

Human Rights Council – 41st Session

Clustered Interactive Dialogue with the Special Rapporteur on freedom of expression and
the Special Rapporteur on the rights to peaceful assembly and association

Australian Statement

25 June 2019

Australia thanks both Special Rapporteurs for their presentations.

The interplay between surveillance and human rights is becoming increasingly complex as the adoption of cyber technology changes the way surveillance is conducted.

Data is a useful resource for states and non-state actors, yet the process of data collection and its storage can also pose risks to freedom of expression and privacy.

Australia's view, in line with international human rights law, is that no one should be subject to arbitrary or unlawful interference with their privacy.

We are committed to maintaining a comprehensive framework for the protection of individuals' personal information.

This includes appropriate safeguards and oversight mechanisms to ensure law enforcement and security agencies' access to telecommunications data is subject to strict accountability and oversight.

Cyber technology has opened up new ways by which individuals can exercise their rights to peaceful assembly and association through digital platforms, in particular social media.

But the growing use of these digital platforms has provided new opportunities for online surveillance. Safeguards and oversight mechanisms – like those found in Australian law – have not been implemented universally.

We would welcome views from both Special Rapporteurs on best practices for designing regulatory regimes that maintain freedoms of expression, and peaceful assembly and association while also ensuring that law enforcement and national security agencies can carry out their lawful functions.

221 Words