



Boston University Academy Model United Nations Conference IX
Saturday, January 30th to Sunday, January 31st, 2021
Boston University Academy
Boston, MA

Privacy Rights and Civil Rights

***General Assembly: The UN Human
Rights Council (UNHRC)***

Background Guide

Table of Contents

<u>Welcome Letter</u>	3
<u>Position Paper Information</u>	4
<u>Committee Structure</u>	5
<u>Topic 1 Background: Privacy Rights Under Technology</u>	6
<u>Topic 2 Background: Civil Rights</u>	11
<u>Bibliography</u>	43

Committee Staff

Jenny Wang, chair

Adam Quackenbush, co-chair

Sudarshan Ramanan, Secretary-General

John Lee, Secretary-General

Jonas Rajagopal, Secretary-General



Welcome Letter

Dear Delegates,

Welcome to BUAMUN! My name is Jenny Wang. I am a senior this year at Boston University Academy, and I will be your chair for BUAMUN 2021, along with my vice-chair Adam Quackenbush. We will be simulating the United Nations Human Rights Council, one of the most important parts of the UN.

I hope you are all as excited as I am for this conference! This will be my fourth year with BUAMUN. My vice chair, Adam Quackenbush, is a freshman at BUA. This will be his first time chairing a conference, although this will be his fourth year doing Model UN. We hope you are all ready to learn something after this conference!

My advice as far as preparation is to know as much as you can about the situation, your country, and your allies and so on. I'm looking forward to see how you all will try to solve one of the biggest human rights crises of our time. Please feel free to email me with any questions!

Yours truly,

Jenny Wang

BU Academy '21

jennywyx@bu.edu



Position Paper Information

This committee will require formal position papers. Chairs will review position papers, and well-written papers can influence award determinations for this committee. Position papers are 1-2 pages in length, double-spaced, and should follow a general 3-paragraph structure: Introduction of the topic, delegate's stance on the topic, and delegate's proposed action on topic. Position papers should be well-researched and concise, and you must also cite any outside sources that you used in your paper. So please keep that in mind when writing.

Committee Structure

The Human Rights Committee was established by the General Assembly on March 15, 2006 in order to promote and protect human rights in the international community, with its headquarters in Geneva, Switzerland. The UNHRC has 47 members to replace the UN Commission on Human Rights (UNCHR, herein CHR) that had been strongly criticized for allowing countries with poor human rights records to be members. Many contend that the Committee's Universal Periodic Review process, which aims to evaluate each member state's human rights obligation fulfillments, is a very useful means to address different human rights issues and various violations. This intergovernmental system provides great opportunities for member states to focus on the repercussions for human rights with new perspectives. Delegates will center on creating mechanisms for addressing human rights violations and strengthening the UN's commitment to protecting human rights in the global community.

Topic Background

Topic 1: Privacy Rights Under Technology

Rapid advances in technology and personal interactions are dramatically improving real-time communication and information-sharing. The right to privacy is an element of various legal traditions to restrain governmental and private actions that

threaten the privacy of individuals. In the 1948 Universal Declaration of Human Rights Article 12, the United Nations states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks”.

Current debates on the right to privacy revolves around: whether privacy can co-exist with the current rapid developments of intelligence agencies to access and analyze many details of an individual's life; whether or not the right to privacy is forfeited as part of the social contract to bolster defense against supposed terrorist threats; and whether threats of terrorism are a valid excuse to spy on the general population.



Topic Background

Topic 1: Privacy Rights Under Technology

The UNHRC has addressed the privacy rights issue in many different ways. Privacy International led the civil society's campaign for the creation of a UN Special Rapporteur on the Right to Privacy in the digital age. The campaign was successful and the Human Rights Council created this mandate in March 2015, and renewed it in 2018. Wishing to maintain political support for the promotion of the right to privacy and building consensus about the limits that existing human rights law impose on state surveillance, the UNHRC campaign for an incremental build up of resolutions to address the current concerns about the right to privacy in the digital age. These resolutions adopted almost annually by the General Assembly and the Human Rights Council, represent the international community consensus on the right to privacy.

Though many countries are contributing to the protection of privacy rights, there is still an urgent need for authoritative interpretations of existing human rights law as the gap between the recommendations of human rights bodies and the laws and practices of states is still growing.

Topic Background

Topic 1: Privacy Rights Under Technology

Bloc Positions

Keep in mind, Delegates, while these are generally what is going to be expected from the various groups, know that your answers to the above research questions and your country's unique situation will be far more important as to what facets of which bloc position you want to push for. Creating your own, unique solution can be essential to productive debate.

UK:

In the UK, in recognition of the need for robust data protection, a new Data Protection Bill was introduced in Parliament in September 2017. The Bill is intended to create a new data protection framework fit for the digital age, which incorporates the provisions of the EU's General Data Protection Regulation (GDPR) and Data Protection Directive (DPD) into 3 domestic law; the bill also gives people more control over the use of their data and providing new rights to move or delete personal data.

Topic Background

Topic 1: Privacy Rights Under Technology

Bloc Positions

Germany/Hungary/Italy:

In Germany, the protection of digital privacy is also ensured by the stipulations of the Criminal Code. The following are liable to punishment under criminal law: data espionage, phishing as well as acts preparatory to data espionage and phishing. Moreover, data tampering and computer sabotage are likewise liable to punishment under criminal law. In Hungary, an important solution to protect privacy rights during the use of e-government services will be the Registry of Data Associations. This registry will ensure a greater protection of personal data, as it will store data connection codes generated and encrypted by the different registries that will ensure proper data connection between records and an adequate protection of personal data. In Italy, European Data Protection Supervisor has cooperated with Italian Data Protection Authority to address issues dealing with personal data and information.

