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Human rights situations that require the Council's attention

Written statement* submitted by Organisation Internationale pour la Sécurité des Transactions Electroniques OISTE, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[28 January 2021]

* Issued as received, in the language(s) of submission only.

Human Rights in the digital realm - A call for amending Article 12 of the UDHR

The Organisation Internationale pour la Sécurité des Transactions Électroniques (OISTE), organisation in Special Consultative status with ECOSOC since 2013 kindly requests the attention of the Human Rights Council to attend the following business during its 46th Regular Session:

The emergence of new information and communications technologies (NICTs) came along with very complex and multi-faceted issues concerning data privacy and the protection of users' personal data. The human right to privacy is often compromised in the digital realm. Enforcing it requires a strong dedication in terms of awareness raising and advocacy from the multi-stakeholder community and international, multilateral bodies such as the Human Rights Council.

In today's world, the use of the Internet has become ubiquitous and so should be the respect and enforcement of human rights in the cybersphere. Individuals should have credentials that enable them to identify themselves online in the same way they can certify their identity in the physical world. The significant amount of security breaches in cyberspace and industrial surveillance by State and private actors has unavoidably led to a lack of trust and an erosion of individual human rights. As underlined by the UN Special Rapporteur on the right to privacy: "More than a third of United Nations Member States have no privacy laws at all while most of the other 125 States have laws which cover some of the contexts where privacy may be threatened but not all. Thus, some important threats to privacy especially those arising on the context of national security, intelligence and surveillance are inadequately regulated in most countries of the world" (A/HRC/37/62).

Contemporary human beings are increasingly concerned about the impact of artificial intelligence (AI) and "surveillance capitalism" in their daily lives. Facial and voice recognition devices, digital forensics, the use of biometric data and the promotion of national digital identity programs have a dual potential: on the one hand, they may be useful tools for governance and human development, but on the other, they do pose threats for the exercise of human rights.

Building upon the various resolutions adopted by the UN General Assembly and the Human Rights Council regarding the protection and promotion of the right to privacy in the digital age, the OISTE Foundation would like to make the following recommendation:

- The Universal Declaration of Human Rights (UDHR) should be amended to protect individuals against violations of the human right to privacy.

Art 12. "No one shall be subjected to arbitrary interference [neither in the physical world nor in cyberspace] with his privacy, family, home, or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

Geneva, 1 February 2021
