

IASMUN

Background Guide



**UNITED NATIONS HUMAN
RIGHTS COUNCIL**



AGENDA 1

"THE INVISIBLE CRISIS : PROTECTING REFUGEES AND ASYLUM SEEKERS IN AN ERA OF BORDER POLITICS"

BACKGROUND INFO :

INTERNATIONAL EFFORTS TO PROTECT REFUGEES AND ASYLUM SEEKERS ARE ROOTED IN THE 1951 REFUGEE CONVENTION AND ITS 1967 PROTOCOL, WHICH ESTABLISH STATE OBLIGATIONS AND THE PRINCIPLE OF NON-REFOULEMENT. THE UN HUMAN RIGHTS COUNCIL (UNHRC) HAS REINFORCED THESE PROTECTIONS THROUGH RESOLUTIONS CONDEMNING COLLECTIVE EXPULSIONS, ARBITRARY DETENTION, AND DISCRIMINATION, AS WELL AS BY MANDATING SPECIAL RAPPORTEURS AND INDEPENDENT MONITORING MECHANISMS. DESPITE THESE FRAMEWORKS, RESTRICTIVE BORDER POLICIES AND INCONSISTENT ENFORCEMENT CONTINUE TO LIMIT EFFECTIVE PROTECTION.

AGENDA OVERVIEW:

THE "INVISIBLE CRISIS" REFERS TO THE GROWING GLOBAL CHALLENGE OF PROTECTING REFUGEES AND ASYLUM SEEKERS IN AN ENVIRONMENT UNDERGOING A SEVERE AND SYSTEMIC STRAIN, INCREASINGLY DOMINATED BY RESTRICTIVE BORDER POLICIES AND THE POLITICIZATION OF MIGRATION. THIS IS ULTIMATELY DUE TO BORDER POLITICS THAT WOULD RATHER PRIORITIZE STATE SOVEREIGNTY AND SECURITY OVER HUMANITARIAN OBLIGATIONS. THIS POLITICAL SHIFT IS DIMINISHING THE CORE PRINCIPLE OF THE 1951 REFUGEE CONVENTION WHICH ALLOWS REFUGEES NON-REFOULEMENT BY ENACTING SOPHISTICATED, LEGALLY OPAQUE STRATEGIES. A PROMINENT METHOD WOULD BE THE EXTERNALIZATION OF BORDERS WHICH INVOLVES 1ST WORLD NATIONS TRANSFERRING THEIR ASYLUM RESPONSIBILITIES OFTEN THROUGH ENTICING FINANCIAL INCENTIVES ONTO COUNTRIES WITH INADEQUATE PROTECTION STANDARDS, EFFECTIVELY CONCEIVING DISTANCE FROM THEIR LEGAL RESPONSIBILITIES WITH THE RAMIFICATION OF CREATING ZONES WHERE DETENTION, ABUSE AND INDIRECT REFOULEMENT ARE RAMPANT.



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HIS IS MADE MORE DIFFICULT BY THE DIGITALIZATION OF EXCLUSION, WHICH USES SOPHISTICATED SURVEILLANCE TECHNOLOGIES, OPAQUE ALGORITHMIC RISK PROFILING, AND LARGE BIOMETRIC DATABASES (SUCH AS EURODAC) TO AUTOMATE DETERRENCE. THIS REINFORCES PREEXISTING BIASES, UNDERMINES ACCOUNTABILITY, AND PREVENTS VULNERABLE POPULATIONS FROM ACCESSING TERRITORY OR DUE PROCESS IN ADVANCE, RESULTING IN A “VIOLENCE OF INVISIBILITY”. THE COMBINATION OF ADMINISTRATIVE DECEPTION, TECHNOLOGICAL DETERRENCE, AND RESPONSIBILITY SHIFTING IS COMPOUNDED BY THE MISUSE OF DISPLACEMENT, WHERE REFUGEE FLOWS ARE VIEWED AS SECURITY RISKS OR GEOPOLITICAL LEVERAGE. THIS EXPLAINS THE WIDESPREAD AND THE ILLEGAL PRACTICE OF PUSHBACKS, WHICH VIOLATE THE RIGHT TO ASYLUM AND THE BAN ON COLLECTIVE EXPULSION. INTERNATIONAL SOLIDARITY HAS BECOME FRAGMENTED AS A RESULT OF THIS SYSTEMIC COLLAPSE. THIS AGENDA PROMOTES IMPROVING LEGAL AND SOCIAL FRAMEWORKS TO MAKE THE NEEDS OF THESE REFUGEES INVISIBLE AGAIN WHILE EMPHASISING HOW CRITICAL IT IS TO USE TECHNOLOGY AND ADVOCACY TO HELP EXPOSE THIS HARDSHIP THAT HAS BEEN PLACED UNFAIRLY ON THESE PEOPLE. THIS ENTAILS DIPLOMATIC INITIATIVES TO IMPROVE COOPERATION AND GUARANTEE A STRONG COORDINATED AND VISIBLY HUMANE RESPONSE TO THESE ISSUES. THIS AGENDA RECOGNIZES THAT IT'S ESSENTIAL TO HAVE A THOROUGH EVALUATION OF THE CURRENT BORDER MANAGEMENT, TAKING INTO ACCOUNT POSSIBLE RAMIFICATIONS DUE TO PAST PRACTICES. THE HISTORICAL BASIS OF THIS AGENDA HIGHLIGHTS THE UN'S ONGOING COMMITMENT TO PROTECT REFUGEES AND ASYLUM SEEKERS, PARTICULARLY DUE TO THE INCREASING GAP OF THE POLITICAL SHIFT AND OTHER COMPLEX THREATS THE INTERNATIONAL COMMUNITY IS FACING.



