



October 2014

FOC Joint Statement on the Use and Export of Surveillance Technology

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The Freedom Online Coalition is concerned that the use of surveillance technology and related services can contribute to violations of the right to privacy, as set forth in the ICCPR (henceforth, “right to privacy”), through unlawful and arbitrary surveillance, interception of communications, and data collection, particularly in relation to its use for political repression. Such surveillance in contravention to states’ obligations under international human rights law infringes on the right to privacy and can lead also to other violations or abuses of human rights both online and offline including the rights to freedoms of expression, association, and peaceful assembly.

In particular, the Coalition is concerned by the increase in the use of surveillance technology in contravention to states’ obligations under international human rights law to interfere with privacy. Curbing such use of surveillance technology should be an international, multistakeholder effort, and should include the development of appropriate and consistent national laws and policies governing the use and export of such technologies. The Coalition welcomes the recent steps taken to update international trade regimes, such as the Wassenaar Arrangement, to control the export of surveillance technologies.

The Coalition notes that, as reflected in the UN Guiding Principles on Business and Human Rights, companies, including those that market and provide surveillance technology, have human rights-related responsibilities. The Coalition recalls the expectation that such companies uphold these responsibilities, including by implementing appropriate systems and policies and conducting human rights due-diligence with regard to the provision of surveillance technology and related services.

In addressing new and emerging challenges to Internet freedom, the members of the Coalition reaffirm our commitment, in conducting our own activities, to respect our human rights obligations, as well as the principles of the rule of law, legitimate purpose, non-arbitrariness, effective oversight, and transparency, and call upon others to do the same.

Freedom Online Coalition Background

The Freedom Online Coalition is a cross-regional group of 23 governments that collaborate to advance Internet freedom worldwide. The Coalition provides a forum for like-minded governments to coordinate efforts and work with civil society and the private sector to support the ability of individuals to exercise their human rights and fundamental freedoms online.

The mission and vision of the Freedom Online Coalition are founded upon the notion that human rights apply online as well as offline, as confirmed in resolutions 20/8 and 26/13, adopted by consensus by the UN Human Rights Council in July 2012 and June 2014, as well as resolutions 68/167, adopted by consensus by the UN General Assembly in December 2013.

The FOC seeks to identify best practices regarding the application of human rights in the evolving online landscape, as well as to call attention to conditions that undermine those rights.

The FOC, through the Digital Defenders Partnership, also provides rapid response to a range of threats to Internet freedom; from supporting bloggers and cyber activists who find themselves under digital attack, to helping them exercise human rights online in countries where the Internet is censored, not free or not accessible. More information on the Digital Defenders Partnership is available at: <http://www.digitaldefenders.org/>.

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