



Human Rights Council**Forty-sixth session**

22 February–24 March 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development****Resolution adopted by the Human Rights Council
on 23 March 2021****46/16. Mandate of Special Rapporteur on the right to privacy***The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Reaffirming* the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,*Recalling* all previous resolutions adopted by the General Assembly and the Human Rights Council on the right to privacy in the digital age and other relevant resolutions, including the resolutions on the promotion, protection and enjoyment of human rights on the Internet and on new and emerging digital technologies and human rights,*Recalling also* that business enterprises have a responsibility to respect human rights, as set out in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework, and that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,*Welcoming* the work of the Office of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age, and noting with appreciation its reports thereon,¹ and the report of the High Commissioner on the impact of new technologies on the promotion and protection of human rights in the context of assemblies, including peaceful protests,²*Recognizing* the increasing impact of new and emerging technologies, such as those developed in the fields of surveillance, artificial intelligence, automated decision-making and machine-learning, and of profiling, tracking and biometrics, including facial recognition, without proper safeguards, on the enjoyment of the right to privacy and other human rights,

¹ A/HRC/27/37 and A/HRC/39/29.² A/HRC/44/24.

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedure Mandate Holders of the Human Rights Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right to privacy for a period of three years, whose tasks will include:

(a) To gather relevant information, including on international and national frameworks, national practices and experience, to study trends, developments and challenges in relation to the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, and to make recommendations to ensure its promotion and protection, including in connection with the challenges arising from new and emerging technologies;

(b) To seek, receive and respond to information, while avoiding duplication, from States, the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society organizations, the private sector, including business enterprises, and any other relevant stakeholders or parties;

(c) To identify possible obstacles to the promotion and protection of the right to privacy and to identify, exchange and promote principles and best practices at the national, regional and international levels and to submit proposals and recommendations to the Human Rights Council in that regard, including with a view to particular challenges arising in the digital age and during the design, development and deployment of new and emerging technologies;

(d) To participate in and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach to issues pertaining to the mandate;

(e) To raise awareness concerning the importance of promoting and protecting the right to privacy, including with a view to the particular challenges arising in the digital age, and concerning the importance of providing individuals whose right to privacy has been violated with access to an effective remedy, consistent with international human rights obligations;

(f) To integrate a gender perspective and the principle of non-discrimination throughout the work of the mandate;

(g) To report on alleged violations, wherever they may occur, of the right to privacy, as set out in article 12 of the Universal Declaration of Human Rights and article 17 of the International Covenant on Civil and Political Rights, including in connection with the challenges arising from new and emerging technologies, and to draw the attention of the Human Rights Council and the United Nations High Commissioner for Human Rights to situations of particularly serious concern;

(h) To submit an annual report to the Human Rights Council and to the General Assembly;

(i) To cooperate with other special procedure mandate holders and the Envoy of the Secretary-General on Technology, in accordance with their mandates;

2. *Calls upon* all States to cooperate fully with and to assist the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

3. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

5. *Decides* to continue its consideration of the matter under the same agenda item.

*49th meeting
23 March 2021*

[Adopted without a vote.]
