

Pakistan

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On behalf of Group of Countries
Joint Statement on Right to Privacy
24th Session of HRC

Mr. President,

Freedom of expression is a fundamental human right. The right to privacy is an essential element of the right to freedom of expression as defined in the ICCPR. At the last session of the Human Rights Council, the Special Rapporteur on Freedom of Expression presented his report which focused on the right to privacy and freedom of expression and opinion in the context of states surveillance of communications systems.

We believe that this is an area of great concern, particularly in the light of recent revelations regarding the use and abuse of advanced surveillance technologies by some states. These involve unilateral unauthorized access to private data and performing extensive, in-depth surveillance on live communications and stored information with examples including email, voice chat, videos, photos, file transfers, and social networking details. The extent of recent events of mass data collection has been far greater than the global community knew and is a serious violation of the right to privacy as well as domestic and international law.

Much of the world's electronic communications pass through only one country because electronic communications data tend to follow the least expensive route rather than the most physically direct route, and the bulk of the world's Internet infrastructure is also based there. This provides an opportunity for intercepting the private communications of foreign nationals as their electronic data pass into or through that one country.

This situation is further aggravated when we see several major international internet and telecommunication technology companies overstepping in privacy and information theft including companies like Microsoft, Yahoo, Google, Facebook, YouTube, AOL, Skype and Apple. Some of these entities have been developing and executing their own surveillance capabilities and intruding into the private space of

their customers around the globe without their knowledge or consent. As the Special Rapporteur has mentioned in his report, the private sector corporations often facilitate some states in their surveillance of individuals and states are increasingly adopting legislation requiring communications service providers direct access to the communications data. This is a disturbing development because this is intrusion of privacy on a mega-scale. . It means that states can use these technologies and data against persons who are not their citizens and do not reside in their borders. This has complicated legal and human rights implications.

Article 12 of the Universal Declaration of Human Rights, and numerous international statutes and treaties forbid such systems of massive, pervasive surveillance. More importantly, the international community needs to take urgent action to protect individuals from such violation of their fundamental freedom.

A transparent international system with adequate international framework of internet governance including appropriate safeguards is all the more important in such circumstances. The internet is too big, too international and too much of a household thing to be left operating by a few who have misused it without any international legislation and monitoring of these abuses.

The existing mechanisms like the Internet Governance Forum established under the paragraph 72 of the World Summit on Information Society (WSIS)-Tunis Agenda have not been able to deliver the desired results. A strategic rethinking of the global internet governance mechanism is inevitable. Further development of an international mechanism in the context of 'Enhanced cooperation' within the WSIS Tunis Agenda can be a concrete way forward. However we will need to be sincere in our efforts to ensure a transparent, free, fair and respectful international intergovernmental mechanism of internet governance and one that also ensures the right to privacy.