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## Human Rights Council Background Guide 2025

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Dear Delegates,

Welcome to the 2025 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce to you our committee, the Human Rights Council (HRC). Your committee's work is facilitated by volunteer staffers. This year's committee staff are: Director Lisa N. Huynh and Assistant Director Noah Estling (Conference A), and Director Theodore Alberto and Assistant Director Cameron Carre (Conference B). Lisa studied Economics and Political Science with a concentration in International Relations from California State University, Sacramento. She also holds a Master's degree in Applied Economics from University of Maryland, College Park. She currently works as an Economist for the U.S. federal government. Noah Estling (they/them) is from Southern California and currently lives in Washington D.C. They studied International Relations, Economics, and Spanish at university. Theodore is currently a first-year Master of International Affairs student at the Pennsylvania State (Penn State) University School of International Affairs. He also works at the Penn State Smeal College of Business as an Administrative Support Assistant at the Center for Sustainability. Cameron studied Political Science at the University of New Haven and has recently finished working on campaigns in the state of Connecticut. The preparation of these materials was supported by Under-Secretaries-General Vikram Sakkia (Conference A) and Christopher Duggan (Conference B) with contributions by Under-Secretaries-General for Conference Management Alliyah Edwards (Conference A) and Kyle Roberts (Conference B).

The topics on the agenda for this committee are:

1. Safeguarding Human Rights in Peaceful Protests and Assemblies
2. The Right to Privacy in the Digital Age

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the bibliography to further your knowledge on these topics. In preparation for the conference, each delegation should submit a Position Paper by 11:59 p.m. ET on 1 March 2025 in accordance with the guidelines in the [Position Paper Guide](#) and the [NMUN•NY Position Papers website](#).

Two resources, available to download from the NMUN website, serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

- The [NMUN Delegate Preparation Guide](#), which explains each step in the delegate process, from pre-conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions.
- The [NMUN Rules of Procedure](#), which includes the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for this committee, please contact the Deputy Secretaries-General at [dsg.ny@nmun.org](mailto:dsg.ny@nmun.org).

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Lisa N. Huynh, Director  
Noah Estling, Assistant Director  
Conference A

Theodore Alberto, Director  
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Conference B



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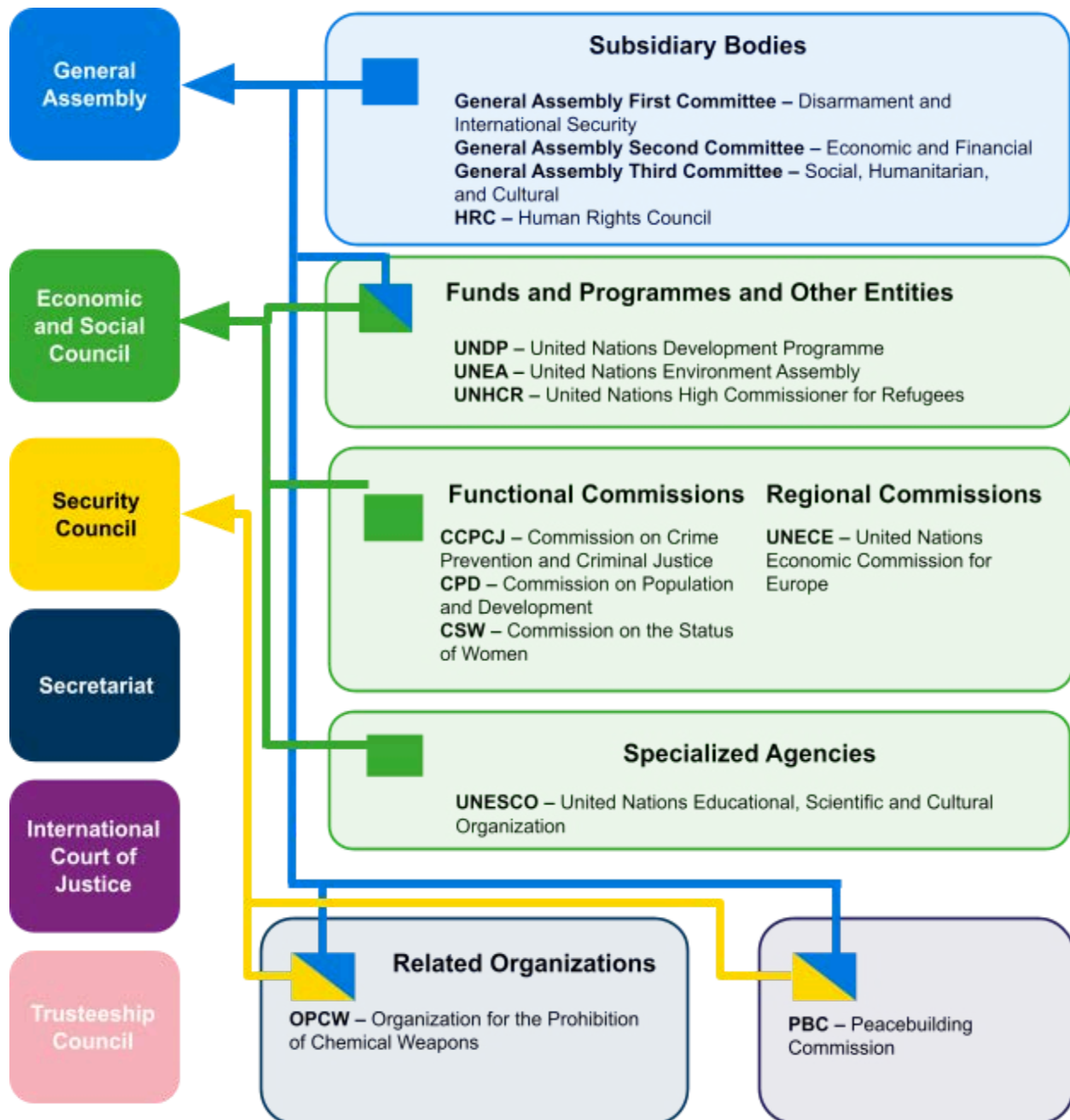
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## United Nations System at NMUN·NY

This diagram illustrates the United Nations system simulated at NMUN·NY. It shows where each committee “sits” within the system to demonstrate the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee’s position, purpose, and powers within the United Nations system.





## Committee Overview

### Introduction

The Human Rights Council (HRC) is the primary body responsible for addressing human rights issues in the United Nations system.<sup>1</sup> HRC seeks to promote universal respect for all human rights and fundamental freedoms, effective governance on human rights issues, and, as the need arises, also provides recommendations after human rights violations have occurred.<sup>2</sup>

### Mandate, Functions, and Powers

Replacing the United Nations Commission on Human Rights, HRC was established in 2006 with General Assembly resolution 60/251, "Human Rights Council."<sup>3</sup> HRC's operational structures were given further detail in 2007 by HRC resolution 5/1 on "Institution-building of the United Nations Human Rights Council," which established the HRC Complaint Procedure for cases of consistent patterns of human rights violations.<sup>4</sup> It is mandated to monitor, discuss, and make recommendations on human rights violations, establish international human rights standards, and promote human rights.<sup>5</sup> The United Nations has two forms of human rights monitoring mechanisms: treaty-based bodies and charter-based bodies.<sup>6</sup> While the ten treaty-based bodies assess the implementation of specific human rights treaties, HRC is the primary charter-based body and, although its resolutions are not legally binding, it can monitor human rights across all Member States rather than solely those which are party to specific treaties.<sup>7</sup>

HRC may mandate international commissions of inquiry or investigations into serious violations of human rights law.<sup>8</sup> These non-judicial commissions allow violations to be recorded and reported and can help to ensure accountability in potential future judicial proceedings, including those held by the International Criminal Court (ICC).<sup>9</sup> The commissions also review legislative and institutional mechanisms to protect human rights and propose recommendations on how they may be strengthened.<sup>10</sup> Separate from these commissions, HRC and its subsidiaries can establish Special Procedures, which are mechanisms that enable independent parties to report, monitor, and advise on country-specific or thematic issues under HRC consideration.<sup>11</sup> Each investigation has a mandate and a mandate holder, typically a Special

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<sup>1</sup> United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.*; United Nations, Human Rights Council. *Institution-building of the United Nations Human Rights Council (5/1)*. 2007.

<sup>5</sup> United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006.; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

<sup>6</sup> Office of the United Nations High Commissioner for Human Rights. *Instruments & Mechanisms*. 2024.

<sup>7</sup> *ibid.*; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015.

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights. *International Commissions of Inquiry, Commissions on Human Rights, Fact-Finding missions and other Investigations*. 2024.

<sup>9</sup> Office of the United Nations High Commissioner for Human Rights. *Commissions of inquiry and fact-finding missions on international human rights and humanitarian law: Guidance and practice*. 2015.

<sup>10</sup> *ibid.* p. 7.

<sup>11</sup> Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2024.



