



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Foreign Affairs

24/03/2015

AMENDMENTS 1 - 41

Marietje Schaake

Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries

Motion for a resolution PE549.160 - 2014/2232(INI)

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Motion for a resolution PE549.160 - 2014/2232(INI)

Amendment 1

Marietje Schaake, Fernando Maura Barandiarán, Ilhan Kyuchyuk, Ivo Vajgl, Renate Weber, Beatriz Becerra Basterrechea

Motion for a resolution

Citation 6 a (new)

Motion for a resolution

Amendment

- having regard to the report of the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism of 23 September 2014 (A/69/375) ^{1 a}

^{1 a} <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/545/19/PDF/N1454519.pdf?OpenElement>

Or. en

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Amendment 2

Marietje Schaake, Fernando Maura Barandiarán, Ilhan Kyuchyuk, Ivo Vajgl, Renate Weber, Beatriz Becerra Basterrechea

Motion for a resolution

Citation 6 b (new)

Motion for a resolution

Amendment

- having regard to the report of the UN Special Rapporteur on the right to freedom of expression and opinion of 17 April 2013 (A/HRC/23/40) on the implications of States' surveillance of communications on the exercise of the human rights to privacy and to freedom of opinion and expression;

Or. en

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Amendment 3

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Motion for a resolution

Recital D

Motion for a resolution

D. whereas the context in which ICTs *are* used determines, to a great extent, the impact they can have as a force to advance or to violate human rights;

Amendment

D. whereas the context in which ICTs *are designed and* used determines, to a great extent, the impact they can have as a force to advance or to violate human rights, *information technology, especially software is rarely single-use and usually dual-use as far as their potential to violate human rights is concerned, while software also is a form of speech;*

Or. en

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Amendment 4

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Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

D a. whereas the assessment of the context is determined by the strength of national and regional legal frameworks to regulate the use of technologies, and the ability of political and judicial institutions to oversee such use;

Or. en

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Amendment 5

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Motion for a resolution

Recital E

Motion for a resolution

E. whereas in the digital domain, private actors play an increasingly significant role;

Amendment

E. whereas in the digital domain, private actors play an increasingly significant role *in all spheres of social activities, but safeguards are still not in place to prevent them from imposing excessive restrictions on fundamental rights and freedoms; as a result private actors play a more active role in assessing the legality of content, in developing cyber security systems, surveillance systems, which can have a detrimental impact on human rights all over the world;*

Or. en

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Motion for a resolution

Recital E a (new)

Motion for a resolution

Amendment

E a. whereas encryption is an important method that helps to secure communications and the the people using it;

Or. en

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Amendment 7

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Motion for a resolution

Recital E b (new)

Motion for a resolution

Amendment

E b. whereas internet governance has benefitted from a multistakeholder decision making model; a process ensuring meaningful, inclusive and accountable participation of all stakeholders, governments, civil society, technical and academic communities, private sector, and users;

Or. en

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Motion for a resolution

Recital E c (new)

Motion for a resolution

Amendment

E c. whereas intelligence agencies have systematically undermined cryptographic protocols and products in order to be able to intercept; whereas the US National Security Agency has collected vast numbers of so called 'zero-day exploits' – IT security vulnerabilities that are not yet known to the public or the product vendor; whereas such activities undermine global efforts to improve IT security;

Or. en

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Motion for a resolution

Recital E d (new)

Motion for a resolution

Amendment

E d. whereas EU based intelligence services have engaged in activities that harm human rights;

Or. en

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Amendment 10

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Motion for a resolution

Recital E e (new)

Motion for a resolution

Amendment

*E e. whereas in light
of rapid technological developments,
judicial and democratic oversight and
safeguards are largely underdeveloped;*

Or. en

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Amendment 11

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Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses that the *role of ICTs* should be mainstreamed in all EU policies and programmes to advance human rights protection;

Amendment

3. Stresses that the *impact of technologies to improve human rights* should be mainstreamed in all EU policies and programmes to advance human rights protection;

Or. en

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Amendment 12

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Motion for a resolution

Paragraph 4

Motion for a resolution

4. Calls for the active development and dissemination of technologies that help protect human rights and facilitate people's digital *freedoms and* security;

