

Forum: Human Rights Committee

Issue: Promoting political representation of women as a means to improve good governance.

Student Officer: Camila Römer

Position: Chair

Introduction

Nowadays, women's contribution to formal political structures and processes remains low. There is slightly more than half the number of women in the world than there are men. Despite this, they represent only 15 percent in legislatures across the globe, saving twelve countries where women hold at least 33 percent of seats in parliament. However, this problem is becoming increasingly acknowledged among the international community, encouraging the global commitment to achieve gender balance in politics (Bari, 2005).

Throughout history, women have been ruled out from political structures and processes because of structural, functional and personal factors that vary according to the multiple social contexts that exist in the world (Bari, 2005). In 1995, the Fourth World Conference on Women was held in Beijing. The Beijing Platform for Action reaffirmed that there continued to be a prevailing exclusion of women from formal politics, undermining the concept of democracy that promotes equality among all citizens. The platform emphasized that *“women's equal participation in decision-making is not only a demand for justice or democracy, but can also be seen as a necessary condition for women's interests to be taken into account. Without the perspective of women at all levels of decision-making, the goals of equality, development and peace cannot be observed.”* A series of measures were released and encouraged to be taken into account so as to make progress in achieving an equal distribution of positions in political representation. In the ten-year review in 2005, the Beijing Declaration and Platform for Action recognized that some progress was made, but there were still noticeable gaps and challenges that demanded accelerated implementation of methods to solve them (Expert Group Meeting Addis-Ababa, 2005, 5).

In 2011, the UN General Assembly had a resolution on women's political participation that stated that *“Women in every part of the world continue to be largely marginalized from the political sphere, often as a result of discriminatory laws, practices, attitudes and gender*

stereotypes, low levels of education, lack of access to health care and the disproportionate effect of poverty on women.” (UN Women, n.d.).

Nowadays, there are several solid arguments in favour of women’s representation in parliament. The first is the **justice argument** that brings forward the need for women having half the seats in as they make up half of the world’s population. The second is the **experience argument** that proposes that women have separate experiences than men, either biologically or socially constructed, that should be represented as well. The **interest argument** claims that women and men have conflicting interests and these cannot be represented solely by men. The **symbolic argument** says that female politicians are role models for all women, regardless of their party or views. The **democracy argument** says that equal representation of women and men helps the democratization of governments



(Delys, 2014).

Image retrieved from: (United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), 2017).

Definition of Key Terms

Feminism

“1 : the theory of the political, economic, and social equality of the sexes.

2 : organized activity on behalf of women’s rights and interests.” (Merriam-Webster Dictionary, n.d.).

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Governance

“The process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.” (Sheng, n.d.).

Good governance

“Good governance has 8 major characteristics. It is participatory, consensus, oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the view of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.” (Sheng, n.d.).

Quota system

Quota: *“1 : a proportional part or share; especially: the share or proportion assigned to each in a division or to each member of a body. [...] 3 : a fixed number or percentage of minority group members or women needed to meet the requirements of affirmative action.”* (Merriam-Webster Dictionary, n.d.).

Voluntary Party Quotas: *“involves a party committing itself to nominating a certain percentage of female candidates for electoral lists.”* (Ford, 2012).

Candidate Quotas: *“required by the law of a country and stipulate that a certain*

number of candidate positions must be reserved for women.” (Ford, 2012).

Reserved seats: “positions for which only female candidates can compete and are used as a more direct way of regulating the number of women in elected positions.” (Ford, 2012).

Political participation

“Participation in electoral processes involves much more than just voting. Political participation derives from the freedom to speak out, assemble and associate; the ability to take part in the conduct of public affairs; and the opportunity to register as a candidate, to campaign, to be elected and to hold office to all levels of government.” (www.un.org Editors, n.d.).

Political representation

“Political representation is a process by which the articulation of political agendas is represented in institutions of decision-making in democratic societies through political parties and elected chambers of policy making such as parliaments.” (Rai, 2005).

Background Information

Factors against women’s participation

Numerous factors contribute to the underrepresentation of women in political leadership. Their access to formal political power structures, and their consequent involvement and participation, is prohibited due to several structural and functional constraints that vary according to the country. Several authors claim that political, ideological, psychological and socio-economic barriers are the cause for women’s absence in the political arena. Many times, traditional attitudes that go against women working in decision-making jobs are the main objection for them joining political life. These traditions emphasize women’s primary roles as mothers and housewives, sexually segregating them and complicating them in entering the public sphere. Furthermore, the long-lasting influence of media that portrays women as “sex objects” further complicates

their involvement in politics (Delys, 2014). Therefore, women's representation and leadership are more inclined to informal decision-making processes than in formal positions and structures.

First movements in favour of women's participation

During the 19th century, women's movements began to emerge throughout the world, and by the 1920s, they strengthened the bonds between women, enlarged their opportunities and forced the issue of their rights (Remy-Hébert, n.d.). Historically, left leaning parties have been the most committed to introducing internal party mechanisms to incorporate women in politics and leadership positions (Tadros, 2011).

Great Britain

In the 19th century, British women had no place in national politics. They were not allowed to vote or present themselves as candidates for the parliament. As a result of the industrial revolution, many women had full-time jobs which had as a "collateral effect" the opportunity for them to meet in large organized groups to discuss political and social issues. By 1866, organized campaigns for women's suffrage began to appear, and from 1888 women could vote in many local council elections. In 1897, several local women's suffrage societies formed the National Union of Women's Suffrage Societies and were led by Millicent Fawcett. They believed that they could achieve their objectives through non-violent methods. These were the suffragists and were exclusively middle class. By 1900, they had gained considerable support in Parliament, but not enough to pass. Out of this movement were born the suffragettes in 1903 and known as the Women's Social and Political Union. From 1912 onwards they implemented violent methods in their campaigns. When World War I broke out in 1914, the entire suffrage movement scaled down and suspended some of their activities to help their nation (BBC Bitesize Editors, n.d.).

United States of America

In 1848, the women's rights movement at the Seneca Falls Convention published the "Declaration of Sentiments", which enlisted a series of economic, political and social grievances, pointing out that women were not allowed to own property and their financial

income was lower than men. As the 19th century went on, organizations like the National Woman Suffrage Association and the American Woman Suffrage Association were established to promote suffrage. During the Civil War, the Reconstruction and World War I, women’s role began to change. They began to show revolutionary signs that went against the patriarchal society of the time. It was only by 1920 that women earned the right to vote after the ratification of the 19th Amendment (Hoffberger, n.d.).

United Nations

After World War II ended in 1945, the United Nations was founded as a prevention method to avoid the devastating effects of the war happening again. It became the first international body that promoted equality between women and men in its founding document. By 1946, the United Nations Commission on the Status of Women was formed, promoting the global advancement of women. It first centred itself on basic human rights, but then emphasized the need for the inclusion of women socially and economically (Vogelstein, 2016).

