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Welcome Letters

Hello Everybody welcome to the team, we hope you guys are ready to come up with great solutions and ideas for the committee. In the meantime if you have any questions or concerns please feel free to email us at our committee email or sent us a message on Facebook. There is also a page where you can pre discuss and get to know your fellow delegates.

Sarah-Mae Lieverse is a third year law student, currently on Erasmus in Bergen, Norway, but originally studying European Legal Studies at the University of Kent in Canterbury England. She is born and raised in Amsterdam till she was 18. This shall be her third time chairing LIMUN, and her 6th year involved and working with a MUN organisation. She is very excited about being your Director for UNHRC and meeting all of you. See you in February.

Maye Henning is a current second-year at the University of Connecticut pursuing a dual degree in Political Science and Human Rights. Although this is her first LIMUN conference, this is her fifth consecutive school year participating in model UN. Her primary model UN circuits include Global Classrooms MUN held annually in New York City and the University of Connecticut. Maye is very excited to be back in the UK, having spent the previous semester studying in London. She looks forward to meeting eve-
Introduction to the UNHRC

The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations (UN) system, consistent of 47 Member States. All responsible for cooperation for the promotion and protection of Human Rights. Utilising the Charter of the UN, the Universal Declaration of HR (UDHR) and HR instruments to which each state is a party, and especially considering the interrelated nature of HR law and international humanitarian law; focus on the latter.¹ Having been created by the General Assembly by Resolution 60/251 in 2006, to replace the UN Commission on Human Rights.

The aim of the council is to promote universality, interdependence, indivisibility of HR, inherent cooperation, to be a transparent intergovernmental process and to be realistic. Their focus is not only on Member States but also on Non Governmental Organisations (NGOs) and national HR institutions. Topics dealt with mostly are specific HR situations involving certain countries, however affecting a lot of Member States, groups of certain people and individuals.

Through utilising a mechanism of ‘Universal Periodic Review’ they assess all HR issues in all UN MS. The ‘Advisory Committee’ is a panel of experts and advisors who give advice on the most thematic issues. While the ‘Complaint Procedure’ allows for individuals and organizations to bring forward specific HR issues.² Moreover the council works with ‘UN Special Procedures’ which can be made to advise and publicly report on specific HR issues in certain countries, this is a team made up out of rapporteurs, special representatives and independent experts.

To note they are very different from the OHCHR they coordinate different human rights activities throughout the different UN bodies. The Council works with other UN bodies but focuses mainly on the interaction of HR in MS.
Topic A: The Protection and Promotion of LGBT Rights and Their Treatment Thereof

Despite previous actions taken by the United Nations, national governments, and advocacy organizations, lesbian, gay, bisexual, and transgender (LGBT) communities around the world continue to suffer discrimination and violence based upon their sexual orientation on a daily basis. The United Nations conceives of these violations as including but not limited to “killings, rape and physical attacks, torture, arbitrary detention, the denial of rights to assembly, expression and information, and discrimination in employment, health and education.” As a body, we will address the causes of LGBT discrimination including homophobic attitudes and education on the topic, and how we can strengthen existing legislation and further implement and enforce legislation.

Topic History

Documented forms of homosexuality date back to ancient Egyptian and Greek societies, and attitudes towards homosexuality have always been controversial. The rise of Christianity in the early First Century led to greater condemnation of homosexuality, followed by alternating attitudes throughout the later centuries. By the 18th century homosexuality was largely frowned upon, so much so that many governments took initiatives to prevent individuals from engaging in homosexual acts and to prohibit mass media publications of anything indicative of homosexuality. Under King Henry VIII, England passed the Statute of 1533 that made sodomy a capital offence. This legislation remained until 1828, although interpretations of the UK’s Criminal Law Amendment Act furthered the criminalization of sodomy until its legalization in 1967.

It was not until after WWII that institutions were created on behalf of the LGBT community. LGBT movements during this time took place primarily in the United States and Europe. Greater awareness of homosexuality as a product of post-WWII globalization brought to light “political demands for fair treatment in mental health, public policy, and employment.” The 1960s Civil Rights Movement in the US marks a turning point with its Stonewall Revolution, during which homosexuals resisted police raids in New York City. This period was followed by the 1970s gay liberation movement, during which groups organized advocacy organizations and planned public demonstrations. The movement impacted all aspects of society: media, music, religion, politics, and education. Finally, the surfacing of HIV/AIDS in the 1980s prompted greater demand for medical and oth-
er support for the LGBT community, led by several prominent public figures. The 1900s and 2000s overall yielded the greatest advancement for LGBT people, but inequality between groups based upon sexual orientation continues.

