Houston Area Model United Nations
Standard Committee

United Nations Human Rights Council



Chair | Ish Mehta
Topic A: Protecting Human Rights from Government Surveillance and Emerging Technologies
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Atilgan Ozdil/Anadolu Ag

Chair Letter

Delegates,

Welcome to HAMUN! My name is Ish Mehta, and I am honored to serve as the Chair of this year's United Nations Human Rights Council committee.

I am currently a freshman at the University of Texas at Austin studying Finance. I have been a part of Model UN for over 4 years and have had the opportunity to compete in 9 conferences across the country, from Houston to Chicago. Model UN has been an integral part of my high school experience, helping me become more confident, improve my public speaking skills and learn how to think about complex global issues. But most of all, Model UN gave me the opportunity to meet some of my closest friends and has helped me form priceless memories.

I chose to chair the United Nations Human Rights Council as human rights is an extremely complex and debated topic in the world. I look forward to hearing the different perspectives that each delegation brings to the committee, and aim to create a space where delegates are challenged into thinking deeply, debating respectfully and are encouraged to work out thoughtful compromises and solutions to solve the issues.

In the end, I would emphasize the importance of having fun and enjoying the conference - meeting new people, making new friends and making some priceless memories. We want to make sure each one of us makes the most of this conference, so if you have any questions, please don't hesitate to reach out to me or any other member of HAMUN staff.

I can't wait to meet and work with all of you!

Ish Mehta
Chair of UNHCR
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UNHRC Background

The United Nations Human Rights Council was first established in 2006 to help protect universal human rights and individual freedoms. The committee is given the power to launch investigations and fact-finding missions on alleged human rights violations, pass resolutions that represent international consensus and periodically review UN members own human rights records through the Universal Periodic Review (UPR).

In recent years, the UNHRC has expanded in scope in response to several developments and issues in the world. Today, issues the committee discuss include digital rights, the impact of climate change on humans, and emerging conflicts. As Human Rights issues have become a more debated topic globally in recent years, and the definition of what a human right is itself continues being a divisive topic, the importance of the UNHRC has only increased.



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Background Information

In recent years there has been a rapid expansion in government surveillance that has been in facilitated mainly by the emergence of new technologies that have aided in making surveillance easier and cheaper. Government's often justify this surveillance by citing how important it is to maintaining a countries national security. However, as the power of surveillance increases, it has become increasingly more important that the right of digital privacy develop more strict definitions as it will allow for more clear decisions to be made regarding the legality of new emerging technologies and softwares like Smart Glasses and BriefCam. While there has been many pieces of legislation passed to protect a person's basic human right of privacy, there is still a noticeable lack of a widespread definition of what constitutes a violation of privacy as legislation often takes time to catch up with modern technology.



TOPIC HISTORY

Article 12 of the 1948 Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights marked the creation of privacy rights. However, with the development of technology and surveillance by the state—most notably with the advent of the USA Patriot Act after 9/11, which permitted the use of Section 215 powers to spy on communications and gather massive amounts of telephone metadata—there became concerns about civil liberties and international laws. The international community has thus reacted to the modern-day challenges and modified its framework in various ways, most notably through the UN Guiding Principles on Business and Human Rights in 2011, UNGA Resolution 68/167, which holds that online and offline rights are one and the same, and the creation of the Special Rapporteur on the Right to Privacy in 2015.

Other precautions were made possible thanks to the occurrence of critical incidents such as the moratorium on spyware in 2019, the Pegasus Project in 2021, and the OHCHR Report on AI culminating in UNHRC Resolution 53/29 of July 2023, that recommends that states audit the automated systems, avoid biometric surveillance, and control dual-use cyber technologies.

Case Study A: Patriot Act

45 days after the 9/11 attacks, the United States enacted a series of laws that called the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism, or the PATRIOT Act in an effort to improve the United States' national security.The act increase the power of intelligence agencies in the US, making it easier for them to monitor electronic communication, allowing them to look at personal records without any prior notice, and demand the data of users from 3rd parties without any warrant.

