



Inter-Parliamentary Union
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133rd IPU ASSEMBLY AND RELATED MEETINGS

Geneva, 17 – 21.10.2015

Standing Committee on
Democracy and Human Rights

C-III/133/DR-am
13 October 2015

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

Amendments to the draft resolution submitted within the statutory deadline by the delegations of Canada, China, Cuba, France, India, Islamic Republic of Iran, Kenya, Pakistan, Romania, Russian Federation, Switzerland, Thailand, United Arab Emirates, Venezuela and Viet Nam.

TITLE

(Not applicable - editorial amendment to the title in French)

(France)

PREAMBLE

New preambular paragraph 1

Add two new paragraphs before preambular paragraph 1 to read as follows:

- (1) ***Recalling*** the guiding principles of the Charter of the United Nations,
- (2) ***Recalling*** the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

(Viet Nam)

Add a new paragraph before preambular paragraph 1 to read as follows:

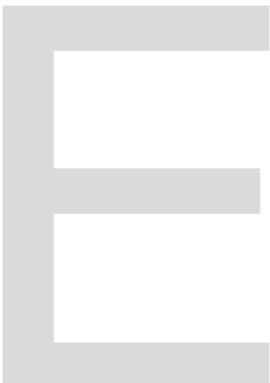
- (1) ***Recalling*** the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

(Canada)

Add a new paragraph before preambular paragraph 1 to read as follows:

- (1) ***Recalling*** the purposes and principles of the Charter of the United Nations and the International Covenant on Civil and Political Rights, in particular Articles 19 and 29 on freedom of expression, opinion and assembly as well as participation in public life and permissible limitations thereof,

(Pakistan)



Preambular paragraph 1

Amend to read as follows:

(1) *Recalling* the resolution adopted by the 118th IPU Assembly (Cape Town, April 2008) on *The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy*, and UN General Assembly Resolution 69/166 on *The right to privacy in the digital age*, ~~as well as~~ **and taking note of** the report of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,

(China)

Split preambular paragraph 1 into three paragraphs:

(1) ~~Recalling the resolution adopted by the 118th Inter-Parliamentary Union Assembly (Cape Town, April 2008) on *The role of parliaments in striking a balance between national security, human security and individual freedoms and in averting the threat to democracy* adopted by the 118th Inter-Parliamentary Union Assembly (Cape Town, 2008),~~

(2) **Recalling** the United Nations General Assembly resolution 69/166 of 18th December, 2014 on *The right to privacy in the digital age*,

(3) ~~Taking note of~~ **Noting** the report of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,

(Kenya)

Preambular paragraph 2

Amend to read as follows:

(2) *Also recalling* the United Nations Guiding Principles on Business and Human Rights, and *bearing in mind* that civil society can **facilitate governments' efforts to ensure** ~~play a central role in either enhancing or diminishing~~ the enjoyment of human rights, especially the right to privacy and freedom of expression in the digital era,

(Pakistan)

Amend to read as follows:

(2) *Also recalling* the United Nations Guiding Principles on Business and Human Rights, and *bearing in mind* that civil society can play a central role in ~~either enhancing or diminishing~~ the enjoyment of human rights, **especially including** the right to privacy and freedom of expression in the digital era,

(Canada)

Amend to read as follows:

(2) *Also recalling* the United Nations Guiding Principles on Business and Human Rights, and *bearing in mind* that civil society can play a central role in ~~enhancing or diminishing~~ the enjoyment of human rights, especially the right to privacy and freedom of expression in the digital era,

(United Arab Emirates)

Amend to read as follows:

(2) *Also recalling* the United Nations Guiding Principles on Business and Human Rights, and *bearing in mind* that civil society can play an ~~central~~ **important** role in either enhancing or diminishing the enjoyment of human rights, **especially including** the right to privacy and freedom of expression in the digital era,

(Viet Nam)

New preambular paragraph 2bis

Add a new paragraph after preambular paragraph 2 to read as follows:

(2bis) *Noting that the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108), the first legally binding instrument in this field, is open for accession to all countries,*

(Romania)

Preambular paragraph 3

Amend to read as follows:

(3) *Acknowledging the interdependence between democracy and the right to privacy, freedom of expression and information and an open and free Internet, and universal recognition of the right to privacy, its protection in international law and expectations of citizens around the world that the right to privacy is safeguarded both in law and in practice, **as well as by constitutional traditions in various countries of the world,***

(United Arab Emirates)

Amend to read as follows:

(3) *Acknowledging the interdependence between, **as appropriate,** democracy and the right to privacy, freedom of expression and information and an open and free Internet, and universal recognition of the right to privacy, its protection in international law and expectations of citizens around the world that the right to privacy is safeguarded both in law and in practice,*

(Cuba)

New preambular paragraph 3bis

Add a new paragraph after preambular paragraph 3 to read as follows:

(3bis) *Recognizing that information and communication technologies and information are a tool for inclusion and development and should not be used by States or non-state actors to violate international law, in particular the purposes and principles of the United Nations Charter, expressed through a respect for sovereignty, non-intervention, the sovereign equality of States, the peaceful settlement of disputes and the avoidance of the threat or use of force,*

(Venezuela)

Preambular paragraph 4

Amend to read as follows:

(4) *Also acknowledging that, in the area of digital surveillance, ~~adequate national legislation~~ **it is not enough simply to adopt** and enforcement ~~legislation is lacking,~~ **and that** procedural safeguards are sometimes weak and oversight ineffective,*

(France)

Amend to read as follows:

(4) *Also acknowledging that, in the area of digital surveillance, adequate national legislation, enforcement ~~is lacking,~~ **and** procedural safeguards are **required** ~~sometimes weak and oversight ineffective,~~*

(Pakistan)

Amend to read as follows:

(4) *Also acknowledging that, in the area of digital surveillance, **in some countries** adequate national legislation and enforcement is lacking, procedural safeguards are sometimes weak and oversight ineffective,*

(Russian Federation)

Amend to read as follows:

(4) *Also acknowledging* that, in the area of digital surveillance, adequate national legislation and enforcement is **sometimes** lacking, procedural safeguards are sometimes weak and oversight ineffective,

(Viet Nam)

Amend to read as follows:

(4) *Also acknowledging* that, in the area of digital surveillance, adequate national legislation and enforcement **of the legislation** is lacking, **and** procedural safeguards are sometimes weak and oversight ineffective,

(Kenya)

Preambular paragraph 5

Amend to read as follows:

(5) *Expressing concern* ~~that mass surveillance programmes regarding e-mail communications and other forms of digital expression constitute interference with individuals' right to privacy,~~ **at the negative impact that surveillance and/or interception of communications, in particular when carried out on a mass scale, may have on the exercise and enjoyment of human rights,**

(Viet Nam)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications and other forms of digital expression **may** constitute interference with individuals' right to privacy,

(Canada)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications and other forms of digital expression constitute interference with individuals' right to privacy **and may endanger the rights to freedom of expression and information, as well as other fundamental human rights, including the rights to freedom of peaceful assembly and of association, thus undermining participative democracy,**

(Romania)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications and other forms of digital expression constitute interference with individuals' right to privacy, **as well as the sovereignty and national security of other States,**

(China)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications ~~and other forms of digital expression~~ constitute interference with individuals' right to privacy,

(Pakistan)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications and other forms of digital expression, **particularly when conducted extraterritorially,** constitute interference with individuals' right to privacy,

(Cuba)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications and other forms of digital expression constitute ~~interference with individuals'~~ **violations of the** right to privacy,

(Russian Federation)

Amend to read as follows:

(5) *Expressing concern* that mass surveillance programmes regarding e-mail communications and other forms of digital expression constitute ~~interference with~~ **a violation of with** individuals' right to privacy,

(United Arab Emirates)

Preambular paragraph 6

Delete the paragraph and replace with a new paragraph to read as follows:

(6) ***Acknowledging* the need for capacity building and the empowerment of parliamentarians in the identification of legislative gaps and the enactment of legislation dealing with the protection of human rights, including the right to privacy, and with the prevention of the violation of such rights,**

(Kenya)

Amend to read as follows:

(6) *Acknowledging* the need for the empowerment of individual parliamentarians **and parliamentary specialized bodies** when dealing with the protection of human rights and violations thereof,

(Romania)

Preambular paragraph 7

Amend to read as follows:

(7) *Affirming* the responsibility of parliaments to establish, **in line with international principles and undertakings**, a comprehensive legal framework and exercise effective oversight of the actions of government agencies and/or surveillance agencies acting on their behalf, and to ensure accountability for all violations of human rights and individual freedoms,

(France)

Amend to read as follows:

(7) *Affirming* the responsibility of parliaments to establish a comprehensive legal framework **for the protection of the right to privacy and individual freedoms**, to exercise effective oversight of the actions of government agencies and/or surveillance agencies acting on their behalf, and to ensure accountability for all violations of human rights and individual freedoms,

(Kenya)