Rapporteur, an independent expert, or a working group.<sup>12</sup> Special Procedures generally involve field visits, thematic studies, expert consultations, and regular reports to HRC and the General Assembly.<sup>13</sup>

The HRC also oversees the Universal Periodic Review (UPR), a process under which each Member State submits to an assessment of the fulfillment of its human rights obligations.<sup>14</sup> The complete cycle of the UPR process takes around four years to complete and includes several steps.<sup>15</sup> At the preparation stage, information is gathered that will form the basis of the review, including national reports, stakeholder submissions, and information prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>16</sup> At the review stage, documents are presented at the regular sessions of the working group on the UPR.<sup>17</sup> At the adoption and consideration stage, each Member State provides comments and the Member State under review can offer reservations on specific issues.<sup>18</sup> Finally, during the follow-up stage, each Member State under review presents an assessment of how effectively it has acted upon the recommendations.<sup>19</sup>

While the following list is not exhaustive, the mandate of HRC can be summarized as:

- **HRC will generally:** serve as a forum for dialogue on human rights; advance human rights policies and norms; mandate investigative commissions on severe violations of human rights law; initiate Special Procedures, which may encompass field visits, studies, and reports; manage the UPR processes; receive reports via the Complaint Procedure; coordinate with non-governmental and civil society actors; and make recommendations to Member States and United Nations bodies.<sup>20</sup>
- **HRC will not generally:** adopt legally binding resolutions or decisions; intervene operationally in situations of human rights violations; or create new bodies or programs.<sup>21</sup>

### **Governance, Funding, and Structure**

HRC is a subsidiary organ of the General Assembly and makes regular recommendations and reports, most often to the General Assembly's Third Committee.<sup>22</sup> It works closely with OHCHR and receives an annual report from the commissioner on ongoing situations and topics.<sup>23</sup> It is served by several

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<sup>12</sup> *ibid.*

<sup>13</sup> *ibid.*

<sup>14</sup> Office of the United Nations High Commissioner for Human Rights. *Universal Periodic Review*. 2024.

<sup>15</sup> *ibid.*; Office of the United Nations High Commissioner for Human Rights. *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*. 2008. pp. 80-81.

<sup>16</sup> *ibid.*

<sup>17</sup> *ibid.*

<sup>18</sup> *ibid.*

<sup>19</sup> *ibid.*

<sup>20</sup> Office of the United Nations High Commissioner for Human Rights. *Special Procedures*. 2024; International Justice Resource Center. *UN Human Rights Council*. N.d.

<sup>21</sup> Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. pp. 7, 18.

<sup>22</sup> United Nations, General Assembly. *Human Rights Council (A/RES/60/251)*. 2006; Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 18.

<sup>23</sup> *ibid.* p. 7.



sub-committees, including the Advisory Committee and various intergovernmental working groups on specific thematic areas.<sup>24</sup>

The council consists of 47 Member States who are elected via a majority vote of the General Assembly through a direct and secret ballot.<sup>25</sup> Membership is based on equitable geographical distribution and a specific number of seats are designated to each geographic region.<sup>26</sup> During the first regular session of each year, HRC elects a President and four Vice-Presidents to serve on its Bureau, responsible for the organization and procedural functions of the committee.<sup>27</sup>

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<sup>24</sup> Office of the United Nations High Commissioner for Human Rights. *Advisory Committee*. 2024.

<sup>25</sup> Office of the United Nations High Commissioner for Human Rights. *Membership of the Human Rights Council*. 2024.

<sup>26</sup> *ibid.*

<sup>27</sup> Permanent Mission of Switzerland to the United Nations. *The Human Rights Council: A practical guide*. 2015. p. 6.



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## 1. Safeguarding Human Rights in Peaceful Protests and Assemblies

### Introduction

The right to protest, derived from the rights of freedom of expression and assembly, is essential to promote public participation, advance human rights, and hold Member States accountable.<sup>28</sup> Article 19 of the *Universal Declaration of Human Rights* (UDHR) (1948) sets forth the right to freedom of expression for everyone, and article 20 enshrines the right to peaceful assembly.<sup>29</sup> Whilst the right to protest is not explicitly listed as a separate right, it is derived from several enumerated rights, including freedom of expression and opinion, freedom of association, the right to peaceful assembly, and trade union rights, which include the right to strike.<sup>30</sup> The Human Rights Council (HRC) emphasizes that Member State officials should not interfere with protests unless there is a legitimate threat to the safety and rights of others.<sup>31</sup> HRC further notes that protests are vital for expressing public views, advancing rights, and enabling participation from marginalized groups.<sup>32</sup> The rights to privacy, due process, safety, participation, and protection from retaliation are also essential for ensuring the effectiveness of peaceful protests and assemblies.<sup>33</sup>

Instances of police militarization and misuse of force to suppress protesters and silence voices undermine the right to peacefully protest.<sup>34</sup> In 2022, the General Assembly highlighted the 2020 Black Lives Matter (BLM) movement and the ongoing anti-Ukraine war protests in Russia as specific areas of concern regarding the excessive use of force against protesters.<sup>35</sup> Since the early 2000s, the engagement of police and state authorities with protesters has become increasingly militarized, involving armed military forces and the use of military-grade equipment leading to increased violence.<sup>36</sup> For example, since 1996, the United States has given an additional 7.4 billion dollars to law enforcement, including military equipment, which was used to violently crack down on protesters.<sup>37</sup>

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<sup>28</sup> United Nations, Human Rights Council. *Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/50/47)*. 2022.

<sup>29</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

<sup>30</sup> *ibid.*

<sup>31</sup> United Nations, Human Rights Council. *Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/50/47)*. 2022.

<sup>32</sup> United Nations, Department of Global Communications. *How do you define lawful peaceful protest? The UN Human Rights Committee has a clear answer*. 2020; United Nations, Human Rights Council. *The promotion and protection of human rights in the context of peaceful protests (A/HRC/RES/44/20)*. 2020.

<sup>33</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

<sup>34</sup> Amnesty International. *Right to Protest*. 2024.

<sup>35</sup> United Nations, Department of Global Communications. *Highlighting a Resurgence of Human Rights Abuses Worldwide, Third Committee Calls on Nations to Urgently Abide by Existing Treaties to Eradicate Them*. 2022.

<sup>36</sup> Amnesty International. *Right to Protest*. 2024.

<sup>37</sup> American Civil Liberties Union. *It's Past Time to End the Federal Militarization of Police*. 2021.



The right to peaceful assembly extends to online activities, but emerging challenges like unlawful surveillance and digital tracking threaten protesters' rights in both physical and virtual spaces.<sup>38</sup> Clément Voule, former Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, reaffirms that Member States cannot prohibit protestors by making generalized comments regarding public order or safety extending to online activities.<sup>39</sup> Technology has changed the way protesters assemble, and how Member States handle protesters.<sup>40</sup> This has included Member States blocking networks and shutting down websites hosting online protests.<sup>41</sup> Emerging challenges, like unlawful or arbitrary surveillance of protesters, has become prevalent, especially with the use of digital tracking tools, such as monitoring social media, digital surveillance, and facial recognition technologies.<sup>42</sup> HRC notes that these tools must not be used by law enforcement agencies to illegally track and monitor protesters, which is a violation of human rights.<sup>43</sup>

### *International and Regional Framework*

The right to peacefully assemble and protest is an international human right that protects individuals from unjust restrictions, promotes democratic governance, and strengthens global stability.<sup>44</sup> The UDHR notes that human rights include the right to freedom of expression and freedom of assembly and are inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.<sup>45</sup> Building upon the principles established in the UDHR, the *International Covenant on Civil and Political Rights* (ICCPR) (1966) establishes universal standards for protecting civil and political rights, incorporating mechanisms for accountability and enforcement to ensure these rights are upheld.<sup>46</sup> Article 21 of the ICCPR further reaffirms the right to peaceful assembly, allowing individuals to gather and express their views, which is essential for democratic participation and dissent.<sup>47</sup> HRC general comment number 7 on “the right of peaceful assembly (article 21)”, highlights that emerging communication technologies help facilitate online and physical assemblies, but interference can hinder these gatherings.<sup>48</sup> Although surveillance can enhance public safety, it may infringe on other rights protected under ICCPR, such as the right to life (article 6), the right not to be subjected to cruel, inhuman, or degrading treatment (article 7), freedom of movement (article 12) and, the right to privacy (article 17).<sup>49</sup>

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<sup>38</sup> United Nations, Special Rapporteur of the Rights of Peaceful Assembly and of Association et al. *Joint Declaration on Freedom of Peaceful Assembly and of Association and Misuse of Digital Technologies*. 2023.

<sup>39</sup> United Nations, Department of Global Communications. *How do you define lawful peaceful protest? The UN Human Rights Committee has a clear answer*. 2020.

<sup>40</sup> United Nations, General Assembly. *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/55/60)*. 2024.

<sup>41</sup> *ibid.*.

<sup>42</sup> United Nations, Special Rapporteur on the Rights to Peaceful Assembly and Association. *Human rights compliant uses of digital technologies by law enforcement for the facilitation of peaceful protests*. 2024.

<sup>43</sup> *ibid.*

<sup>44</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

<sup>45</sup> *ibid.*

<sup>46</sup> United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200(XXI))*. 1966.

<sup>47</sup> *ibid.*

<sup>48</sup> United Nations, Human Rights Council. *General comment No. 37 (2020) on the right of peaceful assembly (article 21) (CCPR/C/GC/37)*. 2020.