**Current Status**

Despite most Member States’ (MS) acceptance of homosexuality at the government level, anti-LGBT legislation remains. As of February 2014, five MS maintain that homosexuality is a crime punishable by law. These nations include Sudan, Iran, Mauritania, Saudi Arabia, Yemen, and parts of Nigeria and Somalia. An additional 70 nations enforce legislation resulting in the imprisonment of the LGBT community. An important consideration is that in many nations, such as Nigeria, simply being perceived as gay warrants arrest and other forms of discrimination. According to Journal of Abnormal Psychology cited by PBS, “more than 90% of gay men and lesbians report being targets of verbal abuse or threats, and more than one-third report being survivors of violence related to their homosexuality”.

**Causes of Homophobia**

In order to discuss a legal framework for the protection of the LGBT community, we must first understand the root of the problem. Homophobia can be defined as the dislike, hatred, or fear of homosexual people. Likewise, transphobia can be defined as the dislike, hatred, or fear of transgender people. One explanation of these conditions is that perceived behavior of LGBT people undermines social norms by challenging traditional gender roles. This means that men behaving in a way that could be interpreted as feminine such as dressing or speaking in a certain way may make these individuals targets for violence or discrimination. The same goes for women who behave in what could be considered a masculine role. Resulting from these non-traditional gender roles is a change in power dynamic from the male-female dichotomy to something completely different. Essentially, those considered to be homophobic tend to feel threatened by homosexuality because they feel uncomfortable by the perceived shift away from a society dominated by “masculine” males.

Furthermore, the Journal of Abnormal Psychology conducted a study of men who consider themselves homophobic. The results suggest that homophobic men harbor repressed homosexual tendencies, and they behave in aggressive ways particularly towards homosexuals to further deny
their sexuality. The Gay and Lesbian Medical Association explains that “homophobia operates on two levels: internally and externally. Internal homophobia represents prejudices individuals learn (internalize) from their families, friends, teachers, religious institutions [etc.]...External homophobia is the over expression of those biases, ranging from social avoidance, to legal and religious proscription, to violence.”.\(^\text{14}\)

Other explanations, likely rooted within the gender roles explanation, include lack of education on this topic and moralistic and religious beliefs.\(^\text{15}\) For instance, the idea that being homosexual or transgender is a choice is false, as is the belief that homosexual couples only obtain children to “corrupt” them into being homosexual. Many moralistic people discount homosexuality on the basis that it undermines existing value systems and damages the concept of a family.

All of these misconceptions affect and are affected by harmful stereotypes about LGBT people. Perhaps the most widespread myth is that gay men are feminine and alternatively lesbian women are masculine. Another disrespect to LGB people is the stereotype that they are attracted to all members of their own sex and “can’t control their desires”\(^\text{16}\) and finally that LGBT people are not equipped to be “good” parents by virtue of their defying traditional family responsibilities. Stereotypes specifically about gay men include that this population is plagued by HIV/AIDS more so than anyone else, and that they are pedophiles and therefore cannot be trusted near children.\(^\text{17}\) Not only are these stereotypes false, but they also reinforce the “otherness” of the LGBT community, which ultimately discourages tolerance.

The United Nations Declaration of Human Rights lists as one of its core principles the right to equality before the law, therefore non-discrimination plays a large role in United Nations objectives. The UN cannot promote human rights without addressing discrimination of all forms. In the next sections we shall assess the social, political, and economic consequences of homophobia.

