Social, Humanitarian, and Cultural Committee (SHC)

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Purview:

The Social, Humanitarian, and Cultural Committee focuses its discussions on social, humanitarian and cultural concerns that arise in the General Assembly, although its work often overlaps with that of other United Nations organs, including the Economic and Social Council and its subsidiary bodies. Human rights, education and cultural preservation are typical issues for the Third Committee. Notably, the Third Committee would not discuss the legal

implications of human rights matters, as those are discussed by the Sixth Committee, nor would it call for special studies or deploy monitors, as those tasks are handled by the Human Rights Council. The Third Committee also adheres to the purview guidelines of the General Assembly as a whole.

Topics:

The right to privacy in the digital age

The right to privacy has long been recognized in the major international human rights documents. Article 12 of the 1948 Universal Declaration of Human Rights protects against "arbitrary interference with [one's] privacy, family, home [and] correspondence." This right was also enshrined in the International Covenant on Civil and Political Rights. Subsequent articles also protect freedom of thought and expression, which were seen as complementary and essential parts of a whole. While these rights are protected under international human rights law, implementation under national law has always been a challenge. With each new technology, governments and citizens are forced to consider how the right of privacy applies to the new medium. The digital age has significantly complicated this discussion. Surveillance and widespread monitoring is far cheaper, easier and more reliable than at any point in history.

Increasing availability of digital information communication technologies has radically changed global norms of communication, increased access to information and expanded outlets for free expression around the world. Many of the effects have been good, including dramatic reductions in the cost of doing business around the globe, the development of new tools for human rights activists and increased access to educational opportunities. Yet the widespread adoption of these technologies poses new challenges as well. Governments, individuals and private companies are able to conduct surveillance and to intercept data on a new scale. Governments, in particular, can carry out widespread digital surveillance more effectively, as the cost of communications technologies has plummeted. While some States argue that surveillance is necessary to prevent crime or terrorism, citizens, civil society groups and other governments have raised concerns about just how far a State should be able to

reach into the digital transmissions of its citizens or other people and organizations around the world.

In 2013, the High Commissioner for Human Rights released a statement expressing grave concerns regarding the impact of these extensive surveillance practices on human rights. The Commissioner pointed out the lack of proper integration, implementation and enforcement of the protections granted by the Covenant on Civil and Political Rights. The statement went on to encourage Member States to adopt legislation prohibiting State surveillance of communications save for "the most exceptional circumstances" and argued that such surveillance should always be subject to the supervision of an independent judicial body. Following the Commissioner's report, the General Assembly adopted a resolution in 2014 affirming that the rights citizens hold offline must also apply online. The General Assembly called upon all Member States to review their practices, procedures and legislation regarding communications surveillance to ensure that such measures abide by international human rights law. While the 2014 resolution was a major step in interpreting and codifying the right to privacy in the digital age, it did not fully resolve all of the issues identified in the Report of the High Commissioner for Human Rights on this right.

One central issue is how to effectively balance the need to monitor communications for law enforcement and national security while still protecting individual rights. The International Covenant on Civil and Political Rights protects against unlawful and arbitrary invasions of privacy but implies that there are legitimate reasons for surveillance. In most States, legal frameworks provide some check or safeguard to protect against arbitrary surveillance, like requiring a court order for tapping a telephone. As of yet, there are no clear guidelines about what legal standards and safeguards should be used for digital communications and data. The right to privacy also requires protection from the private sector. In 2016, the General Assembly affirmed the need for Member States to put in place or maintain means preventing the private sector from abusing the right to privacy. Moreover, privacy issues disproportionately affect groups including women, children, and vulnerable or marginalised communities. Breaches of privacy relating to an individual's gender can often lead to a range of responses including discrimination and violence. A 2020 report from the Special Rapporteur on the right to privacy highlighted the importance of this issue, calling upon the international community to address this issue by creating international guidelines to protect against gender-based privacy infringements.

Events of the past few years have made the importance of this topic and the challenges involved all the more clear. A 2014 Reporters Without Borders report identified national digital surveillance programs in State governments across the globe, representing various levels of development, different geographic locations and diverse systems of government. National responses to the COVID-19 pandemic have also experimented with utilizing personal data to protect public health, adding a new dimension to the privacy debate. Alternatively, digital privacy rights received a large boost with the 2018 implementation of the European Union's General Data Protection Regulation, which had wide-reaching impacts for digital privacy in the private sector even outside Europe. Meanwhile, other States have asked a number of corporations to provide greater access to personal data for the purposes of protecting national security. Both events have fueled a global conversation about the appropriate balance between the right to privacy and the needs of States for monitoring and surveillance.

Questions to consider:

- How should States balance their obligation to protect the right to privacy with the use of surveillance tools to protect national security or public health?
- What safeguards or legal principles should States implement to protect the right to privacy?
- What sort of protections are appropriate or necessary to keep businesses from infringing upon the right to privacy?

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Protection of Migrants

People move their permanent place of residence for a variety of reasons. Sometimes this movement is voluntary, as in the case of migrant workers who seek better employment opportunities abroad while other movements are involuntary, such as people who choose to leave because they believe their home has become too dangerous, or because of forced expulsion of a population by military forces—a relatively common occurrence. Regardless of whether their movement is voluntary or involuntary, those who leave their home country to seek either permanent or temporary residence elsewhere are referred to under the global term "migrant." This term thus encompasses a wide range of people in a wide range of circumstances and conditions, which can occasionally complicate policy considerations. Migrants often find themselves in vulnerable situations, as they are not citizens of the receiving countries and subsequently can be subject to human rights violations.