<sup>49</sup> *ibid.*



The rights to peaceful assembly and association are vital for achieving the Sustainable Development Goals (SDGs), fostering solidarity, public participation, and driving meaningful change.<sup>50</sup> In 2015, the General Assembly adopted resolution 70/1 titled "Transforming our world: the 2030 Agenda for Sustainable Development" (2030 Agenda) which established the SDGs as key goals to drive sustainable global development.<sup>51</sup> The rights to peaceful assembly and freedom of association are essential to achieving the SDGs, particularly SDG 10 (reduced inequalities) and SDG 16 (peace, justice and strong institutions) and target 16.10 which relates to fundamental freedoms.<sup>52</sup> In a 2018 report, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association (Special Rapporteur) highlights that these rights promote inclusive and participatory decision-making, allowing citizens to hold governments accountable and ensuring that initiatives are responsive to public needs.<sup>53</sup> By amplifying the voices of the least developed and most marginalized, Member States can ensure that no one is left behind and facilitate their full participation in decision-making at local, national, regional, and global levels.<sup>54</sup>

The United Nations establishes principles and recommendations to ensure the responsible use of weapons by law enforcement agencies, safeguarding the rights of human rights defenders and the general public.<sup>55</sup> General Assembly resolution 53/144 on the "Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," (1999) highlights the crucial role of human rights defenders in promoting rights and freedoms.<sup>56</sup> Human rights defenders are individuals or groups advocating for human rights and fundamental freedoms and the General Assembly calls on Member States to protect their rights to peaceful assembly and expression while emphasizing the need for supportive environments and accountability for violations.<sup>57</sup> The *Guidance on Less-Lethal Weapons in Law Enforcement* (2020) offers recommendations regarding the legal framework for the right to peaceful assembly, emphasizing that Member States are required to uphold and protect this right in line with international human rights standards.<sup>58</sup> Essential principles for facilitating peaceful assemblies include the necessity for appropriate

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<sup>50</sup> United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/73/279)*. 2018.

<sup>51</sup> United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

<sup>52</sup> United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/73/279)*. 2018; Office of the United Nations High Commissioner for Human Rights. *Rights to freedom of peaceful assembly and of association: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/41/41)*. 2019; United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015.

<sup>53</sup> United Nations, General Assembly. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/73/279)*. 2018.

<sup>54</sup> *ibid.*

<sup>55</sup> United Nations, General Assembly. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144)*. 1999; Office of the United Nations High Commissioner for Human Rights. *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*. 2020.

<sup>56</sup> United Nations, General Assembly. *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144)*. 1999.

<sup>57</sup> *ibid.*

<sup>58</sup> Office of the United Nations High Commissioner for Human Rights. *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*. 2020.



legislation, training for law enforcement officials, and fostering communication between authorities and event organizers.<sup>59</sup>

### *Role of the International System*

HRC is the principal organ in the United Nations promoting and protecting human rights of peaceful protests and assemblies.<sup>60</sup> Through its resolutions and mechanisms, HRC offers guidance on the protection of rights related to freedom of expression and peaceful assembly, emphasizing the obligation of Member States to respect and uphold these rights.<sup>61</sup> These mechanisms involve special rapporteurs who investigate human rights violations and offer recommendations.<sup>62</sup> The Special Rapporteur directly communicates with Member States about allegations and urges them to implement corrective measures.<sup>63</sup> Since 2024, the Special Rapporteur has been working with regional mechanisms for the 2023 *Joint Declaration on Freedom of Peaceful Assembly and of Association and Misuse of Digital Technologies*, which urges the business sector and Member States to facilitate and promote rights online, establishing standards to enhance freedom of assembly and association for vulnerable groups like social movements and informal sector workers.<sup>64</sup> To further protect these rights, the Special Rapporteur expanded engagement with law enforcement, peace-building communities, and business stakeholders, strengthening collaboration with regional human rights mechanisms.<sup>65</sup>

HRC emphasizes the importance of protecting participation rights to advance democracy, economic development, and transparency while addressing emerging challenges from digital technologies.<sup>66</sup> *Guidelines for States on the effective implementation of the right to participate in public affairs* is a report under HRC resolution 33/22 (2018) that emphasizes the need to protect participation rights to promote democracy, economic development, and freedom of expression, linking these rights to access to information and government transparency.<sup>67</sup> In 2019, HRC published an updated report 41/41 on *Rights to freedom of peaceful assembly and of association* where the Special Rapporteur highlighted the challenges emerging and digital technologies may present to exercising freedom of assembly and

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<sup>59</sup> *ibid.*

<sup>60</sup> Office of the United Nations High Commissioner for Human Rights. *Welcome to the Human Rights Council*. 2024.

<sup>61</sup> *ibid.*

<sup>62</sup> *ibid.*

<sup>63</sup> United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule (A/HRC/50/42)*. 2022.

<sup>64</sup> Office of the United Nations High Commissioner for Human Rights. *Preserving the gains and pushing back against the global attack on civic space and growing authoritarianism - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule - advance unedited version (A/HRC/56/50)*. 2024; United Nations, Special Rapporteur of the Rights of Peaceful Assembly and of Association et al. *Joint Declaration on Freedom of Peaceful Assembly and of Association and Misuse of Digital Technologies*. 2023.

<sup>65</sup> Office of the United Nations High Commissioner for Human Rights. *Preserving the gains and pushing back against the global attack on civic space and growing authoritarianism - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule - advance unedited version (A/HRC/56/50)*. 2024.

<sup>66</sup> Office of the United Nations High Commissioner for Human Rights. *Guidelines for States on the effective implementation of the right to participate in public affairs*. 2018.

<sup>67</sup> *ibid.*





association, such as the Internet of things and artificial intelligence.<sup>68</sup> To address these concerns, the report emphasizes creating legal frameworks to protect online expression, ensuring transparency in technology use, and providing secure communication platforms for protestors.<sup>69</sup> HRC report 50/42 *Protection of human rights in the context of peaceful protests during crisis situations* (2022) reiterates the necessity of a safe environment for those wishing to exercise their right to peaceful assembly both online and offline.<sup>70</sup> HRC emphasizes that the ability to express views freely is especially vital during times when climate change, political unrest, and COVID-19 have worsened inequalities and jeopardized people's rights and livelihoods.<sup>71</sup>

HRC works jointly with the Office of the United Nations High Commissioner for Human Rights (OHCHR) to address the contemporary challenges of promoting and protecting human rights during peaceful protests and assemblies.<sup>72</sup> OHCHR monitors and conducts advocacy about measures taken on the management of protests to promote and protect the right to peaceful assembly.<sup>73</sup> OHCHR sets up national commissions of inquiry to respond to serious human rights violations.<sup>74</sup> Furthermore, they support HRC by providing expert advice, information, and reports and serve as a key resource, helping them implement decisions and policies, like assessing the use of force and potential human rights violations in state responses.<sup>75</sup> OHCHR also supports Member States in fulfilling their human rights obligations by developing policy guidelines.<sup>76</sup> For example, the report by OHCHR on the *Militarised approach to policing peaceful protests* (2022) highlights the increasing use of military-style tactics and equipment by law enforcement agencies during protests, which escalates tensions, increases violence, and undermines the right to peaceful assembly.<sup>77</sup> The report calls for improved accountability, oversight, and a reassessment of policing strategies by governments and law enforcement agencies to ensure the right to peaceful protests and assemblies.<sup>78</sup> OHCHR, with the help of HRC, formulated the *Practical toolkit for law enforcement officials to promote and protect human rights in the context of peaceful protests* (2024), which outlines how state law enforcement should uphold human rights during peaceful protests by

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<sup>68</sup> Office of the United Nations High Commissioner for Human Rights. *Rights to freedom of peaceful assembly and of association: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association* (A/HRC/41/41). 2019.

<sup>69</sup> *ibid.*

<sup>70</sup> United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule* (A/HRC/50/42). 2022.

<sup>71</sup> United Nations, Human Rights Council. *Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges* (A/HRC/50/47): Report of the Office of the United Nations High Commissioner for Human Rights. 2022.

<sup>72</sup> *ibid.*

<sup>73</sup> Office of the United Nations High Commissioner for Human Rights. *OHCHR and the right of peaceful assembly*. 2024.

<sup>74</sup> *ibid.*

<sup>75</sup> *ibid.*

<sup>76</sup> United Nations, Human Rights Council. *Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/50/47). 2022.

<sup>77</sup> Office of the United Nations High Commissioner for Human Rights. *Militarised approach to policing peaceful protests increasing risk of violence: UN expert*. 2022.

<sup>78</sup> *ibid.*



ensuring compliance with international standards.<sup>79</sup> As part of the toolkit, HRC discusses proper techniques of law enforcement in report 55/60 on *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests* (Model Protocol) (2024) to ensure the right to peaceful assembly.<sup>80</sup> It calls on Member States to create a respectful environment for citizens' rights to protest and establish legal frameworks for their protection.<sup>81</sup>

Non-governmental organizations (NGOs), such as Human Rights Watch (HRW) and Amnesty International, advocate for accountability and mobilize awareness regarding government censorship that infringes upon the right to peaceful protest and assembly.<sup>82</sup> HRW calls for stronger international measures to protect freedom of speech and hold governments accountable for violating these fundamental rights.<sup>83</sup> HRW conducts investigations and research to assess how Member States handle censorship and suppress public protests, with a focus on violations of peaceful assembly.<sup>84</sup> In 2024, HRW highlighted the numerous restrictions on public demonstrations, peaceful protests, and assemblies related to the War in Gaza, emphasizing the importance of protecting freedom of expression as a fundamental human right, even in conflict situations.<sup>85</sup> Additionally, HRW works with many other entities, like the International Center for Not-for-Profit Law, European Center for Not-For-Profit Law, and United Nations Special Rapporteur, to promote and protect human rights and fundamental freedoms.<sup>86</sup> Amnesty International aims to retract laws that criminalize peaceful speech and protests, supports peaceful advocates, and defends the right to freedom of expression as it is closely linked to other fundamental freedoms, such as freedom of thought, conscience, religion, association, and peaceful assembly.<sup>87</sup> Amnesty International is particularly concerned with the inappropriate uses of technology and criticizes Member States that build firewalls around digital communications, use surveillance spyware to record activists' operations, or control access to digital information.<sup>88</sup>

### ***Safeguarding the Rights of Human Rights Defenders during Peaceful Protests and Assemblies***

The United Nations General Assembly has recorded multiple instances of violence specifically against protest groups.<sup>89</sup> In 2022, the General Assembly discussed the repeated instances of human rights

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<sup>79</sup> Office of the United Nations High Commissioner for Human Rights. *Practical toolkit for law enforcement officials to promote and protect human rights*. 2024.