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Case Study A Cont.

Most significantly, section 215 of the act was used by the National Security Agency to justify collecting millions of people cell phone and data. It is argued by many that the Patriot Act infringed on the basic human right of privacy and thus by extension violated international law. Due to intense debate a scrutiny by civil liberties organizations and the public the USA Freedom act would later be passed in 2015. This act altered the degree of government surveillance allowed, and also banned the bulk collection of telephone data.



President George W. Bush signing the PATRIOT Act

Case Study B: The Pegasus Project

In July 2021, an international investigative project called "Pegasus Project" uncovered information about a global surveillance campaign targeting reporters, politicians, and activists. It turned out that the NSO Group company, which specializes in selling cyber-surveillance software to governments, was selling government software to governments that monitored journalists and dissidents. Unlike many forms of surveillance that require some form of cooperation from the user, "zero-click" attacks were used to infiltrate cell phones through Pegasus, eliminating the need for users to interact with any malicious links or files. The operators of this program could capture all the information on the phone of the victim, including real-time video and audio recordings, tracking his GPS location, and even reading encrypted messages. Despite the NSO Group's claims that its technology is designed to protect national security by helping governments combat terrorism and crime, the publication of a list of tens of thousands of phone numbers associated with journalists and dissidents highlighted surveillance technology and state security issues.

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Case Study B Cont.

Thus, the use of such technologies for political purposes has had a significant impact on the international community: Apple and WhatsApp filed a lawsuit against the NSO Group, and the United States imposed sanctions on the Russian NSO Group. Meanwhile many experts demand the UN ban groups' surveillance campaigns until specific regulations are adopted.

UN Past Actions

December 10, 1948 – Adoption of the Universal Declaration of Human Rights (Article 12): This date marked recognition and protection of fundamental individual privacy rights from unlawful intrusion or interference with one's privacy, family, home, and correspondence.

December 16, 1966 – Incorporation of the Right to Privacy in the International Covenant on Civil and Political Rights (Article 17): The text further developed and expanded the scope of universally recognized individual privacy rights by adding them to the International Covenant on Civil and Political Rights.

June 16, 2011 – Adopting UN Guiding Principles on Business and Human Rights: The Guiding Principles were created to establish a global standard of acceptable corporate conduct and address human rights abuses that occur in business operations and dealings.

December 18, 2013 – General Assembly Resolution 68/167 ("The Right to Privacy in the Digital Age"): This resolution gave the recognition of the principle that the same human rights that people enjoy offline are of critical importance in the digital sphere.

March 26, 2015 – The UN Secretary-General appointed a Special Rapporteur on privacy: The position was created to investigate and report on the human rights consequences of state surveillance and commercial spyware transfers and ensure compliance with international law.

June 24, 2019 – UN experts called for a moratorium on sales, transfers, and use of surveillance software: The moratorium aimed to prevent the further proliferation of unreviewed or unregulated surveillance software and address unacceptable surveillance technology misuse.

Past UN Actions cont.

July 18, 2021 – The Pegasus Project investigation revealed that the NSO Group develops commercial surveillance software: The report showed how the NSO Group could use its commercial tool to target journalists, activists, and politicians.

September 15, 2021 – OHCHR report highlights how artificial intelligence systems pose a significant risk: The report identified potential risks posed to human rights by artificial intelligence technologies and algorithms that automatically collect personal data.

July 14, 2023 – UN Human Rights Council Resolution 53/29: The resolution recommended that states analyze automatically generated data and conduct periodic reviews of biometric surveillance to ensure that dual-use cyber technologies do not violate human rights.

Questions To Consider

What types of surveillance constitutes as a human rights violation, and what types of surveillance are necessary for national security?

What steps can be taken to develop international regulations of surveillance by governments and corporations?

How can current international standards regarding surveillance be better regulated by the United Nations?

What specific threshold distinguishes necessary state surveillance for national security from an unlawful violation of digital privacy?

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TOPIC A APPENDIX

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