

PaxMUN 2022 – General Assembly



Forum: General Assembly 1

Issue: Developing an international legal framework for privacy and security in the digital era

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Introduction

As we progress into the 21st centuries digital era, the world's most valuable resource is no longer oil, but data. With over 5 billion people interconnected via the Internet, it's rapid growth can be attributed to the Internet's easy accessibility and rapid speed. Moreover, large firms such as Google, Facebook or Apple further improve the Internet's quality, accessibility, and utility. However, many of these companies do not profit traditionally, by having a user pay for their services. Oftentimes, they instead sell data, or use it to advantage themselves and their interests.

The danger of personal information being leaked has been demonstrated on various occasions; groups such as 'anonymous' have highlighted the ease with which they can break down the security of large corporations. An example being a data breach targeting Yahoo that affected 1 billion accounts. We as a human race are facing the imminent challenge of enjoying the benefits of the Internet, whilst keeping the benefits of privacy.

Definition of Key Terms

The Right to Privacy

Defined by the Universal Declaration of Human Rights (UDHR) as, “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, or correspondence, or to unlawful attacks on his honor and reputation.” (As shown in more detail in the Appendix)

Internet Censorship

The restriction or control of what can be accessed, published, or watched on the Internet." It may be carried out at the request of the government, regulators, or on their own initiative by governments or private entities.

Cookies

A web cookie is a small piece of data that contains information about online users. It is sent from a site and stored into the user's web browser and used on the web page without their consent.

Whistle-blower

This phrase refers to someone who reports someone for illegal conduct or crime, whether it's to a single individual or to the public.

The Digital Age

This historical period spans the late 1970s to the current day, during which time progressively advanced technology is introduced. This enables us to store and transfer data on a digital medium fast and easily.

Surveillance

The attentive and continual observation or watch over an area, person, or group is referred to as surveillance.

Major parties involved

Organisations

European Union

The EU has put in place measures to ensure that personal data is protected to a high standard. The EU Data Protection Directive was created with the goal of "ensuring that personal data can only be obtained under tight conditions and for legal purposes." The EU is keeping up with the issue, having launched a reform of their 1995 data protection guidelines in 2012, which included themes like cookies and new technology.

Twitter

Facebook

Apple

Google

Countries

United States of America (USA)

When the Edward Snowden situation began, the United States of America was the major party. They are constantly working to prevent such a national problem from resurfacing, as it was US individuals whose information was breached and who were disproportionately

affected by the country's lack of privacy. In January 2015, the current president, Barack Obama, announced that legislation would be presented soon as part of a plan to secure Americans' personal information and combat cyber-attacks in the digital era.

People's Republic of China

China is the world's leading censor of the Internet. They are notorious for being rigorous and controlling in terms of what their residents are allowed to see. The Public Pledge of Self-Discipline for the Chinese Internet Industry was founded in 2002 by The Internet Society of China, a non-governmental organization (NGO) comprising members from all sectors of the Internet industry, including researchers and schools. It was established as an agreement between the Chinese Internet Industry and corporations operating sites in China to prevent the transmission of information related to breaking laws or suspicious threats. It has been tightly enforced, as you may not acquire an official permission to post Internet content unless you sign this agreement.

Timeline of key events

Date	Event
December 10 th , 1948	The Universal Declaration of Human Rights was adopted
November 4 th , 1952	National Security Agency was formed
October 24 th , 1995	EU released a directive on the protection of individuals with regards to the processing of personal data and on the free movement of such data

June, 1997	The Electronic Privacy Information Center reports 17 out of the 100 most popular internet sites have privacy policies
2007	Launch of the US surveillance program, PRISM
Late 2009	The Chinese government blocked social media sites, Facebook and Twitter
2010	Liu Xiaobo, a Chinese human rights activist, became a forbidden topic on social media due to winning the 2010 Nobel Peace Prize
June 2013	Edward Snowden leaked classified information from the US NSA to the media
March 21, 2014	The Telecommunications Presidency temporarily blocked access to Twitter, but the top court later shot it down
December 2015	Cambridge Analytica reportedly used data harvested from millions of Facebook accounts without their consent
5 June 2021	Nigeria bans Twitter
12 January 2022	Nigeria unbans Twitter

Previous attempts to solve the issue

Because most of the issues arose in the last few years, the UN has just recently become involved in the matter. The Office of the High Commissioner for Human Rights (OHCHR) oversees key human rights programs around the world. Following the UN General Assembly's concern about this issue, they produced a report on digital privacy, which was delivered in September 2014 and addressed further in the General Assembly's resolution in December 2014. In addition, there have been many panels on this subject in the Human Rights Committee. The most important resolutions, treaties, and events on this subject are listed below;

- Universal Declaration of Human Rights, 10 December 1948 (Article 12 and 19, stated in more detail in Appendix II)

- Reform of the EU's 1995 data protection rules to strengthen online privacy rights, 25 January 2012 (Directive 95/46/EC)
- Developments in the field of information and telecommunications in the context of international security, 9 January 2014 (A/RES/68/243)
- Panel on the Right to Privacy in the Digital Age, 15 April 2014 (A/HRC/DEC/25/117)
- The Right to Privacy in the Digital Age, 18 December 2014 (A/RES/69/166)
- The Right to Privacy in the Digital Age, 26 September 2019 (A/RES/42/15)

Possible solutions

The simplest and most obvious option for preventing this problem from worsening in the future is to address the issue of legislation. Effective regulations against such crimes will not only raise public awareness of the problem, but will also, ideally, reduce the number of criminals. It's also critical to keep such legislative bodies up to date with recent and emerging technology improvements. Individual privacy is essential in the digital age and keeping up to speed on treaties and legislation is essential.

Another issue is people putting their personal information in online databases without thinking about who might view and use it. As a result, public awareness must be raised so that people understand the dangers of sharing sensitive information and how they can avoid it. Changes in privacy settings, reviewing privacy policies, and deleting cookies have already been used by UK people, as previously mentioned. Appendix III has a more detailed list of such preventative measures.

Furthermore, in order to prevent this problem from emerging, greater, and more effective punishments must be imposed on those who have already gained unlawful access to another's private information and have either received, processed, or used it. The US government has sentenced Edward Snowden to a maximum of 30 years in prison; nevertheless, many others believe he should be locked up for the rest of his life. There is presently no updated legislation regulating criminal penalties for crimes committed in the digital age.

Whistle-blowers are similarly treated with scant respect. Whistle-blowers draw attention to huge corporations that abuse their position, and some believe they should be rewarded for their efforts. This could involve providing them with protection or financial assistance in exchange for their contributions to society.

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Appendix

Article from the European Convention on Human Rights, Article 8 which is relevant to the Right to Privacy

Article 8: Right to privacy

- (1) Everyone has the right for his private and family life, his home and his correspondence.
 - (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
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Articles in the Universal Declaration of Human Rights, which are relevant to privacy and freedom of expression Article 12. 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. Article 19. 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.
<http://www.un.org/en/documents/udhr/index.shtml#a12>