

# PRIVATISATION OF HUMAN RIGHTS?

## What is TiSA?

The Trade in Services Agreement (TiSA) is a trade agreement that is currently being negotiated between the United States, the European Union and 21 other countries. TiSA is the largest trade treaty of its kind in history. It seeks to liberalise trade in a vast scope of services, such as transportation, energy, retail services, **e-commerce**, **telecommunications**, banking, **financial services**, construction, private health and education.

## Why should I care?

The negotiations are being conducted **behind closed doors**. So far, only a few countries have disclosed their positions, leaving the public no other choice than to rely on leaked documents to understand what the position of their respective country is. As a result, public debate on TiSA is occurring on the basis of incomplete information.

TiSA covers issues of huge importance to online rights and freedoms. The greatest concerns involve the introduction of stricter limitations on governments' right to regulate and the inclusion of potentially harmful provisions for the protection of the human rights to privacy and freedom of expression, the right to the protection of personal data, as well as net neutrality.

- 1. Data protection and privacy:** The pressure to include "data flows" in the agreement is persistent. However, regulation of transfers of individuals' personal data should not be part of any trade agreement. Legislation that seeks to protect personal data should not be subject to challenge by trade dispute settlement bodies.
- 2. Liability protections:** One proposal is that internet companies would be free of any liability for damage caused by restrictions that they impose on individuals' free speech if they decide "in good faith" that the communications are "harmful or objectionable" (not illegal), even when using technical means, such as automatic filtering or algorithms. This would almost inevitably lead into privatised censorship of completely legal information by governments (through pressure on online companies), or by online companies themselves (acting in their own commercial interest).
- 3. Net Neutrality:** Net neutrality is a principle that all the internet traffic has to be treated equally, without blocking or slowing down certain data. This is crucial for fair competition between online services, for innovation, and for freedom of expression online. Proposals made in TiSA are designed to permit breaches of net neutrality.

## Read more:

New leaks confirm TiSA proposals that would undermine civil liberties (25.11.2016)  
<https://edri.org/new-leaks-confirm-tisa-undermine-civil-liberties/>

Global letter on TiSA, data protection and privacy (02.11.2016)  
[https://edri.org/files/TiSA/globalletter\\_dataprotection\\_privacy\\_20161102.pdf](https://edri.org/files/TiSA/globalletter_dataprotection_privacy_20161102.pdf)

Corporate-sponsored privacy confusion in the EU on trade and data protection (12.10.2016)  
<https://edri.org/corporate-sponsored-privacy-confusion-eu-trade-data-protection/>

TiSA leaks set alarm bells ringing (20.09.2016)  
<https://edri.org/tisa-leaks-set-alarm-bells-ringing/>

EDRI analysis of the TiSA leaks of September 2016 (20.09.2016)  
[https://edri.org/files/tisaleaks\\_edrianalysis\\_20092016.pdf](https://edri.org/files/tisaleaks_edrianalysis_20092016.pdf)

EDRI's position paper on TiSA (January 2016)  
[https://edri.org/files/TiSA\\_Position\\_Jan2016e.pdf](https://edri.org/files/TiSA_Position_Jan2016e.pdf)

Briefing on US TiSA Proposal on E-Commerce, Technology Transfer, Cross-border Data Flows and Net Neutrality (December 2014)  
[http://www.world-psi.org/sites/default/files/documents/research/briefing\\_on\\_tisa\\_e-commerce\\_final.pdf](http://www.world-psi.org/sites/default/files/documents/research/briefing_on_tisa_e-commerce_final.pdf)

Analysis: Leaked TiSA Annex on Electronic Commerce (July 2015)  
<https://wikileaks.org/tisa/ecommerce/05-2015/analysis/Analysis-TiSA-Electronic-Commerce-Annex.pdf>



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