



Permanent Mission  
of the Federal Republic of Germany  
to the Office of the United Nations and  
to the other International Organizations  
Geneva



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## **United Nations Human Rights Council**

**Geneva, September 13, 2013**

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**Item 3**

**General Debate**

**Joint Statement by Austria, Germany, Liechtenstein,  
Norway, Switzerland and Hungary**

**delivered by  
Ambassador Dr. Hanns Schumacher**

Thank you *Mister President*,

I have the honour to deliver this statement on behalf of Austria, Hungary, Liechtenstein, Norway, Switzerland and my own delegation Germany.

The right to privacy is a fundamental human right. It is enshrined in Art. 12 of the Universal Declaration of Human Rights and Art. 17 of the International Covenant on Civil and Political Rights. Every person has the right to be protected from arbitrary or unlawful interference with her or his privacy, family, home or correspondence – every person is thus entitled to a “private sphere” free from undue interference or surveillance by the State or other actors.

In the light of the digital revolution, the challenges facing the right to privacy have considerably evolved. Innovations in technology have allowed individuals to use new forms of communication, enabling global information-sharing and free expression of opinion across borders. Developments in information technology have thus contributed greatly to social, economic and even political changes around the world. We welcome and support these developments. At the same time, technological changes have enhanced the capacity of State and non-State actors for surveillance, decryption and mass data collection, which may severely intrude people’s right to privacy.

Legitimate national security considerations and the necessities of law enforcement may justify, in well-defined cases and under specific circumstances, limitations to the right to privacy. Any restriction to the right to privacy must be based on law, respect the principle of proportionality and must be susceptible to review by an independent authority. Every instance of interference needs to be critically and thoroughly assessed by the yardstick of law, which itself must be in conformity with relevant international human rights standards. States must thus regulate by law for what purposes public or private actors may

collect and store personal data and must ensure that such data are not transferred to unauthorised persons or used for purposes other than provided by law.

The international community, and in particular the Human Rights Council, should address ways to strike a sound balance between legitimate public and security concerns and the fundamental human right to privacy in the digital age. The right to privacy must be effectively safeguarded in view of the rapid technological developments. Building on the significant contributions of Special Rapporteur Frank La Rue and the former Special Rapporteur Martin Scheinin, we would like to further explore this critical question. To this end, we have organized a side-event on 20 September 2013 in Room XXI at 12 p.m. We would like to cordially invite you to participate at this event.

Thank you, Mr President