

**Octopus Interface Conference
Cooperation against Cybercrime**

**23-25 March 2010
Strasbourg, France**

**Security and fundamental rights –
what rules for the internet?**

An approach

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Fundamental rights

- Good to know we can make reference to the 1948 Universal Declaration of Human Rights and the 1950 European Convention on Human Rights
- Arose out of the tragedy of World War II
- Discovered our common aspiration, the humanity in us, a consensus on universality of values translated to rights
- Application regardless of mode or medium

Technology: Convergence to diversity

- Rise of technology in the past 60 years, increased and widespread usage of technology
- Reaching more peoples with their languages, cultures and norms
- While technology relies on the same platform or infrastructure, its adaptation to and by local communities is leading to diversity
- Examples of local search engines and local social networking sites
- Increasing convergence, increasing diversity

Question

Are we leading to a world with diversity of fundamental rights?

Or is it really fundamentally diverse?

Case study: Privacy

- Security is anchored on the right to privacy
- Article 12 of the Universal Declaration -
 - “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence”
- *But what is privacy?*
- Considered an individual right in the UDHR
- In the United States, its articulation done in 1890 by Warren and Brandeis in reaction to rise of the printing press
- In the Philippines, through leading case Morfe vs. Mutuc in 1968

Case study: Privacy

- Privacy is an evolving right, changing across time and cultures, can only be observed in context, in particular societies with their own rules
- Article 12 of the UDHR also states -
 - “No one shall be subjected to attacks upon his honor and reputation”
- Current issues on jurisdiction on libel and electronic or e-libel
- No definite standard on privacy

Way forward..

Universality in particularity

- To recognize the essence of universal rights, the desirability of common standards, can be approached as a minimum
- Universality of rights based on shared values and social norms is observed in and through particular cases and specific situations
- Rules maybe changing not because fundamental rights are changing but because their application is contextual as is any human action
- We need to protect, work for and cherish our universality in particularity