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SUGGESTIONS FOR RESEARCH
ON HUMAN RIGHTS

Paper prepared by UNITAR

The Secretary-General has the honour to submit to the Conference the attached paper prepared by the United Nations Institutes for Training and Research (UNITAR) in pursuance of the invitation of the Preparatory Committee for the Conference noted in resolution 2217 C (XXI), adopted by the General Assembly on 19 December 1966.

TABLE OF CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
I. INTRODUCTION	1 - 2	3
II. SUGGESTED SUBJECTS AND AREAS FOR RESEARCH	3 - 40	4
1. Rectification of past discrimination	3 - 8	4
2. Communications concerning human rights	9 - 12	6
3. Human rights and private organizations	13 - 15	8
4. Role of non-governmental organizations in the field of human rights	16 - 19	9
5. Human rights in rural societies	20 - 22	11
6. Prosecuting officials and human rights	23 - 26	12
7. Youth movements and human rights	27 - 31	13
8. Impact of advances in life sciences on the realm of human rights	32 - 36	15
9. Use of data-storage-retrieval systems in the field of human rights	37 - 40	16

I. INTRODUCTION

1. In response to suggestions made by the Preparatory Committee for the International Conference on Human Rights, the United Nations Institute for Training and Research (UNITAR) has prepared this paper^{1/} setting forth a number of subjects on which further research would be useful in the efforts to advance human rights and fundamental freedoms. In making a choice of the subjects, UNITAR has been guided by two considerations: (a) the widely-felt need for operationally oriented research directed towards the implementation of human rights recognized and recommended by the United Nations and Member States and (b) the necessity to look into the future developments in modern science and technology, which would have their impact in the field of human rights and which raise problems which require further investigation.
2. It is our hope that the scholars and statesmen participating in the International Conference on Human Rights would find this paper a source of information for initiating studies as well as for recommending them to individuals and research institutions interested in the promotion and protection of human rights. It would also be appropriate that further research on human rights should, in addition to the required emphasis on implementation, include investigations into the impact of science and technology on human rights and fundamental freedoms. The indications of the need and suggestions for research have been necessarily brief and somewhat general in nature. The primary objective of this paper is to invite attention and arouse interest on the part of universities, research institutions, Human Rights organizations and individual scholars. UNITAR will be in a position to extend co-operation and provide information to those who embark on research into topics outlined in this paper.

^{1/} The eight UNITAR/Adlai E. Stevenson Fellows currently at UNITAR have made a significant contribution to the preparation of this paper.

II. SUGGESTED SUBJECTS AND AREAS FOR RESEARCH

1. Rectification of past discrimination

3. In a large number of countries, one or more groups, ethnically or otherwise different from the rest of the community, are sometimes discriminated against and thereby deprived of their basic human rights and fundamental freedoms. The groups, so disinherited, are either minorities or in some cases the majority community of the State. Gradually with the recognition of equality of rights and opportunities, Governments felt the need not only to put an end to the existing discriminatory practices but also for compensatory action to pull the backward or deprived sections of the society to the level of the rest of the country.

4. One immediate action was the elimination of racial, ethnic or class consciousness. To achieve this, a beginning had been made in many countries to exclude evidence of racial origins, religious affiliations or tribal and family information from the the census and such other statistical enumerations and from the application forms and similar documents required in education, employment and other sectors. But more positive measures have been taken to ensure the enjoyment of all rights by everybody and to offer equality of opportunity.

5. In addition to such egalitarian measures, special protective and promotional steps have been taken in a number of countries to provide preferential action in favour of the sectors of the community who are at a lower level of educational and other attainments. These measures have also been taken in countries where there have been no invidious legislation or social practice (such as slavery, segregation, class or caste distinctions including the hegemony of the ruling sections whether native or alien). These measures have included reservation of employment to disadvantaged groups, financial help in education, quota systems in favour of the less advanced, special representations in political and legislative organs and exclusion of the more advantaged from certain positions.