Topic Background

Topic 1: Privacy Rights Under Technology

Questions to consider:

- ❖ How are the other countries protecting individuals from privacy violations?

Topic Background

Topic 2: Child Rights

Child rights are human rights with special attention to protection and care afforded to the minors. The 1989 Convention on the Rights of the Child (CRC) defines a child as "any human being below the age of eighteen years, unless under the law applicable to the child, majority is attained earlier". Children's rights include their right to association with both parents as well as the basic needs for physical protection, food, education, health care, criminal laws appropriate for the age and development of the child, and so on.

In the early twentieth century, it was common for children to work unsanitary and unsafe conditions for many hours per day every week. Growing recognition of the injustices of their situation, propelled by greater understanding of the developmental needs of children, is one of the major ways that will lead to a movement to better protect children.



Topic Background

Topic 2: Child Rights

In 1959, the United Nations General Assembly adopted the United Nations Declaration of the Rights of the Child, which enunciated ten principles for the protection of children's rights, including the universality of rights, the right to special protection, and the right to protection from discrimination, among other rights. The Declaration articulates that all people owe children the right to -- means for their development; special help in times of need, priority for relief, economic freedom and protection from exploitation, and an upbringing that instils social consciousness and duty.



Topic Background

Topic 2: Child Rights

Over the past century, international standards on child rights have also advanced dramatically over the past century, Somalia and South Sudan ratify the Convention in 2015. The Convention has now been the most widely ratified instrument with 196 States. In addition, many other countries have created declarations for children's rights. For example, Argentina enacted national Law for the Integral Protection of Children and Adolescents in order to implement the UN Convention on the Rights of the Child. This created the groundwork for a justice system for children so that they can be integrated into society without abuse and exploitation. Brazil has also been a founding member of the UN and a signatory of the Universal Declaration of Human Rights, adopted by General Assembly resolution in 1948.

Though gaps still remain in meeting the ideals of combating violations against child rights, longstanding movements promoting youth rights in the international community has made substantial gains in the past.



Topic Background

Topic 2: Child Rights

Questions to Consider:

- ❖ What are examples of the ways in which the adoption of the UNCRC has impacted children and youth around the world, and what does the future hold?
- ❖ How will the international community respond and support nations that choose to combat child rights violations?
- ❖ What can we (the US) do in the absence of a ratified UNHRC to support children and youth in our country and other countries in the international community?
- ❖ Were some of the current methods of different countries effective?

Topic Background

Topic 2: Child Rights

Bloc Positions

USA:

As a result, children's rights have not been systematically implemented in the U.S. As a result, children's rights have not been systematically implemented in the U.S. Children are generally afforded the basic rights embodied by the Constitution. There are other concerns in the United States regarding children's rights. The American Academy of Adoption Attorneys is concerned with children's rights to a safe, supportive and stable family structure. Their position on children's rights in adoption cases states that, "children have a constitutionally based liberty interest in the protection of their established families, rights which are at least equal to, and we believe outweigh, the rights of others who would claim a 'possessory' interest in these children."

Topic Background

Topic 2: Child Rights

Bloc Positions:

UK/France/Germany:

Though UK initially maintained a position that UNHRC is not legally enforceable and is hence “aspirational” only: “The human rights of children and the standards to which all governments must aspire in realizing these rights for all children are set out in the Convention on the Rights of the Child.” 18 years after ratification, the four Children's Commissioners in the devolved administrations have united in calling for adoption of the Convention into domestic legislation, making children's rights legally enforceable”. France is in cooperation with all the major treaties dealing with children rights. It has in place several mechanisms to monitor the implementation of the 1989 Convention on the Rights of the Child. Germany is in agreement with the global conventions that protect the rights of the child, though Germany prefers to interpret these according to the principles of European agreements, specifically the European Human Rights Convention and also in accordance with German Constitutional guarantees.

Topic Background

Topic 2: Child Rights

Bloc Positions:

China/Russia/Afghanistan:

China has ratified many international documents with regard to children's rights protection, including the 1989 Convention on Rights of the Child, the Optional Protocol to the Convention on Rights of Child on the Sale of Children, the Worst Forms of Child Labor Convention 1999, and The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption 1993. In Afghanistan, with UNICEF support, CPANs coordinate government and non-governmental organizations on behalf of individual children at risk. Between January and October 2019, these networks dealt with 5,345 individual child protection cases. The Russian Constitution, which was adopted in 1993, provides hundreds of laws, presidential decrees, government resolutions, and executive regulations of specific agencies to secure rights of children.

Bibliography

- 1) https://en.wikipedia.org/wiki/United_Nations_Human_Rights_Council
- 2) <https://www.unhcr.org/en-us/>
- 3) https://en.wikipedia.org/wiki/Children%27s_rights
- 4) <https://www.un.org/en/sections/issues-depth/children/index.html>
- 5) https://en.wikipedia.org/wiki/Right_to_privacy#History
- 6) <https://www.un.org/en/universal-declaration-human-rights/>