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ORAL STATEMENT

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UN Global Digital Compact
Thematic Deep Dives: Digital Trust and Security
UN Headquarters, New York

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Excellencies, colleagues, thank you for this opportunity to contribute to this Thematic Deep Dive on Digital Trust and Security. My name is Rand Hammoud and I am the Surveillance Campaigner at Access Now.

There is no digital trust and security under the looming threat of invasive surveillance technologies, especially as they continue to be operated without proper human rights safeguards. Civil society plays a crucial role in monitoring abuses of trust and safety online, relying on technical tools like strong encryption, as well as support and cooperation with public and private sector stakeholders. Just today, Access Now and partners revealed the first documented instance of use of spyware in warfare, in the context of the Armenian-Azerbaijan conflict. Among the 12 civil society actors targeted were UN officials, signifying the urgency of UN action against the spyware industry.

Invasive spyware has the potential to undermine the very fabric of democracy, as its proliferation and use violate the right to privacy, stifle freedom of expression, and erode trust by perpetuating a wider chilling-effect across civic space. Year after year, we are overwhelmed with evidence that the unchecked spyware industry continues to facilitate and enable human rights abuses worldwide. We need to proactively address this overwhelming global threat by: First, implementing an immediate moratorium on the export, sale, transfer, servicing, and use of targeted digital surveillance technologies until rigorous human rights safeguards are put in place to regulate such practices. Second, calling for a ban on abusive spyware technology when there is evidence that it has been used to facilitate and enable human rights abuses.

The use of spyware is often accompanied or followed by state-sanctioned physical harassment, assault, and imprisonment. Its reach goes beyond a country's borders, and beyond those immediately targeted. Spyware has been linked to grave human rights violations, including enforced disappearances and extrajudicial executions. The use of spyware can hinder investigations into human rights abuses, and censor journalists and others working to hold those in power to account, while levying particular harms on marginalized and vulnerable communities including LGBTQ+ communities as well as women.

Companies who develop and distribute these technologies, and their investors, must be held accountable for their failure to respect human rights and for the role they play in enabling abusive end uses. We must demand transparency around their clients and their practices.

We therefore call on the GDC to speak to the particular threat of spyware and targeted surveillance technologies; to leverage existing processes and related monitoring reports, and other normative-development and remedial processes; and to ensure that commitments to limit the abusive use of surveillance technologies, including spyware, translate to appropriate action, laws, and policies on targeted surveillance aligned with international human rights standards grounded in an intersectional and gender-responsive approach.

Finally, we must reiterate the need to safeguard technical solutions, including strong end-to-end encryption, pseudonymization, anonymity, and unfettered access to Virtual Private Networks to secure and protect digital communications. Such technical solutions and safeguards are essential to ensure the enjoyment of human rights in the digital age, and to foster global trust and security, particularly among individuals and communities most at risk.

Thank you.



Access Now (<https://www.accessnow.org>) defends and extends the digital rights of people and communities at risk. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

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