Main countries and organisations involved

	Country	Women in parliament (%)
1	Rwanda	63.8
2	Bolivia	53.1
3	Cuba	48.9
4	Seychelles	43.8
5	Sweden	43.6
6	Senegal	42.7
7	South Africa	41.9
8	Ecuador	41.6
9	Finland	41.5
10	Iceland	41.3

Source: Inter-Parliamentary Union, 2017

Rwanda

Rwanda has the highest number of women parliamentarians in the world, with 63.8% of seats. The call for equality was led by one man, instead of by thousands of women, as it happened in Great Britain and United States, for example. President Paul Kagame led his country from the year 2000 when his army stopped the genocide. He saw his country so demolished, that he understood that it would never be reconstructed with men's labour alone. In 2003 a new constitution was passed, stating that 30 percent of parliamentary seats had to be reserved for women. The government began to encourage girls' education and women would be appointed leadership roles. In the 2003 election, 48 percent of parliamentary seats went to women. This was achieved thanks to the broadly popular mandate of Kagame for stopping the genocide (Warner, 2016).

Bolivia

Bolivia holds the second position in the highest amount of women in parliament after Rwanda, with 53.1 percent of seats. However, the political process between these two countries are different. In Rwanda, the inclusion of women in politics happened after a civil war because the society needed them to reconstruct the country. In Bolivia, the change happened democratically. Bolivian legislation during the last years promoted women joining the political arena (O'Donnell, 2016).

Cuba

In 1966, Fidel Castro publicly admitted the importance of incorporating women into the new Cuban social project. By that time, women were helping to develop the educational and health care system, and were beginning to join the workforce. Their inclusion in politics, however, was a slower process. In 1974 in the Second Congress of the Cuban Federation of Women, Castro described that Cuba's leadership structures were dominated by men, and stressed the importance of women's participation. However, nowadays, regardless of the number of seats that women possess in parliament, they still remain a minority in the country's National Assembly (Luciak, n.d.).

UN Women

Founded in July 2010 by the United Nations General Assembly, the United Entity for Gender Equality and the Empowerment of Women was a step forward that accelerated reaching the Organization's goals on gender equality. It merges and builds on the work of four parts of the UN system: Division for the Advancement of Women (DAW), International Research and Training Institute for the Advancement of Women (INSTRAW), Office of the Special Adviser on Gender Issues and Advancement of Women (OSAGI), and the United Nations Development Fund for Women (UNIFEM). The main objectives of UN Women are to support inter-governmental bodies to formulate their policies, global standards and norms; to help Member States to put into practice these standards, providing the needed technical and financial support to those who need and request it; and to lead and coordinate the UN system's work on gender equality (UN Women Editors, n.d.).

International Women's Democracy Center

It is a foundation that aims to strengthen women's global leadership by training, educating, networking and researching all facets of democracy. It particularly focuses on increasing the participation of women in politics, policy and decision-making in their own governments. It was established in 1995 and works in partnership with local organizations around the globe to implement programs and projects. Furthermore, in 1998, the United Nations awarded the foundation with Special Consultative Status to the UN, ensuring its official participation in all Special Session, expert group meetings and regional conferences of the Economic and Social Committee of the UN (IWDC Editors, n.d.).

The International Institute for Democracy and Electoral Assistance

Organization that aims to support sustainable democratic change by providing comparative knowledge, assisting during democratic reform, plus influencing policies and politics (IDEA Editors, n.d.).

Women's Campaign International

In 1995, the Director of the United States delegation to the United Nations Fourth World Conference on Women in Beijing, China, Marjorie Margolies, founded the Women's

Campaign International (WCI) to empower women to achieve the Conference’s goals.

Nowadays it is a renowned international NGO working with individuals and communities throughout the developing world, providing skills, knowledge and culturally-sensitive support to develop leaders and transform communities. It aims to empower *“girls and women to actively participate and fill leadership roles in the economy, community development, civil society, and peacebuilding efforts.”* (WCI Editors, n.d.).

Women’s Democracy Network

Established in 2006, the Women’s Democracy Network (WDN) is an initiative of the International Republican Institute that aims at increasing women’s political participation, leadership and representation in elected office. To do this, the Network links these women with peers in other countries who share similar struggles, providing mentorship from experienced women, and through skill-building trainings personally designed. To date, the Network is active in 61 countries in every region of the world (WDN Editors, n.d.).

Timeline of events

- 1911** First celebration of International Women’s Day.
- 1945** Gender equality enshrined in the United Nations Charter.
- 1975** UN First World Conference on Women in Mexico City.
- 1979** CEDAW: An “international bill of rights for women”.
- 1994** International Conference on Population and Development in Cairo.
- 1995** UN Fourth World Conference on Women in Beijing.
- 2000** September: Adoption of the Millennium Development Goals.
- 2000** October: Passage of UN Security Council Resolution 1325 formally acknowledged women as integral actors in international peace and

security processes.

2010 Creation of UN Women.

2015 Adoption of the Sustainable Development Goals.

Source: (Vogelstein, 2016).

Relevant UN treaties and Events

- June 26th, 1945 Article 1 of the United Nations Charter affirms the body's aim of *"promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."*
- United Nations First World Conference on Women in Mexico City June 19th to July 2nd, 1975.
- United Nations General Assembly adopts the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on December 18th, 1979.
- United Nations Fourth World Conference on Women in Beijing, China addressing issues of human rights, poverty, economic inclusion, and gender-based violence on September 4th to 15th, 1995.
- Adoption on the United Nations Millennium Declaration, set of eight time-bound goals which are all linked to the status of women and girls, specifically Goal 3 and 5 that call for gender equality and improved maternal health.
- United Nations Security Council Resolution 1325 (UNSCR 1325) on October 31st, 2000.
- United Nations Security Council Resolution 1820 (UNSCR 1820) on June, 2008.
- United Nations Security Council Resolution 1888 (UNSCR 1888).

- United Nations Security Council Resolution 1889 (UNSCR 1889).
- United Nations Security Council Resolution 1960 (UNSCR 1960).
- United Nations General Assembly forms UN Women, an entity dedicated to achieving global gender equality and the empowerment of women and girls.

Source: (Vogelstein, 2016).

Previous attempts to solve the issue

There have been a number of strategies that governments and donors used to encourage women into politics. Among them are training women for political candidacy; providing funding or capacity building on fundraising for women candidates; mobilizing female voters; gendered civic awareness and separate polling booths for women.

By 2006, around 40 countries implemented quotas for women in elections to national parliaments, either by means of constitutional amendments or by changing electoral laws. These are effective to redress the numerical gender imbalance between men and women in parliament. However, studies carried out in Ghana, Egypt, Sierra Leone, Bangladesh, India, Brazil, Costa Rica, Sudan, etcetera, have shown that quotas by themselves are not a method a hundred percent effective for women's political empowerment. Their effectiveness is conditional of the type of quota chosen and the type of electoral system in place, as well as the configuration of power of local political actors (Tadros, 2011).

Brazil

Brazil's quota system improved women's representation when it was first applied. Yet, it eventually reached plateau. The law stated that there should be a minimum of 30 percent per men and 30 percent per women of the total number of candidates. However, the law also states that the lists for each party could be up to 150 percent in relation to the number of seats available for each state. The quota is actually calculated on the potential list, rather than on the actual list of candidates. As parties do not have that many

representatives, the 30 percent of seats left for women are rarely filled, therefore, instead of multiplying the number of women, it only puts up barriers. Therefore, by 2006, the number of women candidates and elected were very similar to the numbers in 2002 (Tadros, 2011).

