



Dear HRC Delegates,

Welcome to the MITMUNC Human Rights Council!

My name is Kristen, and I'm a sophomore physics major. I loved doing Model UN throughout high school, and I was one of the HRC chairs last year. I really enjoyed it, and I look forward to co-chairing this awesome committee again!

My name is Daniel, and I am a sophomore majoring in Computer Science. While I did not do Model UN in high school, I really enjoyed being part of the debate team. I had my first Model UN experience last year as one of the HRC chairs and really enjoyed it, and I hope to have another great committee this year as well!

We hope that you find this background guide informative as a starting point for your research. We have provided some references that we used and others that may be useful as you continue research. However, you are certainly not limited to these resources. In fact, we encourage you to find more outside sources. The more perspectives and information you have, the more exciting our committee will be! Of course, feel free to reach out to us if you have any questions. We look forward to seeing you at the conference!

Best,

Daniel I. Hong and Kristen M. Surrao

## Topic A: CHILDREN'S RIGHTS

Children are the most vulnerable members of society, and as such, we should go to great measures to ensure that they receive adequate care and opportunity for personal development. Unfortunately, in many countries of the world, children still face difficult circumstances. Perhaps some of the most pressing--and extremely devastating-- issues in our world today are child labor, child abuse, and child marriage. Here we examine each of these topics in turn, as well as potential questions to address in combating these issues.

### Child Labor

The Declaration of the Rights of the Child outlines many rights that children have, including rights to education, safe physical and

mental development, and protect against exploitation.[4] Child labor violates all of these rights. Article 4 of the UN Declaration of Human Rights states that “no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their



forms”[1]. Since the 90s, the UN has been fighting against child labor around the globe.

It has been estimated that around 168 million children between the ages of 5 and 17 are engaged in child labor.[2] Child labor, as defined by the International Labour Organization (ILO), includes:

“The unconditional worst forms of child labour, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment of children for use in armed conflict, prostitution and pornography, and illicit activities.

Labour performed by a child who is under the minimum age specified for that kind of work (as defined by national legislation, in accordance with accepted international standards), and that is thus likely to impede the child’s education and full development.

Labour that jeopardizes the physical, mental or moral well-being of a child, either because of its nature or because of the conditions in which it is carried out, known as “hazardous work.”[3]

Despite taking steps towards eliminating child labor, the UN has so far been pretty ineffective in making much progress. In 2012, the UN recognized the growing issue of child labor and began making plans to try to end it by 2020.[5] However, their plans have had little impact since, and “at current rates, more than 100 million children will still be trapped in child labour by 2020.”[1]

One of the biggest hindrances to these plans may come from the fact that some countries rely on child labor to survive. For families suffering from poverty, a child’s job can actually be a major source of income, helping the family to buy necessities such as food and water. Even with regards to education, child labor sometimes is necessary for the children to afford being able to go to school. A case study in India found that once a ban on child labor was passed, there was a clear decrease the the amount of education received for the families most affected by the ban.[11]

Child Labor Questions:

Should we as the HRC push for more more actions to be taken to fight child labor?

Should the UN even be opposing child labor, despite its benefits for the families and nations the children belong to?

## Child Abuse and Neglect

No child should ever have to suffer from child abuse. Child abuse leads to all sorts of trauma later in life, including physical and psychiatric issues. These children are also at greater risk of depression and suicidal thoughts.[6] Currently, the World Health Organization is partnering with the International Society for Prevention of Child Abuse and Neglect to “design and deliver programmes for the prevention of child maltreatment by parents and caregivers,” providing guidance to NGOs and government officials. [6] While everyone should agree that child abuse and neglect is bad, disagreements may come into play when trying to determine exactly what is classified as child abuse. For instance, in some countries, beating is a regular part of child discipline. Reference 7 provides some insight, noting that “discipline is probably excessive” if any of the following are true:[7]

Discipline instills fear in the child instead of educating the child

Discipline results in physical injury

Expectations for the child are unreasonable.

