

【公民社會聯合聲明】各國利用數位監控科技對抗疫情時 須尊重人權

英文聲明：

[Joint civil society statement: States use of digital surveillance technologies to fight pandemic must respect human rights](#)

2020 年 4 月 2 日

The COVID-19 pandemic is a global public health emergency that requires a coordinated and large-scale response by governments worldwide. However, States' efforts to contain the virus must not be used as a cover to usher in a new era of greatly expanded systems of invasive digital surveillance.

新冠病毒 (COVID-19) 成為全球公共衛生緊急事件後，需要世界各國政府協同合作，採取大規模措施應對。但是國家防疫的努力不應被用作幌子，開啟侵入性數位監控系統大規模擴張的時代。

We, the undersigned organizations, urge governments to show leadership in tackling the pandemic in a way that ensures that the use of digital technologies to track and monitor individuals and populations is carried out strictly in line with human rights.

作為連署組織之一，我們敦促各國政府在應對疫情方面展現領導能力，確保在使用數位科技追蹤和監測個人及全體公民時，嚴格遵守人權標準。

Technology can and should play an important role during this effort to save lives, such as to spread public health messages and increase access to health care. However, an increase in state digital surveillance powers, such as obtaining access to mobile phone location data, threatens privacy, freedom of expression and freedom of association, in ways that could violate rights and degrade trust in public authorities – undermining the effectiveness of any public health response. Such measures also pose a risk of discrimination and may disproportionately harm already marginalized communities.

科技能夠也應該在挽救生命的過程中發揮重要作用，例如傳播公共衛生資訊，以及促進人們取得醫療衛生服務。然而，政府加強數位監控權力（如獲取手機的定位資訊）卻對隱私、言論表達自由和結社自由構成了威脅，可能侵犯人權並降低公眾對於當局的信任，從而削弱任何公共

衛生應對措施的有效性。這些措施亦有機會構成歧視，並可能對已被邊緣化的社群造成不成比例的傷害。

These are extraordinary times, but human rights law still applies. Indeed, the human rights framework is designed to ensure that different rights can be carefully balanced to protect individuals and wider societies. States cannot simply disregard rights such as privacy and freedom of expression in the name of tackling a public health crisis. On the contrary, protecting human rights also promotes public health. Now more than ever, governments must rigorously ensure that any restrictions to these rights is in line with long-established human rights safeguards.

目前雖然是非常時期，但人權法依然應該被遵守。人權框架實際上旨在確保各項權利能夠得到平衡，以保護個人和廣大社會。各國不能以解決公共衛生危機為由，蔑視隱私和言論自由等權利。相反地，保護人權也是在促進公共衛生。如今，政府更有必要嚴格確保任何對權利的限制，均符合早已確立的人權保障框架。

This crisis offers an opportunity to demonstrate our shared humanity. We can make extraordinary efforts to fight this pandemic that are consistent with human rights standards and the rule of law. The decisions that governments make now to confront the pandemic will shape what the world looks like in the future.

這場危機正好給予我們機會展示共有的人性美好。我們能在對抗疫情的過程中付出非凡努力，並符合人權標準與法治。各國政府現在為應對這一疫情所做的決策，將塑造未來世界的面貌。

We call on all governments not to respond to the COVID-19 pandemic with increased digital surveillance unless the following conditions are met:

我們呼籲各國政府，不要以加強數位監控的方式應對新冠疫情，除非符合以下情況：

1. Surveillance measures adopted to address the pandemic must be lawful, necessary and proportionate. They must be provided for by law and must be justified by legitimate public health objectives, as determined by the appropriate public health authorities, and be proportionate to those needs. Governments must be transparent about the measures they are taking so that they can be scrutinized and if appropriate

later modified, retracted, or overturned. We cannot allow the COVID-19 pandemic to serve as an excuse for indiscriminate mass surveillance.

為應對疫情而採取的監控措施必須合法、必要且符合比例原則。這些措施必須由法律規定，並且有合法的公共衛生目標以證明其正當性；這些目標也必須由適當的公共衛生當局決定，相關需求必須符合比例原則。政府採取的措施必須公開透明，以便使各方對其進行監督，並在稍後的適當時機修正、撤回或撤銷相關措施。我們不能讓新冠疫情成為各國實施無差別大規模監控的藉口。

2. If governments expand monitoring and surveillance powers then such powers must be time-bound, and only continue for as long as necessary to address the current pandemic. We cannot allow the COVID-19 pandemic to serve as an excuse for indefinite surveillance.