India

The UMP (Uttarakhand Women's Federation), a women's movement working in the hill villages in India is a network of around 450 women's groups (Whole Village Groups or WVGs) that are spread over villages in seven districts of Uttarakhand. The WVGs helped develop and promoted women's leadership, on a collective and individual level (Tadros, 2011).

Sweden

Sweden has the highest proportion of women parliamentarians. In 1971, 50 years after the women's suffrage was won, women's representation in the Swedish parliament was only 14 percent. Yet, during the 1970s women's representation started to increase. Several factors have helped to achieve the incorporation of women in politics. These are: institutional factors (electoral systems, political party list characteristics, party ideology and rules, etcetera); socio-economic factors (women's labour force participation, women's educational level, etcetera); and cultural factors. The Swedish system of proportional representation along with the factors mentioned earlier hold great importance in explaining the high level of women in their parliament. Strategies adopted to find solutions to the issue in hand are both formal and informal, mandatory and non-mandatory, operating in national or local level, internal level or external level (Freidenvall, 2003).

United Nations

On the 31st October in the year 2000, the United Nations Security Council adopted the resolution 1325 on women and peace and security. *"The resolution reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction, stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security. Resolution 1325 urges all actors to*

increase the participation of women and incorporate fender perspectives in all United Nations peace and security efforts.” (OSAGI Editors, n.d.).

Possible solutions

It is crucial to understand that no single method that is universally effective for incorporating women in political arenas to ensure good governance exist, nor can it possibly be created, keeping in mind the wide range of context-related factors that exist that act as barriers to achieve equal representation. Yet, some measures can be put into practice by all nations, that have been already implemented and proven effective in a number of countries with very different contexts, that can indeed aid with the issue in hand.

Probably the most important measure that can be put into practice is informing the general public on the importance in the implementation of women into political life, and the benefits that this will signify to the society as a whole. Furthermore, political parties are the primary and most direct pathway through which women can access elected office and political leadership. This is why structures, policies, practices and values of political parties have a strong impact on the level of females’ participation in the political life of their country (Ballington, 2011).

It is important to keep in mind that there are no technical formulas that can be universally applied to ensure the perfect quota. These depend on the type of electoral system and other context-related factors. The proportional party list system has been regarded as the most effective to create enabling conditions for women to compete in politics. Its strength comes from the requirement of political parties to endorse women candidates. Due to the impossibility of creating a “one-size-fits-all” quota to promote political representation of women, mechanisms for enforcing quotas and ensuring accountability have to be negotiated among the different local realities so as to tackle historical and political traditions that are prohibiting the incorporation of female figures in the political arena. Therefore, for these processes to work, the policy should focus on getting the institutional mechanisms right (Tadros, 2011).

Special emphasis is necessary in women’s collective action around equality. Women’s movements have been proven to play a majorly influencing role in a range of

interventions. They have established a working relationship with international women's actors; extended financial aid for women candidates who found themselves working within a very limited amount of financial resources; they supported constituency building; and provided capacity support for candidates. The encouragement of feminist movements should be encouraged in all nations to show further support for the participation of women in politics. Yet, governments have to take special care that women do not acquire seats in legislatures without merit, as these women will eventually find themselves struggling to acquire legitimacy as political actors, not only in other politicians and the wider public's views, but in relation to their own self-image, potentially lowering their credibility. This will further aid to counteract any opposition claims that a woman was not democratically elected (Tadros, 2011).

Finally, instead of focusing solely on getting women into legislatures, policies have to grant women opportunities for political apprenticeships that will ultimately lead to women's leadership. Non-governmental organisations, clubs and community centres, as well as universities, schools and the workforce are possible spaces that can help to encourage women to assume leadership (Tadros, 2011).

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Forum: Human Rights Committee

Issue: Preventing arbitrary detentions and disappearances amongst civilians.

Student Officers: Camila Römer and Guillermo Sobral Marsicano

Positions: Chairwoman and Deputy Chairman of the Human Rights Committee

Introduction

The articles number 9 and 10 of The Universal Declaration of Human Rights read: "No one shall be subjected to arbitrary arrest, detention or exile. " and "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him. " respectively. Both the matters of right to a fair trial, and the right to due process join and overlap when considering the issue at hand.

According to TRIAL International, arbitrary detention: "is defined as the arrest and deprivation of liberty of a person outside of the confines of nationally recognized laws or international standards." arbitrary detention is usually accompanied by the lack of right to fair trial and due process. Furthermore, most cases of arbitrary detention usually end up with extrajudicial punishment, which is defined as "That which is done, given or effected outside the course of regular judicial proceedings. Not funded upon, or unconnected with, the action of a court of law"

Throughout history, mankind has been witness of the several forms this issue has taken. Usually, it is manifested during a period of political instability, international conflict or war. Examples of this include the "Nacht und Nebel" in Nazi Germany, Operation "Condor" during the Argentinian Dirty War and "The Guatemalan Genocide" during the military government's counterinsurgency operations, amongst others.

Although, as mentioned previously, this issue usually takes place when a judicial system is not able to function properly or is not present, this has not been the only case in the last half century. Both countries with liberal democracies and oppressive regimes have used practices such as arbitrary detention, forced disappearance, torture and arrest without a right to trial. Some of the most democratic governments in the world, like the one of the

United States of America, have been accused with evidence of fighting the war on terrorism with said practices. Other nations such as The Democratic People's Republic of Korea are known to use these aforementioned methods, amongst others, to promote loyalty to the governments, as well as cult to their leaders.

People in areas of conflict, war prisoners, political advocates, party leaders, foreigners in countries where there is a scenario of political instability, and many others are examples of the people who face this issue. A distinction needs to be made towards the enforcer of the punishment, detention or arrest. These needn't be governments, but can also be rebel groups or organizations seeking profit, attention, or other matters. A very emblematic example of a these cases is the kidnapping of Ingrid Betancourt by the FARC group in late 2002.

Definition of Key Terms

Human Rights

" Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. "

Political Prisoner

"A person who has been put in prison for criticizing the government "

War Crimes

"**Serious** violations of the laws and customs applicable in international armed conflict"

Crimes against Humanity

" murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian populations, before or during the war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated. "

Show Trial

“A trial (as of political opponents) in which the verdict is rigged and a public confession is often extracted”

Arbitrary Detention

“The arrest and deprivation of liberty of a person outside of the confines of nationally recognized laws or international standards.”

Death Squad

“Any of various extremist groups whose members kill suspected political adversaries and criminals”

Extraordinary Rendition

“Secret or forcible rendition of a suspected criminal to another country, often a country known to violate human rights and due process of law”

Paramilitary

" A paramilitary is a semi-militarized force whose organizational structure, tactics, training, subculture, and function are similar to those of a professional military, but which is not included as part of a state's formal armed forces. "

Extrajudicial Punishment

“That which is done, given or effected outside the course of regular judicial proceedings. Not funded upon, or unconnected with, the action of a court of law”

Forced Disappearances

" enforced disappearances occur when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law. "

Conviction

“The act or process of finding a person guilty of a crime especially in a court of law”

Due Process

“A course of formal proceedings (such as legal proceedings) carried out regularly and in accordance with established rules and principles”

Torture

“The infliction of intense pain (as from burning, crushing, or wounding) to punish, coerce, or afford sadistic pleasure”

Coerced Confession

“A coerced confession is one made against one's free will, usually obtained under means of torture or other forms of duress”

Background Information

The issue of arbitrary detentions and Disappearances amongst civilians has existed ever since there was a judicial system to override and laws to breach in the first place. World History usually situates this period during the aftermath of the French Revolution, in the year 1798, when the Rights of Men and the Citizen were formulated. This, together with the Geneva Conventions of 1864 are regarded as one of the precedents to international law national law and Human Rights.