Amendment

4. Calls for the active development and dissemination of technologies that help protect human rights and facilitate people's digital *rights and freedoms as well as their* security, *along with promoting best practices and appropriate legislative frameworks*;

Or. en

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Amendment 13

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Motion for a resolution

Paragraph 4 a (new)

Motion for a resolution

Amendment

4 a. Calls on the the EU to increase its support for actors, those who work on strengthening security and privacy protection standards in ICTs on all levels, including hardware, software, and communication standards, as well as the development of the hardware and software in privacy-by-design frameworks;

Or. en

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Amendment 14

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Motion for a resolution

Paragraph 4 b (new)

Motion for a resolution

Amendment

4 b. Calls for a human rights and technology fund to be established under the European Instrument for Democracy and Human Rights;

Or. en

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Motion for a resolution

Paragraph 4 c (new)

Motion for a resolution

Amendment

4 c. Urges the EU itself, and in particular the EEAS, to use encryption in its communications with human rights defenders, to avoid putting defenders at risk and to protect its own communications with outsiders from surveillance;

Or. en

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Motion for a resolution

Paragraph 4 d (new)

Motion for a resolution

Amendment

4 d. Calls on the EU to adopt free and open source software, as well as to encourage other actors to do so, as such software provide for better security and provides for greater respect for human rights;

Or. en

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Amendment 17

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Motion for a resolution

Paragraph 7

Motion for a resolution

7. Calls for the inclusion of conditionality clauses in all agreements with third countries which explicitly refer to the need to guarantee and respect digital freedoms and unrestricted access to the internet;

Amendment

7. Calls for the inclusion of conditionality clauses in all agreements with third countries which explicitly refer to the need to guarantee and respect digital freedoms, ***net neutrality*** and unrestricted access to the internet;

Or. en

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Amendment 18

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Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7 a. Urges the EU to counter the criminalisation of human rights defenders' use of encryption, censorship-bypassing and privacy tools, by refusing to limit the use of encryption within the EU and challenge third country governments who use such charges against defenders;

Or. en

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Amendment 19

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Motion for a resolution

Paragraph 8

Motion for a resolution

8. Stresses that an effective EU development and human rights policy will require the mainstreaming of ICTs and the bridging of the digital divide, by providing basic technological infrastructure and **by** facilitating access to knowledge and information to promote digital literacy all over the world;

Amendment

8. Stresses that an effective EU development and human rights policy will require the mainstreaming of ICTs and the bridging of the digital divide, by providing basic technological infrastructure and facilitating access to knowledge and information to promote digital literacy ***and the use of open standards in documents as well as the use of free and open source software (especially by public institutions)*** all over the world;

Or. en

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Amendment 20

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Motion for a resolution

Paragraph 11 a (new)

Motion for a resolution

Amendment

11 a. Urges Member States to promote full democratic scrutiny over the operations of intelligence services in third countries, and that these services operate in full respect of the rule of law, and to hold those to account who are responsible for operating in unlawful ways;

Or. en

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Amendment 21

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Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses that corporate social responsibility principles and human rights by design criteria, which are technological solutions and innovations protecting human rights, should be adopted in EU law to ensure that internet service providers, software developers, hardware producers, social networking services/media and others consider the human rights of end-users globally;

Amendment

12. Stresses that corporate social responsibility principles and human rights by design criteria, which are technological solutions and innovations protecting human rights, should be adopted in EU law to ensure that internet service providers, software developers, hardware producers, social networking services/media, ***mobile phone carriers*** and others consider the human rights of end-users globally;

Or. en

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Amendment 22

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Motion for a resolution

Paragraph 12 a (new)

Motion for a resolution

Amendment

12 a. Urges the EU to ensure greater transparency in the relationship between mobile phone carriers or ISPs and governments, and call for it in its relations with third countries, by demanding that carriers and ISPs publish yearly detailed transparency reports, including reports on requested actions by authorities, as well as financial ties between public authorities and carriers/ISPs;

Or. en

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Amendment 23

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Motion for a resolution

Paragraph 14

Motion for a resolution

14. Urges the Commission, in this respect, *swiftly* to put forward a proposal for smart and effective policies to regulate the export of *dual-use* technologies, addressing potentially harmful exports of ICT products and services to third countries, as agreed in the Joint Statement of the European Parliament, Council and Commission of April 2014;

