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For democracy For everyone.

132nd IPU Assembly

Hanoi (Viet Nam), 28 March - 1 April 2015



Standing Committee on
Democracy and Human Rights

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Democracy in the digital era and the threat to privacy and individual freedoms

Interactive debate
Wednesday, 1 April 2015
09.00-11.00

Privacy and individual freedoms such as freedom of expression and freedom of association are basic conditions for the exercise of democracy. They are enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and numerous other legal instruments. Countries around the world have incorporated these basic rights and freedoms into their constitution and legal frameworks.

The digital era is vastly expanding the opportunities people have to communicate and receive information and to express their opinions. This is beneficial for democracy, as people can more easily participate in debate and decision-making, and can obtain information that helps them to hold governments to account. New forms of political participation are emerging, which may in time lead to changes in the organization of political parties and the system of representative democracy.

Yet the digital era also provides governments and private companies with unprecedented technological means for gathering information about citizens' online activities. This poses a potential threat to privacy and individual freedoms, and therefore to democracy itself.

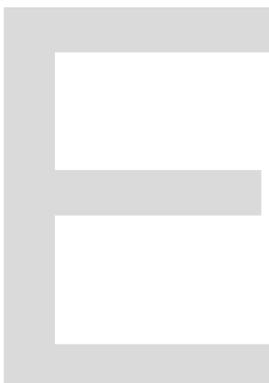
Recent developments have brought this issue to the forefront. The imperative need to fight terrorism has led to calls for more rigorous surveillance of online communications by intelligence agencies. Meanwhile, revelations about the extent to which sophisticated technology is already being used to intercept private communications have raised questions about whether the necessary checks and balances are in place, and whether citizen privacy is being eroded in the name of State security. These events highlight the important role of parliaments in establishing a legal framework that protects citizens' rights and ensuring oversight and accountability for its implementation.

The UN General Assembly adopted resolutions on the right to privacy in the digital age in December 2013¹ and December 2014². The resolutions call on all States to respect and protect the right to privacy, including in the context of digital communication. The UN High Commissioner for Human Rights issued a report in June 2014, and continues to follow the issue closely³. A significant gap nevertheless remains between the norms set out in international law and practice at national level.

¹ http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/167

² http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/166

³ <http://www.ohchr.org/EN/Issues/DigitalAge/Pages/DigitalAgeIndex.aspx>



Paragraph 24 of the 2008 IPU resolution on *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat the democracy*, calls on parliaments “to monitor the scope of surveillance and the amount of data collected by public and private organizations, to gauge any changes in the balance between the citizen and the State, and, in this process, to ensure that laws are framed and enforced in such a way as to take account of fast-moving technological developments”⁴.

It is therefore timely to consider the issue from a parliamentary perspective in greater detail. The Standing Committee on Democracy and Human Rights has decided to examine a draft resolution on *Democracy in the digital era and the threat to privacy and individual freedoms* when it meets at the 133rd IPU Assembly in Cartagena (Colombia) in November 2015. Privacy and individual freedoms have particular relevance for parliaments because of their importance for democracy and the ability of citizens to participate fully in political life.

As part of the preparatory process for this resolution, the Committee will hold an interactive debate at the 132nd IPU Assembly in Hanoi (Viet Nam). The debate will begin with expert presentations on the issues at stake and will continue with a moderated exchange among participants based on a series of key questions:

- What are the challenges and opportunities for democracy in the digital era? What will be the impact on representative democracy based on the party system, and the fundamental roles and functions of parliament such as law-making and oversight of government activities?
- Why is the right to privacy so important, and enshrined as a constitutional right in many countries? Why is it enshrined in the UN Covenant on Civil and Political Rights?
- What can parliamentarians do to ensure that privacy and individual freedoms are protected in the digital era? What protections are appropriate at a time when technological advances increase the possibility for mass surveillance?
- How can appropriate protections be built into the way large technology companies collect and use data about their users? How can such companies shield their users from government demands to hand over user data?
- How can parliaments facilitate collaboration between government, parliament and civil society and strengthen international cooperation to ensure privacy and individual freedoms?

Participants are invited to come prepared to give their views on these questions during the debate. Interventions should be short and focused. Participants are requested not to read written statements. The exchange is intended to enable the co-Rapporteurs to collect useful input for the draft resolution that they will have to prepare.

In keeping with the changes to the Rules of the Standing Committees adopted in October 2013, all IPU Members will also have the opportunity to make suggestions in writing to the co-Rapporteurs on the content of the draft resolution. The deadline for submitting these written contributions is 15 May 2015.

⁴ <http://www.ipu.org/conf-e/118/118-1.htm>