

Dear Delegates,

Welcome to the 2022 FairGaze National Model United Nations Conference (FNMUN)! We are pleased to welcome you to the Human Rights Council (HRC).

The topics under discussion for the Human Rights Council are:

1. Human Rights Offences Of Multinational Corporations

This topic has a wide area for discussion and for a bit guidance we as Executive Board would like to mention few topic areas:

- 1) Reinforcing Businesses' Responsibility to Protect Human Rights
- 2) The Right to Privacy in the Digital era

HRC plays a critical role in the monitoring and implementation of the Universal Declaration of Human Rights and other human rights instruments. It is a subsidiary body of the General Assembly and possesses a comprehensive mandate that allows it to take proactive measures to address and provide recommendations on all human rights violations.

This study guide comprises of few guide lines for the conference and the committee. This showcases a few

topic areas as well as it will help you in further research purposes.

Few important terms for the committee:

ACHR - American Convention on Human Rights

ALA - American Library Association

BSR - Business for Social Responsibility

CDT - Center for Democracy and Technology

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

CHR - Commission on Human Rights

COP - Conference of the Parties

CRC - Convention on the Rights of the Child

CSA - Cloud Security Alliance

CSO - Civil Society Organization

CSR - Corporate Social Responsibility

CTC - Counter-Terrorism Committee

CTSD - Commission for Science and Technology for Development

DIHR - Danish Institute for Human Rights

ECA - United Nations Economic Commission for Africa

ECHR - European Convention on Human Rights

ECOSOC - Economic and Social Council

EU - European Union

FTF - Foreign terrorist fighters

GCTS - Global Counter-Terrorism Strategy

GDP - Gross domestic product

GNI - Global Network Initiative

HRC - Human Rights Council
HRI - Human Rights Internet
HRIA - Human Rights Impact Assessment
HRW - Human Rights Watch
ICAR - International Corporate Accountability Roundtable
ICCPR - International Covenant on Civil and Political Rights
ICESCR - International Covenant on Economic, Social and Cultural Rights
IDP - Internally displaced person
IEF - Internet Education Foundation
ILO - International Labour Organization
ISO - International Organization for Standardisation
ITU - International Telecommunication Union
MENA - Middle East and North Africa
NAP - National action plan
NGO - Non-governmental organization
NHRI - National Human Rights Institutions
OASIS - Organization for the Advancement of Structured Information Standards
OAU - Organization of African Unity
OEIGWG - Open-Ended Intergovernmental Working Group
OHCHR - Office of the High Commissioner for Human Rights
PIPEDA - Personal Information Protection and Electronic Document Act
SDG - Sustainable Development Goal
TNC - Transnational corporation

UDHR - Universal Declaration of Human Rights

UN - United Nations

UN-Women - United Nations Entity for Gender Equality and the Empowerment of Women

UNA - United Nations Associations

UNCTAD - United Nations Conference on Trade and Development
UNDG United Nations Development

Group

INTRODUCTION:

According to the International Labour Organization (ILO), 24.9 million people are forced into labor. 16 million individuals face exploitation through the private sector. Since 2008, human rights violations, often connected to the business sector, have increased globally by 70%. In 2011, the United Nations (UN) Human Rights Council (HRC) emphasised in resolution 17/4, entitled “human rights and transnational corporations and other business enterprises,” that human rights protection must be ensured within the business sector.⁸⁶ According to the Guidelines on Cooperation between the United Nations and the Business Sector, the business sector encompasses “for-profit and commercial enterprises or business” as well as “business associations and coalitions, such as corporate philanthropic foundations.” The business sector is responsible for workers’ safety, fair treatment, and preventing adverse human rights impacts. The UN

Industrial Development Organization (UNIDO) defines Corporate Social Responsibility (CSR) as “integrating social and environmental concerns in...business operations and interactions with stakeholders.”

Businesses are a vital partner of the UN for addressing issues on economic and social development, environmental protection, and human rights.