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PAST EFFORTS:

GLOBAL DISPLACEMENT HAS INCREASED SIGNIFICANTLY DUE TO ARMED CONFLICT, POLITICAL INSTABILITY, CLIMATE-RELATED DISASTERS, AND ECONOMIC HARDSHIP, FORCING MILLIONS TO SEEK PROTECTION BEYOND THEIR NATIONAL BORDERS. ALTHOUGH INTERNATIONAL LAW GUARANTEES THE RIGHT TO SEEK ASYLUM, MANY STATES HAVE ADOPTED RESTRICTIVE BORDER POLICIES THAT LIMIT ACCESS TO ASYLUM PROCEDURES AND INCREASE THE VULNERABILITY OF REFUGEES AND ASYLUM SEEKERS.

AS THE PRIMARY UN BODY RESPONSIBLE FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, THE UN HUMAN RIGHTS COUNCIL (UNHRC) FACES THE CHALLENGE OF ENSURING THAT BORDER MANAGEMENT PRACTICES COMPLY WITH INTERNATIONAL OBLIGATIONS WHILE SAFEGUARDING THE DIGNITY, SAFETY, AND RIGHTS OF DISPLACED PERSONS. ADDRESSING THIS ISSUE REQUIRES INTERNATIONAL COOPERATION, ACCOUNTABILITY, AND RIGHTS-BASED APPROACHES TO BORDER GOVERNANCE.

HISTORY:

THE CONCEPT BEHIND "THE INVISIBLE CRISIS: PROTECTING REFUGEES AND ASYLUM SEEKERS IN AN ERA OF BORDER POLITICS" ORIGINATES FROM THE TENSION THAT HAS LONG EXISTED BETWEEN THE HUMANITARIAN IDEAL CREATED IN THE AFTERMATH OF WORLD WAR II AND THE MODERN NATION-STATE'S INSISTENCE IN SOVEREIGN AUTHORITY OVER ITS BORDERS. THE HUMANITARIAN FRAMEWORKS WAS FORMALLY ESTABLISHED IN 1950 WHEN THE UNITED NATIONS CREATED THE OFFICE OF THE HIGH COMMISSIONER FOR REFUGEES (UNHRC) AND SUBSEQUENTLY ADOPTED THE 1951 REFUGEE CONVENTION, WHICH PROTECTED THE PRINCIPLE OF NON-REFOULEMENT, THE LEGAL AND MORAL OBLIGATION NOT TO RETURN INDIVIDUALS TO COUNTRIES WHERE THEY COULD FACE A REAL RISK OF PERSECUTION, TORTURE OR DEATH.



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ALTHOUGH THESE PROTECTIONS WERE DESIGNED TO SAFEGUARD VULNERABLE POPULATIONS THE "INVISIBLE CRISIS" BEGAN TO INTENSIFY DRAMATICALLY AFTER THE END OF THE COLD WAR. AS NEW CONFLICTS ERUPTED AND GLOBAL PRIORITIES SHIFTED, AFFLUENT NATIONS INCREASINGLY TURNED TO MORE RESTRICTIVE IMMIGRATION AND ASYLUM POLICIES, OFTEN DESCRIBED COLLECTIVELY AS "BORDER POLITICS". THESE POLICIES HAVE TAKEN MANY FORMS : THE CONSTRUCTION OF PHYSICAL BARRIERS SUCH AS WALLS AND FENCES, THE DEPLOYMENT OF NAVAL AND COAST GUARD FORCES TO INTERCEPT BOATS AT SEA, THE TIGHTENING OF VISA-ISSUANCE PROCEDURES AND NEGOTIATION OF BILATERAL AGREEMENTS WITH TRANSIT STATES THAT EFFECTIVELY OUTSOURCE BORDER ENFORCEMENT.

THE CUMULATIVE EFFECT OF THESE MEASURES IS THAT THE GENUINE SUFFERING OF DISPLACED PEOPLE, MARKED BY HARD JOURNEYS AND PROLONGED PERIODS OF BEING IN A LEGAL LIMBO HAS BECOME LARGELY HIDDEN FROM THE PUBLIC VIEW. BY PUSHING THE CRISIS OUT OF SIGHT, THESE BORDER-CENTRIC STRATEGIES OBSCURE THE HUMAN COST OF DISPLACEMENT AND UNDERMINE THE VERY HUMANITARIAN PRINCIPLES THAT WERE MEANT TO GUARANTEE SAFETY AND DIGNITY FOR REFUGEES AND ASYLUM SEEKERS.

THE UNITED NATIONS, PRIMARILY THROUGH UNHCR, HAS RESPONDED TO THIS CHALLENGE BY POSITIONING ITSELF AS THE GUARDIAN OF INTERNATIONAL REFUGEE LAW AND THE CENTRAL-ADVOCATE. OPERATIONALLY, UNHCR PROVIDES ESSENTIAL, VISIBLE AID SUCH AS SHELTER, FOOD, REGISTRATION TO MILLIONS OF DISPLACED INDIVIDUALS. THE UN'S MOST SIGNIFICANT RECENT RESPONSE TO THIS NEED FOR COLLECTIVE ACTION IS THE GLOBAL COMPACT ON REFUGEES (GCR), WHICH THE UNITED NATIONS GENERAL ASSEMBLY AFFIRMED ON 17 DECEMBER 2018, FOLLOWING TWO YEARS OF EXTENSIVE CONSULTATIONS LED BY UNHCR ITSELF.



