

Research report

Issue:

Guaranteeing the right of privacy

Forum:

HRC

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Introduction

Since the spread of social media and the widespread use of the internet, issues relating to privacy have started to become common. Terms like Wikileaks, Edward Snowden, Julian Assange, the NSA, and the Panama Papers, all immediately ring a bell with anyone who has even remotely followed the news in the last 10 years. Privacy has become an increasingly important value of many people but is only increasingly diminishing. The right to privacy has become a hotly debated topic, with people in favour often stating privacy as a fundamental human right that should be protected by the government, often criting a 'doom scenario' similar to that in the novel 1984, where every citizen of a totalitarian state is constantly monitored by governmental organisations.

Although it is unusual to compare the plot of a science-fiction book with a real-life issue, it illustrates to what extent this problem could possibly grow if nothing is changed about it. This is the task of the delegates in the Human Rights Council at JVOMUN 2017.

Explanation and description of key terms

Digital Age

Also referred to as Informational Age, Computer Age or (New) Media Age, the Digital Age is a time frame in history where technology plays a significant role in daily life, since it has become prevalent and of common use throughout the world. The Digital Age began with the widespread use of the Internet.

Privacy

Privacy is the freedom from damaging publicity, public scrutiny, secret surveillance, or unauthorized disclosure of one's personal data or information, as by a government, corporation, or individual.

Right to privacy

The right to privacy is the right of a person to be free from intrusion into or publicity concerning matters of a personal nature.

Surveillance

Surveillance is defined as continuous observation of a place, person, group or ongoing activity in order to gather information.

<http://www.dictionary.com/browse/privacy>

<https://www.merriam-webster.com/legal/right%20of%20privacy>

<http://www.dictionary.com/browse/surveillance?s=t>

<http://www.igi-global.com/dictionary/digital-age/7562>

https://en.wikipedia.org/wiki/Information_Age

Issue explanation

Over 170 countries in the world have included the right of privacy in their national constitutions.

A right to privacy is stated in Article 12 of the Universal Declaration of Human Rights, 1948: “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.”

Governmental organisations such as NSA, CIA and GCHQ have been conducting mass global surveillance throughout the world. Programs set up by Nato-member states, including PRISM and MYSTIC, are capable of collecting media databases, internet history and even listening in to phone calls. These programs are justified as a benefit to law enforcement and defence, since potential terrorists can be found more easily. However, this is in conflict with the right of privacy as stated in the Universal Declaration of Human Rights, constitutions and treaties.

<https://www.constituteproject.org/search?lang=en&key=privacy>

<https://en.wikipedia.org/wiki/Privacy#History>

<http://www.ohchr.org/EN/Issues/DigitalAge/Pages/DigitalAgeIndex.aspx>

https://en.wikipedia.org/wiki/Right_to_privacy

https://en.wikipedia.org/wiki/Privacy_law

Historical background of the issue

10 December 1948: Universal Declaration of Human Rights (UDHR)

On this day, the milestone document in the history of human rights was signed in Paris. It is the first document to set out universal protection of fundamental human rights. Article 12 of the UDHR states the right of privacy for everyone and the right to be protected by the law against interferences or attacks on their privacy.

2013: Edward Snowden

Edward Snowden leaked a cache of top secret documents of the United States National Security Agency (NSA) stating details about NSA's and its international partners' global surveillance. The documents were reportedly not only US federal documents, but also included files of British, Australian and Canadian origin. These documents received many media attention and set off the debate about the protection of privacy in the media age.

<http://www.un.org/en/universal-declaration-human-rights/>

[https://en.wikipedia.org/wiki/Global_surveillance_disclosures_\(2013%E2%80%93present\)](https://en.wikipedia.org/wiki/Global_surveillance_disclosures_(2013%E2%80%93present))

https://en.wikipedia.org/wiki/Panama_Papers

https://en.wikipedia.org/wiki/Reactions_to_global_surveillance_disclosures

Stakeholders

NSA (USA)

The NSA, or National Security Agency, is an intelligence organization of the US government whose primary task is monitoring and collecting information via means of telephony, the internet and general decryption. It is authorized to operate in such ways that the general public is not at all aware, and it specializes in hacking, decryption, and espionage. Since the revelations made by Edward Snowden in 2013, it has been massively controversial and even unpopular.

CIA (USA)

Although in the media the NSA is often portrayed as spying on ordinary citizens, this is only partially true; a much better example of an organisation that actually does this is the CIA. In January 2017, it announced it would be following new rules to restrict data mining on American citizens and be more considerate as to which data is strictly necessary for the purpose of the data collection.

GCHQ (Britain)

The UK equivalent to the NSA and a very close partner of the NSA. Forms the 'Five Eyes' organisation together with the NSA, the Canadian equivalent (CSE), the Australian equivalent (ASD) and the New Zealand equivalent (GCSB) of the NSA. This organisation has been described by Edward Snowden as "supra-national intelligence organisation that doesn't answer to the known laws of its own countries".

[https://en.wikipedia.org/wiki/Global_surveillance_disclosures_\(2013%E2%80%93present\)](https://en.wikipedia.org/wiki/Global_surveillance_disclosures_(2013%E2%80%93present))
<http://the-japan-news.com/news/article/0003469156>

Media contribution

Media has contributed greatly to the spreading of the leaked documents by whistleblowers including Edward Snowden. The Digital Age has allowed the world to access, use and forward information of all kinds on media platforms, spreading information worldwide at an excessive speed.

Some people say that journalism has been invading privacy, since it does not always ask for permission to film a certain event or place, even if it is someone's own property.

https://en.wikipedia.org/wiki/Right_to_privacy

Previous attempts to resolve the conflict

With governments and their defense/intelligence branches generally contain the organisations responsible for most known data leaks, up until this point there has been relatively little effort to this issue, which as a result is often not even viewed as an issue at all. Mainly because of the massively negative view of intelligence organisations by the

general public after events such as the Edward Snowden leaks, steps have been taken to ensure the privacy of the general public; for example, the new regulations set in place by the CIA on January the 20th 2017, which limits data collection of individuals or organisations not relevant to the investigation. It has to be said that the CIA when stated this also mentioned the fact that in their opinion, this can not be avoided as data may often unexpectedly or knowingly be present in their cyber security targets.

Further reading

A BBC News article summarizing the Edward Snowden NSA leak:

<http://www.bbc.com/news/world-us-canada-23123964>

An extra article highlighting the 'Five Eyes' group :

<http://www.bbc.com/news/world-europe-24715168>

A BBC article summarizing the history of government intelligence agencies collecting personal information and data:

<http://www.bbc.com/news/magazine-24749166>

The latest developments surrounding the issue can be found on the following websites:

The Guardian: <https://www.theguardian.com/world/privacy>

<https://www.theguardian.com/media/privacy>

BBC News: <http://www.bbc.co.uk/news>

CNN News: <http://edition.cnn.com/>

Please note that while Wikipedia can be a reliable source, this depends largely on its sources; when using or quoting information from Wikipedia, please make sure the source is correct.

While this research report is meant to provide a general insight into the right to privacy and the issue that it represents, not all information needed by the delegates is necessarily present; especially the opinions of the specific nations, which the presidency strongly urges delegates to research on their own.