

Žilina Model United Nations 2014

United Nations Human Rights Council



Individual right to privacy

(concerning the recent NSA-PRISM Scandal)

Study Guide

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History of the Council

The Human Rights Council is an inter-governmental body within the UN System and a subsidiary body of the UN General Assembly. This Council was established by Resolution 60/251 of the UN General Assembly on the 15th March 2006. The UNHRC is originally a replacement for the United Nations Commission on Human Rights which was due to complaints about certain members maintaining poor human rights discredited.

The Council consists of 47 seats, divided among five UN regional groups (13- African group; 13- Asian group; 6- Eastern European; 8- Latin American and Caribbean group; 7- Western European; Other groups). The term for each seat is three years and members may not occupy a seat for more than two consecutive terms.

The Council must meet for at least three regular sessions per year (10 weeks), all are held in the Council's headquarters in Geneva. There is a possibility of a special session when necessary, upon the request of one-third of its members. The work of the Council is based on "the principles of universality, impartiality, objectivity, and non-selectivity." It is also supposed to promote and protect human rights "without distinction of any kind and in a fair and equal manner."

Individual Right to Privacy

Privacy- an ability of an individual to seclude themselves or information about themselves and thus express themselves selectively. What is considered as private differs within every culture. Part of many privacy laws, sometimes even constitutions, is the right not to be subjected to unsanctioned invasions of privacy by government, corporations or individuals.

Privacy Law- a law concerning the protecting and preserving of privacy laws of individuals. At the moment, there is no privacy law accepted by all countries. The Universal Declaration of Human rights, article 12 states:

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks."

In 2012, the United Nations Human Rights Council issued UN resolution approving the protection of the human rights at the digital world.

Beginning of the Surveillance

Surveillance- computer and network surveillance is monitoring computer activity, data stored on hard drive or data which are being transferred over computer networks- Internet- mainly through social networks including Facebook, YouTube, Google, Skype, and Gmail, other...

Internet surveillance was strengthened after 9/11 terroristic attack on World Trade Center in New York by Patriot Act, which was drafted and signed by former US president George Bush in 2001. The Patriot Act significantly expanded the search and surveillance powers of federal law-enforcement and intelligence agencies. It expanded the powers of the government to surveil, investigate, and detain suspected terrorists.

FISA (Foreign Intelligence Surveillance Act) - established in 1978 is a US federal law which prescribes procedures for the physical and electronic surveillance and collection of foreign intelligence information between foreign powers and agents of foreign powers. The law does not apply outside the United States. It has been repeatedly amended since the September 11th attacks.

FISC (Foreign Intelligence Surveillance Court)- is a U.S. federal court established and authorized under the Foreign Intelligence Surveillance Act of 1978 (FISA) to oversee requests for surveillance warrants against suspected foreign intelligence agents inside the United States by federal law enforcement agencies.

Patriot Act Provisions- nation's surveillance laws that vastly expanded the government's authority to spy on its own citizens, while simultaneously reducing checks and balances on those powers like judicial oversight, public accountability, and the ability to challenge government searches in court.

The Patriot Act increases the government's surveillance powers in four areas:

1. Records searches. It expands the government's ability to look at records on an individual's activity being held by third parties. (Section 215)
2. Secret searches. It expands the government's ability to search private property without notice to the owner. (Section 213)
3. Intelligence searches. It expands a narrow exception to the Fourth Amendment that had been created for the collection of foreign intelligence information (Section 218).
4. "Trap and trace" searches. It expands another Fourth Amendment exception for spying that collects "addressing" information about the origin and destination of communications, as opposed to the content (Section 214).

NSA and Prism

NSA- is a highly specialized and vital unit of the American intelligence community that works to create and break secret codes, a science known as cryptology. The National Security

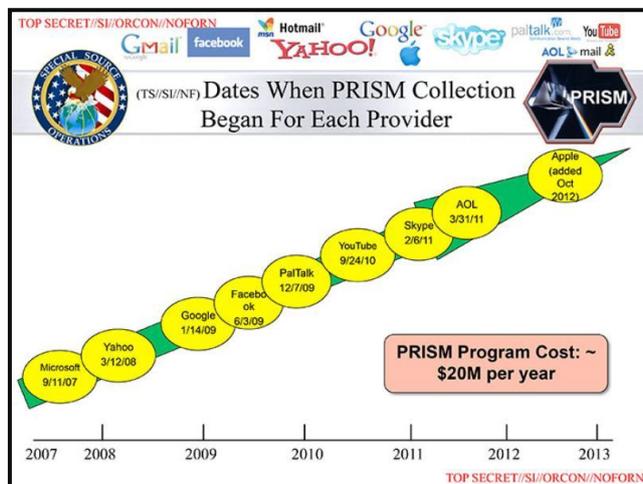


Agency, or NSA, reports to the U.S. Department of Defense.

