

HUMAN RIGHTS COUNCIL – 55th SESSION

Interactive Dialogue with the Special Rapporteur on the right to privacy

12 - 13 March 2024

The Special Rapporteur on the right to privacy, Ms Ana Brian Nougrères, addressed the Council presenting findings and recommendations on legal safeguarding mechanisms for the protection of personal data and privacy in the digital era. In an ever more interconnected and digitalized world, it is essential to ensure that individuals' fundamental rights are not compromised or diminished. It is necessary to audit and test existing data protection mechanisms around the world. Fundamental rights including the right to privacy are essential for human dignity and should be protected in all circumstances both in the physical environment and in the virtual sphere. In this digital era in which technology and innovation are moving forward at breakneck speed, it is necessary for states to establish a robust legal framework to guarantee the protection of individual personal data.

Sharing various laws on data protection and privacy examined, the SR highlighted the measures that enable data subjects to exercise control over the use of their data and to access legal mechanisms to protect their rights and seek reparation. Data subjects must be able to address whoever is responsible for handling and processing their data in a straightforward way and to obtain adequate and timely responses to their requests. Technological progress can raise new challenges for data protection and privacy, especially as regards the development of data profiles and automated decisions. Worldwide there is legal recognition of the rights of data subjects, and this is a key step forward for the protection of privacy in the digital era. However, legal recognition is not sufficient in and of itself as very often these rights are not respected or they are disregarded, especially in the context of rapid technological progress and the use of emerging technologies such as artificial intelligence which can have adverse impacts on individuals. Finally, she highlighted the importance of judicial protection as a complementary mechanism to administrative protection which must enable data subjects to turn directly to courts to seek protection of their rights without necessarily needing to exhaust all administrative recourses.

The SR informed the Council about her country visits to **Lithuania**, where the right to privacy is protected by the Constitution. Robust oversight mechanisms and accountability regarding the powers of intelligence, surveillance and security are present in the country. The legislative framework on privacy and personal data protection is robust due to both a cautious attitude and the robust GDPR framework which governs Lithuania as a member of the European Union. She reported some violations of personal data protections, due to inadequate implementation of data security measures and information systems of private and public sectors. The best preventative measure to protect privacy is to increase the level of awareness and education of individuals to effectively protect themselves.

The SR recommended to take steps regarding the privacy of vulnerable groups, to promote sensitivity and respect for personal dignity to ensure the right to privacy online and offline for the elderly, disabled, lower income children, LGBTQ and plus minorities, migrants, and refugees in order to combat intolerance, stereotypes, prejudice and discrimination. Moreover, the Government should examine policies and consider amendments to legislation to further progress privacy rights on issues of gender identity and reproductive rights in the context of right to privacy and family life present challenges to the general population.

Lithuania (Concerned Country) stressed the key role of the Human Rights Council and its special procedures as an effective platform for the global protection and promotion of human rights, valuing the important work carried out by the mandate holders.

It mentioned that the Government has developed and implemented national plans to improve digital skills and reduce the digital divide among Lithuanian residents. Initiatives aimed at awareness raising and education substantially contribute towards the promotion and protection of privacy of the most vulnerable including children. Lithuania appreciated the recommendations which help to identify the remaining gaps or newly emerging issues of concern in a comprehensive manner and offer possible ways to address them.

Interactive dialogue

35 country delegations took the floor during the interactive dialogue. **The majority of countries** stressed the importance of the full respect and protection of fundamental rights and freedoms, including person's rights to privacy and personal data protection, that should not be diminished by the rapid developments in the digital age. **Venezuela and Costa Rica** raised concerns about the new challenges that certain technological advances may pose for the application of data protection and privacy laws; the significant detrimental effects they may cause, such as providing discriminatory and biased results for individuals. **Latvia** added that, it is essential for States to establish appropriate and accessible administrative and judicial remedies for reparation and restitution for victims of violations of their rights. **Brazil** emphasized the responsibilities and commitments that business enterprises have in this regard, including the responsibility to respect human rights, and ensuring transparent policies on algorithms usage and mechanisms for explicit and informed user consent and data protection. **The EU** prided itself in having the toughest privacy regulation in the world, with obligations for any service that collects data related to inhabitants of EU Member States.

At national level, **Iraq, Malawi, Iran, Mongolia, South Africa, and the Republic of Korea** reported that they raise awareness about the importance of promoting and protecting the right to privacy, including with the adoption of a comprehensive regulatory framework, legislations, and acts. The right to privacy is one of the rights that constitutionally approved. **Ecuador** affirmed that the application of a National Regulation has contributed significantly to consolidating trust in the digital environment and reducing the risks of cybercrime and identity theft.

NGOs affirmed that technological advances, while providing extraordinary opportunities, create new forms of discrimination and intrusion into privacy. Mass surveillance technologies, data collection for commercial and government purposes, and the growing use of artificial intelligence in decision-making processes pose major challenges to preserving individual privacy. Too often, these practices lead to systemic discrimination, targeting marginalized groups and exacerbating existing inequalities. Privacy violations have profound implications for freedom of expression and individual autonomy. **The majority of the NGOs** urged Member States to take immediate and decisive action to protect and promote the privacy of all individuals, without distinction. In particular, **IIMA** recommended to implement laws and regulations that protect the online human rights of children and young people, addressing issues such as privacy, digital security, hate speech and online discrimination to create a safe and secure online environment.

Delegations that took the floor during the Interactive dialogue (35 country delegations):

Algeria, Brazil on behalf of core group on the right to privacy in the digital age (Austria, Brazil, Germany, Liechtenstein, Mexico), Cambodia, Chile, Costa Rica, Cuba, Ecuador, Egypt, European Union, India, Iran (Islamic Republic of), Iraq, Latvia on behalf of Nordic-Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Sweden), Liechtenstein, Luxembourg, Malawi, Mongolia, Paraguay, Republic of Korea, South Africa, Spain, Togo, Uruguay, Venezuela, Gambia on behalf of the African Group, Georgia, France, Armenia, USA, Russian Federation, China, Afghanistan, United Kingdom of Great Britain and Northern Ireland, Ukraine, Dominican Republic.

NHRIs and NGOs that took the floor during the Interactive dialogue (11):

Asociacion HazteOir.org, China Society for Human Rights Studies (CSHRS), Chongqing Centre for Equal Social Development, Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), Conectas Direitos Humanos, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, Maat for Peace, Development and Human Rights association, Organisation pour la Communication en Afrique et de Promotion de la Cooperation Economique Internationale - OCAPROCE Internationale, Promotion du Développement Economique et Social – PDES, Youth parliament for SDG, "ECO-FAWN" (Environment Conservation Organization - Foundation for Afforestation Wild Animals and Nature).

International organizations: Conseil national des droits de l'homme (Morocco).

To watch the full meeting refer to the UN WEB TV: [Part 1](#) and [Part 2](#).