6. Because of the intricate balance of social adjustments brought about by such action, these are subjects of considerable controversy and hence not yet

investigated in any meaningful manner. Some of the questions that would have to be studied are:

1. Which are the disadvantaged groups in each country and what is their present position in relation to the rest of the country?
 2. What are their demographic, sociological, economic and political characteristics and status in society?
 3. Why, in what ways and to what extent have these groups been discriminated or disadvantaged?
 4. What measures have been taken to rectify past discrimination and with what results?
 5. What steps have been taken in preferential terms or sometimes called "benevolent discrimination" - legislation discriminating in favour of those groups that have been discriminated against in the past?
 6. What further legislation in this regard would be politically practicable and socially acceptable?
 7. What are the repercussions of these "benevolent discriminations" on the socially advantaged groups?
 8. To what extent are the human rights of the rest of the society affected in implementing measures adopted to improve the situation of a previously backward section or group?
7. As indicated earlier, there are also situations where the discriminated group has been the majority of the country and a situation entirely different in character and implications is created when the formerly advantaged minority is discriminated against. The studies in this regard will have a different orientation and conception, while being directed to the same questions and problems.
8. In addition to national studies, there is need for a number of comparative studies involving a number of countries with similar or different problems and situations.

2. Communications concerning human rights

9. Communications, in various forms, are the first method to which individuals and groups resort for the attainment of any human right. The particular type of communication or the person and authority to whom it is addressed varies from country to country or between regions. There are certain common methods, such as letters to newspapers, legislators, parliaments, local officials, ministers, Ombudsmen and heads of States. The objectives of these communications are as varied as the results obtained. Some write merely to ventilate their views, while other demand specific remedy. Equally uncertain or different are the machinery authorized by Governments in dealing with these communications. An altogether different category of communications are the complaints and legal petitions filed before the judicial and appellate authorities. A quite distinct class of communications is directed towards international organizations and tribunals.

10. While there is such a diversity of communications and multiplicity of machinery set up to deal with them, there have been very few attempts to study these institutions in any systematic manner and to analyse the contents and results of these communications. Thus the area of communications concerning human rights offers great scope for research and would be of great value in the promotion and protection of human rights. There are quantitative and qualitative approaches of study possible in this field. The field also provides for a number of sub-studies. Some of the questions which require research are:

1. Who generally sends these communications?
2. What motivates them to resort to such action?
3. From what strata of society, rural, urban, middle classes, discriminated, etc. do these communications originate?
4. The frequency of the letters or petitions?
5. With what particular or class of human rights do they deal with?
6. What are their expectations in writing letters, etc.?
7. What are the general contents of these communications?
8. To whom and in what proportions are they addressed?
9. How do the recipients deal with these?

10. What specific machinery has been created by the State to dispose of these communications at different levels?
11. What are the procedures employed in dealing with them?
12. The nature of follow-up action both by the authors of the communications as well as those to whom they are addressed?
13. How are decisions implemented in cases when they are made?
14. What part is played by organized groups or interested organizations in originating communications under different categories?
15. What results or impacts are produced by the communications and their follow-up action in different sectors of the society and Government?

11. Such basic questions, as enumerated above, are not exhaustive. But they indicate the many inter-disciplinary approaches which can be followed in undertaking research into this vast, yet untouched, subject. Studies touching one or more questions can be made in regard to a local area, country, region and the whole world, either confined to a particular question or on a comparative basis. Both types of studies are required to be done and in every case an assessment of the effectiveness at any stage would be rewarding both in itself and as a basis for further comparative studies. The intrinsic merit of these studies is clearly evident. The sources to be examined, the documents to be studied and the persons to be interviewed, either in person or through questionnaires, would vary from case to case or country to country. Some indications of these are implicit in the very nature of the questions raised earlier.

12. These studies, carried out by individuals and research centres, in respect of national and international action, would provide more precise information about the measures taken to achieve human rights and would also suggest improvements in the existing machinery resulting in new methods of dealing with such communications.

3. Human rights and private organizations

13. The increasing size and number of private organizations operating in the economic and social sectors pose serious questions about the control and influence they exercise over the private and human rights of individuals working for these organizations, their members and the general public affected by their activities. It is now generally conceded that certain restraints are enjoined by the very structure and functioning of these powerful and impersonal, yet not fully regulated, entities. The problem of ensuring to the members of these organizations and the general public the unencumbered exercise of human rights and fundamental freedoms becomes more complicated since, these organizations, while enforcing discipline and codes of conduct, are in themselves not subject to centralized supervision by governmental agencies in regard to their internal affairs, except in matters of remuneration and a few other working conditions.