Preambular paragraph 8

Amend to read as follows:

(8) *Expressing the need* to include and consult with **all relevant stakeholders, including both** civil society groups, **academia, the technical community** and the private sector in policy-making related to the digital era,

(Canada)

Amend to read as follows:

(8) *Expressing the need to include and* consult with both civil society groups and the private sector in policy-making related to the digital era,
(Pakistan)

Amend to read as follows:

(8) *Expressing the need to include* **engage** and consult with both civil society groups and the private sector ~~in~~ **on** policy-making related to the digital era,
(France)

Preambular paragraph 9

Amend to read as follows:

(9) *Acknowledging* the importance and expertise of non-governmental organizations (NGOs) and human rights advocates and their role in ~~oversight~~ **monitoring, consultation,** policy-making, **consultation** and awareness-raising and *welcoming* greater cooperation between them, parliaments and parliamentarians worldwide,
(Canada)

Amend to read as follows:

(9) *Acknowledging* the importance and expertise of non-governmental organizations (NGOs) and human rights advocates and their role in ~~oversight, consultation, policy-making~~ and awareness-raising and *welcoming* greater cooperation between them, parliaments and parliamentarians worldwide,
(Pakistan)

Amend to read as follows:

9) *Acknowledging* the importance and expertise of **national human rights institutions,** non-governmental organizations (NGOs) and human rights advocates and their role in oversight, consultation, policy-making and awareness-raising and *welcoming* greater cooperation between them, parliaments and parliamentarians worldwide,
(Thailand)

Amend to read as follows:

(9) *Acknowledging* the importance and expertise of **prestigious** non-governmental organizations (NGOs) and human rights advocates and their role in oversight, consultation, policy-making and awareness-raising and *welcoming* greater cooperation between them, parliaments and parliamentarians worldwide,
(Viet Nam)

Amend to read as follows:

(9) *Acknowledging* the importance and expertise of non-governmental organizations (NGOs) and human rights advocates and their role in oversight, consultation, policy-making and awareness-raising and *welcoming* greater cooperation between ~~them~~ **these organizations and advocates, and** parliaments and parliamentarians worldwide,
(France)

Preambular paragraph 10

Delete the paragraph.

(Cuba, Pakistan)

Amend to read as follows:

(10) ~~Acknowledging with appreciation~~ **Taking note of** the work and contribution of these entities, such as the International Principles on the Application of Human Rights to Communications Surveillance (the Necessary and Proportionate Principles), endorsed by more than 400 NGOs and the Global Network Initiative,

(Viet Nam)

Preambular paragraph 11

Delete the paragraph.

(Viet Nam)

New preambular paragraph 12bis

Add a new paragraph after preambular paragraph 12 to read as follows:

(12bis) Conscious that, to achieve democracy in the digital age, and to guarantee basic rights such as privacy and individual liberties in this area, it is necessary to achieve a new, just and equitable international order,

(Cuba)

Preambular paragraph 13

Amend to read as follows:

(13) *Recognizing* the contribution of parliaments to, and their impact on, decisions ~~promoting~~ **facilitating** the national and international consensus needed for concerted and effective action on these issues,

(France)

OPERATIVE PART

Add two new paragraphs before operative paragraph 1 to read as follows:

1. **Calls on parliaments to take part in the development and implementation of an overall strategy which ensures that the whole population is able to enjoy the considerable benefits that the internet can bring to economic, social, cultural and environmental life in order to achieve the Sustainable Development Goals adopted by the United Nations;**
- 1bis. **Underlines that this overall strategy should aim both legally and ethically to build a digital ecosystem that is capable of guaranteeing the same rights to all citizens and ensuring that their freedom is effectively protected, particularly in terms of educating all people in digital know-how, and ensuring an equity between actors that will avoid any abuse of a dominant position;**

(France)

Operative paragraph 1

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks ~~legislation~~ and State practices, with a view to **enhancing democracy through** promoting and increasing the possibilities for civilian participation in the digital era, ~~free~~ **enhancing the** exchange of information and ideas and **promoting equal access to the internet** ~~equal access to the Internet and, with a view to enhancing democracy in the 21st century, encourages parliaments to remove all legal limitations on free speech and flow of information and to uphold the principle of Net neutrality;~~

(Kenya)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, ~~encourages parliaments to remove all legal limitations on free speech and flow of information and to uphold the principle of Net neutrality~~ **to take measures to ensure free speech and the flow of information;**

(China)

Amend to read as follows:

1. ~~*Calls on*~~ ***Bearing in mind the Provisions of Article 19 of the International Covenant on Civil and Political Rights, encourages*** parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all **unjustifiable** legal limitations on free speech and flow of information and to uphold the principle of Net neutrality;

(Islamic Republic of Iran)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas, **with the special duties and responsibilities which that entails (in line with article 19 (3) of the International Covenant on Civil and Political Rights)** and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal limitations on free speech and flow of information, **which do not correspond to the provisions of article 19 of the International Covenant on Civil and Political Rights** and to uphold the principle of Net neutrality;

(Cuba)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal **any** limitations on ~~free speech~~ **freedom of expression** and the flow of information, to **strictly comply with international human rights law and standards** and to uphold the principle of Net neutrality;

(Canada)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal limitations on free speech and flow of information **in compliance with international laws** and to uphold the principle of Net neutrality;

(Viet Nam)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for ~~civilian~~ **people's** participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal limitations on free speech and flow of information **to comply with international human rights principles** and to uphold the principle of Net neutrality;

(Thailand)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation **and involvement** in the digital era, free exchange of information, **knowledge** and ideas, and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal limitations on free speech and flow of information and to uphold the principle of Net neutrality;

(Venezuela)

Amend to read as follows:

1. *Calls on* parliaments to **consider** reviewing their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal limitations on free speech and flow of information and to uphold the principle of Net neutrality;
(Pakistan)

Amend to read as follows:

1. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing the possibilities for civilian participation in the digital era, free exchange of information and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, *encourages* parliaments to remove all legal limitations on free speech and flow of information and to uphold the principle of Net neutrality, **so as not to threaten national sovereignty or the stability or security of society as well as its inherited traditions and values;**
(United Arab Emirates)

Operative paragraph 2

Delete the paragraph and replace with a new paragraph as follows:

2. ***Calls upon* parliaments to immediately review all national laws and practices in order to ensure that they are compatible with those international human rights which protect privacy, and to regularly evaluate those local laws to verify that they reflect prevailing technological developments and hence eliminate the contradiction between the principles of individual freedom and human rights enshrined in United Nations documents on the one hand, and the constitutional foundations which ensure the stability and safety of societies on the other;**
(United Arab Emirates)

Amend to read as follows:

2. *Urges* parliaments to carefully review **their** national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure they comply within order to align them with international law and on the realization of human rights, especially as they relate to including the right to privacy, and with international standards on interception, analysis, collection, dissemination and commercial use of data, taking into account the need to safeguard public safety and the need to protect the rights and freedoms of the public ~~calls on~~ parliaments to guarantee, as part of that review, that private companies will not be forced to collaborate with the authorities on practices that impair their customers' human rights;
(Kenya)

Amend to read as follows:

2. ~~*Urges*~~ ***Encourages*** parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure they comply with international law and human rights **obligations**, especially as they relate to the right to privacy, and ~~calls on~~ parliaments to guarantee, as part of that review, that private companies will not be forced to collaborate with the authorities on practices that impair their customers' human rights;
(Pakistan)

Amend to read as follows:

2. ~~*Urges*~~ ***Invites*** parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure they comply with international law and human rights, especially as they relate to the right to privacy, and ~~calls on~~ parliaments to guarantee, as part of that review, that private companies will not be forced to collaborate with the authorities on practices that impair their customers' human rights;
(Viet Nam)

Amend to read as follows:

2. *Urges* parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure they comply with international law and human rights, especially as they relate to the right to privacy, and *calls on* parliaments to guarantee, as part of that review, that private companies will not be forced to ~~collaborate~~ **cooperate** with the authorities on practices that impair their customers' human rights **with the exceptions provided for in international human rights law**;

(Canada)

Amend to read as follows:

2. *Urges* parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure they comply with international law and human rights, especially as they relate to the right to privacy, and *calls on* parliaments, **according to the rule of law**, to guarantee, as part of that review, that private companies will not be forced to collaborate with the authorities on practices that impair their customers' human rights;

(China)

Amend to read as follows:

2. *Urges* parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure they comply with international law and human rights, especially as they relate to the right to privacy, and *calls on* parliaments to guarantee, as part of that review, that private **and public** companies will not be forced to collaborate with the authorities on practices that impair their customers' human rights;

(Venezuela)

New operative paragraph 2bis

Add a new operative paragraph after operative paragraph 2to read as follows:

- 2bis. Invites parliaments, as part of efforts to strengthen legal protection for individuals with respect to the collection and processing of personal information, to examine the possibility of accession, as appropriate, by their respective countries to the Council of Europe Convention on the Protection of Individuals with regard to Automatic Processing of Personal Data;**