<sup>80</sup> United Nations, General Assembly. *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/55/60)*. 2024.

<sup>81</sup> Office of the United Nations High Commissioner for Human Rights. *Practical toolkit for law enforcement officials to promote and protect human rights*. 2024.

<sup>82</sup> Human Rights Watch. *Human Rights Watch's Submission to the United Nations Special Rapporteur on Freedom of Opinion and Expression*. 2024; Amnesty International. *Right to protest*. 2024.

<sup>83</sup> Human Rights Watch. *Human Rights Watch's Submission to the United Nations Special Rapporteur on Freedom of Opinion and Expression*. 2024.

<sup>84</sup> Human Rights Watch. *Covid-19 Triggers Wave of Free Speech Abuse*. 2021.

<sup>85</sup> Human Rights Watch. *Human Rights Watch's Submission to the United Nations Special Rapporteur on Freedom of Opinion and Expression*. 2024.

<sup>86</sup> Human Rights Watch. *Covid-19 Triggers Wave of Free Speech Abuse*. 2021.

<sup>87</sup> Amnesty International. *Freedom of Expression*. 2024.

<sup>88</sup> *ibid.*

<sup>89</sup> United Nations, Department of Global Communications. *Highlighting a Resurgence of Human Rights Abuses Worldwide, Third Committee Calls on Nations to Urgently Abide by Existing Treaties to Eradicate Them*. 2022.



violations against protesters, such as the treatment of protesters in the United States during the 2020 BLM movement and anti-war protests in Russia.<sup>90</sup> During the 2020 BLM protests, while 94% of protests were non-violent, 51% of these protests were met with the use of physical force, including the use of weaponry, tear gas, and batons.<sup>91</sup> In the months following the Russian invasion of Ukraine, over 13,500 protesters were arbitrarily arrested and during a single protest in March 2022, there were more than 30 documented instances of excessive force used by law enforcement.<sup>92</sup>

Amnesty International notes an increase in police militarization has caused a growth in violence against peaceful protesters by law enforcement.<sup>93</sup> HRC report 50/42 states that, instead of seeing protests as a means of democratic participation, governments too often resort to repression and violence against peaceful protesters.<sup>94</sup> The report further highlights that Member States often respond to protests by deploying military forces or militarizing law enforcement, leading to heightened violence, human rights abuses, and a pervasive sense of impunity among authorities.<sup>95</sup> Amnesty International reported that in 2022, 86 of 156 surveyed Member States had credible claims of law enforcement using unlawful force against peaceful protesters.<sup>96</sup> In 37 Member States, law enforcement used lethal weapons, such as firearms, which are recognized as unsuitable for crowd control.<sup>97</sup>

Media workers, who are crucial in ensuring the right to peaceful assembly is fully exercised and protected, are under increased violence from the state.<sup>98</sup> Both institutional and non-traditional media contribute to the monitoring of peaceful protests and assemblies.<sup>99</sup> The United Nations states that freedom of the press is fundamental to sustainable development, noting its importance in ensuring transparency of actions taken by both governments and protesters.<sup>100</sup> Between 2016 and 2021, 445 journalists were killed as a direct result of their work, by extrajudicial killings, terrorist attacks, and being in conflict zones, while 80% of these murders have not been solved.<sup>101</sup> In HRC report 50/29 on *Reinforcing media freedom and the safety of journalists in the digital age* (2022), HRC outlines how Member States must treat journalists in accordance with existing human rights laws.<sup>102</sup> Member States must ensure accountability for violence

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<sup>90</sup> United Nations, Department of Global Communications. *Highlighting a Resurgence of Human Rights Abuses Worldwide, Third Committee Calls on Nations to Urgently Abide by Existing Treaties to Eradicate Them*. 2022.

<sup>91</sup> Chaudhary et al. Current trauma reports, 8(3). *Violence Against Black Lives Matter Protestors: a Review*. 2022.

<sup>92</sup> Human Rights Watch. *Russia: Brutal Arrests and Torture, Ill-Treatment of Anti-War Protesters*. 2022.

<sup>93</sup> United Nations, Human Rights Council. *The promotion and protection of human rights in the context of peaceful protests (A/HRC/RES/44/20)*. 2020; Amnesty International. *Freedom of Expression*. 2024.

<sup>94</sup> United Nations, Human Rights Council. *Protection of human rights in the context of peaceful protests during crisis situations: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule (A/HRC/50/42)*. 2022.

<sup>95</sup> *ibid.*

<sup>96</sup> Amnesty International. *Interactive map reveals state-sanctioned violence against protesters worldwide*. 2023.

<sup>97</sup> *ibid.*

<sup>98</sup> *ibid.*

<sup>99</sup> United Nations, Special Rapporteur on the Rights to Peaceful Assembly and Association. *Human rights compliant uses of digital technologies by law enforcement for the facilitation of peaceful protests*. 2024.

<sup>100</sup> *ibid.*

<sup>101</sup> United Nations, Human Rights Council. *Reinforcing media freedom and the safety of journalists in the digital age: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/50/29)*. 2022.

<sup>102</sup> *ibid.*



against media personnel, decriminalize defamation, amend legislation to meet human rights obligations, stop using the judicial system against journalists, and prohibit targeted surveillance of media workers.<sup>103</sup>

Marginalized groups are likely to be more involved in peaceful protests and assemblies, leading to increased human rights abuses faced by them.<sup>104</sup> The Model Protocol calls to attention that marginalized groups such as women, children, Indigenous Peoples, migrants, LGBTQIA+ individuals, minorities, and persons with disabilities have historically faced systemic oppression and inequality from governmental institutions, leading to their increased involvement in protests.<sup>105</sup> Minorities represent more than three-quarters of stateless citizens and are therefore most likely to be at risk of educational and political disadvantage.<sup>106</sup> HRC report 47/53 on *Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent Against Excessive Use of Force and Other Human Rights Violations by Law Enforcement Officers* (2021) recognizes systemic racism as a widespread issue within Member States and highlights its role as a driving factor for protests.<sup>107</sup> Gender-and sexual-based violence is of additional concern as there have been repeated instances of female-presenting protesters being sexually assaulted during protests.<sup>108</sup> Queer protesters in multiple Member States are restricted from their right to protest as well.<sup>109</sup> In 64 Member States, same-sex relationships are illegal, with widespread crackdowns on pride events.<sup>110</sup> Since the existence of their sexuality is illegal in these Member States, pride events and assemblies are inherently illegal and subject to widespread crackdowns by law enforcement.<sup>111</sup>

### *Use of Technology to Safeguard Peaceful Protests and Assemblies*

Technological advancements have significantly transformed the dynamics of how protesters communicate and organize peaceful protests and assemblies.<sup>112</sup> Former United Nations High Commissioner for Human Rights Michelle Bachelet noted that new technologies, such as smartphones, the internet, and media platforms, can facilitate the organization and mobilization of peaceful protests, enhance networking, and improve awareness about demonstrations, providing citizens with new ways to exercise their rights to peacefully protest through social media and online forums.<sup>113</sup> The 2011 Arab Spring protests in Egypt

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<sup>103</sup> *ibid.*

<sup>104</sup> United Nations, General Assembly. *Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests: Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association (A/HRC/55/60)*. 2024.

<sup>105</sup> *ibid.*

; Amnesty International. *Right to protest*. 2024.

<sup>106</sup> Office of the United Nations High Commissioner for Human Rights. *Statelessness of millions of minority people must be addressed urgently, says UN human rights expert*. 2019.

<sup>107</sup> United Nations, Human Rights Council. *Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent Against Excessive Use of Force and Other Human Rights Violations by Law Enforcement Officers (A/HRC/47/53)*. 2021.

<sup>108</sup> Amnesty International. *Right to Protest*. 2024.

<sup>109</sup> *ibid.*

<sup>110</sup> Wehram. Forbes. *New Maps Show Where It's Illegal To Be LGBTQ In 2023*. 2023.

<sup>111</sup> *ibid.*

<sup>112</sup> United Nations, Human Rights Council. *General comment No. 37 (2020) on the right of peaceful assembly (article 21) (CCPR/C/GC/37)*. 2020.