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ITS A CRUCIAL FRAMEWORK TO ALLOW PREDICTABLE RESPONSIBILITY SHARING,
RECOGNIZING SOLUTIONS CANNOT BE ACHIEVED WITHOUT GLOBAL COOPERATION,
THUS CONSTITUTING A UNIQUE OPPORTUNITY TO TRANSFORM THE GLOBAL
RESPONSE TO SHED LIGHT ON THIS "INVISIBLE CRISIS".



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LATEST DEVELOPMENTS:

THE GLOBAL REFUGEE FORUM (GRF) CYCLE IS USED TO MONITOR THE PROGRESS OF THE GLOBAL COMPACT ON REFUGEES (GCR). THE RESULTS OF THE 2023 GLOBAL REFUGEE FORUM AND THE UPCOMING 2025 PROGRESS REVIEW ARE THE SUBJECT OF THE MOST RECENT DEVELOPMENTS. HERE ARE THE LATEST DEVELOPMENTS ON THE GCR IMPLEMENTATION:

1. **THE GLOBAL REFUGEE FORUM (GRF) 2023: REAFFIRMED COMMITMENTS AND IMPETUS IN DECEMBER 2023, GENEVA HOSTED THE SECOND GLOBAL REFUGEE FORUM. SINCE THE GCR WAS UPHELD, THIS WAS THE BIGGEST MEETING DEVOTED TO REFUGEE ISSUES. STRENGTHENING THE COMPACT'S FOUR GOALS, IMPROVING REFUGEE SELF-RELIANCE, EASING PRESSURE ON HOST NATIONS, EXPANDING THIRD-COUNTRY ALTERNATIVES, AND PROMOTING SAFE RETURN WHICH WAS CRUCIAL AT THIS TIME.**

PLEDGING AND FINANCIAL SUCCESS: GOVERNMENTS, NON-GOVERNMENTAL ORGANIZATIONS, THE COMMERCIAL SECTOR, AND THE PUBLIC SECTOR MADE MORE THAN 1,750 FRESH FINANCIAL COMMITMENTS TOTALING AN ESTIMATED \$2.2 BILLION.

FOCUS ON INCLUSION AND SELF-RELIANCE: SIGNIFICANT COMMITMENTS WERE MADE TOWARDS REFUGEE ECONOMIC INCLUSION, INCLUDING PLEDGES FOR MORE THAN 100,000 JOB OPPORTUNITIES AND 400,000 TRAINING OPPORTUNITIES. SINCE THE FIRST GRF IN 2019, TEN COUNTRIES HAVE ADOPTED NEW LABOR LAWS TO SUPPORT REFUGEE EMPLOYMENT ESSENTIALLY ADDRESSING THE "INVISIBILITY" BY ALLOWING FORMAL WORK.

THIRD-COUNTRY SOLUTIONS: THE FORUM REAFFIRMED THE GOAL TO RESETTLE AT LEAST ONE MILLION REFUGEES BY 2030 AND PROVIDE ADDITIONAL PATHWAYS, LIKE LABOR MOBILITY AND EDUCATION, FOR THREE MILLION MORE.



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2. IMPLEMENTATION GAPS AND THE PERSISTENT "INVISIBLE CRISIS" DESPITE THESE AMBITIOUS PLEDGES, THE CONTEXT OF THE "INVISIBLE CRISIS" REMAINS CHALLENGING, REVEALING THE GAP BETWEEN POLITICAL COMMITMENTS AND ACTUAL GLOBAL CONDITIONS.

UNEVEN RESPONSIBILITY SHARING: THE MAIN CHALLENGE OF THE GCR, FAIR RESPONSIBILITY SHARING, IS STILL LARGELY UNMET. BY 2024, LOW AND MIDDLE-INCOME COUNTRIES STILL SHOULDER THE DISPROPORTIONATE BURDEN, HOSTING ABOUT 80% OF THE WORLD'S REFUGEES WHILE REPRESENTING ONLY ABOUT 27% OF GLOBAL WEALTH.

FUNDING SHORTFALLS: THE RAPID RISE IN GLOBAL DISPLACEMENT, REACHING A RECORD 123.2 MILLION PEOPLE IN 2024, HASN'T BEEN MATCHED BY ADEQUATE HUMANITARIAN FUNDING. THIS DECREASING FUNDING THREATENS HARD-WON PROGRESS, ESPECIALLY IN THE LMCs THAT ARE ESSENTIAL HOSTS.

POLITICAL OBSTACLES: WHILE THE GCR PROMOTES INCLUSION, HIGH-INCOME COUNTRIES STILL FACE POLITICAL PRESSURE TO LIMIT ASYLUM ACCESS. POLICIES LIKE THE EUROPEAN UNION'S NEW PACT ON MIGRATION AND ASYLUM, ALONG WITH ONGOING EFFORTS BY SOME STATES TO MOVE ASYLUM PROCEDURES OUTSIDE THEIR BORDERS, SHOW A DISCONNECT THAT WORSENS THE INVISIBILITY OF THE HUMANITARIAN CRISIS.