(Romania)

Operative paragraph 3

Delete the existing paragraph and replace it with a new paragraph to read as follows:

3. **Further urges parliaments to review the provisions of law that may exist in national legislation that compel companies to collaborate with government agencies or surveillance agencies acting on their behalf in acts that limit the realization of the human rights of their customers, except where such limitation is necessary in order to safeguard public safety and security and protect the rights and freedoms of the public;**

(Kenya)

Amend to read as follows:

3. *Calls on* parliaments to ensure that the national legal frameworks comply fully with international human rights ~~law~~ **obligations** when applied to interception, analysis, collection and commercial use of data ~~and to share reviews and information from individual States and the IPU on related cases;~~

(Pakistan)

Amend to read as follows:

3. *Calls on* parliaments to ensure that the national legal frameworks comply fully with international human rights law when applied to interception, analysis, collection and commercial use of data ~~and to share reviews and information from individual States and the IPU on related cases;~~
(Viet Nam)

Amend to read as follows:

3. *Calls on* parliaments to ensure that the national legal frameworks comply fully with international human rights law when applied to interception, analysis, collection, **storage** and commercial use of data and to share reviews and information from individual States and the IPU on related cases;
(France)

Operative paragraph 4

Delete the paragraph and replace with a new paragraph as follows:

4. **Notes that, while concerns about public security may justify the gathering and protection of certain sensitive information, States must ensure full compliance with their obligations under international human rights law;**
(Viet Nam)

Amend to read as follows:

4. *Urges* parliaments to **review their legislation in order to** prohibit the interception, collection or analysis of personal data ~~without the informed consent of the individuals concerned or~~ **without** a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity;
(Canada)

Amend to read as follows:

4. **Encourages** ~~Urges~~ parliaments to prohibit the interception, collection or analysis of personal data without the informed consent of the individuals concerned or a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity;
(Pakistan)

Amend to read as follows:

4. *Urges* parliaments to prohibit the interception, collection or analysis of personal data, **especially when those actions are of an extraterritorial or bulk nature**, without the informed consent of the individuals concerned or a valid order granted by an independent court **or other authority**, on grounds of reasonable suspicion of the targets' involvement in criminal activity;
(Cuba)

Amend to read as follows:

4. *Urges* parliaments to prohibit the interception, collection or analysis of personal data without the informed consent of the individuals concerned or a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity **or activities that may threaten national security while preserving individual privacy;**
(United Arab Emirates)

Amend to read as follows:

4. *Urges* parliaments to prohibit the interception, collection, ~~or~~ analysis **and storage** of personal data without the informed consent of the individuals concerned or a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity;
(France)

Operative paragraph 5

Delete the paragraph.

(Kenya)

Delete the paragraph and replace with a new paragraph as follows:

5. ***Urges* parliaments to make active use of their legislative and supervisory roles, particularly as regards the performance of governments on the surveillance of electronic space, with the aim of enhancing procedures that would increase transparency, and thus strike a balance between, on the one hand, the need for States to protect their national security against terrorist groups which use the internet to realize their objectives, and on the other, the sort of monitoring which would guarantee privacy to internet users;**

(United Arab Emirates)

Amend to read as follows:

5. *Underscores* that privacy protections must be consistent across domestic and international borders ~~and calls on parliaments to make sure that privacy protections in national law cannot be bypassed by reliance on secretive and informal data-sharing agreements with foreign States or multinationals;~~

(Viet Nam)

Amend to read as follows:

5. *Underscores* that privacy protections must be consistent across domestic and ~~international borders and~~ **in compliance with international law and standards** ~~and calls on parliaments to make sure ensure through legislation that privacy protections in national law cannot be bypassed by reliance on secretive and informal~~ **are integrated into any** data-sharing agreements with foreign States or multinationals **corporations;**

(Canada)

Amend to read as follows:

5. *Underscores* that privacy protections must be consistent across domestic and international borders **and shows deep concern at the negative impact on privacy protection of mass surveillance and/or interception of communications across borders**, and *calls on* parliaments to make sure that privacy protections in national law cannot be bypassed by reliance on secretive and informal data-sharing agreements with foreign States or multinationals;

(China)

Operative paragraph 6

Amend to read as follows:

6. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sector, providing, at the minimum, for strict conditions for permission to intercept, collect and analyse data, clear and precise limitations on the use of intercepted and collected data and security measures for the safest possible preservation, anonymity and proper and permanent destruction of data; and *recommends* the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints; ~~while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights, making sure that the same rights apply to both offline and online activities;~~

