

**D.A.V. MODEL  
UNITED NATIONS  
CONFERENCE**



***DELEGATE  
INVITE***



*D·A·V· MODEL UNITED  
NATIONS CONFERENCE  
25<sup>th</sup>-26<sup>th</sup> October, 2018*

# *D·A·V· MUN 2018:*

## *THIRD EDITION*

*Honorable delegates, faculty advisors and distinguished dignitaries,  
Greetings!*

*Model UNs bring together students to explore global concerns, engage their young minds and learn through sharing and researching. This futuristic practice will foster their analytical and reasoning skills.*

*We at DAVMUN offer an exceptional opportunity for students to engage in paramount levels of debates, exciting discussions, formulate opinions and arrive at viable outcomes on subjects that have gripped the global community. It is a unique platform for the young people to learn about diplomatic negotiation processes and peaceful dialogues.*

*I hope it becomes a memorable experience for each individual who attends the conference. Looking forward to welcome you for the two marvellous days of debating and networking on 25<sup>th</sup> and 26<sup>th</sup> October 2018. On behalf of my team, I invite you to be a part of the DAV Model United Nations Conference, 2018*

*Regards,*

*Shweta Kathuria*

*(Teacher Mentor)*

# *D·A·V· MUN 2018:*

## *THIRD EDITION*

*We see global issues being discussed in various platforms around the globe, United Nations is the biggest platform to discuss these issues and come up with solutions. Students must be encouraged to become active members of society by participating in MODEL UNITED NATIONS.*

*They can be transformed into leaders only if they are infused with a vision and a vision is possible only if one's learning combines the understanding and appreciation of the nuances of the world.*

*With this perspective, DAV Public School is ready to organize its MUN Conference this year with this promise of providing a practical learning experience where students get to reflect on their ideas and connect knowledge to life outside the school.*

*MUN not only develop skills and boost confidence of students, the young minds bring out some very innovative solutions to global issues.*

*Along with portraying their diplomatic skills, analyzing various perspectives, asking thought provoking questions and finally arriving at plausible explanations and solutions.*

*Regards,*

*Charvi Singh*

*(Teacher Mentor)*

# **DAV MUN 2018**

## **UNSC United Nations Security Council**

### **Background Guide**

**AGENDA:**  
**Curbing the illicit trade of**  
**small arms and light**  
**weapons in South & South**  
**East Asia**

# UN SECURITY COUNCIL

## Committee Background

The United Nations was formed on 24 October, 1945 to promote international co-operation after the failures of the League of Nations and the disastrous effects of two World Wars. The Security Council is one of the six major organs of the UN. As per Article 1 of the UN Charter, the main purpose of the UN is to maintain international peace and security, the development of diplomatic ties among nations, collaboration to resolve international clashes, and the promotion of human rights. As the only body with the authority to issue binding resolutions to the members of the UN, the UNSC is the principal body assigned to this crucial task.

## Members

The SC consists of 15 members - 5 permanent members and 10 non permanent members. The five permanent members (P5) consist of the leaders of the victorious Allied Powers after the Second World War that were the founding members of the UN - the United States of America; the United Kingdom of Great Britain and Northern Ireland; the French Republic; the Russian Federation; and the People's Republic of China



*As per GA Resolution 1991 (1963), to ensure the representation of a geographically and politically diverse world, 5 of the 10 are selected from Africa and Asia, 1 from Eastern Europe, 2 from Latin America, and 2 from Western Europe and other states that do not fall under the other regional designations. They are selected for two years terms through a majority vote of the GA, with 5 new members each year.*

### *Voting*

*For any resolution or procedural change to be passed by the SC, it must have 9 positive votes, and no P5 nation may vote against it. This unique “veto power” is granted to them by the Charter of the United Nations. However, as the UN is about consensus, the veto power is rarely invoked; the country may simply choose to abstain from the vote instead. A list of every veto in the SC can be found here: <http://research.un.org/en/docs/sc/quick>.*

### *PROOF / EVIDENCES IN COUNCIL*

*Evidence or proof is acceptable from sources:*

- 1. News Sources:*

- a. **REUTERS** - Any Reuters article which clearly makes mention of the fact or are in contradiction of the fact being stated by a delegate in council.  
(<http://www.reuters.com/>)
- b. **State operated News Agencies** - These reports can be used in the support of or against the State that owns the News Agency. These reports, if credible or substantial enough, can be used in support of or against any Country as such but in that situation, they can be denied by any other country in the council. Some examples are,
- i. **RIA Novosti (Russia)** <http://en.rian.ru/>
  - ii. **IRNA (Iran)** <http://www.irna.ir/EN/Index.htm>
  - iii. **BBC (United Kingdom)** <http://www.bbc.co.uk/>
  - iv. **Xinhua News Agency and CCTV (P.R. China)**  
<http://cctvnews.cntv.cn/>

## 2. **Government Reports:**

These reports can be used in a similar way as the State Operated News Agencies reports and can, in all circumstances, be denied by another country.

However, a nuance is that a report that is being denied by a certain country can still be accepted by the Executive Board as credible information. Examples are,

- i. *Government Websites like the State Department of the United States of America*

<http://www.state.gov/index.htm/>

OR *the Ministry of Defence of the Russian Federation* <http://www.eng.mil.ru/en/index.htm>

- ii. *Ministry of Foreign Affairs of various nations like India* <http://www.mea.gov.in/>, *People's Republic of China* <http://www.fmprc.gov.cn/eng/>, *France* (<http://www.diplomatie.gouv.fr/en/>), *Russian Federation*

([http://www.mid.ru/brp\\_4.nsf/main\\_eng](http://www.mid.ru/brp_4.nsf/main_eng))

- iii. *Permanent Representatives to the United Nations Reports* <http://www.un.org/en/members/> (Click on any country to get the website of the Office of its Permanent Representative.)

- iv. *Multilateral Organizations like the*

*NATO* (<http://www.nato.int/cps/en/natolive/index.h>

tml),

**ASEAN**(<http://www.aseansec.org/>),

**OPEC**([http://www.opec.org/opec\\_web/en/](http://www.opec.org/opec_web/en/)), etc.

3. UN Reports: All UN Reports are considered are credible information or evidence for the Executive Board of the Security Council

i. UN Bodies: **SC** (<http://www.un.org/Docs/sc/>),

**GA** (<http://www.un.org/en/ga/>),

**HRC**(<http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>), etc.

ii. UN Affiliated bodies like the International Atomic

**Energy Agency** (<http://www.iaea.org/>),

**World Bank** (<http://www.worldbank.org/>),

**International Monetary Fund**

(<http://www.imf.org/external/index.htm>), etc.

Under no circumstances will sources like

Wikipedia (<http://www.wikipedia.org/>),

Amnesty International (<http://www.amnesty.org/>),

Human Rights Watch (<http://www.hrw.org/>)

Or newspapers like the Guardian, etc. be accepted

## Introduction

### **Armed Conflict**

*“An armed conflict is defined as a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle related deaths in one calendar year.”*

### **Asymmetric Warfare**

*Asymmetric warfare refers to a war in which the opposing sides have vastly differing military power, or use radically different strategies or tactics. Asymmetric warfare often involves unconventional warfare, in an attempt for each side to offset its weaknesses or deficiencies. Asymmetric warfare is also used to describe guerrilla warfare, insurgency, terrorism, counterinsurgency or counterterrorism.*

### **Arms broker**

*An arms broker is named for an individual or an organized group of individuals that assists the allocation of weapons from manufacturers to purchasers. Arms brokers tend to*

*dodge law by taking advantage from ambiguity in certain legislative matters in international law. The arms broker, in the aim to facilitate the weaponry sale to unauthorized recipients, carries this act*

### **Arms Control**

*Arms control is a term for international sanctions put upon the development, production, stockpiling, proliferation and usage of weapons. The term is predominantly used for weapons of mass destruction. Arms control is basically exercised through diplomacy, and it shows itself through the construction of international treaties and agreements, “although it may also comprise efforts by a nation or group of nations to enforce limitations upon a non-consenting country.”*

### **Illicit arms trade**

*Illicit arms trade refers to illegal actions in which weapons are trafficked. It is also known as the international weapons black market. Hand guns, pistols, sub-machine guns, mortars, landmines, grenades, light missiles and such small weapons are unlawfully sold to unintended and unlicensed recipients. Insurgents, armed*

gang members, pirates, terrorists and other illegal forms of armed groups practice illicit arms trade. The illicit channeling of small arms/light weapons and their ammunition to recipients threatens communities with overgrowing security and developmental problems.

### **Small arms and light weapons**

Both small arms and light weapons are weapons that can be carried because of their easy logistics. "Small arms include revolvers and self-loading pistols, rifles and carbines, assault rifles, submachine guns and light machine guns. Light weapons include heavy machine guns, hand-held grenade launchers, portable anti-aircraft and anti-tank guns, recoilless rifles, portable launchers of anti-aircraft and anti-tank missile systems, and mortars of calibers of less than 100 mm." Together they comprise the Small Arms and Light Weapons (SALW) protocol. According to the United Nations: "Since weapons in this class are capable of being carried, if a small arm, by one person or, if a light arm, by two or more people, a pack animal or a light vehicle, they allow for mobile operations where heavy mechanized and air forces are not available or are restricted in their capabilities owing to difficult

mountain, jungle or urban terrain."

Throughout this study guide, the term conventional arms will be used as an umbrella concept, comprising of small arms and light weapons

### **Stockpiling and Stockpile Management**

"A stockpile is a pile or storage location for bulk materials, forming part of the bulk material handling process." Stockpiling is also used for stocking weaponry that is in excess at the time of a given countries military activity. These weapons are carefully managed and can act as a danger for they can be relocated by illegitimate means. "Stockpile management and control is one of the most acute small arms problems. "Leaking" Government stockpiles are prominent sources of illegal small arms in circulation. Generally, surplus and obsolete weapons are better destroyed than stored. In post conflict settings, the immediate destruction of surplus weapons and ammunition removes possible fuel for new instability."

