

Secret surveillance methods in the Digital Age—how to ensure human rights protection

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Secret surveillance powers of authorities are reaching unprecedented levels in the Digital Age, raising challenges for the protection of human rights such as the right to privacy. In her inaugural address at Tilburg University on Friday, December 15th 2017. Prof. Eleni Kosta analyzes the right to privacy and its justified limitations as stipulated in the European Convention on Human Rights in relation to secret surveillance. What is the capacity of the existing framework to mitigate the challenges?

In May 2013 Edward Snowden revealed that UK and US intelligence services were collaborating in the context of [surveillance](#) programs involving personal information of individuals in an unprecedented way. Only since then have people started realizing how far-reaching secret surveillance powers truly are and how dramatically the nature, manner, and magnitude of data collection by secret and intelligence authorities have changed in the Digital Age.

A number of civil rights organizations have filed applications at the European Court of Human Rights against the UK Government claiming violation of the right to privacy and freedom of expression. Although the Court has dealt with cases on secret surveillance before, the size and intensity of recent secret surveillance measures vest these cases with a special character.

Checks and balances

Despite the fact that states' secret surveillance programs do not constitute a violation of the right to privacy of citizens in and of themselves, they should abide by a strict system of checks and balances. Do technological developments such as algorithmic surveillance warrant refinement of existing guarantees or should we completely rethink the system of checks and balances? That is the key question Prof. Eleni Kosta will address in her inaugural lecture and her research at Tilburg University.

Protecting groups of people

Mass surveillance measures increasingly rely on algorithms focusing on groups of people categorized on the basis of various criteria, rather than individuals. However, the nature of mass algorithmic surveillance raises a number of questions in relation to the protection of groups that are generated based on the algorithmic computations. Will the focus of protection remain on the individual, as traditionally done by the European Court of Human Rights, or will new approaches be developed in the regulation of human rights protecting groups of people?

In her role as Chair of Technology Law and Human Rights, Eleni Kosta intends to address the crucial need for further research in this area. She will further study the right to freedom of expression, the right to non-discrimination and the right to effective remedies in order to build a comprehensive framework of checks and balances for [human rights](#) in the era of mass surveillance.

Provided by Tilburg University

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