Amendment

14. Urges the Commission, in this respect, to *swiftly* put forward a proposal for smart and effective policies to regulate the export of *dual use* technologies, addressing potentially harmful exports of ICT products and services to third countries, as agreed in the Joint Statement of the European Parliament, Council and Commission of April 2014;

Or. en

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Amendment 24

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Motion for a resolution

Paragraph 14

Motion for a resolution

14. Urges the Commission, in this respect, swiftly to put forward a proposal for smart and effective policies to regulate the export of dual-use technologies, addressing potentially harmful exports of ICT products and services to third countries, as agreed in the Joint Statement of the European Parliament, Council and Commission of April 2014;

Amendment

14. Urges the Commission, in this respect, swiftly to put forward a proposal for smart and effective policies to regulate the export of ***services regarding the implementation and use of so-called*** dual-use technologies, addressing potentially harmful exports of ICT products and services to third countries, as agreed in the Joint Statement of the European Parliament, Council and Commission of April 2014;

Or. en

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Amendment 25

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Motion for a resolution

Paragraph 15

Motion for a resolution

15. Stresses that the Commission should *swiftly* be able to provide companies that are in doubt as to whether to apply for an export licence with up-to-date information on the legality or potentially harmful effects of potential transactions;

Amendment

15. Stresses that the Commission should be able to *swiftly and accurately* provide companies that are in doubt as to whether to apply for an export licence with up-to-date information on the legality or potentially harmful effects of potential transactions;

Or. en

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Amendment 26

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Motion for a resolution

Paragraph 16

Motion for a resolution

16. Calls on the Commission to submit proposals to review how EU standards on ICTs could be used to prevent the potentially harmful impacts of the export of such technologies or other services to third countries where concepts such as ‘lawful interception’ ***have different implications, or*** where the rule of law does not exist;

Amendment

16. Calls on the Commission to submit proposals to review how EU standards on ICTs could be used to prevent the potentially harmful impacts of the export of such technologies or other services to third countries where concepts such as ‘lawful interception’ ***cannot be considered equivalent to those of the European Union, or for example*** where the rule of law does not exist;

Or. en

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Amendment 27

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Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

Amendment

16 a. Reaffirms that EU standards, particularly the EU Charter of Fundamental Rights, should prevail when assessing incidents when dual-use technologies are used in a way that may restrict human rights;

Or. en

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Amendment 28

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Motion for a resolution

Paragraph 17

Motion for a resolution

17. Calls for the development of policies to regulate the sales of zero-day exploits to avoid their being used for cyber-attacks or for unauthorised access to devices leading to human rights violations;

Amendment

17. Calls for the development of policies to regulate the sales of zero-day exploits to avoid their being used for cyber-attacks or for unauthorised access to devices leading to human rights violations ***without such regulations having a meaningful impact on academic and otherwise bona fide security research;***

Or. en

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Amendment 29

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Motion for a resolution

Paragraph 18

Motion for a resolution

18. Deplores the active involvement of certain European companies, and of international companies operating in the EU, in countries violating human rights;

Amendment

18. Deplores the active involvement of certain European companies, and of international companies, ***which trade dual-use technologies with potential detrimental effects on human rights, while*** operating in the EU, in countries violating human rights;

Or. en

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Amendment 30

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Motion for a resolution

Paragraph 20

Motion for a resolution

20. Calls on the Commission and Council actively to defend the open internet, multi-stakeholder decision-making procedures and digital freedoms in internet governance fora;

Amendment

20. Calls on the Commission and Council actively to defend the open internet, multi-stakeholder decision-making procedures, ***net neutrality*** and digital freedoms in internet governance fora;

Or. en

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Amendment 31

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Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20 a. Condemns the weakening and undermining of encryption protocols and products, particularly by intelligence services who wish to intercept communications that are encrypted;

Or. en

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Amendment 32

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Motion for a resolution

Paragraph 20 b (new)

Motion for a resolution

Amendment

20 b. Warns against the privatization of law enforcement through internet companies and internet service providers;