The non-proliferation of small arms and light weapons (SALW) has been an ongoing and wholly relevant issue



for the United Nations; however, no specific internationally recognized definition of SALW exists. Small arms are 'weapons designed for personal use, including: light machine guns, sub-machine guns, including machine pistols, fully automatic rifles and assault rifles, and semi-automatic rifles'. Furthermore, light weapons 'include the 7 following portable weapons designed for use by several persons serving as a crew [such as]: heavy machine guns, automatic cannons, howitzers, mortars of less than 100mm caliber, grenade launchers, anti-tank weapons and launchers, recoilless guns, shoulder-fired rockets, anti-aircraft weapons and launchers, and air defense weapons'. Estimates report that there are around half a billion military SALW around the world and around 300,000 to 500,000 are killed as a result each year, 80% of which are civilian casualties in modern conflict.<sup>3</sup> As the most common example of weaponry in violent conflicts, out of 49 major conflicts that have emerged since 1990, 46 have been dominated by the use of SALW. It is definitely clear that the increased availability of SALW contributes to the likelihood, duration, and hostile intensity of armed conflict. Analysis of contemporary warfare seems to suggest a correlation

that such conflicts overwhelmingly occur in the world's poorest countries and this gives an explanation as to why the victims of conflicts fought with SALW are so dependent on assistance from the international community. It is often the case that these conflicts possess deep and complex roots and seeing that there is widespread availability of SALW, particularly through the black market; belligerents are emboldened to pursue their objectives through violence on the battlefield, instead of at the bargaining table. Part of this has to do with the advantages of these types of weapons. Low cost and widely available, given the plentiful suppliers globally, the existence of millions of SALW either newly produced or recycled by downsizing armies from each conflict has led to 'bargain-basement prices' in many areas around the world, which inevitably means that they can easily fall into the wrong hands. SALW are often portable and concealable, able to be carried by individual soldiers or light vehicles, they can be smuggled into areas of conflict or concealed in shipments of legitimate cargo quite easily. It is also important to note the increased lethality and sophistication of SALW in tandem to their relative simplicity and durability. This type of weaponry demands

little maintenance, in comparison to others (WMDs), to remain operational for many years as well as requiring little to no training to be used effectively, which increases their use in conflicts by untrained personnel and even children. The illicit trade of SALW goes in defiance of international embargoes and legal sanctions, yet, there has been a significant swell in demand for black market dealers to satisfy the needs of non-state actors to provide such weaponry in either ethnic or internal conflicts. In regards to how the guns are supplied, the global arms market can be split into three categories:

- a. Legal sales of weapons where governments buy from corporations (Lockheed Martin, Boeing, Northrop Grumman),
- b. A legally grey area where government, military and intelligence agencies interact with corrupt dealers to carry out secret agendas such as assassinations or regime changes, and
- c. The black market. Estimates from the International Action Network on Small Arms (IANSA) state that this black market trade in SALW ranges from US\$ 2-10 billion a year. The black market trade of SALW has been

*facilitated by the existence of vast stockpiles of surplus arms in the states of the former Soviet bloc, and in some instances severely destitute former soldiers actually conspire with the dealer in stealing weaponry or even enter the illicit trade themselves. Underground networks, in which there are strong links between arms trafficking and the illegal narcotics trade, have developed complex methods of procurement, transportation and then sale of SALW, sometimes with the connivance of government or corrupt officials. The actual theft of these weapons often occur from either military or police warehouses and is a major issue in countries that are suffering by civil war or insurgent violence. For example, during the 1997 Albanian Rebellion, thousands of SALW were looted from military depots thereby increasing the level of armed violence but also reported smuggling of these weapons across the border into the Kosovo.*

*These stolen and smuggled weapons have contributed to creating a culture of violence at the expense of the integrity of the state, cohesion of society. The presence of these SALW is also an impediment on humanitarian*

*and developmental action and a cause in destabilizing affected regions. It seems very much clear that the unchecked stream of SALW to areas of conflict brings a significant threat to world peace and security. Although the weaponry is not a primary cause of conflict, their worldwide availability, ease of operation and low cost make it relatively simple for potential belligerents and criminals to both start and sustain deadly conflict.*

### **History**

*Countries with large military arsenals have been selling SALW to third world countries since the sixteenth century, where European traders began trafficking arms into African, American and (to a lesser extent) to Asian markets. The Portuguese acted as the main conduit of firearms thanks to their established global trade routes and was indeed very profitable, despite Papal bans on the sale of weapons to non-Christians first issued in 1179 and onwards. By the seventeenth century, the Dutch joined Portugal as a role in weapon exporters. Purchasers of these weapons were mostly neighboring European states, such as England, France, Sweden, Russia, and Poland. By the time weaponry became more advanced, European*

traders would sell off their old, less desirable weapons in Africa and other countries. The English joined the African arms trafficking business by the turn of the eighteenth century and in the large part, the increase of European firearms was linked to the increased European demand for African slaves since African traders found themselves in a position to demand more guns in exchange for slaves. East Africa became a main destination for imported firearms through trafficking thanks to the imperial scramble for the continent. The industrial revolution brought about a huge expansion in the actual volume of this arms trafficking and their mass production produced obsolete castoffs and surplus weapons on an increasing scale. By this time other European nations also followed suit and by 1898, an estimated 300,000 guns had been exported from Europe into Africa.

While the arms route into Africa contributed to the most volume of traffic, the trade route flowing from the Persian Gulf into Asia became an issue in the late nineteenth century. Again, local demand for it stemmed from the shifts in power of not just local non-state actors but European colonial powers and in 1908, 30,000 SALW were estimated to arrive in Afghanistan.

The notion that arms ought to be regulated emerged following the First World War through the, newly formed, League of Nations. However, despite European consensus, smaller states rejected this claiming that their sovereignty would be reduced and security diminished because of the de facto control of arms by great powers. By the end of the 1930s, Belgium, France, Britain, Sweden and the US had all established peacetime licensing of arms exports as normal practice and the embargo on warlord China represented the most sustained effort of this kind. During the Cold War era, arms trafficking received a boost thanks to the vast quantities of surplus war equipment following the Second World War. As stated above, many of the illicit SALW have emanated from surplus stockpiles from the Soviet Union. One of the most notorious of which is the arms dealer Viktor Bout, who exploited loopholes and sold weapons to war-torn countries such as Iran, Syria, Sudan, and Somalia. Bout is now serving a 25-year prison sentence following a conviction in 2011 after being charged of conspiring to sell weapons to Colombian rebels in a deal worth millions of dollars. Today, the main offenders who contribute to the illicit trade of SALW are developed countries that

manufacture the weapons internally then find either domestic buyers or to other nations. Similarly, the five permanent members of the UN Security Council- France, China, Russia, the UK and the USA- collectively account for 88% of the world's arms exports and these weapons often fall into the hands of nations such as Afghanistan, North Korea, Syria, and Venezuela, which allow escalation and instigation of conflicts to occur. Regulations on the small arms trade have proven ineffective. Despite being designed to prevent such weaponry going to terrorist and criminal groups, first world weapon dealers rarely abide by these rules in order to gain profit in selling the weapons to developing nations. What is clear is that each successive historical period has brought even bigger waves of supply and demand for weaponry and has overwhelmed attempts to monitor and counter the issue. The ease in accessibility of weapons, especially in developing countries, in addition to ineffective efforts to control the trade, has contributed with clear magnitude, to the devastating violence seen in the world.

### **Previous UN Action**

UN involvement is an ongoing focus and the first non-



proliferation initiative was adopted at the 50th session of the 1996 General Assembly. This initiative was put in place recognizing that small arms form a serious barrier in complete disarmament, but was not a substantial outcome to tackle the issue. A year later in 1997, the first report on the issue of small arms was published by the UN Secretary General, which followed a second in 1999. Similarly, these reports merely recognized the already clear correlation between the illicit trade of SALW and increases of internal conflict and level of crime and violence. The UN thus introduced, in the UN Document A/CONF.192/15, the "Program of Action to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects", referred to as the Program of Action (PoA), in 2001, which remains as the main international agreement for SALW control. The PoA, however, is an initiative that is non-binding and open to the interpretation of the national government and assigns responsibility to them to solve these issues themselves. The PoA brought about measures that one may well obviously expect such as encouraging strengthening national regulation on the production of SALW, ensuring gun manufacturers mark

weapons to allow tracing of seized weapons, encouraging the destruction of old stockpiles, an increase in security of weapon stockpiles, reassurance that UN Security Council embargos on SALW are enforced, encouragement that international and regional co-operation, and improvement in the necessary certifications (licensing) required in order to access weaponry. Despite the step, the document fails to elaborate on the required commitments regarding an internationally recognized instrument for marking and tracing weapons nor does it go into issues of increasing transparency in SALW legal production, stockpiles, and control of transfers between non-state actors. Notwithstanding the criticism, the UN has hailed it as a success and the PoA has brought about legally binding agreements in Africa and more than 50 countries have strengthened national laws on gun control in addition to various disarmament campaigns in over 60 countries. Follow up meetings regarding the PoA occurred in New York in 2003, 2005, and 2006 in light of the main criticisms that the document still does not force countries into carrying out any real action. Unfortunately, these meetings failed to reform the document to further enforce the PoA. The General Assembly, in 2008, went

on to adopt a resolution entitled “The Illicit Trade in Small Arms and Light Weapons in All Its Aspects” and in summary it abridged the multiple features of SALW proliferation, adding for more urgency to curb proliferation given its social ramifications. Four years later, the resolution entitled “Assistance to States for curbing the illicit traffic in small arms and light weapons and collecting them” was adopted. In 2013, the Secretary General provided a report on the issue reaffirming their negative impact of illicit small arms on security, human rights, and socioeconomic development. This is still a pressing issue for the UN and the most recent meeting was in the Fifth Biennial Meeting of States in 2014.