3. PROSPECTIVE MECHANISM: THE PROGRESS REVIEW FOR 2025 THE CURRENT CYCLE OF DEVELOPMENT EMPHASIZES FOLLOW-UP AND ACCOUNTABILITY: 2025 GCR INDICATOR REPORT: LAUNCHED IN LATE 2025, THIS REPORT WILL MONITOR PROGRESS ON 16 GLOBAL INDICATORS RELATED TO THE FOUR GOALS OF THE GCR.



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ONE IMPORTANT CONCLUSION IS THAT ALTHOUGH COLLABORATIVE ACTION IS EFFECTIVE, PROGRESS IS JEOPARDIZED BY DECLINING FINANCE AND DIMINISHED INTERNATIONAL SUPPORT. 2025 GRF PROGRESS REVIEW: THIS MIDWAY REVIEW IS SET TO TAKE PLACE IN GENEVA FROM DECEMBER 15–17, 2025, IN BETWEEN THE 2023 AND 2027 GLOBAL REFUGEE FORUMS. FIVE NATIONS, COLOMBIA, FRANCE, JAPAN, JORDAN, AND UGANDA, AS WELL AS UNHCR CO-HOST IT. ITS OBJECTIVE IS TO DETERMINE WHICH COMMITMENTS ARE ON TRACK. ROUGHLY TWO-THIRDS ARE CURRENTLY MET OR MOVING FORWARD AND IDENTIFY CRUCIAL AREAS THAT REQUIRE MORE FINANCING AND EFFORT.

IN SUMMARY, THE LATEST DEVELOPMENTS SHOW THAT THE UN FRAMEWORK IS ACTIVE AND GENERATING SOLID COMMITMENTS, BUT IT FACES CHALLENGES FROM THE GLOBAL RISE IN DISPLACEMENT AND THE POLITICAL TREND OF "BORDER POLITICS," WHICH THREATENS TO MAKE THE HUMANITARIAN NEEDS OF REFUGEES MORE INVISIBLE.

SUCCESSES, CHALLENGES, AND LESSONS LEARNED:

SUCCESSES INCLUDE THE ESTABLISHMENT OF INTERNATIONAL LEGAL FRAMEWORKS PROTECTING REFUGEES, INCREASED RECOGNITION OF THE PRINCIPLE OF NON-REFOULEMENT, AND THE USE OF TECHNOLOGY TO IMPROVE IDENTIFICATION, HUMANITARIAN ASSISTANCE, AND ACCESS TO ESSENTIAL SERVICES. AWARENESS AND ACCOUNTABILITY HAVE ALSO BEEN STRENGTHENED THROUGH UNHRC MECHANISMS AND CIVIL SOCIETY ENGAGEMENT.

CHALLENGES PERSIST DUE TO HEIGHTENED BORDER RESTRICTIONS, INCONSISTENT ENFORCEMENT OF INTERNATIONAL LAW, INSUFFICIENT PROTECTION OF REFUGEE DATA, AND THE PRIORITIZATION OF POLITICAL AND SECURITY INTERESTS OVER HUMANITARIAN OBLIGATIONS.



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LESSONS LEARNED EMPHASIZE THAT EFFECTIVE REFUGEE PROTECTION REQUIRES A BALANCE BETWEEN BORDER MANAGEMENT AND HUMAN RIGHTS OBLIGATIONS, GREATER TRANSPARENCY AND OVERSIGHT, AND THE MEANINGFUL INCLUSION OF REFUGEES IN DECISION-MAKING PROCESSES AFFECTING THEIR SAFETY AND DIGNITY.

SUB TOPICS :

- 1. THE LEGAL AND ETHICAL OBLIGATIONS OF STATES REGARDING NON-REFOULEMENT IN EXTERNALIZED ASYLUM PROCESSING.**
- 2. STRATEGIES FOR MANDATING INDEPENDENT HUMANITARIAN ACCESS TO INFORMAL AND UNOFFICIAL DETENTION SITES AT CONTESTED BORDERS.**
- 3. MECHANISMS TO INCENTIVIZE HOST COUNTRIES TO GRANT REFUGEE SELF-RELIANCE AND ECONOMIC INCLUSION.**
- 4. DEFINING AND PROTECTING CLIMATE REFUGEES: BRIDGING THE GAP BETWEEN CLIMATE DISPLACEMENT AND THE 1951 REFUGEE CONVENTION.**
- 5. COMBATING XENOPHOBIA AND DIGITAL MISINFORMATION TO REDUCE THE POLITICAL BARRIER TO PROTECTION.**
- 6. STANDARDIZING THE RECOGNITION AND PROTECTION OF INTERNALLY DISPLACED PERSONS (IDPs) WITHIN THE UN SYSTEM**
- 7. ESTABLISHING ETHICAL GUIDELINES FOR THE USE OF BIOMETRIC DATA AND DIGITAL IDENTITY MANAGEMENT IN REFUGEE REGISTRATION**



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FOCUS QUESTIONS:

- 1. HOW HAS THE DELIBERATE SHIFT FROM HUMANITARIAN PROTECTION TO NATIONAL SECURITY-FOCUSED BORDER CONTROL EFFECTIVELY RENDERED THE PLIGHT OF ASYLUM SEEKERS "INVISIBLE" TO THE INTERNATIONAL PUBLIC?**
- 2. WHAT SPECIFIC ACTIONS BY GOVERNMENTS MAKE THE HUMANITARIAN SUFFERING OF ASYLUM SEEKERS "INVISIBLE" TO THE PUBLIC AND THE MEDIA**
- 3. HOW CAN THE UN ENSURE THAT WEALTHY NATIONS ACTUALLY DELIVER THE FINANCIAL COMMITMENTS THEY PLEDGED TO EASE THE BURDEN ON POOR HOST COUNTRIES?**
- 4. HOW CAN WE ENSURE THAT A REFUGEE'S EDUCATION AND PROFESSIONAL SKILLS FROM THEIR HOME COUNTRY ARE OFFICIALLY RECOGNIZED IN A NEW HOST COUNTRY?**
- 5. WHAT SPECIFIC SECURITY AND RECONCILIATION MEASURES MUST BE FIRMLY IN PLACE IN A HOME COUNTRY BEFORE THE UN CAN CONFIRM THAT IT IS TRULY SAFE FOR REFUGEES TO RETURN VOLUNTARILY?**



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AGENDA 2

“HUMAN RIGHTS IN THE AGE OF SURVEILLANCE: BALANCING PRIVACY, SECURITY AND FREEDOM”

BACKGROUND:

THE INTERNATIONAL COMMUNITY HAS ADDRESSED SURVEILLANCE-RELATED HUMAN RIGHTS CONCERNS THROUGH INSTRUMENTS SUCH AS THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), WHICH SAFEGUARD THE RIGHTS TO PRIVACY, FREEDOM OF EXPRESSION, AND MOVEMENT. THE UNHRC HAS ADOPTED RESOLUTIONS ON THE RIGHT TO PRIVACY IN THE DIGITAL AGE AND HAS ENCOURAGED STATES TO REGULATE THE USE OF DIGITAL, BIOMETRIC, AND MASS SURVEILLANCE TECHNOLOGIES. HOWEVER, RAPID TECHNOLOGICAL ADVANCEMENT, LIMITED OVERSIGHT, AND NATIONAL SECURITY JUSTIFICATIONS HAVE WEAKENED ACCOUNTABILITY AND CHALLENGED THE EFFECTIVE PROTECTION OF FUNDAMENTAL FREEDOMS.

AGENDA OVERVIEW:

THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) FACES A CHALLENGING ENVIRONMENT IN THE MODERN DIGITAL AGE DUE TO THE INTEGRATION OF TECHNICAL DEVELOPMENT WITH HUMANITARIAN EFFORTS. WHILE TECHNOLOGIES LIKE BIOMETRIC REGISTRATION, IRIS SCANNING, AND THE RECENTLY DESCRIBED UNHCR AI APPROACH HAVE TRANSFORMED THE EFFECTIVENESS OF IDENTITY MANAGEMENT AND RELIEF DISTRIBUTION, THEY HAVE ALSO USHERED IN A PERIOD OF "DIGITAL BORDERS" THAT JEOPARDIZES THE BASIC RIGHTS OF THE DISPLACED. THE DELICATE BALANCE BETWEEN INDIVIDUAL PRIVACY AND STATE SECURITY, WHICH UPHOLDS THE RIGHT TO PRIVACY IN THE DIGITAL ERA, IS THE MAIN ISSUE FACING THE WORLDWIDE COMMUNITY. UNDER THE PRETENSE OF NATIONAL SECURITY AND IMMIGRATION CONTROL, GOVERNMENTS REGULARLY DEFEND INVASIVE SURVEILLANCE, FROM MOBILE DATA HARVEST TO REMOTE BIOMETRIC IDENTIFICATION.



AGENDA 2

THE BORDERS BETWEEN INDIVIDUAL LIBERTY AND PUBLIC SAFETY ARE BECOMING MORE UNCERTAIN IN THE MODERN PERIOD DUE TO THE QUICK SPREAD OF DIGITAL SURVEILLANCE TECHNOLOGIES. THE MAIN TOOLS USED BY STATES TO MANAGE NATIONAL SECURITY ARE SURVEILLANCE TECHNOLOGIES, SUCH AS FACIAL RECOGNITION, BULK DATA INTERCEPTION AND APPLICATION OF ARTIFICIAL INTELLIGENCE FOR PREDICTIVE POLICING. THE RIGHT TO PRIVACY, AS GUARANTEED BY ARTICLE 12 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR) AND ARTICLE 17 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR), IS SERIOUSLY THREATENED BY THESE DEVELOPMENTS. THE "RIGHT TO PRIVACY IS A PREREQUISITE FOR THE ENJOYMENT OF FREEDOM OF EXPRESSION AND THE RIGHT TO HOLD OPINIONS WITHOUT INTERFERENCE," AS STATED IN GENERAL ASSEMBLY RESOLUTION 77/211 (2023), IS A WARNING ISSUED BY THE UN ON SEVERAL OCCASIONS. THIS PROBLEM IS ESPECIALLY SEVERE AT THE "DIGITAL FRONTIER," WHERE MONITORING FREQUENTLY FOCUSES ON CROSS-BORDER TRAVEL, ENABLING SENSITIVE DATA TO BE TRACKED AND POSSIBLY PUT PEOPLE IN DANGER WITHOUT ADEQUATE LEGAL OVERSIGHT.