若政府擴大監控和監視的權力，就必須設定時限，且必須只有在應對當前疫情的情況下才可延續這些權力。我們不能讓各國以應對新冠疫情為由，實施永久性的監控。

3. States must ensure that increased collection, retention, and aggregation of personal data, including health data, is only used for the purposes of responding to the COVID-19 pandemic. Data collected, retained, and aggregated to respond to the pandemic must be limited in scope, time-bound in relation to the pandemic and must not be used for commercial or any other purposes. We cannot allow the COVID-19 pandemic to serve as an excuse to gut individual' s right to privacy.

各國必須確保：加強蒐集、保留和彙整個人資料（包括衛生資料）的措施僅是為了應對新冠疫情；相關資料蒐集、保留和彙整措施範圍必須侷限於防疫、有時間限制，而且不得用於商業或任何其他用途。我們不能讓新冠疫情成為剝奪個人隱私權的藉口。

4. Governments must take every effort to protect people' s data, including ensuring sufficient security of any personal data collected and of any devices, applications, networks, or services involved in collection, transmission, processing, and storage. Any claims that data is anonymous must be based on evidence and supported with sufficient information regarding how it has been anonymized. We cannot allow attempts to respond to this pandemic to be used as justification for compromising people' s digital safety.

政府必須竭盡所能地保護民眾的資料，包括確保收集到的所有個資與涉及蒐集、傳輸、處理和儲存資料的任何設備、應用程式、網路或服務有足夠的安全保障。若任何人或機構聲稱資料是匿名的，都必須有證據為基礎，並有足夠的資訊說明其如何被匿名化。我們不能讓各國以防疫作為損害數位資訊安全的理由。

5. Any use of digital surveillance technologies in responding to COVID-19, including big data and artificial intelligence systems, must address the risk that these tools will facilitate discrimination and other rights abuses against racial minorities, people living in poverty, and other marginalized populations, whose needs and lived realities may be obscured or misrepresented in large datasets. We cannot allow the COVID-19 pandemic to further increase the gap in the enjoyment of human rights between different groups in society.

各國利用數位監控科技（包括大數據和人工智慧系統）應對新冠疫情時，必須處理這些工具所造成的風險，包括可能加劇對少數族群、貧窮人口和其他邊緣族群的歧視和其他侵權行為，以上這些群體的需求和現實生活可能在大型數據集裡被淹沒或扭曲。我們不能讓新冠疫情加深社會不同群體在享有人權方面的落差。

6. If governments enter into data sharing agreements with other public or private sector entities, they must be based on law, and the existence of these agreements and information necessary to assess their impact on privacy and human rights must be publicly disclosed – in writing, with sunset clauses, public oversight and other safeguards by default. Businesses involved in efforts by governments to tackle COVID-19 must undertake due diligence to ensure they respect human rights, and ensure any intervention is firewalled from other business and commercial interests. We cannot allow the COVID-19 pandemic to serve as an excuse for keeping people in the dark about what information their governments are gathering and sharing with third parties.

若政府與其他公共或私營單位簽訂資料共用協定，必須基於法律授權，並公開這些協議的存在，以及公開能評估其對隱私和人權影響的所需資訊。協議應以書面明文形式，包含落日條款、公眾監督及其他保障機制。如果企業參與政府的防疫工作，必須對其進行盡職調查，以保障其尊重人權，並確保不受到其他企業和商業利益干涉。我們不能讓新冠疫情成為民眾被蒙蔽的藉口，以致他們根本不知道政府蒐集了哪些資訊，以及與第三方共用了哪些資訊。

7. Any response must incorporate accountability protections and safeguards against abuse. Increased surveillance efforts related to COVID-19 should not fall under the domain of security or intelligence agencies and must be subject to effective oversight by appropriate independent bodies. Further, individuals must be given the opportunity to know about and challenge any COVID-19 related measures to collect, aggregate, and retain, and use data. Individuals who have been subjected to surveillance must have access to effective remedies.