## **Bloc Positions**

### **Africa**

African nations are definitely the most affected by the illicit trade and stand to benefit from SALW non-proliferation. An important issue, the further development and stability of the continent depends on reducing the numbers of SALW in conflict-affected regions. Western African states, in particular, are

*susceptible to illicit SALW as it attempts to recover from political and economic turmoil and decreasing the access of weapons to non-state belligerents can avoid further volatility in countries such as Liberia, Congo, Nigeria, Kenya, Sudan and Somalia. Affected governments would be aiming to bring solutions by the creation of restrictions and agencies that would be able to track illicit weapons and their distribution.*

## **Europe**

*The European Union (EU) has recognized the threat that SALW pose and have taken measures to combat their illicit trade. In 2005, the EU adopted a strategy, which committed all members to combat weapon accumulation and trafficking bringing a Code of Conduct as well as judiciary action (which is also in reference to the International Arms Trade Treaty). Most European countries are primary contributors to the illicit arms trade. Countries such as the UK, Italy, and Spain have been criticized for selling arms and security equipment in Colombia, a country where human rights violations are not held accountable to an international standard. Smuggling of SALW mostly occurs in South-Eastern*

Europe and sold to unstable regions. Despite the 2005 measures, loopholes have allowed EU private arms manufacturers to export to countries such as Israel, Nigeria, Pakistan, Sierra Leone, and Kazakhstan. European countries will be focusing on tightening of regulations and having them written to a higher standard so in that smugglers will not be able to interact with international organisations.

### **Latin America**

Latin American countries are notorious for criminality and there has been an increase in demand by these criminal organisations for SALW. The majority of these weapons enter the through countries such as Colombia, Guatemala and Panama before spreading throughout the region. Half of the fourteen countries which had the highest armed violence caused death rates for the better half of the 2000s were from Latin American and Caribbean regions; and SALW is the most common cause of death in relation to organized crime and drug trafficking. Governments will be seeking to increase the intervention of the illicit SALW trade and enforce stricter regulations to inhibit the trade. Being able to successfully protect

civilians from further acts of violence from SALW requires the country's government to support their criminal justice system, however, countries such as Honduras, Nicaragua, Panama, and Guatemala have corrupt justice systems making it increasingly difficult to attain compliance with implemented regulations. If representing a Latin American country, it is vitally important to recognize the necessity of addressing the issue of corrupt governments to ensure effective circumvention of illicit SALW.

### **Middle East/Arab Nations**

Given the level of conflict due to the US invasion of Iraq and Afghanistan as well as the Israel-Palestine conflict, the region has seen vastly multiplied numbers of SALW. The 2006 Small Arms Survey notes that Middle Eastern countries rank the highest in gun ownership rates and many of these arms come from the infusion of weaponry into the region from Western countries during the Cold War and more recently. Through their illicit trade, SALW has fallen into the hands of terrorist organisations such as the Taliban, Al Qaeda and ISIS, promoting insurgency and violence in urban areas. Middle Eastern and Arab

*countries would seek to impose trade regulations and ban on the trading of small arms, which would restrict foreign influences (US's influence in Iraq and Afghanistan) that increase the volume of weaponry in the region. The surplus of weapons undermines the population's public safety as well as creating regional instability, focus may DISEC be put towards addressing the need to end civil conflicts and reduce the excessive need for small arms.*

### ***South East Asia***

*In recent times the region has seen a dramatic increase in the number of SALW following the Vietnam war. Countries like Sri Lanka have seen an increase in the weapons trade industry due to intrastate conflict. South East Asian countries will work towards a solution that can effectively control the maritime trade routes in which the illicit trade of SALW is normally carried out through.*

### ***North America***

*The United States plays a major role as a primary small arms trader, particularly to the Latin American countries through the US-Mexico border, yet the US has executed*

reforms, which impose new measures in licensing policies for product exports. Along with Canada, the countries call for the governments of developing countries, those who are most afflicted by illicit SALW, to work together with neighboring countries to help counter illicit trade and the escalation of present conflicts.

### *Major Parties Involved*

#### *United Nations Office for Disarmament Affairs (UNODA)*

UNODA was established in January 1998 as the Department for Disarmament Affairs which was part of the Secretary-General's programme for reform in accordance with his report to the General Assembly (A/51/950).

The Office promotes the following assets:

- Nuclear disarmament and non-proliferation
- Strengthening of the disarmament regimes in respect to other weapons of mass destruction, and chemical and biological weapons
- Disarmament efforts in the area of conventional weapons, especially landmines and small arms, which are the weapons of choice in contemporary conflicts.



*The United Nations Office on Disarmament Affairs has repeatedly pressed for increased legislation to prevent illicit arms trade, where it also examined the weapon stockpiles states have. Its recent moves are according with the ratification & update of the Arms Trade Treaty—common aims being enabling weapon allocation tracking and curbing diversion of weapons.*

### ***United Nations Disarmament Commission (UNDC)***

*In 1952, the General Assembly, by its resolution 502 (VI) of January 1952, created the United Nations Disarmament Commission (UNDC) under the Security Council with a general mandate on disarmament questions. In the light of its function, the UNDC focuses on a limited number of agenda items at each session. For instance, for their annual meeting in 2014, the council discussed specifically the problem of nuclear disarmament and non-proliferation of nuclear weapons.*

### ***International Criminal Police Organization (INTERPOL)***

*The International Criminal Police Organization (INTERPOL) is an intergovernmental organization facilitating international police cooperation. It was established in*

1923 and adopted its telegraphic address as its common name in 1956. INTERPOL predominantly focuses on matters of public safety such as: battling terrorism, crimes against humanity, war crimes, organized crime, and illicit drug production, drug trafficking, weapons smuggling and related civic security questions. INTERPOL with its strict working force has aided United Nations member states with access on shared databases regarding illicit arms trade, allowing an international cooperation between states and organizations to prevent arms trafficking. The organization also provided states with the necessary utensils to monitor and track the movement of arms.

### **Possible Solutions**

#### **Disarmament of civilians and militias in post-conflict regions**

This is a key concept in preventing the illicit trade of small arms, as it ensures the disarmament after times of war, where civilians and militias gained control over a range of small arms and light weapons. This weaponry serves a great risk in entering black market and returning to the hands of nongovernmental armed actors. Because governments become unstable and unbalanced after times

*of crises and conflict, it is best that an international intervention taking place to start a region-based campaign on collecting weapons. Where civilians and militias refuse to return their weaponry, military intervention can be discussed to take place.*

### ***Peacekeeping forces ratification***

*Peacekeeping forces that are being sent to conflict areas also serve a risk in unlawfully acquiring small arms. To prevent this, international cooperation on the ratification of peacekeeping forces sent to armed conflict areas can take place, as well as a close monitoring of which men/women to send to the areas. If this problem is not dealt with, it can result in the eventual recuperation of these weapons.*

### ***Ensuring strict border control in regions of armed conflict***

*Lack of border control and checkpoint safety is undoubtedly one of the main reasons why the small arms black market is working in great efficiency today. There must be international collaboration in this concept in order to ensure a strict border control, especially in armed conflicts, to prevent small weapon leakage to black*

market.

*Illicit weapons trafficking law ratification*

*Ratification of the arms trade treaty The Arms Trade Treaty must be ratified and put into force in order to establish a solid regulation for illicit arms trade.*

### ***Increased transparency on weapons deals***

*The current devastating situation of illicit arms trade depends in huge amount to the lack of transparency of governments and arms brokers. The weapon deals are mostly carried out in disclosed environments and often end up being unrecorded and unregulated. Increased transparency in an intergovernmental level will harden the trade of small arms, and ensure a significant drop in illicit sales of such arms.*

### ***Detection of corrupt government and military officials***

*Corrupt government and military officials carry out, in large portions, the trade of illicit arms in both North Africa and Middle East. A close examination of officials regarding the detection of corrupt individuals must be carried out actively by states. Economic communities could ratify laws and regional squads can be established to*

serve such purpose. Another key point to deal with illicit arms trade is the ratification of international law documents, in order to battle this crucial problems legal matter. Especially in Africa and North Africa, member states continue to suffer from very non-to-little-regulated private sector arms sales—this factor allows corrupt arms brokers to make trade with crooked individuals/criminals.

### **UN Resolutions and Relevant Treaties and Events**

The United Nations, in all of its principal organs, has been thoroughly involved in this problem of illicit trade of conventional arms through several resolutions, conferences, conventions, programs, and treaties. Its action plan has been systematic, covering grounds of both theoretical analysis and case examination.

#### Programs and non-resolution treaties include:

- The UN Conference on Illicit Trade in Small Arms and Light Weapons of 2001

- *United Nations Program of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*
- *UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition*

### Resolutions include:

- *General and Complete Disarmament, 10 January 2002 (A/RES/56/24)*
- *Assistance to States for curbing the illicit traffic in small arms and collecting them, 8 January 2003 (A/RES/57/70)*
- *Promotion at the regional level in the Organization for Security and Cooperation in Europe of the United Nations programme of action on the illicit trade in small arms and light weapons in all its aspects, 17 December 2003 (A/RES/58/55)*
- *Addressing the negative humanitarian and development impact of the illicit manufacture, transfer and*

*circulation of small arms and light weapons and their excessive accumulation, 6 January 2006*

*(A/RES/60/68)*

- *Towards an Arms Trade Treaty, 6 December 2006*

*(A/RES/61/89)*

- *Promoting development through the reduction and prevention of armed violence, 16 December 2008*

*(A/RES/63/23)*

## **Conclusion**

*The United Nations is directly affected by the absence of regulations or negligent controls on the arms trade.*

*Because the United Nations is working to improve lives and livelihoods around the world, and those who are affected most by illicit arms trade is civilians trapped in situations of armed violence, it is the General Assembly's duty to ensure a secure environment free of small arms trafficking. Civilians, often in conditions of poverty, deprivation and extreme inequality in areas of armed conflict, they are threatened by the misuse of arms by State armed and security forces, non-State armed groups and organized criminal groups.*

*Inadequate regulations on small arms and light weapons*

*trade have led to mainstreaming of such weapons through its widespread availability. Civilians are not the only group of individuals affected by the illegal usage of small arms, but UN and other humanitarian organizations' officials are also endangered by the usage of such weapons. It is DISEC's duty to ensure international peace and security, promote social and economic development, and support peacekeeping operations, peace building efforts and to monitor sanctions and arms embargoes. It is a pivotal duty for DISEC to find a solution for this dynamic, fundamental problem.*

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**DAV MUN 2018**

**UNHRC  
United Nations  
Human Rights  
Council**

**Background Guide**

**AGENDA:**

**A) Ensure inclusive and quality education for all and promote lifelong learning.**

**B) Sustainable development goal 11 (Sustainable Cities and Communities) Ensuring access to adequate, safe and affordable housing and basic services and upgrade slums for all, with emphasis on rehabilitated refugees and IDP's**

# UNHRC

## Sustainable Development Goals

*The World Commission on Environment and Development, chaired by former Norwegian Prime Minister Gro Harlem Brundtland, alerted the world thirty years ago to the urgency of making progress toward economic development that could be sustained without depleting natural resources or harming the environment.*

### Sustainable development

*It defined by the Brundtland Commission as development that meets the needs of the present without compromising the ability of future generations to meet their own needs - has been enshrined in documents approved at the highest political level.*

*The Sustainable Development Goals (SDGs), otherwise known as the Global Goals, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. These 17 Goals built on the successes of Millennium Development Goals, while including new areas such as climate change, economic ine-*

quality, innovation, sustainable consumption, peace and justice, among other priorities.

