Mandate of the Special Rapporteur on the right to privacy

United Nations Special Rapporteur on the right to privacy
Consultation on ‘Gender Perspectives on Privacy’

The mandate of the Special Rapporteur on the right to privacy (SRP) includes the integration of a gender perspective across the work of the mandate.1

The promotion of the importance of the right to privacy and the identification of obstacles to its enjoyment are being explored through five Thematic Action Stream Taskforces established by the Special Rapporteur addressing A better understanding of Privacy; Security and Surveillance; Big Data and Open Data; Health Data, and the Use of Personal Data by Corporations. These Taskforces all address the challenges to privacy in the digital era and assist the Special Rapporteur by identifying issues, gathering research and information, and consulting widely.

The Taskforce on “A better understanding of privacy” explores the Human Rights Council’s recognition of the right to privacy as a right that enables the development of the person2, including gendered impacts of privacy invasions on women, men and individuals of diverse sexual orientations gender identities, gender expressions and sex characteristics. Seeing privacy as an over-arching fundamental right to the free, unhindered development of personality has been explored in the Special Rapporteur’s “Privacy, Personality and Flows of Information” consultations convened first in July, 2016 (Western countries) in New York; the second (Middle East and Northern Africa) in Tunisia in May 2017, the third (Asia) held in September 2017 in Hong Kong, and the fourth (Latin America) planned for 2019. Gender perspectives of privacy have been raised in these regional consultations.

To explore the diversity of gender perspectives of privacy, the SRP, Professor Joseph Cannataci, is undertaking an online consultation on gender perspectives of the enjoyment of the right to privacy in the digital era. The Special Rapporteur seeks feedback from stakeholders across public and private sectors including States, National Human Rights Institutions, Non-governmental organisations, individuals, civil society as well as researchers, on the questions:

1. What gender issues arise in the digital era in the Thematic Action Streams (Privacy and Personality; Security and Surveillance; Big Data and Open Data; Health Data, and the Use of Personal Data by Corporations)? What challenges need to be addressed and what positives can be promoted more widely?
2. Has the digital era produced new or significantly different gender based experiences of privacy?3 If so, what are these?
3. What are the gendered impacts of privacy invasions on women, men and individuals of diverse sexual orientations gender identities, gender expressions and sex characteristics, arising from the loss of the right to privacy, for example but not limited to, health issues, discrimination in employment or other areas?
4. What are good practices in law and service delivery models that address gender based differences in the enjoyment of the right to privacy?

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1 The Special Rapporteur on the right to privacy’s 2018 annual report and address to the UN Human Rights Council is at http://www.ohchr.org/EN/Issues/Privacy/SR/Pages/AnnualReports.aspx
3 Including experience inclusive of sexual orientation, gender identity, gender expression and sex characteristics.
This feedback is an important input to the SRP’s report to the General Assembly. **Submissions are requested by 30 September 2018** to Dr Elizabeth Coombs, Chair, Thematic Action Stream Taskforce on “A better understanding of privacy” at ecoom02@sec.research.um.edu.mt. Contact can also be made with Sean McLaughlan smcla01@sec.research.um.edu.mt Secretary to the Task Force.