However, these guidelines still leave gray areas, and thus room for dispute.

Child Abuse Questions to Consider:

Should certain forms of child discipline be classified as child abuse? How do we draw the line between discipline and abuse?

What is the most efficient way to combat child abuse and neglect?

## Child Marriage

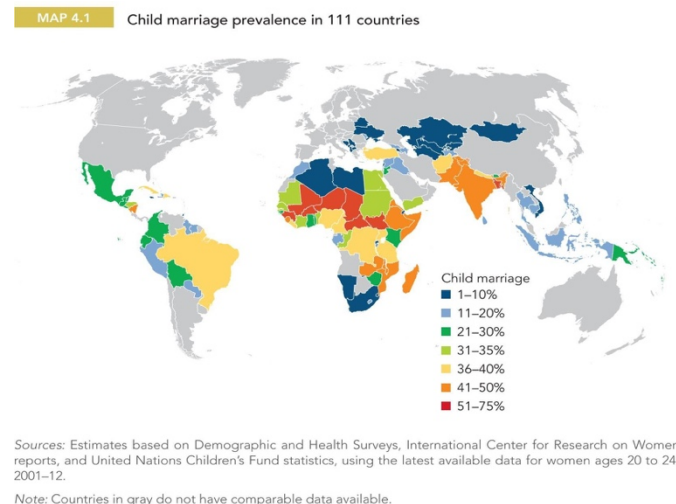
In many developing countries, child marriage remains a prevalent issue. In these nations, one in four

girls below the age of eighteen is married.[8] Various countries have different child marriage laws. In Iraq, Jamaica, and Uruguay, children can marry with parental permission.[10] Moreover, around thirty-eight countries have different legal marital ages for males and females. These countries include Sudan and Bangladesh. Some countries, such as Tanzania and the Philippines, even have different marital ages for people of different religions.[10] The issue is exacerbated by the fact that even in countries with laws against child marriage, the laws may be loosely enforced and/or ignored. The map shows the prevalence of child marriage in 111 countries.[9]

### Child Marriage Questions to Consider:

How can we convince Member States to make laws against child marriage without infringing on national sovereignty?

How can we better enforce laws against child marriage in Member States where such laws already exist?



### Children's Rights References

UN Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>

[https://www.unicef.org/protection/57929\\_child\\_labour.html](https://www.unicef.org/protection/57929_child_labour.html)

<http://www.un.org/en/events/childlabourday/background.shtml>

<https://www.unicef.org/malaysia/1959-Declaration-of-the-Rights-of-the-Child.pdf>

<https://www.theguardian.com/world/2012/oct/29/un-eliminate-child-labour-2020>

[http://www.who.int/violence\\_injury\\_prevention/violence/activities/child\\_maltreatment/en/](http://www.who.int/violence_injury_prevention/violence/activities/child_maltreatment/en/)

<https://www.hcjfs.org/services/child-protection/know-the-difference-between-discipline-and-abuse/>

<http://www.unfpa.org/child-marriage>

<https://behavioraldevelopmentblog.wordpress.com/2016/07/15/child-marriage-and-the-power-of-mental-models/>

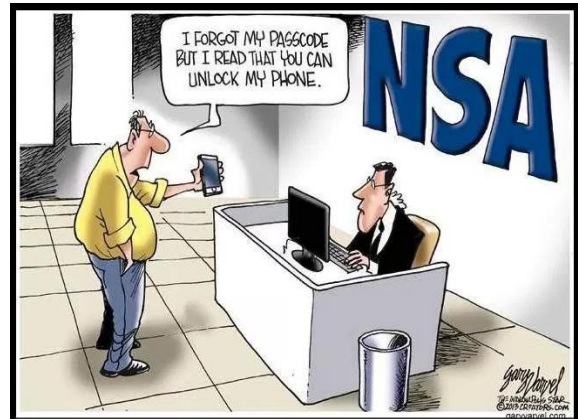
<https://www.weforum.org/agenda/2016/09/these-are-the-countries-where-child-marriage-is-legal/>