### The goals are interconnected

It is often the key to success on one will involve tackling issues more commonly associated with another. The Sustainable Development Goals (SDGs) were born at the United Nations Conference on Sustainable Development in Rio de Janeiro in 2012. The objective was to produce a set of universal goals that meet the urgent environmental, political and economic challenges facing our world.

The SDGs replace the Millennium Development Goals (MDGs), which started a global effort in 2000 to tackle the indignity of poverty. The MDGs established measurable, universally-agreed objectives for tackling extreme poverty and hunger, preventing deadly diseases, and expanding primary education to all children, among other development priorities.

For 15 years, the MDGs drove progress in several important areas: reducing income poverty, providing much needed access to water and sanitation, driving down child mortality and drastically improving maternal health. They

also kick-started a global movement for free primary education, inspiring countries to invest in their future generations. Most significantly, the MDGs made huge strides in combating HIV/AIDS and other treatable diseases such as malaria and tuberculosis.

## QUALITY EDUCATION

The world is getting younger, and aspirations for human rights and dignity are rising. Societies are more connected than ever, but intolerance and conflict remain rife. New power hubs are emerging, but inequalities are deepening and the planet is under pressure. Opportunities for sustainable and inclusive development are vast, but challenges are steep and complex. The world is changing – education must also change. Societies everywhere are undergoing deep transformation, and this calls for new forms of education to foster the competencies that societies and economies need, today and tomorrow. This means moving beyond literacy and numeracy, to focus on learning environments and on new approaches to learning for greater justice, social equity and global solidarity. Education must be about learning to live on a planet under pressure. It must be about cultural literacy, on the basis of respect

*and equal dignity, helping to weave together the social, economic and environmental dimensions of sustainable development.*

*Education is key to the global integrated framework of sustainable development goals. Education is at the heart of our efforts both to adapt to change and to transform the world within which we live. A quality basic education is the necessary foundation for learning throughout life in a complex and rapidly changing world.*

*Across the world, we have seen great progress in expanding learning opportunities for all. Yet we must draw the right lessons to chart a new course forward. Access is not enough; we need a new focus on the quality of education and the relevance of learning, on what children, youth and adults are actually learning. Schooling and formal education are essential, but we must widen the angle, to foster learning throughout life. Getting girls into primary school is vital, but we must help them all the way through secondary and beyond. We need an ever stronger focus on teachers and educators.*



*There is no more powerful transformative force than education - to promote human rights and dignity, to eradicate poverty and deepen sustainability, to build a better future for all, founded on equal rights and social justice, respect for cultural diversity, and international solidarity and shared responsibility, all of which are fundamental aspects of our common humanity. This is why we must think big again and re-vision education in a changing world.*

### EDUCATION AND BETTER LIVES

*Education reduces inequality. Using data for 114 countries in the 1985-2005 periods, one extra year of education is associated with a reduction of the Gini coefficient by 1.4 percentage points.*

### **The Challenge**

*The world today has more knowledge than ever before, but not everyone can benefit from it. Globally, countries have made major strides in increasing access to education at all levels and increasing enrolment rates in schools, and basic literacy skills have improved tremendously. Among youth aged 15-24, the literacy rate improved globally between 1990 and 2016, increasing from 83.2% to*

91.4%. Completion rates in primary school were 89.6% by 2016, and has witnessed a decline in recent years dipping from 90.7% in 2012. Few countries have achieved gender equality at all levels of education. In addition, one in five children, adolescents, and youth are out of school, including 64 million children of primary school age, 61 million of lower secondary school age and 138 million of upper secondary age.

### PROGRESS OVER LAST FEW YEARS

Yes, enrolment in primary education in developing countries has reached 91%. According to the UNESCO Institute for Statistics (UIS Data Centre), between 2000 and 2012, the percentage of out-of-school children among primary-school-age children has declined from 40% to 22% in sub-Saharan Africa and from 20% to 6% in South Asia.

- Enrolment in primary education in developing countries has reached 91 per cent but 57 million children remain out of school.
- More than half of children that have not enrolled in school live in sub-Saharan Africa.

- An estimated 50 per cent of out-of-school children of primary school age live in conflict- affected areas.
- 103 million youth worldwide lack basic literacy skills, and more than 60 per cent of them are women.

## GROUPS THAT HAVE A MORE DIFFICULT ACCESS TO EDUCATION

Women and girls are one of these groups. About one-third of countries in the developing regions have not achieved gender parity in primary education. In sub-Saharan Africa, Oceania and Western Asia, girls still face barriers to entering both primary and secondary school. These disadvantages in education also translate into lack of access to skills and limited opportunities in the labour market for young women.

## HOW IS EDUCATION ARTICULATED IN THE 2030 AGENDA?

Sustainable Development Goal 4: Education is central to the realization of the 2030 Agenda for Sustainable Development. Within the comprehensive 2030 Agenda for

*Sustainable Development, education is essentially articulated as a stand-alone goal (SDG 4) with its 7 outcome targets and 3 means of implementation.*

### *QUALITY EDUCATION*

*Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.*

*Education-related targets across the SDGs: Education in the 2030 Agenda for Sustainable Development is not restricted to SDG 4. Education, is specifically mentioned in targets of the five goals listed below, but also linked to almost all of the other SDGs in one way or another: 1. Health and Well-being Target 3.7: By 2030, ensure universal access to sexual and reproductive healthcare services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes. 2. Gender Equality Target 5.6: Number of countries with laws and regulations that guarantee women aged 15-49 years access to sexual and reproductive health care, information and Gender. 3. Decent Work and Economic Growth Target 8.6: By 2020 substantially reduce the proportion of youth not in employment, education or training. 4. Responsible*

*Consumption & Production Target 12.8: By 2030 ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature. 5. Climate Change Mitigation Target 13.3: Improve education, awareness raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction, and early warning.*

### **WHAT ARE THE UNDERLYING PRINCIPLES?**

- 1. Education is a fundamental human right and an enabling right. To fulfill this right, countries must ensure universal equal access to inclusive and equitable quality education and learning, leaving no one behind. Education shall aim at the full development of the human personality and promote mutual understanding, tolerance, friendship and peace.*
- 2. Education is a public good. The state is the main duty-bearer in protecting, respecting, and fulfilling the right to education. As a shared societal Endeavour, education implies an inclusive process of public policy formulation and implementation. Civil society, teachers and educators, the private sector, communities, families, youth and children all have important roles in realizing the right to*

quality education. The role of the state is essential in setting and regulating standards and norms.

3. Gender equality is inextricably linked to the right to education for all. Achieving gender equality requires a rights-based approach that ensures that girls and boys, women and men not only gain access to and complete education cycles, but are empowered equally in and through education.

Obtaining a quality education is the foundation to improving people's lives and sustainable development.

Major progress has been made towards increasing access to education at all levels and increasing enrolment rates in schools particularly for women and girls. Basic literacy skills have improved tremendously, yet bolder efforts are needed to make even greater strides for achieving universal education goals. For example, the world has achieved equality in primary education between girls and boys, but few countries have achieved that target at all levels of education.

What does quality mean in the context of education?

Many definitions of quality in education exist, testifying to the complexity and multifaceted nature of the con-

*cept. The terms efficiency, effectiveness, equity and quality have often been used synonymously (Adams, 1993). Considerable consensus exists around the basic dimensions of quality education today, however. Quality education includes:*

- Learners who are healthy, well-nourished and ready to participate and learn, and supported in learning by their families and communities;*
- Environments that are healthy, safe, protective and gender-sensitive, and provide adequate resources and facilities;*
- Content that is reflected in relevant curricula and materials for the acquisition of basic skills, especially in the areas of literacy, numeracy and skills for life, and knowledge in such areas as gender, health, nutrition, HIV/AIDS prevention and peace;*
- Processes through which trained teachers use child-centred teaching approaches in well-managed classrooms and schools and skilful assessment to facilitate learning and reduce disparities;*

- *Outcomes that encompass knowledge, skills and attitudes, and are linked to national goals for education and positive participation in society.*

*This definition allows for an understanding of education as a complex system embedded in a political, cultural and economic context. This paper will examine research related to these dimensions. It is important to keep in mind education's systemic nature, however; these dimensions are interdependent, influencing each other in ways that are sometimes unforeseeable.*

### **GOAL 4 TARGETS:**

- *By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and Goal-4 effective learning outcomes*
- *By 2030, ensure that all girls and boys have access to quality early childhood development, care and preprimary education so that they are ready for primary education*



- *By 2030, ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university*
- *By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship*
- *By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations*
- *By 2030, ensure that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy*
- *By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship*

*and appreciation of cultural diversity and of culture's contribution to sustainable development*

- Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all*
- By 2020, substantially expand globally the number of scholarships available to developing countries, in particular least developed countries, small island developing States and African countries, for enrolment in higher education, including vocational training and information and communications technology, technical, engineering and scientific programmes, in developed countries and other developing countries*
- By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing states.*

## PROGRESS OF GOAL 4 IN 2017

*Achieving inclusive and equitable quality education for all will require increasing efforts, especially in sub-Saharan Africa and Southern Asia and for vulnerable populations, including persons with disabilities, indigenous people, refugee children and poor children in rural areas.*

- In 2014, about 2 in 3 children worldwide participated in pre-primary or primary education in the year prior to official entry age for primary school. However, in the least developed countries, the ratio was only 4 in 10.*
- Despite considerable gains in education enrolment over the past 15 years, worldwide, the adjusted net enrolment rates were 91 per cent for primary education, 84 per cent for lower secondary education and 63 per cent for upper secondary education in 2014. About 263 million children and youth were out of school, including 61 million children of primary school age. Sub-Saharan Africa and Southern Asia account for over 70 per cent of the global out-of school population in primary and secondary education.*

- *Even though more children than ever are going to school, many do not acquire basic skills in reading and mathematics. Recent learning assessment studies show that in 9 of 24 sub-Saharan African countries and 6 of 15 Latin American countries with data, fewer than half of the students at the end of primary education had attained minimum proficiency levels in mathematics. In 6 of 24 sub-Saharan African countries with data, fewer than half of the students who finished their primary schooling had attained minimum proficiency levels in reading.*
- *Equity issues constitute a major challenge in education according to a recent assessment. In all countries with data, children from the richest 20 per cent of households achieved greater proficiency in reading at the end of their primary and lower secondary education than children from the poorest 20 per cent of households. In most countries with data, urban children scored higher in reading than rural children.*
- *The lack of trained teachers and the poor condition of schools in many parts of the world are jeopardizing prospects for quality education for all. Sub -*

*Saharan Africa has a relatively low percentage of trained teachers in pre -primary, primary and secondary education (44 per cent, 74 per cent and 55 per cent, respectively). Moreover, the majority of schools in the region do not have access to electricity or potable water.*

- On the basis of data from 65 developing countries, the average percentage of schools with access to computers and the Internet for teaching purposes is above 60 per cent in both primary and secondary education. However, the share is less than 40 per cent in more than half of sub-Saharan countries with data.*
- Official development assistance (ODA) for scholarships amounted to \$1 billion in 2015, a decrease from \$1.2 billion in 2014. Australia, France and the United Kingdom of Great Britain and Northern Ireland were the largest contributors.*

**Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**

*Since 2000, there has been enormous progress in achieving the target of universal primary education.*

*The total enrolment rate in developing regions reached 91 percent in 2015, and the worldwide number of children out of school has dropped by almost half. There has also been a dramatic increase in literacy rates, and many more girls are in school than ever before. These are all remarkable successes.*

*Progress has also faced tough challenges in developing regions due to high levels of poverty, armed conflicts and other emergencies. In Western Asia and North Africa, ongoing armed conflict has seen an increase in the proportion of children out of school. This is a worrying trend. While Sub-Saharan Africa made the greatest progress in primary school enrolment among all developing regions - from 52 percent in 1990, up to 78 percent in 2012 - large disparities still remain. Children from the poorest households are four times more likely to be out of school than those of the richest households. Disparities between rural and urban areas also remain high.*

*Achieving inclusive and quality education for all reaffirms the belief that education is one of the most powerful and proven vehicles for sustainable*

development. This goal ensures that all girls and boys complete free primary and secondary schooling by 2030. It also aims to provide equal access to affordable vocational training, and to eliminate gender and wealth disparities with the aim of achieving universal access to a quality higher education.

### What is the role of technology in SDG 4: improving access to quality education?

It's been nine months since the United Nations committed to the 17 Sustainable Development Goals "to end poverty, protect the planet, and ensure prosperity for all." It's a 15-year window of opportunity to achieve these goals, but how do governments, corporations, non-profits, and individuals like you and me accelerate impact in each of these areas?

### AGENDA

**Goal 11: Make cities inclusive, safe, resilient and sustainable**  
Cities are hubs for ideas, commerce, culture, science, productivity, social development and much more. At their best, cities have enabled people to advance socially and economically.

*However, many challenges exist to maintaining cities in a way that continues to create jobs and prosperity while not straining land and resources. Common urban challenges include congestion, lack of funds to provide basic services, a shortage of adequate housing and declining infrastructure. The challenges cities face can be overcome in ways that allow them to continue to thrive and grow, while improving resource use and reducing pollution and poverty. The future we want includes cities of opportunities for all, with access to basic services, energy, housing, transportation and more.*

## **INTRODUCTION**

*International human rights law recognizes everyone's right to an adequate standard of living, including adequate housing. Despite the central place of this right within the global legal system, well over a billion people are not adequately housed.*



*Millions around the world live in life- or health threatening conditions, in overcrowded slums and informal settlements, or in other conditions which do not uphold their human rights and their dignity. Further millions are forcibly evicted, or threatened with forced eviction, from their homes every year. Adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights.*

*Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it, such as the protection of one's home and privacy.*

*The right to adequate housing is relevant to all States, as they have all ratified at least one international treaty referring to adequate housing and committed themselves to protecting the right to adequate housing through international declarations, plans of action or conference outcome documents. Several constitutions protect the*

*right to adequate housing or outline the State's general responsibility to ensure adequate housing and living conditions for all. Courts from various legal systems have also adjudicated cases related to its enjoyment, covering, for instance, forced evictions, tenant protection, discrimination in the housing sphere or access to basic housing-related services.*

*Increased international attention has also been paid to the right to adequate housing, including by human rights treaty bodies, regional human rights mechanisms and the Commission on Human Rights (now replaced by the Human Rights Council), which created the mandate of "Special Rapporteur on adequate housing as a component of the right to an adequate standard of living" in 2000. These initiatives have helped to clarify the scope and content of the right to adequate housing.*

### **Key aspects of the right to adequate housing**

*The United Nations Committee on Economic, Social and Cultural Rights has underlined that the right to adequate housing should not be interpreted narrowly. Rather, it should be seen as the right to live somewhere in security,*

*peace and dignity. The characteristics of the right to adequate housing are clarified mainly in the Committee's general comments No. 4 (1991) on the right to adequate housing and No. 7 (1997) on forced evictions.*

- *The right to adequate housing contains freedoms. These freedoms include: Protection against forced evictions and the arbitrary destruction and demolition of one's home; The right to be free from arbitrary interference with one's home, privacy and family; and The right to choose one's residence, to determine where to live and to freedom of movement.*
- *The right to adequate housing contains entitlements. These entitlements include: Security of tenure; Housing, land and property restitution; Equal and non-discriminatory access to adequate housing; Participation in housing-related decision-making at the national and community levels.*

- *Adequate housing must provide more than four walls and a roof.*

*A number of conditions must be met before particular forms of shelter can be considered to constitute “adequate housing.” These elements are just as fundamental as the basic supply and availability of housing. For housing to be adequate, it must, at a minimum, meet the following criteria:*

- i. Security of tenure: housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.*
- ii. Availability of services, materials, facilities and infrastructure: housing is not adequate if its occupants do not have safe drinking water, adequate sanitation, and energy for cooking, heating, lighting, food storage or refuse disposal.*
- iii. Affordability: housing is not adequate if its cost threatens or compromises the occupants’ enjoyment of other human rights.*

- iv. Habitability: housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
- v. Accessibility: housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
- vi. Location: housing is not adequate if it is cut off from employment opportunities, health-care services, schools, childcare centres and other social facilities, or if located in polluted or dangerous areas.
- vii. Cultural adequacy: housing is not adequate if it does not respect and take into account the expression of cultural identity.

- Protection against forced evictions. Protection against forced evictions is a key element of the right to adequate housing and is closely linked to security of

*tenure. Forced evictions are defined as the “permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”*

*According to the United Nations Human Settlements Programme (UN-Habitat), at least 2 million people in the world are forcibly evicted every year, while millions are threatened with forced evictions*

*Forced evictions are carried out in a variety of circumstances and for a variety of reasons, for instance, to make way for development and infrastructure projects, urban redevelopment or city beautification, or prestigious international events, as a result of conflicts over land rights, armed conflicts or societal patterns of discrimination.*

*Forced evictions tend to be violent and disproportionately affect the poor, who often suffer further human rights violations as a result.*

*In many instances, forced evictions compound the*

problem they were ostensibly aimed at solving. Regardless of their cause, forced evictions may be considered a gross violation of human rights and a prima facie violation of the right to adequate housing. Large-scale evictions can in general be justified only in the most exceptional circumstances and only if they take place in accordance with the relevant principles of international law.

### Internally Displaced People

An internally displaced person (IDP) is someone who is forced to flee his or her home but who remains within his or her country's borders. They are often referred to as refugees, although they do not fall within the legal definitions of a refugee

Problems faced by IDPs:

People on the move, whether they are refugees, asylum-seekers, internally displaced persons (IDPs) or migrants, are particularly vulnerable to a range of human rights violations, including violations of the right to adequate housing.

