THE GENERAL ASSEMBLY THIRD COMMITTEE
SOCIAL, HUMANITARIAN & CULTURAL

PURVIEW OF THE GENERAL ASSEMBLY THIRD COMMITTEE

While the Committee's areas of concern and its work often overlaps with other United Nations organs, the Third Committee focuses its discussions on social, humanitarian and cultural concerns that arise in the General Assembly. The Third Committee discusses issues with, recognizes reports of, and submits recommendations to the General Assembly in coordination with other United Nations organs, such as the Economic and Social Council (ECOSOC) and the United Nations High Commissioner for Refugees (UNHCR). For more information concerning the purview of the United Nations General Assembly as a whole, see page 22.

Website: www.un.org/ga/third/index.shtml

PROTECTION OF MIGRANTS

People move their permanent place of residence for a variety of reasons. Sometimes this movement is voluntary, as in the case of migrant workers who seek better employment opportunities abroad, while others choose to leave because they believe their home has become too dangerous. In other situations, however, the movement is involuntary, for example with the forced expulsion of a population by military forces—a relatively common occurrence. Regardless of whether their movement is voluntary or involuntary, those who leave their home country to seek permanent residence elsewhere are referred to under the global term "migrant." This term thus encompasses a wide range of people in a wide range of circumstances and conditions, which can occasionally complicate policy considerations.

Despite the adoption by many countries of stricter immigration and naturalization policies, the twenty-first century has seen a drastic increase in international migration. According to a report released by the United Nations Department of Economic and Social Affairs Population Division, the number of international migrants reached 232 million in 2013. Half of the migrants relocated to just ten countries, with North American countries seeing the largest increase in their migrant populations. Migrants are especially vulnerable to homelessness and hunger, and have little personal security. They are often uniquely vulnerable to human rights abuses due to language barriers, uncertain legal status and having limited access to services such as healthcare, education, or public assistance. For example, undocumented migrants are unable to seek legal protection from the State in which they find themselves and are essentially at the mercy of their employers, who may take advantage of this situation to violate labor laws and even commit violence. They are also vulnerable to, and frequently targeted by, kidnappers, human traffickers and sexual predators.

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

the right to be free from torture or forced labor. Migration affects nearly every country in the world, as a sending, transit, or receiving country, so there is global interest in migrant issues.

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

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

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

The protection of migrants is a complex issue often involving many actors and conflicting interests at the same time. One major point of contention is determining where responsibility should lie for the protection of the human rights of migrants. Receiving and transit countries tend to argue that, especially for undocumented migrants, they should not have full responsibility for the protection of the migrants' human rights because those migrants are not legally recognized as citizens of that country. Sending countries argue that the receiving and transit countries should have at least some level of responsibility as they are in a better position to do so than the sending country, which should not be expected to guard its migrants regardless of where they may travel. Cooperation and coordination between countries is also difficult as every country involved views the migrants as someone else's problem.

Further complicating matters is the fact that many transit and receiving countries have a difficult enough time protecting the human rights of

their own citizens, let alone those of migrants. A present example is Libya, where migrants who sought jobs in Libya or who were passing through Libya on their way to Europe have recently been subjected to horrific human rights abuses and prejudices due to the political collapse of the country into warring factions. Employers have confiscated the passports of migrants who were validly working in Libya. Without valid documentation to cross the border normally, these migrants are forced to stay or to face the dangerous crossing of the Mediterranean. In Myanmar, thousands of minority Muslim Rohingya people have attempted to flee to Malaysia and other Southeast Asian countries only to be abandoned at sea by the traffickers, who have already received their payments. The migrants' own country has sometimes refused to take them back when they attempt to return because they are not recognized as citizens.

Many challenges remain if migrants are to be adequately protected as the world moves through the twenty-first century. The increase of migrants over the past few years has sparked a nationalist backlash, and openly anti-immigration political parties have sprung up around the world, particularly in Europe. The deadliest year on record for migrants was 2014, with at least 4,800 perishing on the journey from their home country. In the first three months of 2015 alone, over 185,000 migrants have sought residence in Europe. Many of these migrants have died in the Mediterranean Sea as their overcrowded boats capsized. Similar peril and human rights abuses have occurred in the waters of Southeast Asia as the Rohingya continue to leave, or try to leave, Myanmar. Protecting these migrant populations is a challenge shared by the United Nations and its Member States as well as non-governmental organizations. Some news outlets are stating that we are in the midst of a migration crisis. Accordingly, solutions must be capable of swift implementation if they are to be effective.

