

**34th Session of the Human Rights Council
Item 3 – Interactive Dialogue with the UN Special Rapporteur on the right to privacy**

Oral Statement

8 March 2016

Delivered by Lucy Bye, ARTICLE 19

Mr. President,

ARTICLE 19 believes that the right to privacy is a necessary pre-condition to the meaningful exercise of the right to freedom of expression, in particular in the digital age. The two rights go hand in hand.

Yesterday, ARTICLE 19 launched its “Global Principles on Freedom of Expression and Privacy”. Developed with experts and partner organisations, aim to guide stakeholders on how to ensure that the rights to freedom of expression and privacy are protected, online and offline.

Many of the conclusions reached by the Special Rapporteur on the right to privacy, find support in ARTICLE 19’s Global Principles:

- Firstly, that any interference with the right to privacy must be justified according to the principles of legality, legitimate aim, and necessity and proportionality, and therefore independent oversight mechanisms established in law of government surveillance activities is essential;
- Secondly, in relation to extraterritoriality, that the nationality or location of an individual being subject to surveillance does not alter the applicable standards for assessing whether the privacy interference is justified;
- Thirdly, that the aggregation of communications data or metadata should require prior-judicial authorisation, in line with the view that metadata can reveal personal information about a person no less sensitive than the contents of the communication itself;
- Fourthly, we share concerns that misconceptions of the right to privacy and data protection may lead to powerful individuals being granted remedies that censor information that is in the public interest, and that this should be resisted.

ARTICLE 19 also welcomes the report of the UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, which reaches many of these same conclusions. We further stress, as the UN Special Rapporteur on freedom of opinion and expression has many times, the importance of protecting online anonymity and encryption for both the right to privacy and the right to freedom of expression.

ARTICLE 19 therefore urges States to support the draft resolution on the right to privacy under consideration at this session of the Human Rights Council, as it makes important progress to clarify the applicable international human rights standards in this field. We also welcome its call for an expert meeting to discuss these matters further, and for a further report of the Office of the High Commissioner for Human Rights.