<http://www.businessinsider.com/banning-child-labor-worse-for-children-2013-11>

## Topic B: PERSONAL PROTECTION RIGHTS

The right to personal protection is one of the most fundamental human rights. But what exactly does that protection entail? We will consider two major topics of interest: the right of citizens to bear arms and the right to

digital privacy. Though seemingly unrelated at first glance, both topics are critical to understanding to what extent people should be allowed to protect themselves. For instance, should personal protection rights be restricted in the interest of communal safety? Or what if there was an issue of national security? Here we explore some of these issues.



### The Right of Citizens to Bear Arms

Gun control is a highly divisive issue among many. Some argue that the right to bear arms is beneficial so that innocent civilians can protect themselves. Others argue that imposing restrictions on weapon ownership creates a safer community. Other common arguments can be found here.[5]

Only three countries protect the right to bear arms within their constitutions: the United States, Mexico, and Guatemala.[1] Six other countries have repealed this right from their constitution. The countries with the most firearms are Serbia, Yemen, Switzerland, and Saudi Arabia.[1] Some countries have also engaged in illegal firearms sales for profit.

The UN Small Arms Programme of Action, or UNPoA was implemented in 2001.[2] This program called upon Member States' national governments to follow a certain set of guidelines and to make reports on their progress.[2] Moreover, the UN implemented the Firearms Protocol in resolution 55/255.[3] The Firearms Protocol "provides for a framework for States to control and regulate illicit



arms and arms flows, prevent their diversion into the illegal circuit, facilitate the investigation and prosecution of related offences without hampering legitimate transfers.”[3] In addition, the UN Arms Trade Treaty (ATT) “encourages national recordkeeping requirements” of firearms and encourages the sharing of these records within the international community. Moreover, it urges Member States to make import and export decisions based on the abundance of trading partners with the treaty.[4]

### Right to Bear Arms Questions to Consider

Is personal firearm ownership a deterrent or a contributor to crime ?

Should firearm restrictions be left to individual Member States, or should a set of basic guidelines be implemented by the United Nations?

How do we improve international record keeping of firearms to deter the circulation of illegal firearms?

How do we incentivize countries to enact stricter gun control laws, if this is deemed beneficial?

### Right to Bear Arms References

<http://www.businessinsider.com/2nd-amendment-countries-constitutional-right-bear-arms-2017-10>

<http://www.gunpolicy.org/firearms/region/united-nations>

<http://www.unodc.org/unodc/en/firearms-protocol/the-firearms-protocol.html>

<https://www.nrila.org/issues/internationalun-gun-control-issues/>

<https://gun-control.procon.org/>

### Digital Privacy

Article 12 of the UN Declaration of Human Rights states, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the

right to the protection of the law against such interference or attacks.”[2] Regarding this article in light of present technological advances, we come to the issue of privacy in the digital age. A cartoon satirizing the potential lack of privacy by the United States government is shown above(from rjscorner.net).

General Assembly Resolution 68/167, introduced by Brazil and Germany,[8] called for Member States to review their current legislation on digital surveillance and communication interference. The resolution “affirmed that the rights held by people offline must also be protected online”. [3] Moreover, the resolution requested that the UN High Commissioner for Human Rights examined and reported on the following: intercepting communications, collecting personal data, and “domestic and extraterritorial surveillance.”[4] In resolution 28/16, adopted by the Human Rights Council in April of 2015, the HRC appointed a Special Rapporteur on the right to privacy for three years. The Special Rapporteur was to report on privacy violations, especially with regard to novel technologies.[3]

Reference 5 provides the UN High Commissioner’s Report on the right to privacy in the digital age. It is highly suggested to look through this entire document, but here we will outline a few topics of interest from the document to consider[5]:

“Mandatory third party data retention”: the government relies on the private sector (i.e. telephone services and Internet providers) to maintain data on clients in case the data is needed by law enforcement in the future

Communications surveillance in cases of terrorism and other threats to national security

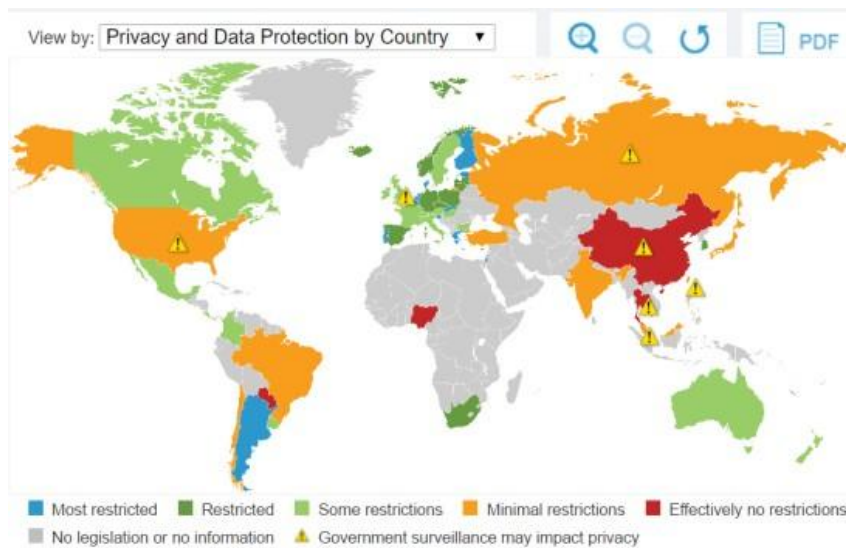
Equal access to digital privacy by citizens and foreigners (including non-citizens)

Importance of data privacy in healthcare

In extreme cases where digital privacy must be violated, who will have access to the data and what

specifically will be done with the data?

Many non-governmental organizations and other bodies have advocated for the right to digital privacy. These organizations include, but are not limited to, Amnesty International, Human Rights Watch, Privacy International, and the International Federation for Human Rights.[6] These organizations have stressed that digital privacy is fundamental to preserving the freedom of expression, a right explicitly called for in Article 19 of the UN Declaration of Human Rights: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and



impart information and ideas

through any media and regardless

of frontiers.”[2] NGOs have also

compiled data on potential criteria

to be used in selecting the Special

Rapporteur on the right to privacy

(whose role was briefly discussed

above).[6]

The colored map shows general attitudes of various countries toward privacy and data protection.[7]

We see that many countries with restrictions are concentrated around Western Europe. However, we should perhaps be most concerned about countries with the caution sign, in which privacy may be affected by government surveillance.

Digital Privacy Questions to Consider:

Can digital privacy be violated in extreme cases? If so, in which specific cases? And how do we determine that such a case exists?

How can Member States balance the right to digital privacy with issues of national security?

What about with issues of general public safety (that do not necessarily pose a direct threat to national security)?

#### Digital Privacy References:

UN Charter: <http://www.un.org/en/charter-united-nations/>

UN Declaration of Human Rights: <http://www.un.org/en/universal-declaration-human-rights/>

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

<https://business-humanrights.org/sites/default/files/media/documents/ohchr-privacy-rights-civil-society-letter.pdf>

<https://ec.europa.eu/digital-single-market/en/news/right-privacy-digital-age-united-nations-report>

<http://www.ijrcenter.org/2015/04/22/un-human-rights-council-adopts-resolution-to-create-special-rapporteur-on-the-right-to-privacy/>

<https://www.lunametrics.com/blog/2016/05/11/global-guidelines-eu-uk-data-digital-marketing/>

<https://www.ip-watch.org/2014/01/08/un-general-assembly-adopts-resolution-on-privacy-and-surveillance/>