ALTHOUGH BIOMETRICS AND LARGE-SCALE IDENTITY MANAGEMENT SYSTEMS ARE INTENDED TO INCREASE THE EFFECTIVENESS OF INSTITUTIONAL DOCUMENTATION, THEY SOMETIMES LACK THE "FIREWALLS" REQUIRED TO PREVENT UNWANTED THIRD-PARTY ACCESS, CREATING A SIGNIFICANT ETHICAL ISSUE. ACCORDING TO THE 2025 OHCHR REPORT (A/HRC/60/45), THESE ACTIONS OFTEN RESULT IN AUTOMATED EXCLUSION AND ENCODED BIAS AGAINST MARGINALIZED GROUPS, WHO ARE FREQUENTLY UNABLE TO GIVE TRULY "INFORMED CONSENT," SINCE GIVING UP PERSONAL INFORMATION IS FREQUENTLY A REQUIREMENT FOR RECEIVING NECESSARY SERVICES. SENSITIVE INFORMATION COULD RESULT IN TARGETED PERSECUTION OR VIOLATIONS OF INTERNATIONAL PROTECTION STANDARDS IF IT IS COMPROMISED OR SHARED WITH ADVERSE INDIVIDUALS, CREATING A SERIOUS POWER IMBALANCE.



AGENDA 2

ADOPTED AS PART OF THE 2024 PACT FOR THE FUTURE, THE GLOBAL DIGITAL COMPACT EMPHASIZES THE NEED FOR A "HUMAN RIGHTS-BASED APPROACH" TO TECHNOLOGY IN ORDER TO ADDRESS THESE THREATS. HOWEVER, INTERNATIONAL DATA PROTECTION RULES ARE STILL DISJOINTED, AND HUMAN RIGHTS COUNCIL RESOLUTION 51/20 (2022) HIGHLIGHTS HOW THE DIGITAL DIVIDE, WHICH IS MADE WORSE BY INVASIVE SURVEILLANCE, EXACERBATES ALREADY-EXISTING DISPARITIES. THE "AGE OF SURVEILLANCE" RUNS THE POTENTIAL OF ESTABLISHING AN ONGOING STATE OF SURVEILLANCE THAT COMPROMISES PEOPLE'S DIGNITY IN THE ABSENCE OF INTERNATIONAL HARMONIZATION AND THOROUGH DATA PROTECTION IMPACT ASSESSMENTS (DPIAs). THIS COMMITTEE'S TASK IS TO STRIKE A CAREFUL BALANCE BETWEEN THE INTERNATIONAL COMMUNITY'S DUTY TO PROTECT THE BASIC RIGHTS THAT CHARACTERIZE A JUST SOCIETY AND THE STATE'S DUTY TO MAINTAIN SECURITY.

PAST EFFORTS:

ADVANCES IN TECHNOLOGY HAVE TRANSFORMED BORDER CONTROL AND MIGRATION MANAGEMENT, WITH STATES INCREASINGLY RELYING ON BIOMETRIC DATA COLLECTION, DIGITAL MONITORING, AND AUTOMATED RISK ASSESSMENT SYSTEMS. WHILE THESE TOOLS ARE OFTEN JUSTIFIED ON SECURITY GROUNDS, THEIR EXPANDED USE HAS RAISED SERIOUS CONCERN REGARDING PRIVACY, FREEDOM OF MOVEMENT, AND ACCESS TO ASYLUM.

THE UN HUMAN RIGHTS COUNCIL (UNHRC) IS TASKED WITH BALANCING LEGITIMATE STATE SECURITY INTERESTS WITH THE PROTECTION OF FUNDAMENTAL HUMAN RIGHTS IN AN INCREASINGLY DIGITAL WORLD. ENSURING TRANSPARENCY, OVERSIGHT, AND INTERNATIONAL COOPERATION IS ESSENTIAL TO PREVENT ABUSE AND TO UPHOLD HUMAN RIGHTS IN THE AGE OF SURVEILLANCE.



AGENDA 2

HISTORY:

THE SHIFT FROM PHYSICAL MONITORING TO WIDESPREAD DIGITAL CONTROL HAS HISTORICALLY DEFINED THE CONVERGENCE OF SURVEILLANCE AND HUMAN RIGHTS. ARTICLE 12 OF THE 1948 UNIVERSAL DECLARATION OF HUMAN RIGHTS, WHICH ESTABLISHED PRIVACY AS A BASIC DEFENSE AGAINST UNJUSTIFIED STATE INTERVENTION, MARKED THE BEGINNING OF THIS TREND. HOWEVER, THE 9/11 ATTACKS, WHICH SPARKED A GLOBAL EXPANSION OF "SECURITY-FIRST" LEGISLATION, DRASTICALLY ALTERED THE COURSE OF MODERN SURVEILLANCE HISTORY. MASS DATA GATHERING BECAME COMMONPLACE THANKS TO LAWS LIKE THE USA PATRIOT ACT (2001), WHICH CIVIL SOCIETY ORGANIZATIONS LIKE PRIVACY INTERNATIONAL CLAIM CHANGED THE GLOBAL PARADIGM TO ONE OF CONSTANT SURVEILLANCE. THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES REPLICATED THIS CHANGE IN THE HUMANITARIAN SECTOR BY IMPLEMENTING THE BIOMETRIC IDENTITY MANAGEMENT SYSTEM IN PLACE OF PAPER REGISTRIES BEGINNING IN 2013.

