

January 28, 2010

Secretary of State Hillary Rodham Clinton
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Clinton,

We are writing to you on January 28, International Privacy Day, to commend you for your recent speech on Internet Freedom and to urge you, on behalf of the United States, to ensure swift ratification of Council of Europe Convention 108 on the protection of privacy.¹

Your remarks last week in Washington spoke to the ongoing need to ensure that basic human values are safeguarded as technology moves forward. As you explained, “Just as steel can be used to build hospitals or machine guns, or nuclear power can either energize a city or destroy it, modern information networks and the technologies they support can be harnessed for good or for ill.” In particular, you stressed the importance of freedom of expression and privacy protection as fundamental rights in our digital age.² And you noted the ongoing importance of the Universal Declaration of Human Rights.³

Many of these same concerns animated the framers of the Council of Europe Convention who saw the promise of new computer technology but also recognized the risk to fundamental human rights. Their aim was to ensure that the rights of the individual would be protected even as governments and private organizations took advantage of new systems of automation.

¹ Council of Europe, Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data CETS No.: 108, available at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=108&CM=12&DF=25/01/2010&CL=ENG>

² Secretary of State Hillary Rodham Clinton, “Remarks on Internet Freedom,” January 21, 2010, available at <http://www.state.gov/secretary/rm/2010/01/135519.htm>

³ Universal Declaration of Human Rights (1948), available at <http://www.un.org/en/documents/udhr/> (Article 12 speaks to the Right to Privacy; Article 19 speaks to Freedom of Expression).

Now, almost thirty years after the adoption of the Council of Europe Convention, forty-one countries, including both members and non-members of the Council of Europe, have signed the Convention. However, the United States has not yet signed the Convention.

We are writing to you today to urge the US State Department, in collaboration with the appropriate Congressional committees, to begin the process of US ratification.

Just as communications networks can be used for good and ill, so too can computer technology. It can help sustain aid programs, spur innovation, and encourage economic growth. Or it can track the activities of dissidents, monitor the private lives of citizens, and maintain elaborate systems of identification for laborers and immigrants.

The protection of privacy is a fundamental human right. In the 21st century, it may become one of the most critical human rights of all. Civil society organizations from around the world have recently asked that countries which have not yet ratified the Council of Europe Convention 108 and the Protocol of 2001 to do so as expeditiously as possible.⁴

Some may object to US support for the Council of Europe Convention. But it was the United States and Eleanor Roosevelt who helped craft the Universal Declaration of Human Rights on which the Convention is based. And it is the United States that has ratified the Council of Europe Convention on Cybercrime and urged its allies to do so as well.

You reminded us last week “We need to synchronize our technological progress with our principles” and said “The United States is committed to devoting the diplomatic, economic, and technological resources necessary to advance these freedoms.”

We urge the United States to begin the process of ratification of Council of Europe Convention 108.

Cc: Chairman John F. Kerry, Ranking Member Richard G. Lugar
Senate Committee on Foreign Relations.

⁴ The Madrid Privacy Declaration, adopted November 3, 2009, available at <http://www.thepublicvoice.org/madrid-declaration/>

Respectfully,

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