

UN votes to protect privacy in digital age (Update)

December 18 2013, by Edith M. Lederer

The U.N. General Assembly unanimously adopted a resolution aimed at protecting the right to privacy against unlawful surveillance in the digital age on Wednesday in the most vocal global criticism of U.S. eavesdropping.

Germany and Brazil introduced the resolution following a series of reports of U.S. surveillance, interception, and data collection abroad—including on Brazil's President Dilma Rousseff and German Chancellor Angela Merkel—that surprised and angered friends and allies.

The resolution "affirms that the same rights that people have offline must also be protected online, including the right to privacy."

It calls on the 193 U.N. member states "to respect and protect the right to privacy, including in the context of digital communication," to take measures to end violations of those rights, and to prevent such violations including by ensuring that national legislation complies with international human rights law.

It also calls on all countries "to review their procedures, practices and legislation regarding the surveillance of communications, their interception and collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy of all their obligations under international human rights law."

The resolution calls on U.N. members to establish or maintain independent and effective oversight methods to ensure transparency, when appropriate, and accountability for state surveillance of communications, their interception and collection of personal data.

General Assembly resolutions are not legally binding but they do reflect world opinion and carry political weight.

Brazil's Rousseff canceled a state visit to Washington after classified documents leaked by former National Security Agency analyst Edward Snowden. The documents revealed Brazil is the top NSA target in Latin America, with spying that has included the monitoring of Rousseff's cellphone and hacking into the internal network of state-run oil company Petrobras.

Merkel and other European leaders also expressed anger after reports that the NSA allegedly monitored Merkel's cell phone and swept up millions of French telephone records.

The United States did not fight the measure after it engaged in lobbying with Britain, Canada, Australia and New Zealand, which comprise the "Five Eyes" intelligence-sharing group, to dilute some of the original draft resolution's language.

The key compromise dropped the contention that the domestic and international interception and collection of communications and personal data, "in particular massive surveillance," may constitute a human rights violation.

The resolution instead expresses deep concern at "the negative impact" that such surveillance, "in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights."

It directs U.N. human rights chief Navi Pillay to report to the Human Rights Council and the General Assembly on the protection and promotion of privacy "in the context of domestic and extraterritorial surveillance ... including on a mass scale."

Cynthia Wong, senior Internet researcher at Human Rights Watch, and Jamil Dakwar, director of the American Civil Liberties Union's Human Rights Program, welcomed the resolution's unanimous adoption.

"With the Internet age quickly becoming a golden age for surveillance," Wong said, "this resolution is a critical first step that puts mass surveillance squarely on the international agenda."

"Given the scale of snooping that technology now enables, all states should modernize privacy protections or we risk undermining the Internet's potential as a tool for advancing human rights," she said.

Dakwar said that while somewhat watered down, "the measure still sends a strong message to the United States that it's time to reverse course and end NSA dragnet surveillance."

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