*Criminalization of Homophobia*

Currently, 76 nations criminalize homosexual relationships with either imprisonment or death. This government-imposed violation of human rights is taking place in regions of Latin America, Africa, the Middle East, and South-eastern Asia. The United Nations takes a clear stance on this issue, stating that “laws criminalizing homosexuality violate rights to privacy and non-discrimination in breach of States’ legal obligations under the International Covenant on Civil and Political Rights.”\(^\text{18}\)
The criminalization of homosexuality is problematic because it discourages the development of a comprehensive health care framework for those suffering from HIV/AIDS as well as reinforces negative attitudes towards LGBT people resulting in discrimination and violence.\(^\text{19}\)

**Discrimination**

Based upon this analysis it is clear that existing legal frameworks aimed at the protection of LGBT people is ineffective, nor are all MS equal in their commitment to fight this injustice. Equally severe are the negative attitudes towards the LGBT community that shape discrimination at an institutionally social level. That is to say that this systematic yet social discrimination pervades all nations, regardless of its hostile or protective legislation of LBG Ts. Discrimination in the workplace is prominent throughout all regions of the world. Treatment of transgender employees in the workplace is of particular concern, since a 2011 survey in the US shows that the transgender community experiences greater harassment than the LGBT community in the professional environment.\(^\text{20}\) Aspects of workplace mistreatment include pay, hiring, or promotion inequality as well as harassment.

While many companies and MS have legislation in place to prevent such harassment and discrimination from taking place, much of it remains ineffective. Furthermore, many other MS have no antidiscrimination legislation in place at all. For instance, the Philippines abide by a constitution that “guarantees full respect for human rights and every person has the right to equal protection...but sexual orientation and gender identity are not explicitly mentioned...A number of government agencies have ...policies that protect sexual orientation, and alternatively, other agencies have expressed policies that are discriminatory”.\(^\text{21}\) Such inconsistency occurs in other MS, thus clarity is important when considering this topic.

Discrimination outside the workplace can range from denied access to public goods and services to arbitrarily raised prices and social exclusion. In the US, the LGBT community may struggle to find (affordable) housing and be subject to discrimination by landlords. Refusal from service at restaurants, public transportation, medical attention, and other things is also common for LGBT people in the US and elsewhere.\(^\text{22}\) It is difficult to ratify and subsequently enforce legislation protecting the LGBT community from all forms of discrimination, as much of it occurs at the individual level.
Social Ostracism

An additional and equally damaging product of homophobia and transphobia is social ostracism of LGBT people. This ostracism, which can begin at an early age, pervades all aspects of a community including school, social media, and entertainment and news outlets, and impacts young people’s physical and psychological development. Research conducted by Concordia University suggests that “the stress of being rejected of victimized because of sexual orientation may disrupt hormonal responses in lesbians, gays and bisexuals.” These hormone imbalances in conjunction with bullying and other forms of social abuse contribute to the high suicide and depression rates in young LGB people.

Cyberbullying, the harassment of individuals via online resources such as Facebook, is of particular concern given its frequency and the difficulty of its regulation. While not going into too much detail, cyberbullying is a worldwide issue that many MS have addressed through independent or application of existing legislation. In the US, online harassment and stalking laws are introduced on a state-by-state basis. Other regions in which governments have passed cyberbullying legislation include Europe and Asia.

Hate Crime

Not only do LGBTs face social ostracism and employment discrimination, among other things, but they also suffer violence based upon perceived sexual orientation and gender identity known as “hate crime”. Hate crimes occur with alarming frequency in all regions of the world. Crimes include harassment, assault, and even “grievous bodily harm”. Also important in this discussion is the fact that hate crimes against the LGBT community are grossly underreported for reasons including fear of not being taken seriously or they don’t think they’ll be protected in the future. The UK Government expresses its commitment to preventing hate crime in its report “Challenge It, Report It, Stop It.” The report states that sexual orientation-based violence accounts for the greatest percentage of hate crimes. It also outlines an approach that addresses preventive measures, increased reporting and availability of support services, and more effective management of cases.

Despite these measures taken by the UK government, the UK’s police forces reported “more transphobic hate crimes between January and November [2014] than the whole of 2013” with a 44% rise in crime against the transgender community in 2014. Although this statistic demon-
strates that the legislation has been ineffective thus far, it marks an important step towards LGBT equality beginning in the government.

Economic Cost of Homophobia

A study conducted by the World Bank examines the economic loss suffered by India as a result of its homophobic attitudes and its criminalization of homosexuality. India lost an estimated $30.8 billion in 2012 due to the absence of LGBT people from the workforce combined with the mental and physical health of LGBT people affecting the quality of their work. This research speaks to the financial cost of excluding the LGBT population from reaching its potential to contribute to the country’s economy. The 75 other MS that criminalize same-sex relationships likely suffer similar losses.