Many of the first ever disappearances to be registered and reported come from the early 20th century, during the Weimar Republic in Germany. Here, the “Freikorps” were deployed by the government. They were "Composed of ex-soldiers, unemployed youth, and other discontents and led by ex-officers and other former military personnel, they proliferated all over Germany in the spring and summer of 1919...and were employed unofficially but effectively to put down left-wing revolts and uprisings in Berlin, etc. They fought miniature wars and sometimes resorted to plunder and terror."

Further on in History, in Hitler's Germany, the operation “Nacht und Nebel” also became an emblem of Human Rights violations, amongst which there was torture, enforced disappearances, and arbitrary detention. However, these were the first extrajudicial punishments to be tried in the famous “Nuremberg Trials”. This, not only settled a

precedent for International Human Rights Law, but also, made the public aware of the scale and crudeness which the operation had taken. Several thousands of people, however, remain disappeared.

During the Cold War, disappearances became vastly common for both citizens of the United States and The Soviet Union. Although, it is fair to say that the targeted group was mainly spies and intelligence officials, many civilians were wrongly detained, incarcerated, denied the right to due process and eventually “disappeared” or killed. This technique was also used by the Soviet Union to spread terror amongst their population, with the implementation of secret police, for example, the NKVD troika. At that point in time, tensions were very high in the international scenario, moment in which Human Rights are more overlooked according to history. The detentions and disappearances were not only carried out through the Soviet Union, the Satellite States also suffered a political crisis in this sense and implemented paramilitary police; such as the German Stasi.

During the period comprehended between the late 1960’s and the early 1980’s, South America and Central America underwent a series of political processes, in which, military forces or dictators overthrew the democratic government. Some of the countries who faced this situation where: Guatemala, Brazil, Chile, Argentina and Uruguay, amongst others; the dictatorships often comprised many severe Human Rights violations. The infamous secret police in these nations, used methods such as “disappearing” civilians, torturing and murdering political advocates and many more in order to combat the rebel groups and to counter the leftist ideology. Examples of these conflicts, are, for example, The Pinochet Dictatorship in Chile, or the “Dirty War” in Argentina. Most, if not all, of these dictatorships were supported by the government of The United States, fully knowingly of the practices these involved, to combat the spread of communist ideology in the world.

This point in history was when the United Nations first took notice of the issue and its scale and tried to intervene. “Enforced disappearances were first recognized as a human rights problem in the 1970s, when human rights lawyers in Chile noted that some of the prisoners they were representing had dropped from sight and contact even though ostensibly they continued to be held in custody by Chilean security forces.” The United Nations quickly put to work; however, they found intervening a very difficult task, since they could not interfere with the government of any given nation. Therefore, they decided to put international pressure on them. “In 1980 the UN’s Human Rights Sub-Commission on the

Promotion and Protection of Human Rights set up a Working Group on Disappearances as its first thematic human rights mechanism with a universal mandate. In 1992 the UN General Assembly approved a declaration on enforced disappearances and in 2006 finalized the International Convention for the Protection of All Persons from Enforced Disappearance.”

During the last and present year, Venezuela faced an enormous economic crisis which led to unrest in civilians and political instability. A report from Amnesty International reads: “Venezuelan authorities are using the justice system to illegally increase persecution and punishment of those who think differently”.

Main countries and organisations involved

United States of America

The United States of America has developed one of the most sophisticated and large networks focused on disappearances and arbitrary detentions of tourists, civilians and others. This, they say, is due to the fight against terror. For the most part, the Central Intelligence Agency controls how it operates. Inmates of high security facilities under the control of the United States, especially those charged with treason, also face this issue.

As quoted in an article by The Guardian, "In the words of former CIA agent Robert Baer: "If you want a serious interrogation, you send a prisoner to Jordan. If you want them to be tortured, you send them to Syria. If you want someone to disappear – never to see them again – you send them to Egypt."

The United States of America has also recently implemented the National Defense Authorization Act. Its provisions regulate the detention, prosecution and interrogation of any suspect of terror, under the laws of war. Furthermore, it allows the Government of the United States to make any person subject to indefinite detention of if merely suspected, not convicted, of committing a belligerent act, including the citizens of the United States.

Amnesty International

Amnesty International has been working tirelessly both with the governments of many nations, as well as with the United Nations themselves to help solve the issue of enforced disappearances. They achieved, in late 2010, an International Disappearances

Convention. In their report, they claim that there is a series of steps needed to guarantee a full investigation on disappearances, which reads as follows:

- Investigate and prosecute those responsible in a fair trial.
- Legislate to make the International Convention national law.
- Implement the International Convention and accept the competency of the Committee on Enforced Disappearances.
- Live up to their obligations under international law.
- Make sure survivors and people who have lost their loved ones receive reparation – this includes compensation, rehabilitation, restitution and a guarantee that it won't happen again."

Altogether, the many volunteers of the organization help write letters to families where a loved one is missing to keep them informed on the matter; and appeals to governments.

People's Republic of China

The People's Republic of China has used many forms of extrajudicial punishment throughout the last half century. They are further accused of torturing political activists by hand of the governments and paramilitary groups. Generally speaking, anyone known by the government to have different political ideologies and/or radical religious practices could be subject to enforced disappearance by the state. The cases stack up with the passing years, but little has been achieved to ensure transparency and the respect of Human Rights. Furthermore, police use a set of tactics to surveil a person who is known to be a political activist, even after he or she is released from prison.

Other countries where this conduct is prevalent:

- **India**
- **Democratic People`s Republic of Korea**
- **Philippines**
- **Indonesia**
- **Jamaica**
- **Colombia**
- **Cuba**

- **Nigeria**
- **Armenia**
- **Moldova**
- **Bangladesh**

Timeline of events

- 1945** Founding of the United Nations and the International Court of Justice at the San Francisco Conference.
- 1946** Establishment of the Human Rights Commission.
- 1948** The convention on the Prevention and Punishment of the Crime of Genocide. The General Assembly adopts the Universal Declaration of Human Rights.
- 1949** The Geneva Conventions define the rules governing protection for persons in armed conflict.
- 1953** Convention for the Protection of Human Rights and Fundamental Freedoms.
- 1955** The UN adopts the Standard Minimum Rules for the Treatment of Prisoners on the living conditions and treatment of prisoners.
- 1959** Creation of the European Court of Human Rights.
- 1966** The International Covenant on Economic, Social and Cultural Rights.
The International Covenant on Civil and Political Rights.
The Optional Protocol to the International Covenant on Civil and Political Rights.
- 1969** The American Convention on Human Rights.
- 1980** The Human Rights Commission establishes a working group of five independent experts to investigate issues around cases of enforced or involuntary disappearances and to gather the information required to locate people who have disappeared through dialogue with the governments concerned and the families of the victims.