SYSTEMS LIKE PRIMES (POPULATION REGISTRATION AND IDENTITY MANAGEMENT ECO-SYSTEM) WERE CREATED TO IMPROVE THE EFFECTIVENESS OF AID, BUT THEY ALSO BROUGHT WITH THEM NEW HAZARDS OF "FUNCTION CREEP," IN WHICH STATES ARE INCREASINGLY REQUESTING SENSITIVE DATA MEANT FOR PROTECTION FOR BORDER CONTROL.

THE EDWARD SNOWDEN DISCLOSURES IN THE MIDDLE OF THE 2010S WERE A PIVOTAL MOMENT THAT TURNED MASS MONITORING FROM A THEORETICAL ISSUE INTO A DOCUMENTED WORLDWIDE REALITY. TO KEEP AN EYE ON THESE NEW DANGERS, THE UN APPOINTED THE FIRST SPECIAL RAPPORTEUR ON THE RIGHT TO PRIVACY IN 2015.



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THE RISE OF EXTREMELY INTRUSIVE TECHNOLOGIES LIKE PEGASUS SPYWARE, WHICH UN HIGH COMMISSIONER FOR HUMAN RIGHTS MICHELLE BACHELET CLAIMED HAS BEEN USED TO TARGET JOURNALISTS AND HUMAN RIGHTS DEFENDERS WITH ALMOST COMPLETE IMPUNITY, HAS DOMINATED THE HISTORY OF THIS TOPIC MORE RECENTLY. A NEW ERA OF "DIGITAL AGENCY," IN WHICH THE INTERNATIONAL COMMUNITY AIMS TO BUILD "FIREWALLS" BETWEEN HUMANITARIAN DATA AND STATE SURVEILLANCE, BEGAN IN 2024 WITH THE ADOPTION OF THE GLOBAL DIGITAL COMPACT AS PART OF THE PACT FOR THE FUTURE.

THE HISTORY OF THIS ISSUE IS CURRENTLY SHIFTING TOWARD TACKLING "ALGORITHMIC BIAS," AS STATED IN THE 2025 OHCHR REPORT (A/HRC/60/45), TO MAKE SURE THAT THE TECHNOLOGIES USED TO REGISTER PEOPLE DO NOT TURN INTO TOOLS OF AUTOMATIC EXCLUSION OR "DIGITAL REFOULEMENT."

LATEST DEVELOPMENTS:

THE SPREAD OF DIGITAL SURVEILLANCE TECHNOLOGY POSES A CONTRADICTORY CHALLENGE TO INTERNATIONAL HUMAN RIGHTS STANDARDS IN THE CURRENT HUMANITARIAN AND GEOPOLITICAL ENVIRONMENT. WHILE DIGITAL TOOLS LIKE BIOMETRICS AND AI-DRIVEN DATA ANALYTICS CAN IMPROVE ADMINISTRATIVE EFFICIENCY, THEY ALSO PUT POPULATIONS AT PREVIOUSLY UNHEARD-OF RISK. AS OF 2025, THE GLOBAL DIGITAL COMPACT, WHICH WAS LEGALLY ACCEPTED AS PART OF THE PACT FOR THE FUTURE, AND THE UNHCR DIGITAL TRANSFORMATION STRATEGY BOTH STRESS THAT "DIGITAL RIGHTS ARE HUMAN RIGHTS." HOWEVER, MANY STATES HAVE IMPLEMENTED INVASIVE SURVEILLANCE, SUCH AS FACIAL RECOGNITION AND AUTOMATED THREAT DETECTION, FREQUENTLY WITHOUT SUFFICIENT LEGAL SAFEGUARDS DUE TO THE GROWING "SECURITIZATION" OF BOTH PHYSICAL AND DIGITAL BOUNDARIES.



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A MAJOR "CHILLING EFFECT" ON BASIC RIGHTS HAS RESULTED FROM THESE EVENTS. A 2025 ASSESSMENT BY THE OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) CLAIMS THAT MONITORING MUNICIPAL AREAS USING AI-ASSISTED SURVEILLANCE MAY UNINTENTIONALLY AID IN THE SUPPRESSION OF POLITICAL DISSENT AND CIVIL SOCIETY. ADDITIONALLY, THE ADVENT OF DIGITAL PUBLIC INFRASTRUCTURE (DPI), WHICH LACKS ADEQUATE PRIVACY-BY-DESIGN DUE TO THE WORLDWIDE MOVEMENT TOWARD "TECHNO-SOLUTIONISM," HAS RESULTED IN WHAT EXPERTS REFER TO AS A "DIGITAL WELFARE DYSTOPIA." IN THIS SETTING, BIASED ALGORITHMS AND AUTOMATED DECISION-MAKING MAY CAUSE MARGINALIZED GROUPS TO BE DISCRIMINATORILY EXCLUDED FROM VITAL SOCIAL SERVICES.