Questions to consider from your government's perspective on this issue include the following:
- To what extent should receiving countries be obligated to protect the human rights of undocumented migrants?
- In order to move toward the shared goal of protecting migrants, how can Member States better coordinate their efforts with each other and with the patchwork of international organizations that assist migrants?
- How can measures to protect migrants be better tailored to their unique vulnerabilities and susceptibility to human rights abuses?
- What steps should the United Nations take in order to better integrate protection of migrants into the overall issue of sustainable development?

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THE RIGHT TO PRIVACY IN THE DIGITAL AGE

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

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

The United Nations has been considering how the right to privacy applies to the digital age since 1990, when the General Assembly adopted

the Guidelines for the Regulation of Computerized Personal Data Files. The Guidelines were intended as a general outline of how individual States should address the issue through national legislation, outlining the minimum guarantees that should be provided. The Guidelines state that Member States should refrain from using information about persons in "unfair or unlawful ways" or "for ends contrary to the purposes and principles of the Charter of the United Nations." Additionally, the Guidelines provided for broad exceptions in the event such departure is necessary to protect national security or public health, order, or morality.

In 2013, the High Commissioner for Human Rights released a statement expressing grave concerns for the impact of these extensive surveillance practices on human rights. The Commissioner pointed out the lack of proper integration, implementation and enforcement of the protections granted by the Covenant on Civil and Political Rights. The statement went on to encourage Member States to adopt legislation prohibiting State surveillance of communications save for "the most exceptional circumstances" and argued that such surveillance should always be subject to the supervision of an independent judicial body.

Following the Commissioner's report, the General Assembly adopted a resolution in 2014 affirming that the rights citizens hold offline must also apply online. The General Assembly called upon all Member States to review their practices, procedures and legislation regarding communications surveillance to ensure that such measures abide by international human rights law.

While the 2014 resolution was a major step in interpreting and codifying the right to privacy in the digital age, it did not fully resolve all of the issues identified in the Report of the High Commissioner for Human Rights on the right to privacy in the digital age. One central issue is how to effectively balance the need to monitor communications for law enforcement and national security while still protecting individual rights. The International Covenant on Civil and Political Rights protects against unlawful and arbitrary invasions of privacy but implies that there are legitimate reasons for surveillance. In most States, legal frameworks provide some check or safeguard to protect against arbitrary surveillance, like requiring a court order for tapping a telephone. As of yet, there are no clear guidelines about what legal standards and safeguards should be used for digital communications and data.

At the same time, States are attempting to ensure that they are able to adequately monitor communications of criminals and terrorists who might use new tools to plot attacks or cause harm to others. Some States have threatened to ban telecommunications services and companies if they do not provide back-door government access to traffic or disclose bulk information for surveillance purposes. In some cases, it has been reported that governments have used such networks to actively stifle political opposition.

The integration of technology into routine business and the day-to-day lives of people presents another problem. While previously only correspondence and some records were stored or able to be monitored, personal data has exploded in the digital age, ranging from health information to records about where and what we eat. What sort of protections are needed for these newer forms of data is a crucial question for the international community. Secondly, data storage and transfer is global. The decentralized nature of the internet means that data is often stored in multiple locations and transits multiple countries for even routine communication. This makes data privacy a global issue: individual States cannot focus on these issues simply at the national level. Cooperation between States has become more important than ever. Finally, States must wrestle with how to adequately protect privacy when data is stored by an increasing number of private entities. The collection of data by popular websites like Facebook or by individuals puts people at risk across the globe, personally, professionally and financially, especially when targeted for monitoring and surveillance.

Events of the past few years have made the importance of this topic and the challenges involved all the more clear. Since 2014, a series of leaks by Edward Snowden and other former intelligence officials have revealed the extent of surveillance efforts by a number of governments, including the United States and the United Kingdom. Meanwhile, other States have asked Blackberry and other corporations to provide greater access to personal data for the purposes of protecting international security. Both events have fuelled a global conversation about the appropriate balance between the right to privacy and the needs of States for monitoring and surveillance.

Questions to consider from your government's perspective on this issue include the following:
- How should States balance their obligation to protect the right to privacy with the use of surveillance tools to protect national security?
- What safeguards or legal principles should States implement to protect the right to privacy?
- How has the concept of privacy changed as digital communication technology has become increasingly ubiquitous?
- What sort of protections are appropriate or necessary for new types of personal data?

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