Case Study

Russia’s treatment of LGBT people recently entered the spotlight in 2014 prior to its responsibility of hosting the Winter Olympics. 1993 saw the decriminalization of homosexuality followed by transgender people’s newly established ability to legally change their sex in 1997. However in 2013 Russia passed a law banned effectively banned “‘propaganda of nontraditional sexual relations’...to promote traditional Russian values over western liberalism, which the Kremlin and the Russian orthodox church see as corrupting Russian youth...” The consequences of this legislation are that it stigmatizes the LGBT community and makes information about homosexuality inaccessible to children. Following the implementation of this law Russia saw a rise in homophobic behaviour, including harassment and humiliation of gay people such as pouring urine on them. This legislation had the greatest impact upon LGBT teenagers, who have been committing suicide at alarming rates.

Moreover, Russia’s law enforcement mechanisms have largely ignored this growing issue. Despite being able to provide the enforcement services that the LGBT community so desperately needs, Human Rights Watch claims “authorities deliberately ignore such crimes”. The nation as a whole approaches greater oppression of LGBT people as the population’s attitudes become more conservative.

Relevant Resolutions
Statement by the General Assembly

In a statement produced by the General Assembly 18 December 2008, the UN formally recognized non-traditional sexual orientation and gender identity and declared its commitment to the protection of LGBT people following a letter from the Organization of American States requesting that the General Assembly address this topic. The General Assembly further expressed its concern regarding the human rights violations of the LGBT community and its intention to discuss LGBT equality in the future.36

Resolution 17/19: Human rights, sexual orientation and gender identity

Adopted by the Human Rights Council in June 2011, Resolution 17/19 acknowledges the injustices inflicted upon the LGBT community and requests that a study be produced on the current treatment of LGBT people. The resolution determined that the study would be presented in a future panel session.37

Report 19/41: Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity

The United Nations High Commissioner for Human Rights produced this report in November 2011 in response to Resolution 17/19.38 It provides a comprehensive analysis of the experiences of LGBT people around the world and emphasizes the role of the state in protecting human rights.

Report 19/41 begins by affirming the rights of all individuals to equality and non-discrimination. It acknowledges that different MS operate according to different value systems, discrimination of and violence against LGBT people is a gross violation of human rights that goes against the principles of the United Nations. It further explains that it is the role of the state to create unbiased policy and make resources available to everyone. The International Covenant on Civil and Political Rights, among other agreements do not specify LGBT people as a vulnerable group, but it was retrospectively established that sexual orientation was the basis for discrimination in many cases. Resolution 19/41 asserts that the state is responsible for protecting its people’s rights to privacy and to “life, liberty and security of persons”.39

The Report also addresses types of violence and discrimination, expressing particular concern for lesbian and transgender women who “are at particular risk because of gender inequality and power relations within families and wider society”40. Additionally, the nature of crimes against LGBT people is such that they are especially cruel and violent. Violence includes rape, torture, etc., and often it leads to death. Those who survive hate-crimes experience serious psychological dam-
age following their traumatic experiences. The Report maintains that this psychological violence is just as serious as physical violence, and often the two go hand-in-hand. Those responsible for violence against LGBT people come from a wide range of backgrounds, including those in positions of power. In Indonesia, police allegedly beat a gay couple who were at the police station following civilian attack on them.

The General Assembly discusses in-depth the role of law in the context of LGBT communities. Member States are encouraged to decriminalize homosexuality and any legislation that would allow for their discrimination. For instance, LGBT people may be arbitrarily arrested using “offences not directly related to sexual conduct, such as those pertaining to physical appearance or so-called ‘public scandal’”.  

Discrimination in the workplace, health care, and education are also examined. The importance of these laws explicit in their commitment to protect LGBT people is made clear. The Committee on Economic, Social and Cultural Rights reaffirms the expectations of equality in the workplace and prohibits “any discrimination in access to health care...on the grounds of sexual orientation and identity”. Not only must the legal framework of a nation make health care available to the LGBT community, but also social dynamics must allow them to seek health care without fear of persecution. Health care is essential for all people in its advancement of public health. Transgender people would ideally have the services needed to undergo gender reassignment therapy, but at this time it is not a widely accepted practice nor is it an affordable option for many.