<sup>113</sup> Office of the United Nations High Commissioner for Human Rights. *New Technologies Must Serve, Not Hinder, the Right to Peaceful Protest, Bachelet Tells*. 2020.





were a significant example of this phenomenon, with protesters overthrowing President Hosni Mubarak in just three weeks through the use of social media.<sup>114</sup> Social media expanded the audience of protesters, reaching portions of the population unable to participate before the widespread use of technology.<sup>115</sup>

Although technologies may also be used to benefit protesters, Member States and law enforcement can also use them to inhibit protesters' right to peacefully assemble.<sup>116</sup> Michelle Bachelet noted that new technologies are being misused to restrict protesters' rights, conduct surveillance, and invade their privacy.<sup>117</sup> The HRC report on *Human Rights Compliant Uses of Digital Technologies by Law Enforcement for the Facilitation of Peaceful Protests* (2024), discusses how Member States cannot prohibit the rights of their citizens to peacefully protest or express opinions online, even during states of emergency.<sup>118</sup> The report additionally finds that both state and non-state actors have subjected online protesters to abuse, including smear campaigns, stigmatization, threats, and hate speech, while identifying how law enforcement has used technologies in the past to unlawfully monitor protesters.<sup>119</sup> Examples include closed-circuit television, aerial surveillance, biometric tools, and facial and emotional recognition systems.<sup>120</sup> According to the Model Protocol, such measures are incompatible with upholding the right to peaceful assembly and should not be employed during protests.<sup>121</sup> A prominent example is facial recognition technology, which Amnesty International notes is not completely reliable, and can lead law enforcement to arrest and charge individuals who are not involved in the alleged offenses.<sup>122</sup> The misuse of these technologies creates a culture of fear for protesters, leading some to make the decision to not exercise their right to protest.<sup>123</sup>

HRC guidelines state that law enforcement should use technologies sparingly and always prioritize open dialogues with protesters.<sup>124</sup> According to HRC, fair use of technologies before protests includes analyzing logistical data to estimate the size of the protest, crowd densities, and routes that should be utilized for the express purpose of facilitating the right to peacefully protest and assemble.<sup>125</sup> Therefore, law enforcement should use digital technologies to ensure public safety, maintain public order, respond to emerging threats, and hold accountable specific participants engaging or threatening violence.<sup>126</sup> HRC has stated that law enforcement should have appropriate justification to collect data and retain information pertinent to specific grievances, including excessive use of force, detention or arrest, and human rights

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<sup>114</sup> Program on New Approaches to Research and Security Eurasia. *The Role of Information Communication Technologies in the "Arab Spring."* 2011.

<sup>115</sup> United Nations, Special Rapporteur on the Rights to Peaceful Assembly and Association. *Human rights compliant uses of digital technologies by law enforcement for the facilitation of peaceful protests.* 2024.

<sup>116</sup> *ibid.*

<sup>117</sup> Office of the United Nations High Commissioner for Human Rights. *New Technologies Must Serve, Not Hinder, the Right to Peaceful Protest, Bachelet tells States.* 2020.

<sup>118</sup> United Nations, Special Rapporteur on the Rights to Peaceful Assembly and Association. *Human rights compliant uses of digital technologies by law enforcement for the facilitation of peaceful protests.* 2024.

<sup>119</sup> *ibid.*

<sup>120</sup> *ibid.*

<sup>121</sup> *ibid.*

<sup>122</sup> Amnesty International. *Ban dangerous facial recognition technology that amplifies racist policing.* 2021.

<sup>123</sup> *ibid.*

<sup>124</sup> United Nations, Special Rapporteur on the Rights to Peaceful Assembly and Association. *Human rights compliant uses of digital technologies by law enforcement for the facilitation of peaceful protests.* 2024.

<sup>125</sup> *ibid.*

<sup>126</sup> *ibid.*



violations, including sexual and gender-based violence, by both protesters and law enforcement alike.<sup>127</sup> HRC cautions that facial recognition technology and other biometric technologies should be used cautiously against peaceful protesters, as recording and collecting data on protestors can be a violation of privacy and threaten democratic participation.<sup>128</sup> Instead, the Special Rapporteur discusses how Member States should use technologies to foster civic engagement and protect the rights of peaceful protesters through combating misinformation and toxic discourse.<sup>129</sup>

## Conclusion

HRC notes that the basic human rights of protesters during peaceful protests and assemblies are not consistently being protected by Member States and more needs to be done to safeguard these rights.<sup>130</sup> The UDHR and ICCPR, by safeguarding the freedoms of assembly and expression, protect individuals and groups from arbitrary restrictions, prevent human rights abuses, bolster democratic governance, and foster global stability and peace through the recognition of inherent dignity and equality.<sup>131</sup> Recent trends show an alarming increase in police militarization and excessive force against protesters, particularly marginalized groups, leading to human rights violations.<sup>132</sup> It is imperative to uphold the rights of peaceful protesters and ensure they are able to freely participate in a democratic society.<sup>133</sup> In addition, Member States must recognize the increased use of state violence by law enforcement, specifically on marginalized communities, and recognize the impact it has on democratic participation.<sup>134</sup> Member States can also explore avenues in which new technologies can enable protests and assemblies to be more accessible while safeguarding the rights of protesters<sup>135</sup>

## Further Research

As delegates conduct further research and consider how to address this topic, they should consider: How can HRC facilitate the safeguarding of human rights during peaceful protests and assemblies? In what ways can HRC address the ways technologies can be used by protesters to help facilitate their ability to peacefully protest? How can Member States use technologies to safeguard human rights during peaceful protests and assemblies? What responsibilities do Member States have in the safe promotion of human

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<sup>127</sup> *ibid.*

<sup>128</sup> *ibid.*

<sup>129</sup> Office of the United Nations High Commissioner for Human Rights. *Preserving the gains and pushing back against the global attack on civic space and growing authoritarianism - Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule - advance unedited version (A/HRC/56/50)*. 2024.

<sup>130</sup> United Nations, Human Rights Council. *Summary of the panel discussion on the promotion and protection of human rights in the context of peaceful protests, with a particular focus on achievements and contemporary challenges (A/HRC/50/47)*. 2022.

<sup>131</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948; United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

<sup>132</sup> Amnesty International. *Right to Protest*. 2024.

<sup>133</sup> *ibid.*

<sup>134</sup> United Nations, Department of Global Communications. *Highlighting a Resurgence of Human Rights Abuses Worldwide, Third Committee Calls on Nations to Urgently Abide by Existing Treaties to Eradicate Them*. 2022.

<sup>135</sup> Office of the United Nations High Commissioner for Human Rights. *New Technologies Must Serve, Not Hinder, the Right to Peaceful Protest, Bachelet tells States*. 2020.



rights during peaceful protests and assemblies? To what extent is safeguarding marginalized communities critical to Member States?



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## 2. The Right to Privacy in the Digital Age

### Introduction

All individuals have the same rights offline as they do online, which also extends to the right to privacy.<sup>136</sup> The United Nations Human Rights Committee, a human rights expert body established by the *International Covenant on Civil and Political Rights* (ICCPR) (1966), defines the right to privacy as the right of every person to be protected against any arbitrary or unlawful interference with their privacy.<sup>137</sup> This cements the right to privacy as a fundamental human right in international law because privacy forms a precondition for realizing other rights.<sup>138</sup> For example, individuals can only express themselves freely if they have the privacy to form their opinions.<sup>139</sup> As such, the Human Rights Council (HRC) recognizes the right to privacy as inherently linked to the protection of every individual's personal data.<sup>140</sup>

Data protection realizes the right to privacy in the digital age.<sup>141</sup> The digital age, often also referred to as the information age, is the contemporary period, in which information and communication technologies (ICTs) allow all individuals to easily disseminate information through digital means, often at the click of a button from a computer or a smartphone.<sup>142</sup> In this context, data protection promotes accountability and transparency of entities when they collect, store or process personal data.<sup>143</sup> Effective data governance, defined as the systematic way of handling data, with the corporation or institution establishing responsibility regarding the processing and storage of the data, must be considered when enacting data protection.<sup>144</sup>

The malicious use of Artificial Intelligence (AI) systems threatens the right to privacy.<sup>145</sup> According to the Organisation for Economic Co-operation and Development (OECD), AI systems are digital systems that “implicitly or explicitly take information and generate content from that input.”<sup>146</sup> In the context of mass surveillance, AI systems have the potential to expand the surveillance networks of security agencies and other institutions that can operate these technologies.<sup>147</sup> Thus, there is a potential lack of transparency in

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<sup>136</sup> United Nations, Human Rights Council. *Right to privacy in the digital age (A/HRC/RES/54/21)*. 2023. p. 4.

<sup>137</sup> United Nations, Human Rights Committee. *CCPR General Comment No. 16: Article 17 (Right to Privacy): The Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation*. 1988. p. 1.

<sup>138</sup> Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on the right to privacy*. 2024.

<sup>139</sup> *ibid.*

<sup>140</sup> United Nations, Human Rights Council. *Right to privacy in the digital age (A/HRC/RES/54/21)*. 2023. p. 1.

<sup>141</sup> United Nations Sustainable Development Group. *Data Privacy, Ethics and Protection Guidance Note on Big Data For Achievement of the 2030 Agenda*. 2017.

<sup>142</sup> United Nations, Office of the Secretary-General's Envoy on Technology. *Roundtable on Digital Inclusion*. 2022. p. 2.

<sup>143</sup> Matsakis. WIRED. *The WIRED Guide to Your Personal Data (and Who Is Using It)*. 2019.

<sup>144</sup> National Center for Education Statistics. *Traveling Through Time: The Forum Guide to Longitudinal Data Systems*. 2011.