(Kenya)

Amend to read as follows:

6. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sector, providing, at the minimum, for strict conditions for permission to intercept, collect and analyse data, clear and precise limitations on the use of intercepted and collected data and security measures for the safest possible preservation, anonymity and proper and permanent destruction of data; and *recommends*, **where appropriate**, the establishment of

independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights, making sure that the same rights apply to both offline and online activities;

(Viet Nam)

Amend to read as follows:

6. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sector, providing, at the minimum, for strict conditions for permission to intercept, collect and analyse data, clear and precise limitations on the use of intercepted and collected data and security measures for the safest possible preservation, anonymity and proper and permanent destruction of data; and *recommends* **consideration of** the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights, making sure that the same rights apply to both offline and online activities;

(Cuba)

Amend to read as follows:

6. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sector, providing, at the minimum, for strict conditions for permission to intercept, collect and analyse data, clear and precise limitations on the use of intercepted and collected data and security measures for the safest possible preservation, anonymity and proper and permanent destruction of data; and *recommends* the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international ~~law and~~ human rights **obligations**, making sure that the same rights apply to both offline and online activities;

(Pakistan)

Amend to read as follows:

6. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sector, providing, at the minimum, for strict conditions for permission to intercept, collect, ~~and analyse~~ **and store** data, clear and precise limitations on the use of intercepted and collected data and security measures for the safest possible preservation, anonymity and proper and permanent destruction of data; and *recommends* the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights, making sure that the same rights apply to both offline and online activities;

(France)

New operative paragraph 6bis

Add a new paragraph after operative paragraph 6 to read as follows:

- 6bis. Urges parliaments to reject the interception of telecommunications and espionage activities by any State or non-state actor involved in any action, which negatively affects international peace and security, as well as civil and political rights, especially those enshrined in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence" and "everyone has the right to the protection of the law against such interference or attacks";**

(Venezuela)

Operative paragraph 7

Amend to read as follows:

7. ~~Also calls on parliaments to ensure through legal means that both voluntary and forced collaboration on various surveillance programmes between governments and private companies is made public and transparent; Also calls on national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the **United Nations** Guiding Principles on ~~Human Rights and Business and Human Rights~~, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote global norms on user agreements and further development of user-friendly data-protection techniques countering all threats to Internet security;~~

(Canada)

Amend to read as follows:

7. ~~Also calls on parliaments to ensure through legal means that both voluntary and forced collaboration on various surveillance programmes between governments and private companies is made public and transparent; also calls on national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote global norms on user agreements and further development of user-friendly data-protection techniques countering all threats to Internet security;~~ **in so far as it does not hamper the conduct of investigations or the maintenance of public safety and security;** also calls on national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote global norms on user agreements and further development of user-friendly data-protection techniques countering all threats to Internet security;

(Kenya)

Amend to read as follows

7. ~~Also calls on parliaments to ensure through legal means that both voluntary and forced collaboration on various surveillance programmes between governments and private companies is made public and transparent;~~ **and subject to their national laws,** also calls on national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote global norms on user agreements and further development of user-friendly data-protection techniques countering all threats to Internet security;

(Pakistan)

Amend to read as follows:

7. ~~Also calls on parliaments to ensure through legal means that both voluntary and forced collaboration on various surveillance programmes between governments and private companies is made public and transparent;~~ **in compliance with national laws;** also calls on national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote global norms on user agreements and further development of user-friendly data-protection techniques countering all threats to Internet security;

(Viet Nam)

Split operative paragraph 7 into two paragraphs:

7. *Also calls on* parliaments to ensure through legal means that both voluntary and forced collaboration on various surveillance programmes between governments and private companies is made public and transparent;
- 7bis. *Also calls on* national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others; *and further calls on* parliaments to promote global norms on user agreements and further development of user-friendly data-protection techniques countering all threats to Internet security;

(France)

Operative paragraph 8

Amend to read as follows:

8. *Underscores* that all legislation in the field of surveillance, privacy and personal data must be based on the principles of **legitimacy**, legality, transparency, proportionality, necessity and the rule of law;

(Thailand)

Operative paragraph 9

Amend to read as follows:

9. ~~*Anticipates* that parliaments will play a key role in specifying~~ **Recognizes the need for parliaments to specify**, in relative detail, the circumstances under which any interference with the right to privacy may be permitted and in establishing strict judicial procedures to authorize communications surveillance and to monitor their implementation, limits on the duration of surveillance, security and storage of the data collected and safeguards against abuse;

