

CDT and Global Civil Society Urge PCLOB to Account For Global Human Rights In Surveillance Debate

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US government surveillance programs pose real threats to the human rights of people across the globe, but this critical issue has yet to receive the attention it deserves in domestic debates about the NSA's surveillance activities. Last week, CDT and other human rights organizations and advocates from 25 nations have come [together](#) [2] to urge the Privacy and Civil Liberties Oversight Board (PCLOB) to explicitly address the global human rights implications of the US government's surveillance activity in the Board's upcoming report.

The coalition calls on PCLOB to evaluate the NSA's surveillance program according to basic human rights safeguards, as outlined in international human rights law and policy standards, including UN Special Rapporteur Frank La Rue's recent [report](#) [3] on the implications of States' surveillance of communications for the human rights of privacy and freedom of expression. These standards require that a government's surveillance activity be subject to a strong legal framework that is transparently developed and implemented, and that the surveillance be necessary to achieve a legitimate goal, proportionate to that goal, authorized by a competent judicial authority, and subject to public oversight.

PCLOB has the opportunity to exhibit leadership in holding the U.S. government accountable to its human rights obligations. Thus far, the U.S. government has said barely a word about the consequences of these programs for people overseas – many of whom are the family, friends, and business associates of U.S. residents. President Obama briefly mentioned “how these issues are viewed overseas” in his address last Friday, but his comments focused on concerns about the tarnishing of the U.S.'s international reputation and only emphasized the need to ensure the American people's confidence in the NSA's surveillance programs.

While the President's comments and congressional debates have focused on the impact these surveillance programs have on U.S. voters, maintaining this narrow view of the issue will put the U.S. government at a serious disadvantage as it responds to global criticism. The NSA revelations will have consequences for the U.S. government across the entire spectrum of its international and multilateral public policy initiatives. And worldwide mistrust of U.S. communications infrastructure will be bad for U.S. business if individuals around the world decide they're better off storing their data locally or communicating using providers and services in territories that will respect their human rights. It's in the government's own best interest to directly – and sincerely – consider the full ramifications of these surveillance programs both for those within and outside of the U.S.

But more broadly, it is critical that the U.S. – and all governments – evaluate the impact of their communications surveillance programs on the human rights of people outside their national borders. In an increasingly networked world, old notions of government surveillance capabilities being in any way limited by national boundaries and a person's location are obviously outdated. A strictly territorial conception of human rights obligations could leave the millions of cross-border communications that happen every day in a void of human rights protections. Governments must be held accountable to their human rights commitments in today's more complex communications environment, and PCLOB has the opportunity to move this critical discussion forward.

CDT also submitted [individual comments to PCLOB](#) [4]. PCLOB is [accepting comments](#) [5] through September 15th.

We encourage civil society advocates and organizations around the globe to continue adding their names or organizations to this important coalition letter by September 15, 2013: <http://bestbits.net/pclob/> [2].

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- [privacy](#)
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Links:

[1] <https://cdt.org/personnel/emma-llans%C3%B3>

[2] <http://bestbits.net/pclob/>

[3] http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf

[4] https://www.cdt.org/pr_statement/cdt-submits-recommendations-privacy-civil-liberties-board

[5] <http://www.regulations.gov/#!documentDetail;D=PCLOB-2013-0005-0001>