<sup>145</sup> United Nations, Human Rights Council. *Artificial intelligence and privacy, and children's privacy: Report of the Special Rapporteur on the right to privacy, Joseph A. Cannataci (A/HRC/46/37)*. 2021.

<sup>146</sup> Russell et al. OECD.AI. *Updates to the OECD's definition of an AI system explained*. 2023.

<sup>147</sup> Rather et al. American Civil Liberties Union. *How is America's Biggest Spy Agencies Using AI? We're Suing To Find Out*. 2024.





the collection, processing, and storage of personal data for the general public, especially when AI systems are employed in mass surveillance.<sup>148</sup>

### *International and Regional Framework*

As a human right, the right to privacy is embedded into international and regional human rights law.<sup>149</sup> The *Universal Declaration of Human Rights* (1948) enshrines the right to privacy in article 12.<sup>150</sup> The ICCPR, specifically article 17, reaffirms the precedent set by the *Universal Declaration of Human Rights* concerning the fundamental protection of privacy by the rule of law.<sup>151</sup> Article 16 of the *Convention on the Rights Of the Child* (1989) also contextualizes the protections of privacy to extend to children.<sup>152</sup> At a regional level, article 11 of the Organization of American States (OAS) *American Convention on Human Rights* (1969) outlines the right to privacy as a fundamental protection for all individuals by consulting with other states in the North and South American region regarding periodic updates to the current right to privacy framework.<sup>153</sup> Article 8 of the *European Convention on Human Rights* also highlights the right to privacy as an essential aspect of a democratic society.<sup>154</sup>

The right to privacy in the digital age has also been mainstreamed throughout *The Pact for the Future* (2024) and its annexes, in particular the Global Digital Compact.<sup>155</sup> Specifically, Objective 4 of the Global Digital Compact outlines the advancement of equitable data governance approaches, which involve ensuring the right to private personal data.<sup>156</sup> As part of the Global Digital Compact, Member States also committed to implement by 2030 collaboration between national digital safety institutions to engage in information sharing regarding the ethical guidelines for the protection of privacy and freedom of expression.<sup>157</sup> The Global Digital Compact also calls upon the creation of legal frameworks that strengthen privacy measures concerning cross-border data flows or the transmission of data between Member States.<sup>158</sup> As such, the Global Digital Compact connects the human rights approach to privacy through ICTs with the *2030 Agenda for Sustainable Development* (2015) and its 17 Sustainable Development Goals (SDGs).<sup>159</sup>

Regionally, the European Union (EU) has embedded digital privacy as a priority in their legal framework of governance.<sup>160</sup> The EU's General Data Protection Regulation (GDPR), introduced in 2016 and in effect since 2018, presents the most comprehensive and strict data protection regime in the world, centering around the principle of data protection by design and by default.<sup>161</sup> The GDPR has been used as a

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<sup>148</sup> Rather et al. American Civil Liberties Union. *How is America's Biggest Spy Agencies Using AI? We're Suing To Find Out*. 2024.

<sup>149</sup> United Nations, General Assembly. *Universal Declaration of Human Rights (A/RES/217 A (III))*. 1948.

<sup>150</sup> *ibid.*

<sup>151</sup> United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/220 A (XXI))*. 1966.

<sup>152</sup> United Nations, General Assembly. *Convention of the Rights of the Child (A/RES/44/25)*. 1989.

<sup>153</sup> Organization of American States. *American Convention on Human Rights*. 1969.

<sup>154</sup> Council of Europe. *European Convention of Human Rights*. 2021. p. 11.

<sup>155</sup> United Nations, General Assembly. *The Pact for the Future (A/RES/79/1)*. 2024. p. 44.

<sup>156</sup> *ibid.* p. 37.

<sup>157</sup> *ibid.* p. 44.

<sup>158</sup> *ibid.* p. 48.

<sup>159</sup> *ibid.* pp. 39 f.

<sup>160</sup> European Commission. *The Digital Services Act Package*. 2024.

<sup>161</sup> Wolford. General Data Protection Regulation. *What is GDPR, the EU's new data protection law?*. 2018.



framework for states to adopt regulation aimed at upholding the rights to data privacy, especially with consent measures and encryption.<sup>162</sup> Similarly, to address the use of AI systems, the EU implemented the *Artificial Intelligence Act* (AI Act) in 2022, focusing on risk assessment and establishing transparency requirements for AI systems.<sup>163</sup> Specifically, the AI Act sets responsible thresholds for the use of AI systems in the collection, processing, and storage of personal data.<sup>164</sup> Other EU legislation pertaining to data protection include the *Digital Services Act* (2022), which focuses on the privacy and transparency of how personal data will be processed and stored by virtual service providers.<sup>165</sup> Similarly, the *Digital Markets Act* (2022) also promotes transparency in transactions, fair competition, and innovation in the digital commerce sphere of the EU.<sup>166</sup>

### **Role of the International System**

HRC first addressed the right to privacy as a standalone agenda item in 2015.<sup>167</sup> HRC's initial discussions on the right to privacy resulted in resolution 28/16 on "The right to privacy in the digital age", wherein it established the mandate of the Special Rapporteur on the right to privacy to report annually on technology and privacy concerns.<sup>168</sup> In 2021, HRC also provided a contemporary framework and action plan for ensuring the right to privacy through resolution 48/4 on the "Right to privacy in the digital age."<sup>169</sup> Specifically, the resolution discusses the risks of mass surveillance and AI systems and the need for transparency from ICT corporations and entities.<sup>170</sup> It further calls for inclusive and gender-responsive policies to prevent disproportionate impacts on women, girls, people with disabilities, minorities, older adults, those in poverty, and other vulnerable groups.<sup>171</sup> Beyond these resolutions, the right to privacy in the context of new emerging technology has been part of the Universal Periodic Review (UPR) process in HRC.<sup>172</sup>

In addition to HRC, the General Assembly also advances the right to privacy in the digital age.<sup>173</sup> Through resolution 78/265 on "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development" (2024), the General Assembly laid the foundation for the responsible use of AI in an international context regarding privacy.<sup>174</sup> Furthermore, it recommends the transparency of AI systems, subject to evaluation and testing concerning their privacy measures.<sup>175</sup> Furthermore, the resolution also advocates for developing mechanisms to secure data, such as personal

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<sup>162</sup> Wolford. General Data Protection Regulation. *What is GDPR, the EU's new data protection law?*. 2018.

<sup>163</sup> European Parliament. *EU AI Act: first regulation on artificial intelligence*. 2023.

<sup>164</sup> *ibid.*

<sup>165</sup> European Commission. *The Digital Services Act Package*. 2024.

<sup>166</sup> *ibid.*

<sup>167</sup> United Nations, Human Rights Council. *The right to privacy in the digital age (A/HRC/RES/28/16)*. 2015. p. 4.

<sup>168</sup> *ibid.* p. 4.

<sup>169</sup> United Nations, Human Rights Council. *Right to privacy in the digital age (A/HRC/RES/48/4)*. 2021. pp. 4-7.

<sup>170</sup> *ibid.* p. 4.

<sup>171</sup> *ibid.* p. 5.

<sup>172</sup> United Nations, Human Rights Council. *Mapping report: human rights and new and emerging digital technologies (A/HRC/56/45)*. 2024. p. 1.

<sup>173</sup> United Nations, General Assembly. *Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development (A/RES/78/265)*. 2024. p. 1.

<sup>174</sup> *ibid.* p. 2.

<sup>175</sup> *ibid.* p. 2.



data protection plans, privacy policies, and impact assessments.<sup>176</sup> In 2024, the General Assembly also adopted resolution 78/311 on “Enhancing international cooperation on capacity-building of artificial intelligence,” highlighting the importance of security mechanisms, including personal data protection, privacy policies, and AI systems risks.<sup>177</sup>

The United Nations Special Rapporteur on the right to privacy has significantly shaped the discourse on the right to privacy since 2015.<sup>178</sup> In 2017, the Special Rapporteur submitted an interim report on the right to privacy to the General Assembly, emphasizing the significance of data use by both public entities and the private sector, while also urging Member States to take action against data misuse.<sup>179</sup> The report further highlighted the significance of the ability of AI systems to process vast amounts of data, enabling the profiling of individuals based on their life experiences.<sup>180</sup> Most recently, the Special Rapporteur presented their 2024 report to HRC, examining personal data protection and privacy laws from five continents.<sup>181</sup> The report provided a comparative study of mechanisms allowing individuals to control their personal data use alongside legal mechanisms for security, restitution, and reparation of damage from improper data use.<sup>182</sup>

The Office of the United Nations High Commissioner for Human Rights (OHCHR) also promotes digital privacy and human rights.<sup>183</sup> As the secretariat to HRC part of the United Nations Secretariat, OHCHR presented its report on “The right to privacy in the digital age,” in which recommended temporarily suspending the sale and use of high-risk AI systems until sufficient safeguards are implemented.<sup>184</sup> OHCHR also seeks input from Member States in its thematic reports, as seen with its upcoming report on “The relationship between human rights and technical standard-setting processes for new and emerging digital technologies.”<sup>185</sup> This consultation is in response to HRC’s resolution 47/23 on “New and emerging digital technologies and human rights”, adopted in 2021.<sup>186</sup> The aim is to highlight the privacy challenges of emerging technologies, such as discrimination and the infringement of freedom of expression, and then assist Member States in their regulatory systems.<sup>187</sup>

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<sup>176</sup> *ibid.* p. 5.