(Kenya)

Amend to read as follows:

9. *Anticipates* that parliaments will play a key role in specifying, in relative detail, the circumstances under which any interference with the right to privacy may be permitted and in establishing strict judicial procedures to authorize communications surveillance, **particularly when conducted extraterritorially**, and to monitor their implementation, limits on the duration of surveillance, security and storage of the data collected and safeguards against abuse;

(Cuba)

Operative paragraph 10

Delete the paragraph and replace with a new operative paragraph as follows:

10. **Emphasizes the need to lay down an international legal framework such as a convention or other recognized international instrument, which criminalizes online activity aimed at encouraging the spread of terrorism, concepts espoused by terrorist organizations or related matters; and further emphasizes the need to set up an international convention which prohibits the use of the internet by terrorists, terrorism organizations or whatever may be related to the promotion of terrorism, particularly financing, induction, conscription, violence and hatred;**

(United Arab Emirates)

Amend to read as follows:

10. ~~Emphasizes that while national security arguments will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, parliaments need to review~~ **Calls on parliaments to enhance** their capacity to oversee all executive action and ensure, **in the enactment of legislation,** that a balance is struck between **the need to ensure** national security and **the need to protect** individual freedoms ~~so as in order~~ to ensure that ~~measures any action~~ taken in the name of **to safeguard** national security and counter to **prevent** terrorism ~~comply strictly with~~ **does not undermine** human rights and ~~avert any or pose a~~ threats to democracy and human rights;

(Kenya)

Amend to read as follows:

10. ~~Emphasizes that while national security arguments will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, and parliaments need to review their capacity to oversee all executive action and ensure that a balance is struck between~~ national security and individual freedoms **are appropriately reconciled** so as to ensure that measures taken in the name of national security and counter-terrorism comply strictly with human rights, and avert any threats to democracy and human rights;

(Canada)

Amend to read as follows:

10. ~~Emphasizes that while national security arguments~~ **about the security of the nation** will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, parliaments need to review their **legal and political** capacity to oversee all executive action and ensure that a balance is struck between ~~national security~~ **the security of the nation** and individual freedoms so as to ensure that measures taken in the name of ~~national security~~ **the security of the nation** and counter-terrorism comply ~~strictly~~ with human rights **guarantees**, and avert any threats to democracy and human rights;

(Venezuela)

Amend to read as follows:

10. ~~Emphasizes that while national security arguments will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, parliaments need to review their capacity to oversee all executive action and ensure that a balance is struck between~~ national security and individual freedoms so as to ensure that measures taken in the name of national security and counter-terrorism comply strictly with **laws on** human rights, and avert any threats to democracy and human rights;

(Viet Nam)

Operative paragraph 11

Amend to read as follows:

11. ~~Strongly urges~~ parliaments to review and establish new, ~~comprehensive and effective,~~ independent **and impartial** oversight mechanisms where needed and include them in the legal framework; ~~stresses that~~ parliaments must investigate any shortcomings in their oversight function and the reasons behind them, making sure that their oversight bodies, such as parliamentary committees and parliamentary ombudsmen, have sufficient resources, proper authorizations and the requisite authority to review and publicly report on the actions of government agencies and/or surveillance agencies acting on their behalf, **including actions in cooperation with foreign bodies through the exchange of information or joint operations;**

(Switzerland)

Amend to read as follows:

11. *Strongly urges* parliaments to review and establish new **and** comprehensive ~~and independent~~ oversight mechanisms where needed and include them in the legal framework; *stresses* that parliaments must investigate any shortcomings in their oversight function and the reasons behind them, making sure that their oversight bodies, such as parliamentary committees and parliamentary ombudsmen, have sufficient resources, proper authorizations and the requisite authority to review and publicly report on the actions of government agencies and/or surveillance agencies acting on their behalf;

(Cuba)

Operative paragraph 12

Delete the paragraph and replace with a new operative paragraph to read as follows:

12. ***Calls on parliaments to engage, consult and collaborate with non-State actors in the process of policy formulation and in the monitoring of the implementation of such policies, in view of the oversight role played by such actors;***

(Kenya)

Amend to read as follows:

12. ~~*Calls on parliaments to acknowledge that civil society can play a vital role in overseeing the executive branch and*~~ *Encourages* parliaments and parliamentarians to promote and engage in consultation **with** and to ~~welcome~~ **receive** assistance from civil society, NGOs and human rights advocates, in their oversight, policy-making and policy implementation efforts;

(Pakistan)

