

First Prepared Remarks of EFF Policy Director for Global Privacy Katitza Rodriguez

Groups 5, and 6

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I am honored to address you on behalf of the Electronic Frontier Foundation (EFF), a non-profit organization dedicated to safeguarding civil liberties in the digital realm, representing over 30,000 members across 86 nations.

We stand here today to offer our firm endorsement of Uruguay's proposed amendment to [Article 5](#) that includes protections on gender identity, a proposal backed by an array of Latin American countries, the U.S., Brazil, Canada, the United Kingdom, New Zealand and others. The unity displayed by a diverse coalition advocating for human rights is both remarkable and inspiring.

Shifting our focus to Article 23 and the scope of procedural measures, EFF fully endorses the inclusion of the term "specific" within the context of criminal investigations. This precision is pivotal in ensuring that the conferred powers are strictly utilized for targeted criminal inquiries, safeguarding against indiscriminate data collection that runs contrary to international human rights principles. This echoes the Budapest Convention's stance, where the explanatory memorandum clarifies the restricted application of production powers to "specific" criminal investigations, expressly prohibiting broad data-mining practices that encompass groups of subscribers.

As we delve [into Article 24](#), EFF lends its support to the proposed amendment that substitutes "chapter" with "Convention" in paragraphs 1 and 3.

Our strong backing extends to the amendment on effective redress mechanisms in paragraph 2. The principle of justice requires the existence of remedies in case of violation of rights. To empower individuals in challenging government arbitrary demands of data, it is paramount to ensure that victims are notified of their status. This notification mechanism, along with transparency and independent oversight, collectively forms a robust framework for effective redress.

Our commitment to enhanced safeguards is evident in our support for proposals advocating the deletion of [Articles 29 and 30](#), until robust protective measures are established. These measures include prior judicial authorization, access to effective remedy, user notification, oversight, and transparency and grounds for refusal for human rights grounds.

[Article 25](#) is another arena where our advocacy finds alignment, as we applaud the incorporation of a maximum 90-day limit—a suggestion EFF initially put forth.

In conclusion, we implore member states to collaboratively shape a treaty that incorporates checks and balances to counterbalance the extensive surveillance powers at hand. The amendments we advocate for today hold the potential to resonate through history as a testament to states' shared commitment to human rights, justice, transparency, and the preservation of our global community's core values.

Thank you for your attention.

EFF Policy Director for Global Privacy Katitza Rodriguez