<sup>177</sup> United Nations, General Assembly. *Enhancing international cooperation on capacity-building of artificial intelligence (A/RES/78/311)*. 2024. p. 2.

<sup>178</sup> United Nations, Human Rights Council. *The right to privacy in the digital age (A/HRC/RES/28/16)*. 2015.

<sup>179</sup> United Nations, General Assembly. *Report of the Special Rapporteur of the Human Rights Council on the right to privacy (A/72/540)*. 2017. pp. 11, 22.

<sup>180</sup> *ibid.* p. 10.

<sup>181</sup> United Nations, Human Rights Council. *Legal safeguards for personal data protection and privacy in the digital age: Report of the Special Rapporteur on the right to privacy, Ana Brian Nougrères (A/HRC/55/46)*. 2024. p. 1.

<sup>182</sup> *ibid.* pp. 22-23.

<sup>183</sup> United Nations, Human Rights Council. *The right to privacy in the digital age (A/HRC/RES/42/15)*. 2019. p. 1.

<sup>184</sup> United Nations, Human Rights Council. *The right to privacy in the digital age: Report of the United Nations High Commissioner for Human Rights (A/HRC/48/31)*. 2021. p. 12.

<sup>185</sup> Office of the United Nations High Commissioner for Human Rights. *Call for inputs: ‘The relationship between human rights and technical standard-setting processes for new and emerging digital technologies (2023)’ - Report of the High Commissioner for Human Rights*. 2023. p. 1.

<sup>186</sup> United Nations, Human Rights Council. *New and emerging digital technologies and human rights (A/HRC/RES/47/23)*. 2021. p. 3.

<sup>187</sup> *ibid.* p. 3.



OECD has contributed to personal privacy agreements, especially digital privacy.<sup>188</sup> In 1980, OECD adopted its “Recommendation of the Council concerning Guidelines Governing the Protection of Privacy and Transborder Flows of Personal Data” and revised them in 2013 due to significant changes in the digital landscape, driven by technological advancements and the growing importance of the internet in economic and social life.<sup>189</sup> Not only is personal data defined throughout these guidelines, but the entire document illustrates best practices for OECD’s members.<sup>190</sup> Due to emerging technology, such as AI systems, OECD adopted its “Principles on Artificial Intelligence” in 2019 to bridge the gap between AI and privacy rights.<sup>191</sup> The OECD’s AI Principles were also updated recently in 2024, to encompass technological advancements in AI.<sup>192</sup> They serve as recommendations to help align national policies with emerging technological and privacy challenges.<sup>193</sup>

Non-government organizations (NGOs) also address personal data protection and privacy in the digital age.<sup>194</sup> For example, Consumers International (CI) and Amnesty International both work to address data protection and digital privacy.<sup>195</sup> CI collaborates with industry leaders and decision-makers to ensure that consumers’ data is collected and processed in compliance with their rights.<sup>196</sup> CI also promotes removing barriers preventing consumers from accessing and exercising their rights, as seen in the EU’s GDPR.<sup>197</sup> Amnesty International conducts research and takes action to promote and protect human rights worldwide.<sup>198</sup> In 2020, Amnesty International published the report “Surveillance Giants: How the Business Model of Google and Facebook Threatens Human Rights,” highlighting how the private sector’s reliance on personal data collection and analysis poses significant threats to privacy rights and individual freedoms, leading to potential surveillance.<sup>199</sup> The report also outlines recommendations for addressing these threats and advocating for stronger privacy protections.<sup>200</sup>

### **Data Protection and Mass Surveillance**

The sophisticated and rapid development of ICTs have led to the widespread collection, storage, and processing of personal data.<sup>201</sup> Governments and companies in the digital sector, such as social media and internet providers, routinely gather detailed information about users’ online activities, preferences, personal information, and behaviors.<sup>202</sup> This extensive personal data collection and exchange, combined with poor data protection and management, has led to high-profile data privacy cases, such as the AT&T

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<sup>188</sup> Organisation for Economic Co-operation and Development. *Privacy Guidelines*. 2013.

<sup>189</sup> *ibid.*.

<sup>190</sup> Organisation for Economic Co-operation and Development Policy Observatory. *Principles on Artificial Intelligence*. 2024.

<sup>191</sup> *ibid.*.

<sup>192</sup> *ibid.*.

<sup>193</sup> *ibid.*.

<sup>194</sup> Amnesty International. *An effective Universal Periodic Review mechanism: Amnesty International’s proposal*. 2006.

<sup>195</sup> Consumers International. *What We Do*. 2024; Amnesty International. *About Us*. 2024.

<sup>196</sup> Consumers International. *What We Do*. 2024.

<sup>197</sup> *ibid.*; European Union. *General Data Protection Regulation*. 2016.

<sup>198</sup> Amnesty International. *About Us*. 2024.

<sup>199</sup> Amnesty International. *Surveillance giants: How the business model of Google and Facebook threatens human rights*. 2019.

<sup>200</sup> *ibid.*.

<sup>201</sup> United Nations, Sustainable Development Group. *Data Privacy, Ethics and Protection Guidance Note on Big Data For Achievement of the 2030 Agenda*. 2017.

<sup>202</sup> Matsakis. WIRED. *The WIRED Guide to Your Personal Data (and Who Is Using It)*. 2019.



data breach in 2022.<sup>203</sup> In this data breach, customer names, social security numbers, and credit card details were exposed but not immediately taken, though most phone numbers can be tied back to people's names.<sup>204</sup> While data collection, in this case, was intended for business purposes, data exchange is also a central tool in the definition of mass surveillance systems, where governments, corporations, and non-state actors can unlawfully track individuals' activities, leading to significant infringements on privacy and human rights.<sup>205</sup>

Data collection and exchange is a prominent issue worldwide, leading to unlawful surveillance opportunities by government entities.<sup>206</sup> Surveillance refers to monitoring individuals' activities, behaviors, or communications, often used by governments and corporations to gather intelligence.<sup>207</sup> When conducted within a legal framework, surveillance can be lawful and justified if it is proven that the individual is a threat to national security, as noted by Article 19 of the ICCPR.<sup>208</sup> However, surveillance becomes unlawful when it lacks transparency, accountability, or proper legal oversight, infringing upon individuals' right to privacy and other fundamental freedoms.<sup>209</sup> According to the Center for Strategic and International Studies (CSIS), governments regularly buy and take excessive personal data from digital companies related to a person's health, finances, religion, familial status, geolocation, and more.<sup>210</sup> In a 2021 memo, the United States Defense Intelligence Agency indicated that it had funded the purchase of geolocation data on individuals domestically and abroad.<sup>211</sup> The agency also acknowledged that, over 2.5 years, it accessed a geolocation database of individuals without a warrant on several occasions, illustrating the lack of protection for citizens.<sup>212</sup> According to CSIS, this lack of security, exchange of data, and sophistication of technological systems leads to surveillance opportunities for governments and enterprises.<sup>213</sup>

The international system has attempted to address data protection and surveillance, raising awareness of unlawful surveillance being done by state and non-state actors.<sup>214</sup> HRC's resolution 48/4 calls on enterprises and states to prevent mass surveillance and promote transparency through laws designed to protect citizens.<sup>215</sup> The resolution also resulted in an OHCHR report to the General Assembly on "The

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<sup>203</sup> Caltrider et al. Mozilla. *AT&T Had a Huge Data Breach: Here's What You Need to Know*. 2024.

<sup>204</sup> *ibid.*

<sup>205</sup> Amnesty International. *Surveillance giants: How the business model of Google and Facebook threatens human rights*. 2019.

<sup>206</sup> Chin-Rothmann. Center for Strategic and International Studies. *Digital Dragnets: Examining the Government's Access to Your Personal Data*. 2022.

<sup>207</sup> United Nations, Human Rights Council. *Surveillance and human rights: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/41/35)*. 2019. p. 1.

<sup>208</sup> United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/220A (XXI))*. 1966.

<sup>209</sup> United Nations, Human Rights Council. *Surveillance and human rights: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/41/35)*. 2019. p. 1.

<sup>210</sup> Chin-Rothmann. Center for Strategic and International Studies. *Digital Dragnets: Examining the Government's Access to Your Personal Data*. 2022.