To best address the needs of migrants, it is important to understand the makeup of this population. The growth of the migrant population around the globe highlights the continued need to address this topic. It is estimated that there are 272 million migrants globally as of 2019, compared to 51 million in 2000 and 258 million in 2017. The migrant population increased from 2.3 percent to 3.5 percent of the global population since 1980. Of the 2019 migrant population, 48 percent were women, 38 million were children, and 164 million were workers. While many of these individuals migrate by choice, there are those who are forced to travel out of necessity. War, famine, and economic uncertainty are just a few reasons migrants leave their homes. In 2018, the UNHCR reported that, globally, the number of forcibly displaced persons was over 70 million. This includes 26 million refugees, 3.5 million asylum seekers, and over 41 million internally displaced persons.

While migration has been common for centuries, it was enshrined as a human right in the Universal Declaration of Human Rights in 1948. Article 13 of the Declaration states that every person has a right to leave his or her own country, as well as to return to that country. However, the Declaration (along with other international human rights law) does not provide an obligation on the part of the receiving State to accept the migrant as a resident, except in narrow cases where asylum is validly sought and granted. Nevertheless, the receiving State

does have obligations to protect even an undocumented migrant's human rights, such as the right to be free from torture or forced labor. Migration affects nearly every country in the world, as a sending, transit, or receiving country, so there is global interest in migrant issues.

Drawing on the guidance from the Population Division, the United Nations developed the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1990. This Convention clarified that international human rights law applies to migrants regardless of whether they are in a transit State or receiving State. The Convention also categorized migrant workers as documented or non-documented. A documented migrant worker is one whom the receiving State has officially authorized to live and work there. The Convention recognizes the need to secure the protection for the rights of every migrant, regardless of their documentation status. However, the Convention grants certain rights—such as the right to form associations and trade unions, and the right to participate in public affairs—only to documented workers.

In 2013, the United Nations built upon its work through the implementation of the Secretary-General's eight-point plan of action regarding migrants. This plan of action, adopted by the General Assembly, called broadly for the protection of all human rights of migrants. In addition, it aims to improve public perception of migrants, better integrate migration into the United Nations development agenda and adopt a more evidence-based approach to assisting migrants.

In September 2014, the General Assembly adopted the Report of the Open Working Group of the General Assembly on Sustainable Development Goals, which called for the protection of migrants' labor rights and workplace safety in Goal 8. Additionally, a February 2015 International Migration Meeting brought together high ranking officials within ECOSOC to discuss the position of international migration within the Secretary-General's eight-point migration plan. These officials indicated that integrating migration into the broader international sustainable development agenda is of critical importance, especially at a time when many countries are having difficulty implementing beneficial migration policies at the national level and coordinating their efforts with those of other countries.

The UN Migration Agency (IOM) defines migrants as persons who are moving or have moved across international borders or within a State away from their

habitual place of residence regardless of: the person's legal status, whether the movement is voluntary or involuntary, what the causes for the movement are, or what the length of stay is. The IOM was established in 1951 and is the leading inter-governmental organization tasked with addressing migration. Its mission is to promote international cooperation on migrant issues, ensure the humane management of migration, assist in the search for solutions to the problems faced by migrants, and to provide assistance to migrants, refugees, and internally displaced persons. In 2016, IOM and the United Nations came to an agreement through Resolution 70/976 making IOM a specialized agency of the United Nations. This agreement made the coordination of IOM's expertise and the United Nations's international legislation ability more effective. This move came in conjunction with the United Nations' updated focus on the need for closer cooperation and responsibility-sharing to address the large-scale movement of refugees and migrants which affect all Member States.

The General Assembly convened in 2016 to address these concerns. These meeting's outcomes were highlighted in the Secretary-General's report: In safety and dignity: addressing large movements of refugees and migrants. This report designated three major pillars on which international cooperation would be needed to address the issues faced by migrants: "to uphold safety and dignity in large movements of both refugees and migrants, global compact on responsibility-sharing for refugees, global compact for safe, regular and orderly migration." These overarching pillars highlight how international cooperation hinges on Member States not only working together, but accepting responsibility for migrants needs whether they are the country of origin or the receiving country. Building upon this report, Member States recognized the positive contributions of migrants to sustainable and inclusive development and adopted several commitments through the New York Declaration for Refugees and Migrants. These commitments include protecting the safety, dignity, human rights and fundamental freedoms of all migrants, regardless of their migratory status.

Building upon this, Member States convened in 2018 for an international conference on migration in Morocco. The outcome of the conference was the development of the Global Compact for Safe, Orderly and Regular Migration. The commitments outlined in the Compact include: strengthening labor rights for migrant workers, improving migration data as a basis for evidence-based policies, saving lives and establishing international efforts to locate missing migrants.

Questions to consider:

- To what extent should receiving countries be obligated to protect the human rights of undocumented migrants? Of temporary labor migrants?
- What is your country's role in and position on the Global Compact on Migration?
- How can measures to protect migrants be better tailored to their unique vulnerabilities and susceptibility to human rights abuses?
- What steps should the United Nations take in order to better integrate protection of migrants into the overall issue of sustainable development?

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