

UN moves to strengthen digital privacy (Update)

November 25 2014, by Carole Landry



A woman uses an Iphone on April 22, 2014 in New York

The United Nations on Tuesday adopted a resolution on protecting digital privacy that for the first time urged governments to offer redress to citizens targeted by mass surveillance.

The resolution presented by Germany and Brazil builds on a landmark text presented last year in the wake of revelations by Edward Snowden

of widespread surveillance by the US and British governments.

"Where mass surveillance technology is used, a situation can easily be created where no privacy of communications on the Internet exists at all," German Ambassador Harald Braun told a UN committee.

Braun warned that without proper checks, "we risk turning into Orwellian states" where citizens are being constantly monitored.

The resolution was adopted by consensus by the General Assembly's human rights committee and now goes before the full Assembly in December.

It followed weeks of tough negotiations with Australia, Britain, Canada, New Zealand and the United States—members of the so-called Five Eyes intelligence alliance—who sought to limit the resolution's scope.

The five countries are not among the 65 co-sponsors of the resolution that included France, Russia, Turkey and many east European countries that have grappled with a history of state surveillance.

While the resolution is not-binding, it carries political weight and helps shape the debate on online privacy as a human right.

The resolution calls on all governments to adopt national legislation that will ensure their citizens' right to privacy online is protected.

Remedy for citizens

In a first, the measure urges governments to "provide individuals whose right to privacy has been violated by unlawful or arbitrary surveillance with access to an effective remedy."

It includes a reference to metadata that can be aggregated to reveal personal information such as the time, date and location from which a user accesses his email.

"Metadata can be as privacy-sensitive as the content of communications," said Braun, who raised concern about how easy it is to compile personal profiles by collecting metadata.

The resolution urges the Human Rights Council to follow up with action such as naming an envoy for digital privacy who would ensure the issue remains on the international agenda.

Debate over the first resolution last year, also drafted by Germany and Brazil, was clouded by the Snowden affair and revelations of US spying targeting German Chancellor Angela Merkel and Brazilian President Dilma Rousseff.

With the international focus now on defeating Islamists in Iraq and Syria, opponents of the resolution argued that governments must not be hamstrung in using surveillance and communications interception to prevent terror acts.

Britain and Australia argued that in addressing online privacy, the United Nations must strike a balance between respect for individual rights and the obligations of governments to protect their citizens from threats.

Canada spoke out against the "narrow focus" of the resolution and said there should be a broader discussion involving governments, industry, civil society and the technology community on the way forward.

Amnesty International said it was concerned that some countries including the Five Eyes "appeared to be more concerned with protecting their surveillance and intelligence-sharing practice than protecting

human rights."

"Mass surveillance of people's communications will not end with declarations of good intentions, states must urgently live up to their obligation to uphold privacy," the rights group said.

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Citation: UN moves to strengthen digital privacy (Update) (2014, November 25) retrieved 23 April 2024 from <https://phys.org/news/2014-11-digital-privacy.html>

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