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Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Interactive Dialogue with the Special Rapporteur on the right to privacy

Mr. President, Mr. Cannataci,

At a time when there is growing consensus that mass surveillance is contrary to international human rights law, the United Kingdom's Investigatory Powers Bill (IP Bill) is regressive legislation, which, if adopted as is, would have devastating effects for privacy and other human rights in the UK and beyond.

Mass surveillance programs have been condemned in the reports of UN High Commissioner for Human Rights and the Special Rapporteur on human rights while countering terrorism. Recent judgments of the Court of Justice of the European Union (CJEU), have strongly criticized mass surveillance programs and bulk collection and use of personal data. The Grand Chamber of the European Court of Human Rights ruled in *Zakharov v. Russia* that surveillance must be judicially authorised based on individualised reasonable suspicion of wrongdoing, and also struck down problematic state surveillance laws in *Szabo and Vissy v. Hungary*.

The IP Bill takes no account of these developments, mandating broad powers for bulk interception, bulk acquisition, bulk personal datasets and bulk equipment interference. Such broad provisions, lacking any requirement of individualised reasonable suspicion, are contrary to human rights law. Moreover, even the "targeted" warrants envisioned by the bill may also apply to groups of persons "who share a common purpose or who carry on, or may carry on, a particular activity." Thus even the "targeted" provisions of this bill are so broad as to undermine privacy rights well beyond what human rights law allows.

Recourse to the overly broad powers of the IP Bill will be authorised by non-judicial authorities that lack adequate safeguards for independence. Warrants will generally be issued by the Secretary of State, on a range of grounds that reach far as to include "economic well-being." The power of Judicial Commissioners will be limited to the principles of judicial review, rather than a full assessment of the merits of applications for warrants. Even this limited review will not be required for cases deemed urgent by the issuer of the warrant, which may delay review for three days. Similarly, major modifications of warrants, which can include adding the names of persons, places or organizations would not involve Judicial Commissioners.

Despite the many radical proposals in the Bill, which might fundamentally impinge upon the human rights of persons inside and outside the UK, the Bill is being rushed through Parliament by the government, ignoring criticism from parliamentary committees, industry and civil society. Three separate parliamentary committees made extensive recommendations on the draft IP Bill last year, urging redrafting, further safeguards and greater consultation. Despite this, the Bill has been speedily reintroduced and scheduled for second reading on March 15, giving MPs only two weeks to prepare to debate a 245 page bill and many times more pages of related documents and codes of practice.

The Investigatory Powers Bill represents a massive threat to the right to privacy and related rights and will provide a dangerous model that other countries will emulate. Mr. Cannataci, we welcome your attention to the Bill¹ and urge you to continue to express your concerns about the Bill.

Amnesty International would have liked to respond more broadly to your initial report, but its very late publication prevented that.

Thank you Mr. President.

¹ Report of the Special Rapporteur on the right to privacy, A/HRC/31/64, 8 March 2014, paragraph 39 at page 14.