各國在應對疫情時，必須納入針對侵權行為的究責、保護及保障措施。因防疫而加強監控的工作不應屬於安全或情報機構之職權範圍，必須受到適當和獨立機構的有效監督。此外，當局必須讓個人有機會瞭解和挑戰任何與新冠疫情有關的資料蒐集、彙整、保留及使用措施。受到監視的個人必須有權獲得有效的救濟管道。

8. COVID-19 related responses that include data collection efforts should include means for free, active, and meaningful participation of relevant stakeholders, in particular experts in the public health sector and the most marginalized population groups.

各國應讓相關利害關係人能自由、積極和以有意義的方式參與資料蒐集等防疫工作，尤其是來自公共衛生領域的專家和最邊緣化的群體。

連署團體：

7amleh – Arab Center for Social Media Advancement

Access Now

African Declaration on Internet Rights and Freedoms Coalition

AI Now

Algorithm Watch

Alternatif Bilisim

Amnesty International

ApTI

ARTICLE 19

Asociación para una Ciudadanía Participativa, ACI Participa

Association for Progressive Communications (APC)

ASUTIC, Senegal
Athar - Freedom of Expression Activist Organization
Australian Privacy Foundation
Barracón Digital
Big Brother Watch
Bits of Freedom
Campaign for a Commercial-Free Childhood
Center for Advancement of Rights and Democracy (CARD)
Center for Digital Democracy
Center for Economic Justice
Centre for Communication Governance at National Law University Delhi
Centro De Estudios Constitucionales y de Derechos Humanos de Rosario
Chaos Computer Club - CCC
Citizen D / Državljan D
CIVICUS
Civil Liberties Union for Europe
CódigoSur
Coding Rights
Coletivo Brasil de Comunicação Social
Collaboration on International ICT Policy for East and Southern Africa (CIPESA)
Comité por la Libre Expresión (C-Libre)
Committee to Protect Journalists
Consumer Action
Consumer Federation of America
Cooperativa Tierra Común
Creative Commons Uruguay
D3 - Defesa dos Direitos Digitais
Data Privacy Brasil
Democratic Transition and Human Rights Support Center "DAAM"
Derechos Digitales
Digital Rights Foundation
Digital Rights Lawyers Initiative (DRLI)

Digital Rights Watch
Digital Security Lab Ukraine
Digitalcourage
Digitale Gesellschaft, Switzerland
EPIC
epicenter.works
European Center For Not-For-Profit Law (ECNL)
European Digital Rights - EDRi
Fitug
Foundation for Information Policy Research
Foundation for Media Alternatives
Foxglove
Freedom House
Fundación Acceso (Centroamérica)
Fundación Ciudadanía y Desarrollo, Ecuador
Fundación Datos Protegidos
Fundación Internet Bolivia
Fundación Taigüey, República Dominicana
Fundación Vía Libre
Global Partners Digital
GreatFire.org
Hermes Center
Hiperderecho
Homo Digitalis
Human Rights Watch
Hungarian Civil Liberties Union
ImpACT International for Human Rights Policies
Index on Censorship
Initiative für Netzfreiheit
Innovation for Change - Middle East and North Africa
International Commission of Jurists
International Service for Human Rights (ISHR)

Internet Freedom Foundation
Intervozes - Coletivo Brasil de Comunicação Social
Ipandetec
IPPF
Irish Council for Civil Liberties (ICCL)
IT-Political Association of Denmark
Iuridicum Remedium z.s. (IURE)
Karisma
La Quadrature du Net
Liberia Information Technology Student Union
Liberty
Luchadoras
Majal.org
Masaar "Community for Technology and Law"
Media Rights Agenda (Nigeria)
MENA Rights Group
Metamorphosis Foundation
New America's Open Technology Institute
Observacom
Open Culture Foundation, Taiwan
Open Data Institute
Open Knowledge Foundation
Open Rights Group
OpenMedia
OutRight Action International
Palestinian Centre for Development and Media Freedoms "MADA"
Pangea
Panoptikon Foundation
Paradigm Initiative (PIN)
PEN International
Privacy International
Public Citizen

Public Knowledge

R3D: Red en Defensa de los Derechos Digitales

RedesAyuda

SHARE Foundation

Skyline International for Human Rights

Sursiendo

Swedish Consumers' Association

Tahrir Institute for Middle East Policy (TIMEP)

Taiwan Association for Human Rights

Tech Inquiry

TechHerNG

TEDIC

The Bachchao Project

Unwanted Witness, Uganda

Usuarios Digitales

WITNESS

World Wide Web Foundation