QUESTION OF: Protecting individual privacy while maintaining national security

SUBMITTED BY: Swaziland

THE HUMAN RIGHTS COUNCIL,

*Guided by* the purposes and principles of the Charter of the United Nations,

*Recalls* the human rights and fundamental freedoms detailed in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights,

*Reaffirming* the importance of all human rights and fundamental freedoms for all humans regardless of color, creed, culture, or country,

*Fully aware* that giving the people more privacy can have a lack of security as a result,

*Further recalling* Human Rights Council resolutions 232/13 of 1 July 2016 and 26/13 of 26 June 2014 on the promotion, protection and employment of human rights on the Internet,

*Expresses its appreciation* of the Special Rapporteur and the report promoting and protecting of human rights and fundamental freedoms while countering terrorism 34 / 61 in 2017,

*Takes note* that the rapid pace of technological development continues to enable people to use new information and communication techniques and at the same time also enables governments, companies and some individuals to use this information through interception and/or surveillance and abuse or violate basic human rights, in particular the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights, and is therefore an issue,

1. Reaffirms the right to privacy, according to which no one shall be subjected to unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights;

2. Recalls that States should ensure that any interference with the right to privacy is consistent with the laws;

3. Recognizes the global and open nature of the Internet and the risks that go along with it and the rapid advancement in information and communications technology as a driving force in accelerating progress towards development in its various forms;

4. Affirms that the same rights that people have offline must also be protected online, including the right to privacy;

5. Calls upon all States:

(a) To respect and protect the right to privacy, including digital communications;

(b) To take measures to put an end to violations of the right to privacy;

(c) To review their procedures regarding the surveillance of communications, their interception and the collection of personal data, including mass surveillance, interception and collection, with a view to upholding the right to privacy by ensuring it meets the obligations of international human rights law;

(d) To provide access to help for those individuals whose right to privacy has been violated by unlawful surveillance;

(f) To further develop or maintain preventive measures and remedies for violations and abuses regarding the right to privacy in the digital age that may affect all individuals, including where there are particular effects for women, as well as children and persons in vulnerable situations or marginalized groups;

6. Encourages all States to promote a safe information and communications technology environment based on respect for international law, including the obligations enshrined in the Charter of the United Nations and human rights instruments;

7. Further encourages all relevant stakeholders to participate in informal dialogues about the right to privacy, and continues to welcome the contribution of the Special Rapporteur on the right to privacy to this process;

8. Requests the United Nations High Commissioner for Human Rights to

create a task force to:

1. oversee the major parties involved such as the United States of America, North Korea, China, European Union, Brazil and the United Kingdom
2. Add a third party to a countries security network to add a third party which maintains neutrality which helps end corru B tion.

9. Encourages States, relevant United Nations agencies, funds and programmes, intergovernmental organizations, treaty bodies, the special procedures, regional human

rights mechanisms, civil society organizations, academia, national human rights

institutions, business enterprises, the technical community and other relevant stakeholders

to participate actively in supporting and funding said task force;

ranks nations according to the level of privacy in each UN member state using a ranking system decided upon at a later date”

compile information on the state of individual privacy in UN member states

10. Urges that public officials will not have access to otherwise private information such as bank records, credit card records, phone records and internet data, with the exception for doing this with a national security justification,

11. Hopes all nations will support the continued confidence building measures of the UNHCR.

12. Emphasizes the importance of creating an ultimate definition of the term “individual privacy”, decided upon by all member states of the UN, in order to avoid misunderstandings between nations as well as to avoid dismissal or purposeful misinterpretation of the term by the governments, which would hinder the process of protecting “individual privacy”.