- 1981** Adoption of the African Charter on Human and Peoples' Rights.
- 1984** Adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
- 1985** The post of Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment is created.
- 1987** The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.
- 1989** The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- 1991** The UN establishes a Working Group on Arbitrary Detention to help victims of arbitrary arrest and their parents.
- 1992** The General Assembly issues the Declaration on the Protection of all Persons from Enforced Disappearance.
- 1994** The General Assembly of the Organization of American States (OAS) adopts the Inter-American Convention on Enforced Disappearance of Persons.
- 1998** Adoption of the Rome Statute of the International Criminal Court (ICC).
Adoption of EU guidelines on the death penalty.
- 2001** Adoption of EU guidelines on torture and other cruel, inhuman or degrading punishment or treatment.
- 2002** Entry into force of the International Criminal Court.

The African Commission on Human and Peoples' Rights adopts the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- 2004** The African Commission on Human and Peoples' Rights establishes the Follow-up Committee on the implementation of the Robben Island Guidelines.
- 2005** Establishment of the Working Group on Death Penalty in Africa of the African Commission on Human and People's Rights.

2006 Establishment of the United Nations Human Rights Council to replace the Human Rights Commission.

Adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.

2009 Establishment of the Committee for the Prevention of Torture in Africa.

2010 Entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance.

Timeline retrieved from: (FIACAT Editors, 2011).

Relevant UN treaties and Events

- The Geneva Conventions of 1949, agreement that will eventually become the foundation of modern international humanitarian law. These apply in all cases of declared war, or in any other armed conflict between nations, in cases where a nation is partially or totally occupied by soldiers of another nation (American Red Cross, 2011).
- United Nations General Assembly Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the 10th December, 1984 (UN General Assembly, 1984).
- The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 1987.
- The General Assembly issues the Declaration on the Protection of all Persons from Enforced Disappearance in 1992.
- The Working Group on Arbitrary Detention established by resolution 1991/42 of the former Commission on Human Rights (OHCHR Editors, n.d.).
- United Nations Security Council Resolution 2254 on December, 2015.
- United Nations Resolution A/HRC/33/L.30
- United Nations Resolution A/HRC/33/L.22

Previous attempts to solve the issue

Inter-American Convention on Forced Disappearance of Persons

The Inter-American Convention focuses mainly on protecting all persons from enforced disappearances. It states that countries should punish those who commit or attempt to commit the crime of forced disappearance of persons. Countries should cooperate with one another, helping to prevent, punish and eliminate said crime. Finally, nations should take legislative, administrative, and judicial action to comply with the commitments undertaken in the convention (OAS, 1994).

International Convention for the Protection of All Persons from Enforced Disappearances

It was adopted on the 20th December 2006 by the United Nations General Assembly. It was designed as a legally binding tool against the disappearance of persons. State Parties must act in accordance to specific laws that established the crime of enforced disappearance. They must investigate complaints and reports of enforced disappearance, bringing forward those responsible to justice. A monitoring body is required to check on the implementation of the rights and obligations agreed upon (humanrights.ch, 2014).

India

In numerous Indian states, entire families have found their human rights violated in the form of enforced disappearance, torture and rape. After the adoption of the International Convention for the Protection of All Persons from Enforced Disappearances (CED), India has just signed but not ratified it. As India is also part of other human rights treaties that address human rights violations that occur in the course of an enforced disappearance, India is tied to norms of customary international law. Therefore, it has undertaken certain obligations outside of the CED that protect individuals from enforced disappearances. If a violation occurs, India is obligated to ensure that victims have access to a remedy (IHRLC, 2014).

Ukraine

The Ukrainian authorities and pro-Kiev paramilitary groups detained civilians suspected of involvement with or supporting Russian-backed separatists. Amnesty International and Human Rights Watch documented nine cases of arbitrary, prolonged detention of civilians by the Ukrainian authorities (HRW Editors, 2016). In regards to this, a report made by Human Rights Watch stated that “*International human rights law, international humanitarian law ban arbitrary detention, torture, and ill-treatment. The ban on torture is absolute. Torture is, in fact, a war crime.*” The UN Office of the High Commissioner for Human Rights (OHCHR), said that “*arbitrary detention, torture, and ill-treatment remain deeply entrenched practices*” in the region (Tomiuc, 2016). It is important to keep in mind that the Ukrainian authorities are, in fact, the ones being accused of such practices. In such cases, international support and aid is required from foundations such as Human Rights Watch and Amnesty International.

Possible solutions

The issue in hand is as complicated as it is finding solutions that effectively diminish it, eventually eradicating it. Its complex nature lies in the different factors that may lead to arbitrary detentions, and to the entities or illegitimate groups that commit the crime (nation’s authorities, paramilitary groups, terrorist organizations). Depending on these factors is the difficulty of solving the issue, due to the fact that terrorist by definition go against international law, but so do a nation’s authorities that are utilizing illegitimate methods as are arbitrary disappearances. Therefore, combating these governmental policies supposes a greater adversity for international entities that go against arbitrary detentions and disappearances.

Judiciary systems should aim to refrain from neutralizing their role in judicial supervision regarding the arrest and detention acts, permitting judiciary to fulfil its legal role. Furthermore, these have to conduct investigations into the actions of arbitrary arrest and enforced disappearances, and its collateral crimes such as torture, risking detainees’ life, identify culprits and hold them responsible for carrying out these acts (Mwatana Organization for Human Rights, 2016).

Human rights organizations, such as Human Rights Watch and Amnesty International, should be permitted to visit prisons and detention sites, following up the detainees' issues and provide them with necessary legal support; saving children under the legal age except in situations when this measure is the ultimate solution, and should therefore be for the shortest possible period (Mwatana Organization for Human Rights, 2016).

Nations and international organizations should “*maintain records for every detainee, and these have to be made available for inspection including legal base for detention, information about date and justification of the detention, the person who carried out the detention, procedures used upon the detention; whether the prisoner appeared before a judge or not, and when did that occur.*” (Mwatana Organization for Human Rights, 2016).

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Forum: Human Rights Committee

Issue: The right to privacy in the digital age

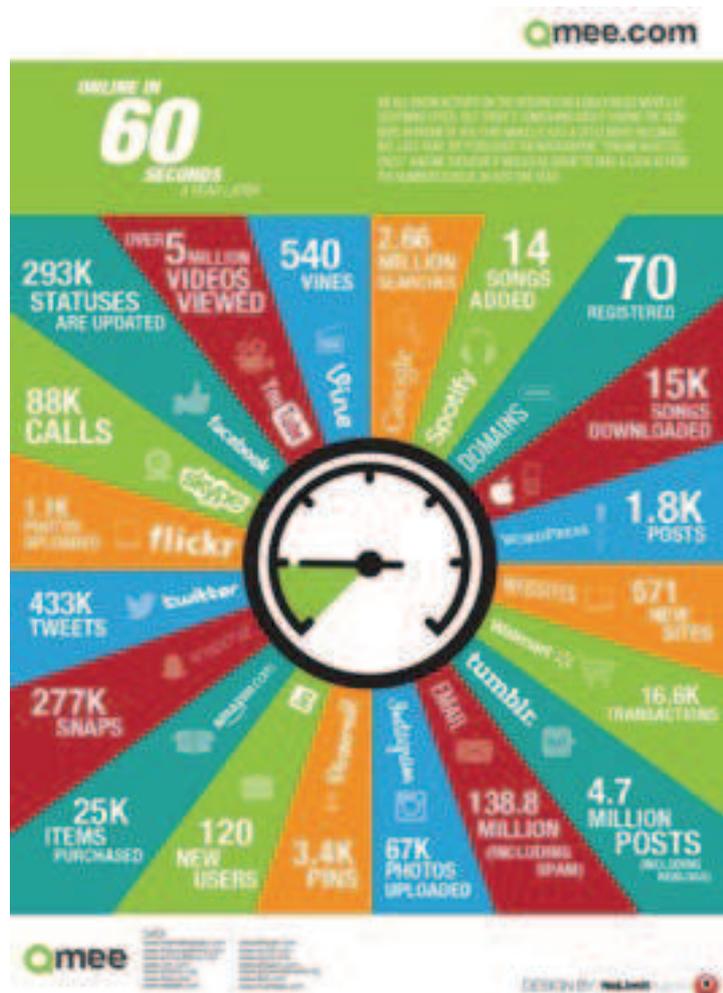
Student Officer: Guillermo Sobral Marsicano

