelations suggest a blatant and systematic disregard for human rights.²

In 2012 the Council unanimously adopted Resolution 20/8, which "Affirms that the same rights that people have offline must also be protected online, in particular freedom of expression ..."³ Also during this session the Special Rapporteur on Freedom of Expression, Mr. Frank La Rue, reported worrying new trends in state surveillance of communications with serious implications for the exercise of the human rights to privacy and to freedom of opinion and expression and noted that inadequate and non-existent legal frameworks "create a fertile ground for arbitrary and unlawful infringements of the right to privacy in communications and, consequently, also threaten the protection of the right to freedom of opinion and expression".⁴

The application of surveillance mechanisms to the heart of global digital communications drastically threatens the protection of human rights in the digital age. This recent case is an example of human rights violations specifically relevant to the Internet, and one foreshadowed in the Council's 2012 Expert Panel on Freedom of Expression and the Internet.

We urge States protect those who have made these violations public. Whistleblowers play a critical role in promoting transparency and upholding the human rights of all.

We call on the Human Rights Council to act swiftly to prevent the creation of a global Internet based surveillance system by:

- 1) convening a special session to examine this case
- 2) supporting a multistakeholder process to implement the recommendation of Mr La Rue that the Human Rights Committee develop a new General Comment 16 on the right to privacy in light of technological advancements, and,
- 3) requesting the High Commissioner to prepare a report that:
 - a) formally asks states to report on practices and laws in place on surveillance and what corrective steps will they will take to meet human rights standards, and,
 - b) examines the implications of this case in in the light of the Human Rights Council endorsed United Nations Guiding Principles on Business and Human Rights⁵.

1 Such as Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube, and Apple. From http://www.washingtonpost.com/investigations/us-intelligence-mining-data-from-nine-us-internet-companies-in-broad-secret-program/2013/06/06/3a0c0da8-cebf-11e2-8845-d970ccb04497_story.html

2 As articulated in Articles 17 and 19 of the International Covenant on Civil and Political Rights (ICCPR), as well as Articles 12 and 19 of the Universal Declaration of Human Rights.

3 http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/20/8

4 A/HRC/23/40 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf

5 The "Protect, Respect and Remedy" Framework of A/HRC/RES/17/4

Statement endorsed by: (NO NEED TO READ)

Access, International

Association for Progressive Communications (APC), International

Center for Technology and Society (CTS/FGV), Brazil

Global Voices Advocacy, International

IT for Change, India

Bolo Bhi, Pakistan

La Quadrature du Net, Europe, France

The Internet Democracy Project, India

Digital Rights Foundation, Pakistan

Privacy International

PROTESTE - Associação de Consumidores, Brazil