In 2005, the UN Commission on Human Rights, the predecessor to the HRC, requested a special representative to provide information and working material on human rights issues in the business sector, as well as to draft and implement the Guiding Principles on Business and Human Rights. In 2011, HRC resolution 17/4 established a Working Group to address the “issue of human rights and transnational corporations and other business enterprises.” The Working Group established the Forum on Business and Human Rights, which meets yearly to share information on and facilitate the implementation of the Guiding Principles on Business and Human Rights. Additionally, the Working Group provides guidance on implementing national action plans and serves as a platform for regional dialogue. In HRC resolution 32/10 (2016) on “Business and human rights: improving accountability and access to remedy,” the HRC recognises policies to improve accountability and access to remedies.

The HRC calls for further actions in achieving the Guiding Principles, strengthening international

cooperation and regional initiatives. In 2017, the HRC adopted resolution 35/7, which emphasised the “Working Group on the issue of human rights for transnational corporations and business enterprises,” and extended the duration of the Working Group for three more years to continue international dialogues and cooperation. In its 71st session, the General Assembly discussed the “enhancement of international cooperation in the field of human rights,” which emphasises the need to establish national and international dialogues. Consequently, General Assembly resolution 71/197 (2016), “globalisation and its impacts on the full enjoyment of human rights,” states that globalisation and human rights protection are linked on international and regional levels. It also calls for analysing obstacles of globalisation to human rights. The UN Economic and Social Council (ECOSOC) invited the business sector to address responsibility within least developed countries in its resolution 2017/28 (2017), in order to achieve global sustainable development. In ECOSOC resolution 2017/9 (2017), entitled “Mainstreaming a gender perspective into all policies and programmes in the United Nations system,” ECOSOC calls for actions in the areas of gender mainstreaming policies. As “women and girls are disproportionately affected by forced labour,” ECOSOC outlines an important point that needs to be recognised for human rights protection. Next to the HRC and other UN entities, the UN Entity for Gender Equality and the Empowerment of Women (UN- Women) works towards the achievement of decent work and improving

employment policies for all women. In cooperation with the UN Global Compact, UN-Women introduced in 2017 the Women's Empowerment Principles, which advocate for the equal treatment of women and men, promote education and livelihoods, and call for community initiatives and advocacy. As the integration of women in the economy is crucial for sustainable development, the business sector plays an important role in advancing gender equality and the empowerment of women. The UN Global Compact, a global voluntary initiative for CSR, aims towards the commitment of the business sector to incorporate labor standards, environmental protection, human rights, and anti-corruption actions within their efforts. The ten principles outlined in the UN Global Compact – also focusing on human and labor rights – are a framework for sustainable business. The UN Global Compact focuses on anti-corruption and environmental measures. Proving a value-based approach, the UN Global Compact provides guidelines on how to conduct responsible business. The UN Global Compact counts 13,000 participants for both the business and non-business sector. The Open-Ended Intergovernmental Working Group (OEIGWG) on transnational corporations (TNCs) and other business enterprises has a specialised focus compared to the generalist approach of the UN Global Compact. It serves as entity to address the issue of TNCs and works on a legally-binding measure to hold TNCs accountable for their actions. The HRC works together with the OEIGWG to access information the Working Group provides on the special cases of TNCs.

TRANSNATIONAL CORPORATIONS:

A TNC is an enterprise “comprising entities in more than one country which operate under a system of decision-making that permits coherent policies and a common strategy.” Approximately one quarter of the world’s productive assets, which are worth \$5 trillion, are owned and controlled by the 300 largest TNCs, and their total annual sales are even larger than the gross domestic product (GDP) of most countries. The increased role of TNCs in the globalised world also causes negative effects. TNCs often operate on the costs of cheap labor and raw materials, especially in developing countries.¹⁷¹ Without clearly enforced international law standards, TNCs operate in a legal gray area concerning the environment and human rights. Within the OEIGWG on TNCs and other enterprises, there is an ongoing discussion on TNCs and accountability. The OEIGWG was mandated by the HRC in 2014 to work out legally-binding standards for TNCs. The gravest violations of TNCs can be split up into three categories. First, TNCs may support corrupt regimes, like as was seen in a lawsuit against Shell in 2009. Secondly, TNCs may violate international environmental laws resulting in health problems and death for local populations, which happened to Shell and was accused for water pollution in Nigeria. Thirdly, TNCs may not respect workers’ rights fully. Wage dumping and a lack of safety are major concerns with TNCs in relation to human rights. The

company Thor Chemicals Holdings Ltd. produced chemicals in South Africa without having proper safety arrangements. The production led to the death of three workers and the poisoning of employees.