Position: Deputy Chairperson of the Human Rights Committee

Introduction

“Personal data is the new oil of the Internet and the new currency of the digital world.” This statement was made by Meglena Kuneva, part of the European Consumer Commissioner on March 2009. The Bulgarian Politician set a precedent for Europe and the world with that statement, and highlighted the need for urgent and effective legislation towards the protection of Internet Users.

As citizens of the world, we are being witnesses of a move towards globalization, and, are more connected than ever. This is mostly due to the widespread of internet access, which allows us to communicate and connect throughout the world. As of March 2017, almost half of the world population (49, 6%) had internet access, which, in comparison to the 1% who did in 1995, explains the exponential growth and democratization of Internet use.



With the emergence of new mobile technologies, it is now possible to collect information and data from every aspect of our daily lives, regardless of where we are. This data can be used to enhance our user

experience and provide more accuracy when predicting our behavior. However, this is not the only use that can be given to this raw data; it poses a threat for users if meant for profiling, targeting, and more. This could take shape in several forms, from a data broker collecting data from several individuals and then selling it to third-parties for lucrative purposes, to a government or organization profiling people based on their queries and overall online activity to catalog them.

This conflict is global by the proper nature of the web, embracing multiple cultures, nationalities, physical and virtual spaces amongst others. Part of the problem faced by companies is that different nations have different legislations (if any) for the issue at hand versus the broadly international aspect of the internet. This, paired with the novelty of these technologies, which impedes democratic comprehension of their moddus opperandi and evolves much faster than what can be grasped by the system, has shed light towards the many faces of the issue. Hence the need for urgent intervention by a global actor.

Joichi Ito, the director for the media and ethics lab for the Massachusetts Institute of Technology, has compared this situation with what happened with pollution in the 50`s and 60`s. People are “polluting” the web with their personal data, disregarding what could happen with it in the future, which, conforming with the example, could backfire fatally. Considering article 12 of the Universal Declaration of Human Rights, it is the duty of every nation and of these United Nations as a whole to protect the privacy of every individual.

Definition of Key Terms

Internet

“An electronic communications network that connects computer networks and organizational computer facilities around the world.”

Internet of Things (IOT)

“Computing concept that describes the idea of everyday physical objects being connected to the internet and being able to identify themselves to other devices. The term is closely

identified with RFID as the method of communication, although it also may include other sensor technologies, wireless technologies or QR codes.”

Internet Protocol

“The Internet Protocol (IP) is the principal set (or communications protocol) of digital message formats and rules for exchanging messages between computers across a single network or a series of interconnected networks, using the Internet Protocol Suite (often referred to as TCP/IP). Messages are exchanged as datagrams, also known as data packets or just packets.”

Big Data

“Big data is the term increasingly used to describe the process of applying serious computing power—the latest in machine learning and artificial intelligence—to seriously massive and often highly complex sets of information.”

Data Broker

“Data brokers (also called information brokers, information resellers, data aggregators, and information solutions providers) [are] companies that collect information, including personal information about consumers, from a wide variety of sources for the purpose of reselling such information to their customers, which include both private-sector businesses and government agencies.”

Privacy

“The quality or state of being apart from company or observation”

Internet Privacy

“Internet privacy is the privacy and security level of personal data published via the Internet. It is a broad term that refers to a variety of factors, techniques and technologies used to protect sensitive and private data, communications, and preferences.”

Digital Age

“The Information Age (also known as the Computer Age, Digital Age, or New Media Age) is a period in human history characterized by the shift from traditional industry that the Industrial Revolution brought through industrialization, to an economy based on information computerization. The onset of the Information Age is associated with the Digital Revolution, just as the Industrial Revolution marked the onset of the Industrial

Age.[1][2] The definition of what digital means (or what information means) continues to change over time as new technologies, user devices, methods of interaction with other humans and devices enter the domain of research, development and market launch.”

Human Rights

“Human Rights are inherent to all human beings, whatever nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law.”

Radical Transparency

“Radical transparency is a management approach in which all decision making is carried out publicly.

Draft documents, arguments for and against a proposal, the decisions about the decision making process itself, and final decisions are all publicly accessible and remain publicly archived.

Exceptions to full transparency typically include data related to personal privacy, security, etc.”

Technology

“A capability given by the practical application of knowledge”

Communication

“The various methods of sending information between people and places, especially phones, computers, radio, etc.”

Sovereignty

“Supremacy of authority or rule as exercised by a sovereign or sovereign state.”

Cookies

“An HTTP cookie (also called web cookie, Internet cookie, browser cookie, or simply cookie) is a small piece of data sent from a website and stored on the user's computer by the user's web browser while the user is browsing.”

Legal Void

"That which is null and completely without legal force or binding effect."

Digital Footprint

"On the Internet a digital footprint is the word used to describe the trail, traces or "footprints" that people leave online. This is information transmitted online, such as forum registration, e-mails and attachments, uploading videos or digital images and any other form of transmission of information — all of which leaves traces of personal information about yourself available to others online."

Background Information

The problem at hand originated from a legal void, product of technological advances, particularly upon the emergence of these new technologies, and their rapid gain of popularity (especially amongst the mobile technology market sector and the teenager market segment). These new devices developed and were launched into the market as tools for a specific task. With time, however, they developed into further complex machines and systems, allowing them to generate, store and share information with the introduction of the internet. All this happened within the short time span of 10 years, in which the governments of most nations were unable to produce a legislation which effectively tackled the issue and all the possible variants of such. Following this, technological advances soared and the number of new devices grew exponentially, having as a consequence the generation of massive amounts of data. Those who managed to produce and pass legislation for this issue were soon back to ground zero, since technology evolved so quickly that they could not cope with the rhythm in order to assess and legislate despite efforts made, therefore leaving a legal void which still needs to be covered.

In this scenario, many businesses realize that data is essentially money. Several Data Broker companies like Acxiom in the USA appear and start to actively mine the internet for personal data made available by different search algorithms. This data is then stored, expropriated and sold in a future. It is estimated that, on average, each American produces USD \$500 worth of data over the course of a year.

