

Time for a Trans-Atlantic Partnership on Human Rights and Surveillance

by [Jens-Henrik Jeppesen](#) [1]
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On Tuesday, I, along with my colleague Greg Nojeim, had the opportunity to testify before the European Parliament on behalf of CDT's President Leslie Harris. CDT was invited to testify in front of the LIBE Committee as part of its inquiry on electronic mass surveillance of EU citizens. We shared information about privacy gaps in U.S. security laws, as well as our call for reform in the U.S. Our focus, however, was on the obligation of the U.S. and EU to work together to find a global solution.

CDT was clear in our message – digital surveillance is a human rights issue, and the EU and U.S. must work together to develop clear, workable parameters that balance security with privacy.

[CDT's testimony](#) [2] specifically stated: "...we recommend a trans-Atlantic process to develop a comprehensive understanding of the criteria that should apply to government surveillance and especially to national security surveillance. In our view, the current state of affairs both in the U.S. and in the EU is indefensible. This is a shared problem, and the timing is right for both the U.S. and the EU Member States to bring greater transparency, proportionality and oversight to their electronic surveillance practices – in order to ensure that human rights principles are respected in both jurisdictions and to develop an agreement on what constitutes adequacy for government access to data, raising standards and practices across the board."

The fact is, the U.S. holds a unique position as a result of the flow of data through it's borders, and as a result, must take a strong stance and stop bulk collection of data on innocent people. The U.S. government simply cannot ignore its International Covenant on Civil and Political Rights obligations and continue to violate the privacy rights in such a mass way. Europe's governments have been remarkably silent since the Snowden revelations though, which suggest they may very well be on par with the U.S.'s initiatives, at least in terms of tactics, if not scale.

We need genuine reform of government electronic surveillance worldwide, and in our view reform is most likely if institutions and stakeholders in the U.S. and Europe work together. Governments on both sides of the Atlantic need to assess their own security surveillance practices against human rights principles and must develop a common understanding about how these principles should apply to national security surveillance. The U.S. and EU can and should serve as models for the rest of the world.

Members of the European Parliament and the European Commission have smartly been discussing options with regard to data protection regulation (DPR), but proposed measures wouldn't really impact security surveillance programs. That problem must be addressed between European governments and the U.S. government – and sooner rather than later.

As we said in our testimony "There is no silver bullet, and no quick fix. This will be a long and difficult process, but it is the only principled way to address these concerns."

Indeed, it will be a long process, but CDT is committed to protecting the privacy rights of citizens around the globe.

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[2] <https://www.cdt.org/testimony/testimony-leslie-harris-europarl-libe-committee-inquiry-electronic-mass-surveillance-eu-ci>