Displaced persons are also particularly vulnerable to

*discrimination, racism and xenophobia, which can further interfere with their ability to secure sustainable and adequate living conditions. People who have been forcibly displaced will often have suffered trauma during their flight, and will have lost familiar coping strategies and support mechanisms. Refugee and IDP camps around the world, particularly when displacement is protracted, are often dilapidated and overcrowded, providing inadequate shelter and services.*

*Sometimes their inhabitants enjoy no basic services at all. Displaced women and girls living in camps can be subject to sexual and gender-based violence, for instance because not enough attention is paid to their specific needs and vulnerabilities in the design and layout of the camp. In urban areas, urban refugees, asylum-seekers and IDPs can fare little better. Often unable in practice or because of their legal status to rent adequate accommodation, many are forced to live in overcrowded and insecure conditions. Migrants will also often end up living in precarious and unsafe conditions in cities and urban areas. Employers may oblige migrant domestic workers or factory workers to live at their place of work. Many will end up living in*



*overcrowded dormitories, sleeping in shifts and without access to adequate sanitation. Domestic workers can be made to sleep in poorly ventilated rooms, storerooms or common living areas with no regard for their dignity, privacy or personal security.*

*Irregular or undocumented migrants, including rejected asylum-seekers, are particularly vulnerable to human rights abuses, including violation of their right to adequate housing. Irregular migrants are often homeless, as an inability to pay rent usually results in immediate eviction.*

*Their lack of legal status, and the criminalization of irregular migration in many countries, means that most will be unable or unwilling to challenge discriminatory or otherwise abusive rental practices and seek legal remedies. National housing strategies rarely include migrants, and will practically never include irregular migrants. In the context of durable solutions, an emerging norm of housing and property restitution guarantees rights for refugees and IDPs who have decided voluntarily to return to their original homes.*

*Voluntary repatriation return has in recent years been expanded to mean more than the mere return to one's country for refugees or one's city or region for IDPs. It is increasingly taken to mean the return to and reassertion of control over one's original home, land or property. Refugees and IDPs who choose not to return to their homes must be protected against forced return in all circumstances, and should be enabled to resettle in conditions that respect, inter alia, their right to adequate housing.*

*This change has been increasingly reflected in international, regional and national laws and other instruments which explicitly recognize housing and property restitution as a human right.*

*In August 2005, the United Nations Sub-Commission on the Protection and Promotion of Human Rights adopted the Principles on housing and property restitution for refugees and displaced persons, also known as the "Pinheiro Principles". These provide specific policy guidance to ensure the right to housing and property*

*restitution in practice, and the implementation 27 of restitution laws, programmes and policies based on existing international human rights, humanitarian and refugee law, and on national standards.*

- 1. Under the Convention Relating to the Status of Refugees, State parties are obliged to provide refugees with treatment as favorable as possible, and not less favourable than that accorded to aliens generally in the same circumstances, with regard to housing (art. 21).*
  
- 2. Article 43 of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families guarantees equal treatment in access to housing, including social housing schemes, and protection against exploitation in respect of rents to regular migrants and their families.*

3. *ILO Convention No. 97 concerning Migration for Employment (Revised) (1949) addresses the accommodation of migrant workers.*
  
4. *The Guiding Principles on Internal Displacement, issued by the Representative of the Secretary-General on internally displaced persons, recall that all IDPs have the right to an adequate standard of living and that, at a minimum, regardless of the circumstances and without discrimination, the competent authorities shall provide IDPs with and ensure safe access to basic shelter and housing (principle 18).*
  
5. *General recommendation No. 30 (2004) of the Committee on the Elimination of Racial Discrimination calls on State parties to “guarantee the equal enjoyment of the right to adequate housing for citizens and noncitizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices.”*

## *Standard Operating Procedures for Vacation and Re-allocation of IDPs for Durable Housing Solutions*

*The flaws and instances of human rights' violations revealed in IDPs' eviction process in 2010, served as the basis for adoption of "Standard Operating Procedures for Vacation and Re-allocation of Chapter 3 34 IDPs for Durable Housing Solutions" (SOP),<sup>44</sup> approved by the Steering Committee in 2010. These SOPs aim to regulate the process of both re-allocation and vacation of IDPs from their present place of residence and provision of durable/alternative housing solutions. By this document, MRA became obliged in terms of each vacated object:*

- To clarify the status of each vacated building;*
- To clarify whether any of the individuals residing in the building have been granted IDP status or have an application for such status currently pending at the MRA, with a view to secure specific protections against eviction of IDPs are respected;*
- To assess on the bases of individual data verification and profiling exercise, whether alternative housing*

*solutions had been or can be offered, whether legal requirements for exceptional eviction under the Law on IDPs have been met and whether consensus to an eviction can be given to the owner or the Police;*

- To inform IDPs about alternative housing solutions, the relocation process and whether consensus to re-allocation/ vacation has been granted to the owner or the Police, or whether a document certifying the inexpediency/inappropriateness of such measures has been issued;*
- To oversee the effective implementation of the re-allocation process with the view to prevent homelessness and coordinate the physical re-allocation of IDPs, including the transfer of IDPs' personal belongings to the new place of residence.*

# **DAV INTRAMUN 2018**

## **UNGA United Nations General Assembly**

### **Background Guide**

#### **AGENDA:**

**Violations of cyberspace and  
the need for international  
cyberspace laws**

## UN GENERAL ASSEMBLY

*Agenda: “Violations of cyberspace and the need for international cyberspace laws”*

### INTRODUCTION

*“When a man is denied the right to live the life he believes in, he has no choice but to become an outlaw.”*

*— Nelson Mandela*

#### What does crime mean?

*Crime, in modern times this term doesn't have any universally accepted definition, but one can define crime, also called an offence as an act harmful not only to some individual, but also to the community or the state also known as public wrong. Such acts are forbidden and punishable by law. What is a criminal offence is defined by criminal law of each country. While many countries have a crime catalogue known as the criminal code however in some common law countries no such comprehensive statute exists.*



*The state has the power to severely restrict one's liberty for committing a crime. Modern societies therefore adopt and adhere a criminal procedure during the investigation and trial of the offence and only if found guilty, the offender may be sentenced to various punishments, such as life imprisonment or in some jurisdictions even death.*

*To be classified as a crime, the act of doing something bad also called as actus reus must be usually accompanied by the intention to do something bad i.e. mens rea, with certain exceptions like strict liability.*

### *What is cyber crime?*

*Cyber crime is any criminal activity in which a computer or network is the source, target or tool or place of crime. According to The Cambridge English Dictionary cyber crimes are the crimes committed with the use of computers or relating to computers, especially through the internet. Crimes which involve use of information or usage of electronic means in furtherance of crime are covered under the ambit of cyber crime. Cyber space crimes may be committed against persons, property,*

government and society at large.

The common types of cyber crimes are:-

1. Hacking - An unauthorized user who attempts to or gains access to an information system is known as hacker. Hacking is a cyber crime even if there is no visible damage to the system, because it is an invasion in to the privacy of data.

There are 3 different classes of Hackers.

- i. White Hat Hackers - They are those hackers who believe that information sharing is good, and that it is their duty to share their expertise by facilitating access to information. However there are some white hat hackers who are just "joy riding" on computer systems.
- ii. Black Hat Hackers - Black hat hackers cause damage after intrusion. They may steal or modify data or insert viruses or worms which damage the system. They are also known as crackers.

iii. Grey Hat Hackers - These type of hackers are typically ethical but occasionally they can violate the hacker ethics. They will hack into networks, stand-alone computers and software. Network hackers try to gain unauthorized access to private computer networks just for challenge, curiosity, and distribution of information.

2. Cyber Stalking - Cyber stalking involves use of internet to harass someone. The behavior includes false accusations, threats etc. Normally, majority of cyber stalkers are men and the majority of victims are women.

3. Spamming - Spamming is sending of unsolicited bulk and commercial messages over the internet. Although irritating to most email users, it is not illegal unless it causes damage such as overloading network and disrupting service to subscribers or creates negative impact on consumer attitudes towards Internet Service Provider.

4. Cyber Pornography - With the increasing approach of internet to the people, there is also a increase in the

victimization of Women and children for sexual exploitation through internet. Pedophiles (a person 16 years of age or older who is primarily or exclusively sexually attracted to children who have not begun puberty) use the internet to send photos of illegal child pornography to targeted children so as to attract children to such fun and later they are sexually exploited for gains.

5. Cyber Phishing - It is a criminally fraudulent process in which cyber criminal acquires sensitive information such as username, passwords and credit card details by disguising as a trustworthy entity in an electronic communication.

6. Software Piracy - It is an illegal reproduction and distribution of software for business or personal use. This is considered to be a type of infringement of copy right and a violation of a license agreement. Since the unauthorized user is not a party to the license agreement it is difficult to find out remedies. There are numerous cases of software piracy. Infact according to one report New Delhi's Nehru market is the Asia's largest market where one can easily find pirated

software.

7. Corporate Espionage - It means theft of trade secrets through illegal means such as wire taps or illegal intrusions.

8. Money Laundering - Money laundering basically means the moving of illegally acquired cash through financial and other systems so that it appears to be legally acquired. This is possible prior to computer and internet technology and now times electronic transfers have made it easier and more successful.

9. Embezzlement - Internet facilities are misused to commit this crime. It is the unlawful misappropriation of money, property or any other thing of value that has been entrusted to the offender's care, custody or control.

10. Password Sniffers - These are programs that monitor and record the name and password of network users as they log in, jeopardizing security at a site. Whoever installs the sniffer can impersonate an authorized user and log in to access on restricted documents.

11. Spooftng - Spooftng is the act of disguising one computer to electronically "look" like another compute, in order to gain access to a system that would be normally is restricted.

12. Credit Card Fraud - In U.S.A. half a billion dollars have been lost annually by consumers who have credit cards and calling card numbers. These are stolen from on-line databases. In present world this cyber crime is emerged as a major threat as numerous cases had been filed in almost every major developed and developing country.

13. Web Jacking - The term refers to forceful taking of control of a web site by cracking the password.

14. Cyber terrorism - The use of computer resources to intimidate or coerce government, the civilian population or any segment thereof in furtherance of political or social objectives is called cyber terrorism. Individuals and groups quite often try to exploit anonymous character of the internet to threaten governments and terrorize the citizens of the country.

## **EVOLUTION & PRESENT DEVELOPMENT**

*“Cyber bullies can hide behind a mask of anonymity online, and do not need direct physical access to their victims to do unimaginable harm.” -Anna Maria Chavez*

*Crime is both a social as well as a economic phenomenon. Its history is as old as human society. Many books right from the pre-historic days, and mythological stories have spoken about crimes committed by individuals be it against another individual like ordinary theft and burglary or against the nation like spying, treason etc. Kautilya's Arthashastra which is written around 350 BC, considered to be an authentic administrative treatise in India, discusses the various crimes, security initiatives to be taken by the rulers, possible crimes in a state etc. and also advocates punishment for the list of some stipulated offences. Different kinds of punishments have been prescribed for listed offences and the concept of restoration of loss to the victims has also been discussed in it.*

*Crime in any form adversely affects all the members of the society. In developing economies, cyber crime has*

increased at rapid strides, due to the rapid diffusion of the Internet and the digitization of economic activities. Thanks to the huge penetration of technology in almost all walks of society right from corporate governance and state administration, up to the lowest level of petty shop keepers computerizing their billing system, we find computers and other electronic devices pervading the human life. The penetration is so deep that man cannot spend a day without computers or a mobile. Snatching some one's mobile will tantamount to dumping one in solitary confinement!