Seeing this, many governments and regulatory bodies decided to take action and start to investigate and pass laws on the treatment of personal data and rights to privacy.

Businesses then started to take advantage of the existing legal void and started storing the personal data in servers which physically existed in countries where these legislations were non-existent, thus escaping these laws, which allowed them to continue making profits.

Personal data is not only profitable from the retail point of view, it is also profitable when targeting advertising. Companies now have the ability of processing the data they own on each profile, and then decide the preferences and taste of these customers. This is later translated into targeted advertising of high efficiency. An example of this is the ---- Target scandal on predicting pregnancies with a big data algorithm to market specific goods to pregnant women.

Furthermore, companies profiling their customers through their internet activity are also discriminating users because of the trail of data they leave. This is commonly known as “filter bubble”, where an internet user can only see content related to what his activity predicts, leaving him secluded from the rest of the available information.

The ethical quandary does not stop there. Rising concerns and social unrest followed the NSA leak protagonised by Edward Snowden on June the 5th. of the year 2013. The American worked for the National Security Administration, where he was a computer professional. During his work at the NSA, he gathered and collected several pieces of information on topics related to breaches in the privacy of citizens and the many ways in which the government of the United States of America engaged in domestic and international surveillance of people. This is particularly important, due to the fact that most of the surveillance was carried out through the internet. This rose awareness between citizens of the world, and Snowden made every front page in the world; which consequently brought the right to privacy in the digital age and similar concerns into the urgent agenda of the United Nations. Snowden is now charged with espionage and other acts of treason by the United States Government, and, has therefore seek asylum in Russia where he is now.

Part of the problem also revolves around the fact that internet users vary widely in range of age. This means that data is also being collected from underage citizens, as low as the age of 7, research indicates. This touches within the sovereignty of each nation and how they manage the collection and handling of this sensitive information on minors.

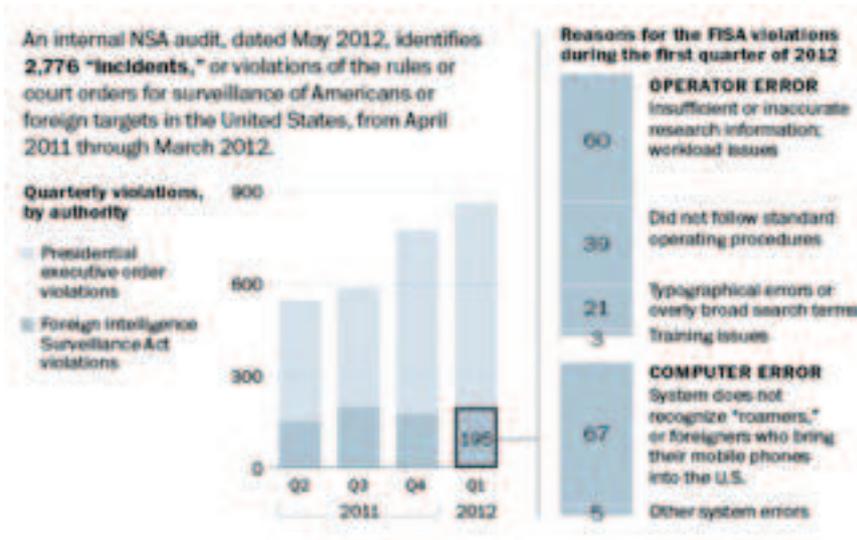
Major Countries and Organizations Involved

United States of America

The United States of America has been very active in the matter of digital privacy. Ever since the creation of the internet, the United States has been a key actor in the sector, with several leader companies in Internet-related businesses and massive cloud servers, in addition to the main internet providers, are located in their territory and consequently subject to their jurisdiction. Following the 9/11 attacks, the NSA has acknowledged the scrutinizing of certain traffic of information through the web, although the allegations made by the public suggest a much heavier surveillance. Recent public scandals include several phone carriers and internet providers being known to have been made share their records and information. The Trump Administration has recently, together with the House of Representatives, voted in favor of appealing a law made by the Obama Administration that "demanded ISPs have permission to share personal information - including location data. Supporters of the move said it would increase competition, but critics said it would have a "chilling effect" on online privacy."

National Security Administration

The NSA has been known for pushing the limits and boundaries of individual privacy to ensure the safety of the citizens of the United States. To this date, they work together with the Central Intelligence Agency and the MI6 sharing information to "combat" the spread of extremist ideologies, amongst (Figure F.2, The results of an internal NSA audit during the years 2011-2012. Source: The Washington Post)



others. They also have been

targeted by the media lately, following the Edward Snowden leak and the tapping of communications of other nation's high officers.

Council of Europe

The Council of Europe is "charged with defining the EU's overall political direction and priorities", and, as such, was the first international regulator body to enforce data protection law. In 1981, they devised the convention number 108 and its protocol. "The Convention opened for signature on 28 January 1981 and was the first legally binding international instrument in the data protection field". The COE works tirelessly with a scheme that includes activities such as raise of awareness and opens the convention for signature by non-member countries, and, to this date, has been signed by 48 nations. The signature of this convention requires the country to ratify it and follow its implementation closely. Once a country has met the requirements, the COE awards the recognition. This ensures all countries actually enforce the convention.

Germany

Germany has changed its views towards privacy online during the last ten years. After the scandalous breakage of the link with the NSA, product of the efforts of Angela Merkel, they have set standards for the international community like much of Europe, and adopted a position which supports the right to privacy and the de-profiling of citizens and their activity online. On 2015 they stopped sharing intelligence with the National Security Administration, "Since the revelations produced by documents from Edward Snowden — including the fact that the NSA spied on Angela Merkel's personal phone — Germany's relationship with the US government has become tense and distrustful." In addition to this, Germany has approved The German Federal Data Protection Act, which "has separate

provisions for data processing in the public and private sectors. In addition, Germany has special privacy provisions for electronic information and communication services (telemedia) and yet another set of privacy rules for the providers of services that transmit electronic signals." This has, as previously mentioned, set a standard for Europe, following the steps of the Council of Europe. Germany has also passed laws which detail that any information on German citizens, if collected, must physically stay in Germany, and, any information stored in Germany has to be de-profiled and can't be sold to third parties. This led to many businesses starting up new servers in countries where legislation allow them to profit from the data they produce, like for instance, the United States.

United Kingdom

The Law Library of Congress states that: "Data protection legislation in the UK is primarily based upon Directives from the European Union. It aims to protect the rights of individuals to ensure that their personal information remains private and secure. It provides individuals with a number of rights, including a right to access information and correct any errors..." However, after the WikiLeaks scandal, the United Kingdom became targeted by the media on matters of mass surveillance. During the last 15 years, the Government Communications Headquarters was adopted into the "Five Eyes Collaboration". Their policy, enforced by the MI6 aims to gather information for use towards intelligence. They argue this is carried out in a supervised process which is non-arbitrary, thus protecting the freedom and human rights of their population citizens. Usually, the United Kingdom is regarded in politics as a nation with a moderated practice of mass surveillance, which they have stated "is necessary to find the right balance between public accountability and the protection of national security"

Internet Society

Founded in 1992 by one of the "fathers" of the Internet, Vint Cerf, the internet society was one of the pioneering organizations in dealing with the sensitive matters of policy, governance, technology, and development of the Internet itself. This organization constantly publishes global internet reports. These do not only voice concern towards nations breaching the right to privacy of their population (standard which they set very high in terms of what can be considered an acceptable violation), but also help spread awareness through the internet itself on these issues. They also provide a section for volunteers to help fight against these violations, positioning them amongst the leader activist groups for the rights to privacy in the digital age.