The work that the NSA conducts is done in secret and for the national security. For a period of time, the US government even did not recognize the existence of NSA.

The NSA has two main goals to complete:

1. To prevent foreign adversaries from stealing sensitive or classified national security information from the USA



2. To collect, process and disseminate information from foreign signals for counterintelligence purposes.

The NSA also operates Prism program (see explanation below).

Prism- is the system that NSA uses to gain access to the private communications of users of popular internet services (Microsoft, Google, Yahoo!, Facebook, Paltalk, YouTube, Skype, AOL, and Apple). The collection detail mostly include Email, chat- video, voice,

videos, photos, stored data, file transferring, video conferencing, notifications of target activity- logins, online social networking details, history of internet browsing...

NSA- PRISM Scandal

It is an ongoing controversial scandal surrounding the U.S. NSA's data gaining operation of millions of customers from major telecommunications providers in the US, as well as its clandestine electronic surveillance program known as PRISM.

It has all started in 2013 when The Guardian published a report that the NSA is collecting telephone records of millions of customers of Verizon. Leaks revealed that the FBI and NSA have received all Verizon Business Services telephone call records , including geolocation data; and the NSA uses a program called PRISM to gain access to search history, emails, file transfers and live chats from various Internet services, including those provided by Google, Facebook and Apple.

The details of the program were revealed in a leaked PowerPoint presentation. It was also claimed that the program ran with the assistance of internet companies mentioned above. Unsurprisingly, companies denied any cooperation and sharing confidential internet details with the NSA.

Few days later, the leaker responsible for the publication of the information and documents revealed his identity. The Guardian published an interview with Edward Snowden, a former technical assistant for the CIA and employee of the defense contractor Booz Allen Hamilton, who publically confessed that he is the person responsible for leaking the NSA documents to the press.

Data collected by the NSA can be split into two categories as follows:

1. Metadata- sensitive byproduct of communications, such as phone records that reveal the participants, times, and durations of calls
2. Content- data collected by PRISM; contents of emails, chats, VoIP calls, cloud-stored files, and more

Who is Edward Snowden?



Edward Snowden is an American computer specialist, former employee of the CIA and former contractor for the NSA.

He dropped out of high school. Later, he entered the Army Reserve as a Special Forces candidate. After few months, he was discharged from the Army Reserve without completing any training or receiving any awards.

The Guardian reported that in 2009, Snowden got the first of several jobs with private contractors that worked with the NSA.

In June 2013, he was charged with espionage and theft of government property. He lives in an undisclosed location in Russia now, serves as Rector of the University of Glasgow, and serves on the Freedom of the Press Foundation board of directors.

Helpful Links

<http://www.theguardian.com/world/edward-snowden>

<http://www.washingtonpost.com/wp-srv/special/politics/prism-collection-documents/>

<http://www.washingtonpost.com/blogs/wonkblog/wp/2013/06/12/heres-everything-we-know-about-prism-to-date/>

<http://www.theatlantic.com/national/archive/2013/06/prisms-legal-basis-how-we-got-here-and-what-we-can-do-to-get-back/276667/>

<https://www.eff.org/nsa-spying/timeline>

<http://www.nsa.gov/>

<http://nsa.gov1.info/surveillance/>

<http://swampland.time.com/2014/01/27/nsa-could-be-watching-you-play-angry-birds/>

<http://www.theguardian.com/world/2013/jun/06/us-tech-giants-nsa-data>

<https://www.eff.org/deeplinks/2014/02/eff-un>

<https://www.un.org/News/Press/docs/2013/gashc4094.doc.htm>

<http://www.justice.gov/archive/ll/highlights.htm>

<http://www.fas.org/irp/agency/doj/fisa/>