Internet is the fastest technique on earth that one can find these days and for everything it is the best solution that people consider looking into. It has all the benefits and advantages like communication, advertisement, online movie and songs downloads, emailing, instant messaging and searching out the concerns and issues there are plenty of things that internet has got wrong as well. There are different kinds of internet scams and frauds that are happening and one needs to be very careful. This is something that has been bothering individuals and organizations ever since internet was introduced and



many a time, simple things could make you a victim even when you are unaware of it.

It is rightly said that technological development in every area is likely to cause drastic effects in every walk of life. The scientific and technological advancement, especially in the field of communication and information have created havoc thus, opening new vistas for the human beings including the criminals. Today's crime reports reveal that many cyber crimes are committed by assistance of internet and cell phones. On the other hand, legislatures have been compelled to frame exclusive enactments to deal with crimes committed with the help of concerned device. If one is to believe newspaper reports, many scandals such as C.D. rackets were busted by the police. It is other side of revolution in the field of information and technology. Under the Information Technology Act, 2000, there is a apparatus defined as "computer" which means "Any electronic magnetic, optical or other high speed data processing device or system which performs logical arithmetical and memory functions by manipulations of electronic magnetic or optical impulses and all input, output, processing storage,

computer software, or communication facilities which are connected and related to the computer in a computer system or computer network”.

### Development of Cyber Crime: -

To define cybercrime, we can say, it is just a combination of crime and computer. To put it in simple terms ‘any offence or crime in which a computer is used is a cybercrime’. Interestingly even a petty offence like stealing or pick-pocket can be brought within the broader purview of cybercrime if the basic data or aid to such an offence is a computer or information stored in a computer used (or misused) by the fraudster. It could be hackers vandalizing one’s site, viewing confidential information or stealing trade secrets or intellectual property with the use of internet. It can also include ‘denial of services’ and viruses attacks preventing regular traffic from reaching your site.

Cyber crimes also includes criminal activities done with the use of computers which further perpetuates crimes i.e. financial crimes, sale of illegal articles, pornography, online gambling, intellectual property crime, e-mail,

spoofing, forgery, cyber defamation, cyber stalking, unauthorized access to Computer system, theft of information contained in the electronic form, e-mail bombing, physically damaging the computer system etc. In a cyber crime, computer or the data itself is the target or the object of offence or a tool in committing some other offence, providing the necessary inputs for that offence. All such acts of crime will come under the broader definition of cyber crime.

In the past, cybercrime has been committed by individuals or small groups of individuals. However, we are now seeing an emerging trend with traditional organized crime syndicates and criminally minded technology professionals working together and pooling their resources and expertise.

This approach has been very effective for the criminals involved. In 2007 and 2008 the cost of cybercrime worldwide was estimated at approximately USD 8 billion. As for corporate cyber espionage, cyber criminals have stolen intellectual property from businesses worldwide worth up to USD 1 trillion.

*Categories of Cyber Crimes*

*Cyber crimes can be classified into following different categories:*

*1. Crimes Against Persons:*

- Harassment via E-Mails: Harassment through sending letters, attachments of files & folders i.e. via e-mails. At present harassment is common as usage of social sites i.e. Orkut, hangout, zapak, Facebook, Twitter etc. increasing day by day.*
- Cracking: It is amongst the gravest cyber crimes known till date. In this a cyber criminal broke into your computer systems without your knowledge and consent and Tamper with your precious confidential data and information.*
- Cyber-Stalking: It means expressed or implied a physical threat that creates fear through the use to computer technology such as internet, e-mail, phones, text messages, webcam, websites or videos.*
- Hacking: It means unauthorized control/access over computer system and act of hacking completely destroys the whole data as well as computer program.*

*Hackers usually hacks telecommunication and mobile network.*

- Dissemination of Obscene Material: It includes Indecent exposure/ Pornography (basically child pornography), hosting of web site containing these prohibited materials. These obscene matters may cause harm to the mind of the adolescent and tend to deprave or corrupt their mind. This can create a huge blunder in the society.*
- SMS Spoofing: Spoofing is a blocking through spam which means the unwanted uninvited messages. Here a offender steals identity of another in the form of mobile phone number and sending SMS via internet and receiver gets the SMS from the mobile phone number of the victim.*
- Assault by Threat: it refers to threatening a person with fear for their lives or lives of their families through the use of a computer network i.e. E-mail, videos or phones.*
- Page jacking: when a user, click on a certain link and an unexpected website gets opened through that link*

then the ser is said to be 'page jacked'. This happens when someone steals part of a real website and uses it in a fake site. If they use enough of the real site, Internet search engines can be tricked into listing the fake site and people will visit it accidentally. Unfortunately one cannot prevent page jacking but only can deal with it.

- *Advance fee scams:* An advance fee scam is fairly easy to identify as you will be asked for money or goods upfront in return for giving you credit or money later. These advance fee scams can seem convincing and have taken in many people.
- *Defamation:* It is an act of imputing any person with intent to lower down the dignity of the person by hacking his mail account and sending some mails with using vulgar language to unknown persons mail account.
- *E-Mail Spoofing:* A spoofed e-mail may be said to be one, which misrepresents its origin. It shows it's origin to be different from which actually it originates.

- *Child Pornography: It involves the use of computer networks to create, distribute, or access materials that sexually exploit underage children.*
- *Carding: It means false ATM cards i.e. Debit and Credit cards used by criminals for their monetary benefits through withdrawing money from the victim's bank account mala-fidely. There is always unauthorized use of ATM cards in this type of cyber crimes.*
- *Cheating & Fraud: It means the person who is doing the act of cyber crime i.e. stealing password and data storage has done it with having guilty mind which leads to fraud and cheating.*

## 2. Crimes Against Persons Property:

*As a result of rapid growth in the international trade where businesses and consumers are increasingly using computers to create, transmit and to store information in the electronic form instead of traditional paper documents there are some of the offences which affect person's property:*

- *Intellectual Property Crimes: Any unlawful act by which the owner is deprived completely or partially of his rights is an offence. The common form of IPR violation may be said to be software piracy, infringement of copyright, trademark, patents, designs and service mark violation, theft of computer source code, etc.*
- *Cyber squatting: It means where two persons claim for the same Domain Name either by claiming that they had registered the name first on by right of using it before the other or using something similar to that previously. For example two similar names i.e. [www.yahoo.com](http://www.yahoo.com) and [www.yaahoo.com](http://www.yaahoo.com)*
- *Cyber Vandalism: Vandalism means deliberately destroying or damaging property of another. Hence cyber vandalism means destroying or damaging the data when a network service is stopped or disrupted. It may include within its purview any kind of physical harm done to the computer of any person. These acts may take the form of the theft of a computer, some part of a computer or a peripheral attached to the computer.*



- *Hacking Computer System:* Due to the hacking activity there will be loss of data as well as computer. Also research especially indicates that those attacks were not mainly intended for financial gain too and to diminish the reputation of particular person or company.
- *Transmitting Virus:* Viruses are programs that attach themselves to a computer or a file and then circulate themselves to other files and to other computers on a network. They usually affect the data on a computer, either by altering or deleting it. Worm attacks plays major role in affecting the computerize system of the individuals.
- *Cyber Trespass:* It means to access someone's computer without the right authorization of the owner and does not disturb, alter, misuse, or damage data or system by using wireless internet connection.
- *Internet Time Thefts:* Basically, Internet time theft comes under hacking. It is the use by an unauthorized person, of the Internet hours paid for by another person. The person who gets access to some-

one else's IP user ID and password, either by hacking or by gaining access to it by illegal means, uses it to access the Internet without the other person's knowledge. You can identify time theft if your Internet time has to be recharged often, despite infrequent usage.

### 3. Cyber Crimes Against Government:

There are certain offences done by group of persons intending to threaten the international governments by using internet facilities:

- *Cyber Terrorism:* Cyber terrorism is a major burning issue in the domestic as well as global concern. The common form of these terrorist attacks on the Internet is by distributed denial of service attacks, hate websites and hate e-mails, attacks on sensitive computer networks etc. Cyber terrorism activities endanger the sovereignty and integrity of the nation.
- *Cyber Warfare:* It refers to politically motivated hacking to conduct sabotage and espionage. It is a form of information warfare sometimes seen as analogous to conventional warfare although this analogy is

*controversial for both its accuracy and its political motivation.*

- Distribution of pirated software: It means distributing pirated software from one computer to another intending to destroy the data and official records of the government.-25*
- Possession of Unauthorized Information: It is very easy to access any information by the terrorists with the aid of internet and to possess that information for political, religious, social, ideological objectives.*

#### *4. Cybercrimes Against Society at large:*

*An unlawful act done with the intention of causing harm to the cyberspace will affect large number of persons:*

- Child Pornography: It involves the use of computer networks to create, distribute, or access materials that sexually exploit underage children. It also includes activities concerning indecent exposure and obscenity.*
- Cyber Trafficking: It may be trafficking in drugs, human beings, arms weapons etc. which affects large*

number of persons. Trafficking in the cyberspace is also a gravest crime.