Systemic discrimination occurs in education as well, often perpetrated by school administration and staff. Also alarming is the bullying of young people who don’t conform to gender norms by their peers. Attitudes within the education authorities and the wider community must be tolerant towards LGBT people, in order to shape school policy in such a way that would protect students. Furthermore, sex education in schools should address subjects relating to homosexual and heterosexual people. As noted in the Report, “in order to be comprehensive, sexual education must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality”.

Additionally, the Resolution expresses its support and commitment to protect those who speak out on behalf of the LGBT community, and the institutions dedicated do its advocacy. Those who engage in this activity should be free from harassment, violence, and other forms of discrimination.
Finally, the General Assembly affirms the obligations of the state in its legal framework. Gender recognition and acceptance of non-traditional genders is essential in furthering the equality of LGBT people. Recognition of non-traditional relationships is another asset, such that those in homosexual relationships can enjoy the same rights and benefits from the state as those in heterosexual relationships.

This document is the most comprehensive of all documents produced by the UN on LGBT issues. Although it provides few explanations of how to reform and strengthen legislation, it identifies and provides in-depth analysis of existing issues that must be addressed.

Resolution 27/32: Human rights, sexual orientation and gender

Resolution 27/32 was passed in September 2014 as a follow-up to Resolution 17/19 and subsequent report. The Resolution “requests the High Commissioner to update the [previous] report with a view to sharing good practices and ways to overcome violence and discrimination”44 to be presented at a future occasion.

Measures Taken

In addition to the actions taken by the High Commissioner and the Human Rights Council, the United Nations is currently sponsoring “Free & Equal,” a campaign started in 2013 dedicated to public education for LGBT equality.45 The Campaign “works to inform individuals of their human rights, identify and address human rights challenges, and assist governments...in fulfilling their human rights obligations”46 and is aimed at challenging attitudes underpinning LGBT discrimination. Celebrities work with the Campaign to spread awareness through social media. Additionally, the Free & Equal Global Film Series encourages education about LGBT topics through “documentaries and narrative films that explore the lives of lesbian, gay, bisexual, transgender and intersex people in different parts of the world”.47 This collection of films is a valuable tool to promote United Nations ideals, and screenings are available at UN offices around the world.48

Finally, the UN Human Rights Council engages with governments and civil society independent of the Free & Equal Campaign through public events, media presence, dialogue with world leaders, and creation of educational tools.49
Questions to Consider

1. How can we take into account conflicting cultural norms while also promoting equality for LGBT people?
2. How can we challenge existing attitudes that discourage LGBT equality?
3. What legislation has your country passed to protect LGBT rights, and why or why not was it successful?

2. ‘Welcome to the Human Rights Council’ United Nations Human Rights
8. Ibid.
10. Ibid.
13. Ibid.
15. Adams, Wright, and Lohr, “Putting Freud to the Test.”
17. Ibid.
19. Ibid.
28 “Transphobic hate crimes rising in UK, police say.”
32 Ibid.
35 Ibid.
46 Ibid.
48 Ibid.
Topic B: Individual Rights to Privacy in the Digital Age

Introduction

Internet, a global service by definition, used by everyone for different purposes, viewed as an essential part of everyday life, such as gas and light. With a commercial sector, which is gaining more and more grip on what an individual does on the internet, through registration mechanisms, learning the consumption and usage patterns. But people have also fewer issues to post their personal information and data willingly online. As there seems to be a social desire to be present and participating on the internet.

Facebook’s recent change in their privacy settings hasn’t seen a decrease in users, although there have been some protests, many don’t understand nor want to understand. In doing so the social effect of wanting to not miss out on the possibilities of social networking sites, everybody keeps using them.

Privacy is becoming more and more interesting because it was first viewed as just a right and now it is interacting with other aspects, regarding the wide scope of the internet and the users thereof. Through surveillance of the internet and the abuse and misuse of these tools by organisations, cooperations, governments and even certain individuals. A line with consequences needs to be drawn, to realise the seriousness of trespassing on somebodies private life.