People`s Republic of China

China is regarded by the international community as one of the most emblematic nations when it comes to digital surveillance; their activity, which openly and strictly regulates its population's activity online, is supported by many instruments. The Golden Shield Project is perhaps the most important of such, containing a branch often called the Great Firewall of China. The Chinese Government adopted this system in 2003, leaving out any foreign media and news provider. The extent to which they engage in this censorship behavior has put them in the eye of many international organizations which disapprove of this behavior. The Chinese government took steps forward in 2011 to fraction the web into different "sections", which therefore allowed the government to meticulously surveil the online activity of its citizens. The Chinese Government claims this is a measure to prevent civil unrest.

The Five Eyes

The Five Eyes Alliance is a secretive pact between 5 nations. USA, UK, New Zealand, Australia and Canada. Although public awareness of the existence of such pact was shy until 1999, this alliance was first coined in 1946 with purposes of sharing intelligence amongst these 5 nations. They also are crucial to internet traffic since main servers and internet providers globally are located in some (if not all) of the 5 countries. This alliance, as explained by Privacy International, an international leader in the field, works "under the agreement interception, collection, acquisition, analysis, and decryption conducted by each of the State parties in their respective parts of the globe, and all intelligence information is shared by default. The agreement is wide in scope and establishes jointly-run operations centers where operatives from multiple intelligence agencies of the Five Eyes States work alongside each other." Little was known to the public about the amount or nature of the information they handle; nonetheless, after the Edward Snowden scandal, in which documents of this alliance were leaked, it became known that these documents are highly classified and contain information product of mass surveillance in the web.

Timeline of events

Date	Description of event
Feb. 14, 1946	First generation computer was introduced "ENIAC"
Dec. 10, 1948	Universal Declaration of Human Rights is passed

Nov. 4, 1952	NSA is established
Oct. 6, 1978	FISA adopted by American law
Jan. 10, 1985	Council of Europe signs treaty 108
1990 – 1991	Privacy International is founded in the UK
Oct. 24, 1995	European Union passes project of EU Data Protection Directive
Jly. 10, 2008	FISA Amendments Act is passed, allowing the creation of PRISM under the Bush Administration
2012	DLA Piper produces the first compilation of Data Protection Laws of The World
Mar., 2012	GDPR produced by the European Union
Jun. 5, 2013	Edward Snowden tells a Reporter from The Guardian about PRISM and allows his identity to be revealed
Sep. 20, 2013	HRW endorses the first version of "Necessary and Proportionate International Principles on the Application of Human Rights to Communications Surveillance"
Sep., 2014	OHCHR presents a report on "the right to privacy in the digital age" to the Human Rights Council
Mar. 24, 2015	The Social, Humanitarian and Cultural Committee passes "The right to privacy in the digital age"

Relevant treaties and events

- Dec. 1948: Universal Declarations of Human Rights (**A/RES/217**)
- Oct. 24, 1995: EU Data Protection Directive (**95/46/EC**)
- Dec. 29, 2009: General Assembly Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (**A/HRC/13/37**)

- 2011 – UNESCO Freedom of Connection Freedom of Expression: The Changing Legal and Regulatory Ecology Shaping the Internet
- 2012 – UNESCO Global Survey on Internet Privacy and Freedom of Expression
- Apr. 17, 2013: General Assembly Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (**A/HRC/23/40**)
- Nov. 26, 2013: General Assembly Resolution on The right to privacy in the digital age (**A/C.3/68/L.45**)
- May, 2014: Publication of Necessary and Proportionate International Principles on the Application of Human Rights to Communications surveillance
- Mar. 24, 2015: The Right to Privacy in the Digital Age (**A/HRC/28/L27**)
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Previous Attempts to solve the Issue

Even though this topic has been in the agenda of the United Nations for several years now, there has not yet been a consistent, binding and unanimous convention or resolution that fully tackles the issue. This is mainly due to the very nature of the issue itself, as regulations imposed by a higher body tend to collide with the jurisdiction of a nation.

After the Snowden episode in 2013, the United Nations stressed the importance of all member states protecting the personal rights of their population via a call out made by the General Assembly. However, repeated efforts have proven not so successful in terms of visible change. Many nations have reviewed their legislation in order to cater for this new possible threat, but the real impact has been made by the media on the public. Knowing that many institutions from the governments of different countries overlook these regulations and endorsements, especially in the fight against the spread of extremist ideologies, the general public has turned to themselves by acquiring tools to hide their activity online and raising awareness. Here is where NGO's and other organizations come into play, since they are responsible for much of the public denounce and spread of information. Human Rights activists also have taken part in this process and have had a positive impact on the behavior of civilians online.

Possible Solutions

In order to devise hypothetical solutions to the issue at hand, we need to separate the two main cores of such. Firstly, the issue of data collection with lucrative purposes as a means of violation of the right to privacy. The essence of this part of the issue relies on a legal void, product of the quick emergence of these technologies and the lack of knowledge thereof. A viable way to help solve this could be the creation of an international agreement or covenant on data protection. Much has been done in the European Union, for example, in efforts to protect the rights of Internet users and the data they generate. However, in nations such as the United States of America, data is collected, marketed, sold and even more. With the presence of an international body regulating this activity to set forward a standard and with detailed descriptions of what is and is not allowed this issue could be solved. Special regulatory measures should be taken towards companies hosting servers on other countries rather than the ones they are physically located at, and a specific regulatory body could be created in order to control and uphold there regulations to a strict standard. This body could also work in collaboration with Non-Governmental Organizations and local governments to ensure, and help enforce the international measures set on the previously mentioned standard.

However, this proves to be utterly complicated, seeing as it involves the willingness of a country, which is subject to unique social, economical, political and religious variables, to comply; moreover, the sovereignty of each nation is to be protected as well, and, as a consequence, reaching an agreement on the aforementioned part of the issue will not be an easy task, possibly taking years of negotiation.

Secondly, it is needed for states to create a transparent and feasible public policy on the issue, which they then uphold. They are, therefore, required to draw a line between the privacy of individuals and the national security of a country, seeing as this is the main issue when using mass surveillance to counter terrorism. This is a key element, since this line tends to be very subjective to a decision taken by the person or body in command, and is especially blurry when in the haze of a terrorist outbreak.

On both cases, civilians could also be trained on online security and overall data protection. This would have an impact on the behavior these people have online and thus

make the pathway for investigation much straightforward. It would also be likely to have such a detrimental impact on the data the companies produce, that it would become obsolete, thus ruling out the lucrative variable. This teaching should be made simple, imparted from local communities, online entities, educational facilities and more.

Finally, NGO's and Human Rights Activists play a key role in this issue, keeping the public informed and helping protect online privacy. These actors are essential to any positive development of the issue, and, therefore, would be required to work together with Regulatory Bodies or member states to explain and spread awareness of the measures taken by these. Also, these could (as they are already doing) write annual reports on the matter and create didactic material for data protection catered to the general public.

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