BY LATE 2025, THE EU AI ACT, WHICH CREATED THE FIRST COMPREHENSIVE "RISK-BASED" FRAMEWORK FOR AI GLOBALLY AND OUTLAWED SPECIFIC TYPES OF BIOMETRIC SURVEILLANCE, HAD BROUGHT THE WORLD TO A CRUCIAL POINT. HOWEVER, ACCORDING TO FREEDOM HOUSE'S 2025 FREEDOM ON THE NET REPORT, WHICH CITES RECORD HIGHS IN ARRESTS FOR ONLINE EXPRESSION AND THE DETERIORATION OF END-TO-END ENCRYPTION, GLOBAL INTERNET FREEDOM HAS DECREASED FOR THE FIFTEENTH YEAR IN A ROW. A STRONG INTERNATIONAL REGULATORY FRAMEWORK THAT HOLDS GOVERNMENTS AND PRIVATE TECH COMPANIES ACCOUNTABLE TO THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS IS NECESSARY TO STRIKE A BALANCE BETWEEN A STATE'S LEGITIMATE SECURITY NEEDS AND AN INDIVIDUAL'S RIGHT TO PRIVACY. THE INTERNATIONAL COMMUNITY'S ULTIMATE TASK IS TO MAKE SURE THAT THE VERY AUTONOMY AND DIGNITY THAT TECHNOLOGY IS MEANT TO UPHOLD ARE NOT SACRIFICED IN THE PROCESS.



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SUCCESSES, CHALLENGES, AND LESSONS LEARNED :

SUCCESSES INCLUDE THE RECOGNITION OF DIGITAL PRIVACY AS A HUMAN RIGHT, THE ADOPTION OF UNHRC RESOLUTIONS ADDRESSING SURVEILLANCE PRACTICES, AND THE USE OF TECHNOLOGY TO ENHANCE PUBLIC SAFETY AND SERVICE DELIVERY. INCREASED GLOBAL DISCUSSION HAS ALSO STRENGTHENED AWARENESS OF THE RISKS POSED BY UNCHECKED SURVEILLANCE.

CHALLENGES REMAIN DUE TO THE RAPID EXPANSION OF MASS AND BIOMETRIC SURVEILLANCE, LIMITED REGULATORY FRAMEWORKS, MISUSE OF PERSONAL DATA, AND THE FREQUENT JUSTIFICATION OF RIGHTS RESTRICTIONS ON NATIONAL SECURITY GROUNDS.

LESSONS LEARNED HIGHLIGHT THE NEED FOR STRONG LEGAL SAFEGUARDS, INDEPENDENT OVERSIGHT OF SURVEILLANCE TECHNOLOGIES, TRANSPARENCY IN DATA COLLECTION AND USE, AND POLICIES THAT PROTECT FUNDAMENTAL FREEDOMS WHILE ADDRESSING LEGITIMATE SECURITY CONCERNS.

SUB TOPICS :

1. DETERMINING WHERE A STATE'S DUTY TO ENSURE NATIONAL SECURITY ENDS AND THE INDIVIDUAL'S RIGHT TO PRIVACY BEGINS.
2. HOW AUTOMATED DECISION-MAKING AND AI SURVEILLANCE DISPROPORTIONATELY TARGET MARGINALIZED COMMUNITIES, ETHNIC MINORITIES, AND HUMAN RIGHTS DEFENDERS.
3. THE ROLE OF PRIVATE CORPORATIONS IN DEVELOPING AND SELLING SPYWARE (LIKE PEGASUS) AND FACIAL RECOGNITION TOOLS TO GOVERNMENTS.
4. EXPLORING HOW SURVEILLANCE LIMITS THE FREEDOM OF ASSEMBLY, EXPRESSION, AND ASSOCIATION.



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5. THE LACK OF INTERNATIONAL JUDICIAL BODIES TO HOLD STATES OR ACTORS ACCOUNTABLE FOR CROSS-BORDER DIGITAL RIGHTS VIOLATIONS.

FOCUS QUESTIONS :

1. SHOULD THE INTERNATIONAL COMMUNITY AIM FOR A NEW, LEGALLY BINDING UN TREATY ON DIGITAL PRIVACY, OR SHOULD THE FOCUS REMAIN ON IMPLEMENTING EXISTING NON-BINDING FRAMEWORKS LIKE THE GLOBAL DIGITAL COMPACT?
2. WHAT UNIVERSAL CRITERIA SHOULD BE ESTABLISHED TO DEFINE THE LEGAL THRESHOLDS OF "NECESSITY" AND "PROPORTIONALITY" IN STATE-SPONSORED SURVEILLANCE?
3. TO WHAT EXTENT CAN "NATIONAL SECURITY" BE USED AS A LEGITIMATE JUSTIFICATION FOR MASS DATA COLLECTION WITHOUT INFRINGING UPON THE "ESSENCE" OF THE RIGHT TO PRIVACY?
4. WHAT INTERNATIONAL OVERSIGHT MECHANISMS CAN BE ESTABLISHED TO REGULATE THE EXPORT OF "HIGH-RISK" SURVEILLANCE TECHNOLOGY (E.G., SPYWARE) TO REGIMES WITH POOR HUMAN RIGHTS RECORDS?
5. HOW CAN THE UN PROTECT JOURNALISTS, HUMAN RIGHTS DEFENDERS, AND POLITICAL DISSIDENTS FROM THE "CHILLING EFFECT" OF PERVERSIVE DIGITAL MONITORING?
6. WHAT MEASURES CAN BE TAKEN TO PREVENT ALGORITHMIC BIAS IN AUTOMATED DECISION-MAKING SYSTEMS THAT PROVIDE ESSENTIAL SOCIAL SERVICES?
7. HOW CAN THE INTERNATIONAL COMMUNITY ENSURE THAT DIGITAL PUBLIC INFRASTRUCTURE (DPI) IS BUILT WITH "PRIVACY-BY-DESIGN" TO PROTECT THE DATA OF MARGINALIZED POPULATIONS?



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