Or. en

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Amendment 33

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Motion for a resolution

Paragraph 20 c (new)

Motion for a resolution

Amendment

20 c. Calls on a clarification of norms and standards that private actors use to develop their systems;

Or. en

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Amendment 34

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Motion for a resolution

Paragraph 20 d (new)

Motion for a resolution

Amendment

20 d. Recalls the importance of assessing the context within which technologies are used, in order to full appreciate the human rights impact;

Or. en

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Amendment 35

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Motion for a resolution

Paragraph 20 e (new)

Motion for a resolution

Amendment

20 e. Explicitly calls for promoting tools enabling the anonymous and/or pseudonymous use of the internet and to challenge the one-sided view that such tools are allowing criminal activities, rather than empowering human rights activists beyond and within the EU;

Or. en

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Amendment 36

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Motion for a resolution

Paragraph 20 f (new)

Motion for a resolution

Amendment

20 f. Urges the Council, the Commission, and the External Action Service to develop smart and effective policies to regulate the export of dual-use technologies, addressing potentially harmful exports of ICT products and services, at international level within multilateral export control regimes and other international bodies;

Or. en

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Amendment 37

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Motion for a resolution

Paragraph 20 g (new)

Motion for a resolution

Amendment

20 g. Stresses that any regulatory changes aimed at increasing the effectiveness of export controls vis-à-vis Intangible Technology Transfers must not inhibit legitimate research and access to and exchange of information, and that any potential measures such as the use of EU General Export Authorisations for dual-use research should not have a 'chilling effect' upon individuals and SMEs;

Or. en

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Amendment 38

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Motion for a resolution

Paragraph 20 h (new)

Motion for a resolution

Amendment

20 h. Calls on Member States to ensure that existing and future export control policies do not restrict the activities of legitimate security researchers, and that export controls are applied in good faith to only clearly defined technologies intended to be used for mass surveillance, censorship, jamming, interception, monitoring, and the tracing and tracking of citizens and their activities on (mobile) telephone networks;

Or. en

EUROPEAN PARLIAMENT

Committee on Foreign Affairs

24/03/2015

Marietje Schaake

Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries

Motion for a resolution PE549.160 - 2014/2232(INI)

Amendment 39

Marietje Schaake, Fernando Maura Barandiarán, Ivo Vajgl, Renate Weber, Beatriz Becerra Basterrechea

Motion for a resolution

Paragraph 20 i (new)

Motion for a resolution

Amendment

20 i. Recalls that mesh-based ad hoc wireless technologies offer a high potential to provide for backup networks in areas where the internet is unavailable or blocked, and can help the advancement of human rights;

Or. en

EUROPEAN PARLIAMENT

Committee on Foreign Affairs

24/03/2015

Marietje Schaake

Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries

Motion for a resolution PE549.160 - 2014/2232(INI)

Amendment 40

Marietje Schaake, Fernando Maura Barandiarán, Ilhan Kyuchyuk, Ivo Vajgl, Renate Weber, Beatriz Becerra Basterrechea

Motion for a resolution

Paragraph 20 j (new)

Motion for a resolution

Amendment

20 j. Calls on the Commission to appoint an independent group of experts who can perform a human rights impact assessment on existing EU standards for ICT's, with the goal of making recommendations for adjustments that will increase the protection of human rights, particularly when systems are exported;

Or. en

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Committee on Foreign Affairs

24/03/2015

Marietje Schaake

Human rights and technology: the impact of intrusion and surveillance systems on human rights in third countries

Motion for a resolution PE549.160 - 2014/2232(INI)

Amendment 41

Marietje Schaake, Fernando Maura Barandiarán, Ilhan Kyuchyuk, Ivo Vajgl, Renate Weber, Beatriz Becerra Basterrechea

Motion for a resolution

Paragraph 22

Motion for a resolution

22. Underlines the need to avoid unintended consequences such as restrictions on research, on the exchange of and access to information or on the export of technologies that are in the interest of advancing human rights;

Amendment

22. Underlines the need to avoid unintended consequences such as restrictions ***or chilling effects*** on research, on the exchange of and access to information or on the export of technologies that are in the interest of advancing human rights;

Or. en