- *Online Gambling: Online fraud and cheating is one of the most lucrative businesses that are growing today in the cyber space. There are many cases that have come to light are those pertaining to credit card crimes, contractual crimes, offering jobs, etc.*
- *Financial Crimes: This type of offence is common as there is rapid growth in the users of networking sites and phone networking where culprit will try to attack by sending bogus mails or messages through internet. Ex: Using credit cards by obtaining password illegally.*
- *Forgery: It means to deceive large number of persons by sending threatening mails as online business transactions are becoming the habitual need of today's life style.*

## **NEED FOR CYBER LAWS**

Information technology has spread throughout the world. As the user of cyberspace grows increasingly diverse and the range of online interaction expands, there is expansion in the cyber crimes i.e. breach of online contracts, perpetration of online torts and crimes etc. Due to the consequences there was need to adopt a strict law by the cyber space authority to regulate criminal activities relating to cyber and to provide better administration of justice to the victim of cyber crime. In the modern cyber technology world it is very much necessary to regulate cyber crimes and most importantly cyber law should be made stricter in the case of cyber terrorism and hackers.

Cyber law, it is a term that encapsulates the legal issues related to use of communicative, transactional, and distributive aspects of networked information devices and technologies. It is less a distinct field of law than property or contract law, as it is a domain covering many areas of law and regulation. IT Law is a set of recent legal enactments, currently in existence in several countries, which governs the process and dissemination of

information digitally. These legal enactments cover a broad gamut of different aspects relating to computer software, protection of computer software, access and control of digital information, privacy, security, internet access and usage, and electronic commerce. These laws have been described as “paper laws” for “paperless environment”.

**IT legislation:** Mid 90's saw an impetus in globalization and computerization, with more and more nations computerizing their governance, and e-commerce seeing an enormous growth. Previously, most of international trade and transactions were done through documents being transmitted through post and by telex only. Evidences and records, until then, were predominantly paper evidences and paper records or other forms of hard-copies only. With much of international trade being done through electronic communication and with email gaining momentum, an urgent and imminent need was felt for recognizing electronic records i.e. The data what is stored in a computer or an external storage attached thereto. The United Nations Commission on International Trade Law (UNCITRAL) adopted the Model Law on e-commerce

*in 1996. The General Assembly of United Nations passed a resolution in January 1997 inter alia, recommending all States in the UN to give favorable considerations to the said Model Law, which provides for recognition to electronic records and according it the same treatment like a paper communication and record.*

### **CONSTITUTIONAL LIABILITY**

*Hacking into someone's private property or stealing someone's intellectual work is a complete violation of his right to privacy. Right to privacy is an important natural need of every human being as it creates boundaries around an individual where the other person's entry is restricted. The right to privacy prohibits interference or intrusion in others private life.*

### **CRIMINAL LIABILITY**

*Dealing with the various cyber crimes:*

- Sending threatening messages by e-mail*
- Word, gesture or act intended to insult the modesty of a woman*

- *Sending defamatory messages by e-mail*
- *Bogus websites, Cyber Frauds*
- *E-mail Spoofing*
- *Making a false document*
- *Forgery for purpose of cheating*
- *Forgery for purpose of harming reputation*
- *Web-Jacking*
- *E-mail Abuse*
- *Punishment for criminal intimidation*
- *Criminal intimidation by an anonymous communication*
- *Obscenity*
- *Printing etc. of grossly indecent or scurrilous matter or matter intended for blackmail*
- *Sale, etc., of obscene objects to young person*
- *Obscene acts and songs*
- *Theft of Computer Hardware*
- *Punishment for theft*
- *Pieces of legislations also imposes criminal liability on the accused and these legislations are: -*
- *Online Sale of Drugs (NDPS Act)*
- *Online Sale of Arms (Arms Act)*
- *Copyright infringement*



- *Enhanced penalty on second and subsequent convictions (Sec.63 A of copyright act, 1957)*
- *Knowing use of infringing copy of computer program to be an offence (Sec.63B of copyright act, 1957)*

*The applications of these sections are subject to the investigating style of investigating officer and charge sheet filed by the investigating agency and nature of cyber-crime.*

### ***TORTIOUS LIABILITY***

*Basic liability in cybercrime is established through the principle of neighborhood established from the case of Donoghue v. Stevenson.*

*The following sections are dealing with the cybercrimes:*

- *Penalty and Compensation for damage to computer, computer system, etc Compensation for failure to protect data*
- *Tampering with computer source Documents*
- *Hacking with computer systems, Data Alteration*
- *Sending offensive messages through communication service, etc*

- *Dishonestly receiving stolen computer resource or communication device*
- *Identity theft*
- *Cheating by personating by using computer resource*
- *Violation of privacy*
- *Cyber terrorism*
- *Publishing or transmitting obscene material in electronic form*
- *Publishing or transmitting of material containing sexually explicit act, etc. in electronic form*
- *Punishment for publishing or transmitting of material depicting children in sexually explicit act, etc. in electronic form*
- *Preservation and Retention of information by intermediaries*
- *Powers to issue directions for interception or monitoring or decryption of any information through any computer resource*
- *Power to issue directions for blocking for public access of any information through any computer resource*

- *Power to authorize to monitor and collect traffic data or information through any computer resource for Cyber Security*
- *Un-authorized access to protected system*
- *Penalty for misrepresentation*
- *Breach of confidentiality and privacy*
- *Publishing False digital signature certificates*
- *Publication for fraudulent purpose*
- *Act to apply for offence or contraventions committed outside India*
- *Compensation, penalties or confiscation not to interfere with other punishment*
- *Compounding of Offences*
- *Offences with three years imprisonment to be cognizable*
- *Exemption from liability of intermediary in certain cases*
- *Punishment for abetment of offences*
- *Punishment for attempt to commit offences*
- *Offences by Companies*

*The applications of these sections are subject to the investigating style of investigating officer and charge*

sheet filed by the investigating agency and nature of cybercrime.

### **United States of America**

USA have the Health Insurance Portability and Accountability Act popularly known as HIPAA which inter alia, regulates all health and insurance related records, their upkeep and maintenance and the issues of privacy and confidentiality involved in such records. The Sarbanes-Oxley Act (SOX) signed into law in 2002 mandated a number of reforms to enhance corporate responsibility, enhance financial disclosures, and combat corporate and accounting fraud. Besides, there are a number of laws in the US both at the federal level and at different states level like the Cable Communications Policy Act, Children's Internet Protection Act, and Children's Online Privacy Protection Act etc.

### **United Kingdom**

In the UK, the Data Protection Act and the Privacy and Electronic Communications Regulations etc are all regulatory legislations already existing in the area of information security and cyber crime prevention, besides

*cyber crime law passed recently in August 2011.*

*Similar to these countries we also have cyber crime legislations and other rules and regulations in other nations like Australia, New Zealand, China etc.*

### ***INTERPOL'S ROLE: -***

- INTERPOL's cybercrime programme is built around training and operations and works to keep up with emerging threats. It aims to:*
- Promote the exchange of information among member countries through regional working parties and conferences;*
- Deliver training courses to build and maintain professional standards;*
- Coordinate and assist international operations;*
- Establish a global list of contact officers available around the clock for cybercrime investigations (the list contained 134 contacts at the end of 2012);*
- Assist member countries in the event of cyber-attacks or cybercrime investigations through investigative and database services;*

- *Develop strategic partnerships with other international organizations and private sector bodies;*
- *Identify emerging threats and share this intelligence with member countries;*
- *Provide a secure web portal for accessing operational information and documents.*

### *Cybercrimes cases in other Countries*

- *Worm Attack:* *First person to be prosecuted under the 'Computer and Fraud Act, 1986' was the Robert Tappan Morris well known as First Hacker. His worm was uncontrollable due to which around 6000 computer machines were destroyed and many computers were shut down until they had completely malfunctioned. He was ultimately sentenced to three years probation, 400 hours of community service and assessed a fine of \$10500.*
- *Hacker Attack:* *A Ph.D. student of the University of Southern California, in the year 1983, made a short programme as an experiment that could "infect" computers, make copies of it, and spread from one machine to another. A professor of his suggested*

the name "virus". Now that student runs a computer security firm.

- Internet Hacker: Wang Qun, alias "playgirl", was arrested making the first ever arrest of an internet hacker in China. He was a 19 year old computing student, arrested in connection with the alleged posting of pornographic material on the homepages of several government-run web sites.

## CONCLUSION

Cybercrime is a new form of crime that has emerged due to computerization of various activities in an organization in a networked environment. With the rapid growth of information technology cybercrimes are a growing threat.

Technology has a negative aspect as it facilitates commercial activity. Ordinarily the law keeps pace with the changes in technology but the pace of technological developments in the recent past, especially in the field of information and technology is impossible to keep pace with legal system. An important concern relates to modernizing penal laws of many countries which predate the advent of computers. On the one hand, the existing

laws have to be change to cope with the computer related fraud such as hacking, malicious falsification or erasure of data, software theft, software attacks etc. and on the other, new legislation is also necessary to ensure data protection and piracy.

- A person should never send his credit card number to any site that is not secured, to guard against frauds.
- One should avoid disclosing any personal information to strangers via e-mail or while chatting.
- One must avoid sending any photograph to strangers by online as misusing of photograph incidents increasing day by day.
- It is always the parents who have to keep a watch on the sites that your children are accessing, to prevent any kind of harassment or depravation in children.
- Web site owners should watch traffic and check any irregularity on the site. It is the responsibility of the web site owners to adopt some policy for pre-



*venting cyber crimes as number of internet users are growing day by day.*

- Strict statutory laws need to be passed by the Legislatures keeping in mind the interest of netizens (cybercitizen or an entity or person actively involved in online communities and a user of the Internet).*
- Web servers running public sites must be physically separately protected from internal corporate network.*
- An update Anti-virus software to guard against virus attacks should be used by all the netizens and should also keep back up volumes so that one may not suffer data loss in case of virus contamination.*
- It is better to use a security program by the body corporate to control information on sites.*
- IT department should pass certain guidelines and notifications for the protection of computer system and should also bring out with some more strict laws to breakdown the criminal activities relating to cyberspace.*

- *As Cyber Crime is the major threat to all the countries worldwide, certain steps should be taken at the international level for preventing the cybercrime.*
- *Special police task force which is expert in techno field will be constituted.*
- *Complete justice must be provided to the victims of cyber crimes by way of compensatory remedy and offenders to be punished with highest type of punishment so that it will anticipate the criminals of cyber crime.*

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