This can only be done by re-examining the aspects of privacy and, it has to be viewed from different perspectives and needs to be placed in various contexts, mainly social, judicial, media theoretical and political; and how it affects the individual or even a member state. The promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Especially the protection and promotion of the right to privacy in the digital age. It seems obvious, the same rights that people have offline should be protected online. However the contrary is often the case.
History

Human Rights as part of a political program didn’t surface until at least the second half of the seventeenth century. The right to privacy, as a substantial right, in relation to technology doesn’t have one point in time, it slowly came up as a HR issue.

Before the internet, the distinction of what was public and private where far more black and white, while they now are blurring more and more with the presence of the internet. Privacy and that which is private to be defined as being closed of from the rest is being contrasted with everything that is publicly shared, allowing access to anybody with a computer and an internet connection.

With technology encompassing a wide spectrum of information and communication technology the HRC has actually affirmed ‘that the same rights that people have offline must also be protected online, especially freedom of expression.’ This was in the first UN resolution to affirm HR should be protected and promoted with the same commitment as HR in the physical world. Plus since that resolution the extremities of the scope of MS’ surveillance systems in certain jurisdictions, for example mass surveillance of private communications, again highlight the importance of the right to privacy vs national security.

The right to privacy according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference; as in article 12 of the UDHR states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor or reputation. Everyone has the right to the protection of the law against such interference or attacks.” and outlined in article 17 of the International Covenant on Civil and Political Rights: “No one shall be subjected to arbitrary or unlawful interference with his privacy...” Moreover the Lisbon treaty established personal data protection as a fundamental right. Expanding the legality, allowing data protection to gain the same treatment as other rights under those treaties. Starting the process of making it a fundamental right in application. The charter of fundamental rights of the European Union outlines the elements to the safe keeping of personal data as fairness, consensus and legitimacy.
In 2012 the EU published the Code of EU online rights\(^5\), outlining consumers rights when using online services and buying goods online. Detailing online contracts, access, non-discrimination and most importantly: privacy, protection of personal data and security.\(^6\)

Surveillance as the key invasion of online privacy, is defined as monitoring computer activity, data stored on a hard drive or data which is transferred over computer networks, mostly through social networks. Post 9/11 the Bush administration enacted the Patriot Act allowing the expansion of search and surveillance powers of law enforcements and intelligence agencies. Together with the Foreign Intelligence Surveillance Act (FISA) and the Foreign Intelligence Surveillance Court (FISC) the US was able to legally generate surveillance warrants against suspected foreign intelligence agents.

**Current Situation**

*Privacy Debate - are we in a post-privacy state?*

Privacy needs to be redesigned to fit todays needs, a type of post-privacy, a pluralistic look at privacy so as to utilise the consequences of privacy.

As governments and institutions are using the personal information generated, to form a prediction, on the basis of your buying pattern, the way you behave online, whether or not your going to be tended to act out criminally or even acts of terrorism. If a computer decides that a person is a risk, it can have serious consequences for the way you deduct your life, without ever haven been arrested or done specifically anything wrong. With CCTV, security cameras and the NSA. However the younger generations are respecting each others privacy less and less, and individuals have no problems sharing all details of their lives on different websites.\(^7\) The questions following these behavioural patterns is whether there is even any privacy left to depend on, and whether that is necessary with everything being shared anyways. The law should protect privacy because we want it to, not because we expect it to. Due to the often strict definition of privacy in law so people often because of being scared don’t see that their privacy rights are being violated. For example imagine that, yes a lot of companies do have your personal data, however some would assume that by them having all your data, they now can claim ownership over it. However privacy is a lot more then ownership and secrecy. It is also trust, how will they be using the data. Like doctors know lots about us, but they know that, that is confidential.
Another aspect of privacy is security, when they have your data how do they protect it. They have the responsibility to not leak your data. Privacy shows to be about more then keeping something to yourself, it is also about how we regulate these streams of information; plus how we keep control over our information when it is in organisations hands. A successful way of using the law is an authors right, in intellectual property.

Considering the recent surveillance scandals that have surfaced in a domestic and international context by for example the NSA and the hacking as a rising of modern technological warfare. Human rights to privacy are becoming more urgent than ever.

