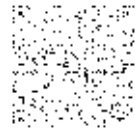


國家安全與人權：史諾頓事件的省思[†]

施正鋒^{*}

國立東華大學民族事務與發展學系教授

摘要



一般同意，政府為了國家安全，有時必須侵犯人民的隱私。然而，在史諾頓事件於2013年發生後，大家發現政府可以透過科技的進步輕易取得人民的通訊，焦點變成如何改善各國的通訊法規，強化對於行政部門監聽的司法授權或是立法監督，保障個人的隱私權。我們先將從人權的隱憂著手，接著分別從美國、歐盟及國際人權公約考察通訊隱私權的保護機制，再做簡單的結論。

關鍵詞：人權、史諾頓事件、國家安全、通訊隱私權

[†] 專題演講於中華安全科技與管理學會舉辦「雲端技術與安全管理研討會」，中壢，中央大學太空及遙測研究中心2014/6/16-17。感謝兩位審查人的意見，不過，所有文責仍在個人。

^{*} 通訊作者：施正鋒

電子郵件：cfshih@mail.ndhu.edu.tw

National Security and Human Rights: Some Reflections on the Event of Edward Snowden

Cheng-Feng Shih^{*}

Professor, Department of Indigenous Affairs and Development,
National Dong Hwa University

Abstract

It is generally agreed the government, in order to protect national security, may sometimes have to infringe on privacy of citizens. In the aftermath of the event of Edward Snowden in 2013, it is disclosed that the government may easily acquire mass information from citizens' communications through advanced surveillance technologies. Recent focuses have been on how judicial authorization or legislative oversight may enhance the protection of individual rights to privacy by restraining administrative surveillance. In this article, we shall look into how the United States, the European Union, and international human rights conventions have developed mechanisms to protect rights to privacy of communications and correspondence.

Keywords: human rights, Event of Edward Snowden, national security, rights to privacy of communications and correspondence

^{*} Corresponding Author: Cheng-Feng Shih
E-mail: cfshih@mail.ndhu.edu.tw