<sup>211</sup> *ibid.*

<sup>212</sup> *ibid.*

<sup>213</sup> *ibid.*

<sup>214</sup> *ibid.*

<sup>215</sup> United Nations, Human Rights Council. *Right to privacy in the digital age (A/HRC/RES/48/4)*. 2021. p. 4.





right to privacy in the digital age,” which highlights the use of hacking software like Pegasus Spyware for mass surveillance, targeting opposition figures and government officials by forcefully downloading onto individuals’ cell phones for data collection rather than data exchange.<sup>216</sup> The report underscores the urgent need for governments to ensure surveillance technologies comply with human rights laws, enforce safeguards, promote transparency, and adopt privacy legislation while halting harmful practices until protections are established.<sup>217</sup>

Enhanced frameworks prioritizing individual rights and interests over corporate or state agendas can help prevent mass surveillance by limiting data collection and exchange.<sup>218</sup> The 44th session of the UPR Working Group in 2023 highlights the extensive use of digital surveillance on journalists and civilians as a vital issue, noting that without proper regulation, individuals are being targeted for expressing their opinions, threatening freedom of speech.<sup>219</sup> Amnesty International, which regularly provides reports to the UPR process, recommended an immediate stop to the sale, transfer, export, and use of surveillance software on journalists and civilians until a system of human rights safeguards is put in place to prevent abuses, highlighting the urgency of the issue.<sup>220</sup> In 2024, OHCHR in its *Mapping report: human rights and new and emerging digital technologies* (A/HRC/56/45) highlighted the misuse of AI systems for unlawful surveillance.<sup>221</sup>

### **Artificial Intelligence and its Impact on the Right to Privacy**

AI systems require large amounts of data, sometimes including personal data, to train their models and algorithms.<sup>222</sup> The collection, storage, and processing of these vast quantities of personal data pose a significant risk to the right to privacy in a digital space.<sup>223</sup> For example, consumers may divulge private or sensitive information when creating their social media accounts.<sup>224</sup> From here, companies shift to training an AI model, selling access to this model to businesses.<sup>225</sup> These businesses may then apply such information to customer service chatbots that use the obtained sensitive data to target specific consumers.<sup>226</sup> The OHCHR report on “human rights and new and emerging digital technologies” outlines key issues regarding the use of AI systems for invasive surveillance practices, especially by social media companies in the private sector.<sup>227</sup> The report also highlights the role of the private sector in ensuring that AI systems remain responsible in line with upholding the confidentiality of personal data processing and

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<sup>216</sup> United Nations, Human Rights Council. *The right to privacy in the digital age: Report of the Office of the United Nations High Commissioner for Human Rights* (A/HRC/51/17). 2022. pp. 2-5.

<sup>217</sup> *ibid.* pp. 15-17.

<sup>218</sup> Amnesty International. *About Us*. 2024.

<sup>219</sup> Amnesty International. *Suggested recommendations to States under review in the 44th session of the UPR Working Group*. 2023.

<sup>220</sup> *ibid.*

<sup>221</sup> United Nations, Human Rights Council. *Mapping report: human rights and new and emerging digital technologies* (A/HRC/56/45). 2024. p. 5.

<sup>222</sup> United Nations, Human Rights Council. *Right to privacy in the digital age* (A/HRC/RES/48/4). 2021. pp. 4-5.

<sup>223</sup> *ibid.* pp. 4-5.

<sup>224</sup> *ibid.* pp. 4-5.

<sup>225</sup> *ibid.* pp. 4-5.

<sup>226</sup> *ibid.* pp. 4-5.

<sup>227</sup> United Nations, Human Rights Council. *Mapping report: human rights and new and emerging digital technologies* (A/HRC/56/45). 2024. p. 5.



storing.<sup>228</sup> Lastly, the reports calls upon using UPR to evaluate institutions' accountability for the transparency and accountability of their AI practices.<sup>229</sup>

The increased use in AI systems puts data privacy and the right to privacy at risk.<sup>230</sup> According to CSIS, mass data collection and surveillance, also known as data mining, leads to AI systems and algorithms that can analyze these data points and profile consumers.<sup>231</sup> AI systems also pose other threats through the use of personal information, such as phishing or scam attacks based on illegally obtained personal information.<sup>232</sup> AI systems can assume an individual's identity through personal identifiable information, at times even with non-personally identifiable information.<sup>233</sup> Because of such technological advances, global and regional organizations, such as the EU, advocate for the transparency and disclosure of the use of AI systems by companies and their collection and storage processes.<sup>234</sup> This is based on a checks and balances principle needed to ensure that corporations do not violate the privacy of their customers for the benefit of profit.<sup>235</sup>

Vulnerable populations are particularly affected by the growing use of AI systems.<sup>236</sup> AI systems often use collected data to target specific demographics to be exploited for monetary gains or other objectives by these institutions that house massive amounts of data.<sup>237</sup> According to CSIS, AI systems can identify, target, and discriminate against low-income consumers by analyzing credit scores or loan data to deny them eligibility for public welfare programs.<sup>238</sup> Academic researchers from the University of Amsterdam have cited senior citizens, women, low-income individuals, individuals with less education, and people of color as vulnerable populations to the personal data threats of AI systems.<sup>239</sup>

Digital and media literacy can help protect citizens and consumers from data privacy abuses through AI systems.<sup>240</sup> Digital and media Literacy is the ability to evaluate and responsibly use digital media.<sup>241</sup> According to OHCHR, digital and media literacy initiatives and a comprehensive educational curriculum are essential to enable citizens and consumers to further their knowledge of AI systems and how it relates to data privacy.<sup>242</sup> Gaps in digital and media literacy can leave some groups of people vulnerable due to

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<sup>228</sup> *ibid.* p. 13.

<sup>229</sup> *ibid.* p. 18.

<sup>230</sup> Chin-Rothmann. Center for Strategic & International Studies. *Protecting Data Privacy as a Baseline for Responsible AI*. 2024.

<sup>231</sup> *ibid.*

<sup>232</sup> *ibid.*

<sup>233</sup> Wang et al. New Media & Society. *The artificial intelligence divide: Who is the most vulnerable?*. 2024. p.15.

<sup>234</sup> European Parliament. *EU AI Act: first regulation on artificial intelligence*. 2023.

<sup>235</sup> Cerili et al. Federal Trade Commission. *AI Companies: Uphold Your Privacy and Confidentiality Commitments*. 2024.

<sup>236</sup> Chin-Rothmann. Center for Strategic & International Studies. *Protecting Data Privacy as a Baseline for Responsible AI*. 2024.

<sup>237</sup> *ibid.*

<sup>238</sup> *ibid.*

<sup>239</sup> Wang et al. New Media & Society. *The artificial intelligence divide: Who is the most vulnerable?*. 2024. p. 6.

<sup>240</sup> Office of the United Nations High Commissioner for Human Rights. *Privacy is key in processing personal data by AI: UN expert*. 2023.

<sup>241</sup> MediaSmarts. *Digital Media Literacy Fundamentals*. N.d.

<sup>242</sup> Office of the United Nations High Commissioner for Human Rights. *Privacy is key in processing personal data by AI: UN expert*. 2023.



the lack of formal education on AI and low privacy protection skills.<sup>243</sup> Researchers have concluded that increased skills in privacy protection address the digital divide caused by the rapid growth of AI systems.<sup>244</sup> In this context, the Global Digital Compact advocates for a framework that highlights transparency, accountability, and inclusivity toward consumer protection against the illicit use of AI systems.<sup>245</sup> A key aspect noted in this call for a framework is the promotion of AI literacy, which includes discussing and understanding how AI systems operate, make decisions, learn, and possibly influence the choices of their users.<sup>246</sup>

## Conclusion

The rapid advancement of ICTs, including AI systems, poses significant privacy challenges, requiring vast personal data and increasing the risk of misuse, unauthorized access, and data breaches.<sup>247</sup> Despite this, individuals still have the same rights online as offline.<sup>248</sup> The international community, particularly HRC and the General Assembly, aim to uphold these rights by emphasizing the need for states to reassess their laws on data collection, processing and storage, while stressing the importance of privacy as a prerequisite for other fundamental human rights, such as freedom of expression.<sup>249</sup> The collection and exchange of personal data by states and corporations, combined with poor data protection, has led to unlawful surveillance and significant privacy violations, prompting international calls for stronger regulations, transparency, and safeguards to protect individuals from mass surveillance, primarily through AI and digital technologies.<sup>250</sup> The growing use of these AI systems, which rely on large amounts of personal data, poses significant privacy risks, particularly for vulnerable populations.<sup>251</sup> The continued use of AI has prompted increased transparency, accountability, and AI literacy to protect individuals from data exploitation and ensure responsible AI use.<sup>252</sup>

## Further Research

As delegates conduct further research and consider how to address this topic, they should consider: How can Member States enhance privacy protections within the framework of existing data storage systems to align with international human rights standards? What strategies can be implemented internationally to ensure accountability for data misuse, particularly for human rights violations? What mechanisms can be proposed to prevent mass surveillance from data collection practices, thereby upholding the right to privacy? How can HRC utilize current initiatives to mitigate potential privacy threats posed by AI-driven

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<sup>243</sup> Wang et al. New Media & Society. *The artificial intelligence divide: Who is the most vulnerable?*. 2024. p. 15.

<sup>244</sup> *ibid.*

<sup>245</sup> United Nations, General Assembly. *The Pact for the Future (A/RES/79/1)*. 2024. p. 39.

<sup>246</sup> *ibid.*

<sup>247</sup> Cerili et al. Federal Trade Commission. *AI Companies: Uphold Your Privacy and Confidentiality Commitments*. 2024; United Nations, Human Rights Council. *The right to privacy in the digital age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/51/17)*. 2022.

<sup>248</sup> Amnesty International. *Surveillance giants: How the business model of Google and Facebook threatens human rights*. 2020.

<sup>249</sup> United Nations, Human Rights Council. *The right to privacy in the digital age: Report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/51/17)*. 2022. pp. 15-17.

<sup>250</sup> Amnesty International. *Suggested recommendations to States under review in the 44th session of the UPR Working Group*. 2023.

<sup>251</sup> Cerili et al. Federal Trade Commission. *AI Companies: Uphold Your Privacy and Confidentiality Commitments*. 2024.

<sup>252</sup> United Nations, General Assembly. *The Pact for the Future (A/RES/79/1)*. 2024. p. 39.



mass surveillance, ensuring equitable access to digital rights for all? How can the international community strengthen personal data protection and ensure the ethical use of AI technologies by human rights frameworks? What measures can be put in place to safeguard vulnerable populations from the adverse effects of AI?



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