GCHQ Britain’s main surveillance spying programmes are most likely illegal and breaching an array of HR. Allowing the agency to conduct certain programmes, and sell on intelligence to other MS. Raising not only issues of legality but also of proportionality, and alarming is the lack of safeguards the agency uses to protect their own privacy. Bringing to the surface that the Regulation of Investigatory Powers Act (RIPA) of 2000 has been left to the side by the quick paced development of technologies.

The concept of privacy has been said to have been very vague, and therefor found lacking in people’s consideration of it. Debates over what is and what isn’t included are disputed. However all MS should agree to an active but neutral concept of privacy, which can be implemented globally. A place to start is to see it as a pluralistic notion with a great social importance to the welfare of the state. Which has to be flexible to bent with the technological developments. By creating a clearer image of the meaning and value of privacy, the task of protecting it will be a lot easier.

Privacy and free speech on the internet

The internet becoming such a civic space, where there are, their own rights and freedoms calls for separate battles to secure those internet freedoms. Having gained a majority vote on the resolution on internet and human rights by the council. Shows a willingness to secure freedom of expression, association, assembly and privacy.  

Case Studies
Edward Snowden and the NSA

A giant US intelligence leak of information, by Snowden on the basis that the ‘unconstrained collection of electronic intelligence was destroying civil liberties and creating the conditions for tyranny. Highlighting the power stored in technology and the power these technologies have over
our individual privacy, internet freedom and even basic liberties. Being the first to come clear over having the power to wiretap anybody and growing likelihood of a surveillance state. Snowden’s interview brings up GCHQ’s and NSA’s different instances where top secret information was gathered and then shared. Such as the 2009 G20 Summit, Verizon data, and domestic phone lines. Moreover the US’s claim to Snowden asking other countries to extradite him, to punish him on the international platform for espionage and leaking classified information.

*Charlie Hebdo Shooting*

The shooting itself, triggered a world wide debate about the extent of freedom of speech. To what extent it can be limited. And is now used by different authorities spread over the world, who are now saying that they have to look into people’s personal data, to find out who are the terrorists among us, to keep us safe.

All these cases indicate governments acting outside their judicial area. To avoid certain legal rules.

The recent shootings have set of a lot of different cases so make sure you watch it closely, firstly the hacker group Anonymous began an effort to eliminate terrorist twitter accounts and report to them people would expect to be terrorists. They have claimed to hack jihad websites in the name of freedom of expression. Second ISIS associates hacked the US central command twitter account posting celebrations of ISIS and threatening US military personnel and expressing sympathy. Although in reaction of the attack many have said that a Twitter is relatively easy to hack, it highlights the vulnerability of certain social media websites, where people still willingly post all infos of their lives and use it as a platform of representation. The timing of the hacking was also no coincidence, just as Obama gave a speech in Washington about identity security for online shoppers, and the occurrence of speeches on cybersecurity. Moreover the hacking of Sony was at a greater scale, as it has been compared to the Wikileaks hacks.

Furthermore David Cameron Prime Minister of England, has announced that Snapchat and WhatsApp will have to comply with the British intelligence services banning encryption in the name of un-safety. In the aftermath of the attack in Paris, Cameron requests social media platforms such as the former and Facebook and twitter to allow greater visibility to intelligence services about people’s online activities. The internet formally seen as a platform and advocate for freedom of expression, is now in discussion among world leaders, whether internet companies and telecom
providers must cooperate fully with intelligence agencies, who have seen an increased use of social media by Islamic State groups.\textsuperscript{16} Suggesting initial limiting laws on people’s rights online.

The hackers, hacking peoples iCloud and going into other people’s networks to steal or cause chaos, has been happening for quite sometime. Now that one person can sit behind a computer and ruin so many lives with simply pressing a button. Seemingly distant and unrealistic, it can impact peoples lives negatively. The instances of leaking nude pictures of celebrities to waging warfare behind a computer.

**Summary of Past Resolutions**

**Resolution 68/167** of 2013, adopted by the UN General Assembly. On the right to privacy in the digital age. ‘Deeply concerned that electronic surveillance, interception of digital communications and collection of personal data’ can affect human rights negatively, the UN has adopted the resolution. ‘Calling on all countries to take measures to end activities that violate this fundamental right.’\textsuperscript{17} Instigated by the Snowden case, the UN feels like individuals rights are truly at risk. Through vulnerability and unknowing innocent parties.