Amend to read as follows:

12. *Calls on* parliaments to acknowledge that civil society can play a vital role in ~~overseeing~~ **monitoring** the executive branch and *encourages* parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from civil society, NGOs and human rights advocates, in their ~~overseeing~~ **monitoring**, policy-making and policy implementation efforts;

(Canada)

Amend to read as follows:

12. *Calls on* parliaments to acknowledge that civil society can play a vital role in overseeing the executive branch and *encourages* parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from **all stakeholders, including the private sector**, civil society, **the technical community, the academic community and users** ~~NGOs and human rights advocates~~, in their oversight, policy-making and policy implementation efforts;

(Switzerland)

Amend to read as follows:

12. *Calls on* parliaments to acknowledge that civil society can play a vital role in overseeing the executive branch and *encourages* parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from **national human rights institutions**, civil society, NGOs and human rights advocates, in their oversight, policy-making and policy implementation efforts;

(Thailand)

Amend to read as follows:

12. *Calls on* parliaments to acknowledge that civil society can play a ~~vital~~ role in overseeing the executive branch and *encourages* parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from civil society, NGOs and **those known as** human rights advocates, in their oversight **and** policy-making ~~and policy implementation~~ efforts;
(Cuba)

Amend to read as follows:

12. *Calls on* parliaments to acknowledge that civil society **and citizen participation** can play a vital role in overseeing the executive branch and *encourages* parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from civil society, NGOs and human rights advocates, in their oversight, policy-making and policy implementation efforts;
(Venezuela)

New operative paragraph 12bis

Add a new operative paragraph after operative paragraph 12 to read as follows:

- 12bis. **Strongly urges** parliaments to ensure that attempts to restrict democratic voices online, including journalists and other media actors as well as human rights defenders, through imprisonment, harassment, censorship, hacking as well as through illicit filtering, blocking, monitoring and other repressive means are strictly forbidden in national legislation in accordance with international human rights law;
(Canada)

Operative paragraph 14

Delete the paragraph and replace with a new operative paragraph as follows:

14. **Calls on** parliaments to establish mechanisms that promote accountability by government and other persons who are involved in the violation of human rights and freedoms, including the right to privacy and the freedom of expression, and include in such mechanisms measures that serve as a deterrent to the violation or further violation of such rights and freedoms;
(Kenya)

Operative paragraph 15

Amend to read as follows:

15. *Underscores* the right to effective remedy for victims of violations of the right to privacy and other individual freedoms and *calls on* parliaments to ~~ensure~~ **provide for** procedural safeguards in law, thereby facilitating access to duly implemented remedies;
(Kenya)

New operative paragraph 15bis

Add a new operative paragraph after operative paragraph 15 to read as follows:

- 15bis. **Strongly urges** parliaments to enable the protection of information in cyber space and associated infrastructure, so as to safeguard the privacy and individual freedom of citizens by developing formal as well as informal cooperation and relationships among the nations to exchange information and share experiences; **further calls on** parliaments to carry out technical and procedural cooperation as well as to collaborate in order to mitigate the risk of cyber-crimes and cyber-attacks; **also calls on** parliaments to modernize mutual legal agreement treaties so as to address the multidimensional challenges of the digital era, including speed of response;
(India)

Operative paragraph 16

Amend to read as follows:

16. *Welcomes* the appointment of the UN Special Rapporteur on the right to privacy and *calls on* the IPU to initiate a dialogue with him as well as the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and to work with them **him** to produce a compilation of best legislative practices in this field;

(Cuba)

Amend to read as follows:

16. *Welcomes* the appointment of the UN Special Rapporteur on the right to privacy and *calls on* the IPU to initiate a dialogue with him as well as the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, **the UN Special Rapporteur on the situation of human rights defenders and the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**, and to work with them to produce a compilation of best legislative practices in this field;

(Canada)

New operative paragraphs 16bis and 16ter

Add two new paragraphs after operative paragraph 16 to read as follows:

- 16bis. *Calls on* Parliaments to see to it that their respective governments cooperate fully with the UN Special Rapporteur on the right to privacy, including in relation to challenges arising in the digital age; *invites* parliaments to keep themselves informed of the Rapporteur's recommendations, and to provide the necessary legislative framework for their implementation, as appropriate;**
- 16ter. *Invites* the IPU to develop - in cooperation with relevant stakeholders, including international and regional organisations, civil society and human rights experts – capacity-building programmes for parliamentary bodies tasked to oversee observance of the right to privacy and individual freedoms in the digital environment.**

(Romania)