DIGITAL ERA:

Digital technology poses a potential damage and risk to the right to privacy and the freedom of expression. As ICT continues to develop, it is necessary to also strengthen and develop privacy. With guidance from the UN International Telecommunication Union (ITU), technology and the right to privacy can help Member States reach the 17 goals and 169 targets of the UN Sustainable Development Goals (SDGs). In particular, SDG 17, “Revitalising the global partnership for sustainable development,” promotes partnerships between Member States, the private sector, and civil society, with subtopics focusing on the right to self-determination, development, and the right to privacy. As Member States continue to work towards the SDGs, it is becoming more significant to understand the values on data protection and the right to privacy. Member States must ensure the right to privacy and how big data is stored. As the HRC is the UN’s expert agency on human rights issues, it is important for the Council to look at how to further protect the right to privacy in the digital age.

The HRC is one of the UN organisations which focuses on the right to privacy in the digital age. In December 2014, the HRC published a report of the Office of the UN High Commissioner for Human Rights (OHCHR) on an HRC panel about privacy rights and technology. The overview themes include discussions of surveillance, personal data, transparency and accountability, and sharing best practices. In April 2015, the HRC adopted resolution 28/16 on the topic of “The Right to Privacy in the Digital Age.” Within the resolution, the HRC is to “remain actively seized” and to clarify standards, principles, and best practices to protect privacy. Following the adoption of the resolution, the HRC appointed a Special Rapporteur on the right to privacy for three years, and is to review the privacy, freedom of expression, and other human rights for digital technology to help develop best practices for the private sector and governments. The tasks of the Special Rapporteur include providing recommendations to promote privacy rising from new technologies, identifying obstacles to the right to privacy, reporting violations on the right to privacy set by the UDHR and ICCPR, and submitting annual reports to the HRC and General Assembly.³⁶⁴ In November 2016, the Special Rapporteur submitted a report to the HRC on the right to privacy. Some of the thematic assessments include privacy across cultures; security, surveillance, and cyber peace; genetics and privacy; and dignity and reputation for privacy. The Special Rapporteur also included a ten-point action plan to protect privacy, including defining the right to privacy; creating ongoing dialogue;

promoting national and regional developments plans; and harnessing the influence of civil society. In February 2017, the Special Rapporteur submitted another report on the right to privacy in the digital age.

FURTHER RESEARCHES:

When researching the topic at hand, delegates should consider the following questions: What are the most effective HRC policies for reinforcing businesses' responsibility in relation to human rights? Which mechanisms need to be improved to foster monitoring human rights in business? How can businesses be further encouraged and motivated to protect human rights? How can the incorporation of TNCs in the international protection of human rights be addressed? Which legal areas of protection need to be reinforced? How does gender connect to the topic of protecting human rights? How can vulnerable groups be protected within the business sector? How can monitoring of the implementation of the Guiding Principles be improved?

As Member States review the right to privacy in the digital age, delegates should consider their own policies, as well as the following: What is the difference between the right to privacy and freedom of expression? What have local and regional actors done in regard to privacy, and what more can be done? What is the partnership

between the HRC and their Member State? What is their Member State doing in regard to the right of privacy as the UN moves towards achieving the SDGs and working towards technology innovation and privacy? How can HRC engage with other UN organisations and the private sector to develop guidelines on privacy? How can the HRC collaborate with CSOs to ensure the right to privacy is protected?

This Background Guide is just a short introduction to the wide topic we have in hand so please read the Background Guide thoroughly and research properly. All the best delegates and hope to see good amount of debate in the committee.

OM ASHISH PANDIT
(Chairperson)

ARYAN NAIR
(Vice-Chairperson)