It is in this resolution that the GA requests the Commissioner to draw up the following report:

**Report of the UN High Commissioner** ‘The right to privacy in the digital age’\textsuperscript{18} which raises the concern that overt and covert digital surveillance in jurisdictions around the world have proliferated, with governmental mass surveillance emerging as a dangerous habit rather than an exceptional measure.\textsuperscript{19} The report gives the example of governments threatening to ban services from communications companies unless given access to their networks. use of the acquired surveillance footage to target political opponents. The essential thing coming out of the report was that MS should proof proportionality, having to prove that the interference into the individual’s privacy is not only necessary but also essential.

**Panel on the right to privacy in the digital age.**\textsuperscript{20}

**Council Resolution 20/8 July 2012** on the promotion, protection and enjoyment of human rights on the internet. Firstly this established that rights enjoyed offline should also be applicable online. Furthermore the resolutions sets three great examples in the right direction. Firstly in regards to development the internet is profiled as the accelerating progress behind development, including the power of education. And calls upon States to address the digital divide and promote access to infor-
Secondly the resolution emphasises that HR need to be the foundation of Internet governance. Calling on States to formulate, thorough transparent and inclusive processes, basically a body of national Internet public policies. Lastly the resolution recognises national security and human rights online, enforcing respect for the rights to freedom and privacy. Allowing the internet to stay the trusted source and resource it is.

**Measures Taken and Conflict**

Looking for effective strategies against the controlled watchdog regime. Many countries even those with strong privacy laws, still maintain files of individuals not related to crime at all.\(^{22}\)

Whereas the diplomatic ties between Australia and Indonesia were almost broken, after, the Indonesian president had found out that Australia was looking into his, ‘s wife and personal circle’s personal phone. The solution to the conflict was presented in the form of a code of ethics contract. Which was turned into a spying code of conduct.\(^{23}\) A form of truce, enhancing intelligence cooperation and an agreement to not use intelligence to harm each other.

A balance between privacy and security, and the control of institutions and the autonomy of the individual.\(^{24}\) Where our society’s are losing this balance, with a risk of unlimited power and control. Methods to counter this reaction would be increase of transparency, explanations of underlying protocols, algorithms and procedures.

A tension in coming to a consensus on resolution 20/8 came down to wanting to warn of the dangers the Internet poses for encouraging terrorism, extremism, racism and religious intolerance. Wanting to create a loophole for online censorship. Although this amendment by China supported by South Africa was voted down\(^ {25} \), it does highlight the other aspect that needs to be considered when thinking of measures to take.

The US, Australia and the UK haven’t been the only countries behaving badly online and breaking individual rights. India, Brazil and others,\(^ {26} \) have been maintaining their poor record of human rights. Highlighting civil liberties and the importance thereof.\(^ {27} \)

(For more extensive information about how MS have differentiating policies have a look here: [http://gilc.org/privacy/survey/intro.html](http://gilc.org/privacy/survey/intro.html))
Questions which have to be asked

1. How is Privacy best defined? in the context of the usages of the internet?
2. To what extent is government surveillance for protection against justified, and where should you draw the line, that its taking away from the individuals rights?
3. How can MS undertake the actions of intercepting and collecting communication data from individuals without their permission, while still promising to uphold their national and international HR obligations in regards to the right to privacy and their freedom to use technology?
4. Can MS form a regulatory substantive framework, which applies universally?

Conclusion

Something to remember while researching for the committee is that different countries have different understandings of what Privacy entails exactly, and have different ways through which privacy became a concept. Furthermore the concept of privacy can be defined in different contexts. When writing know in what context you are attempting to fix. The UNHRC should focus on the different aspects of a right. I understand how confusing this topic to some, however stick to it, it is a very intriguing topic that will contribute a lot to your working knowledge of the UN and the way human rights affect the societies we live in.

Concluding statement of the committee

Something to consider when writing your papers is to look at how your country respects, protects and provides for different Human Rights. Especially when you can’t find any MS’ position on the certain issues at hand. Then try to come up with innovative and creative solutions to an issue. Rather than repeating what the UN has already done. Also make sure you don’t focus too much on one aspect of Human Rights. Moreover it will be to your benefit to know about your allies and who you are opposing. The quality of the debates, working papers and the final resolutions will be the reflection of the level of your effort and participation.
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