14. Investigations by scholars and even governmental or public spirited institutions are useful to ascertain the extent to which human rights are affected by the internal and external activities of private organizations and to propose possible action by States either through legislation or by other types of community action.

15. Evidently, not all private organizations can be targets of study. Significance in size and service to the society should decide the choice of likely subjects of inquiry. The awareness of these problems by the organizations themselves and amelioratory action adopted by them would also determine the usefulness of the research. Comparative studies of organizations operating in different sectors of public life and in a number of countries would be worthwhile to understand the spectrum of issues and to evaluate the effectiveness of a variety of measures. Special attention will have to be given to the following factors of any organization:

1. The employment and membership policies and practices and the existence of discrimination, if any;
2. The rules and regulations governing the conduct of employees inside and outside of working hours and their effect on the human rights of employees and their families;

3. The impact which the organizations' jurisdiction and operations have on the rights of the general public; and
4. The measures taken in each case by the organizations themselves or by other agencies to prevent the denial of the human rights involved.

4. Role of non-governmental organizations in the field of human rights

16. At the national and international levels, non-governmental organizations, whether private groups or fairly strong federations, have performed significant services for the promotion and protection of human rights. This role has been recognized in national societies and the international community. Important instruments, concerning human rights, both legislative and administrative, trace their origin to the initiative of individuals and institutions outside the governmental structure. Their implementation is more effective due to the attention and assistance given by active non-governmental associations. Similarly, for a long time, from the agitation for the abolition of slavery to the conclusion of covenants on Human Rights, non-governmental organizations have advanced and aided the cause of Human Rights. The activities of these organizations have been important in some countries, though less so in others. Yet their potential role is great and, therefore, there is much to be learned from the experience of existing organizations especially in regard to their methods and effectiveness. It is, therefore all the more necessary to understand and improve upon the role and functioning of these organizations. While descriptive accounts abound, there does not appear to be any operational research carried out in this sector.

17. It is suggested that systematic studies be undertaken about the role, functioning and impact of the non-governmental organizations which have been active in the promotion and protection of Human Rights. The essential aspects to be studied will be the following:

A. At the national level

- (i) the objectives for which the organization works
- (ii) the methods of its work e.g., agitation, lobbying for legislation, social welfare services, legal aid, etc.
- (iii) results achieved in terms of objectives realized
- (iv) its national impact.

B. At the international level

- (i) the constitutional or structural framework of the organization
- (ii) the functional scope and its relations with inter-government organizations
- (iv) special areas of competence and the procedures and techniques of operations
- (iv) goals achieved and international impact.

The utility and relevance of research will be enhanced if special attention is paid to the evaluation of the mechanisms of operations and the effectiveness of results achieved.

19. A wide variety of non-governmental organizations exist at the national and international levels engaged in the promotion of Human Rights; and it would, therefore, be necessary to adopt different research tools for studying each. But in general, the following would appear to be common procedures: documentary analysis of constitutions, charters and by-laws of non-governmental organizations, parliamentary reports or similar accounts, newspapers and official documents such as legislative enactments, etc.; structured and unstructured interviews with legislators, administrators and beneficiaries; at the international level, the same operations would be required in regard to official reports and documents, international officials and representatives of member States. Possibilities exist for individual and comparative studies at the national, regional and international planes.

5. Human rights in rural societies

20. The attainment of human rights by a large majority of the world population depends to a great extent on their awareness of these rights, their access to the appropriate machinery of implementation and the response of the Governments to these needs. While people living in the city have a keener appreciation of their rights and privileges and a better knowledge of the methods of realizing them, the large majority who live in rural communities, especially in the less industrialized societies, are deprived of this knowledge and hence of the enjoyment of their rights.

21. Little effort has been made by research scholars to examine the effectiveness or ineffectiveness of the implementation of certain basic human rights in rural areas, or even to study the extent to which people in different parts of the world understand and realize their basic rights. In addition to a number of studies of this problem in typical rural communities in all parts of the world, it will also be of great value to have comparative studies involving regions and continents. This would result in exchange of information between traditional and modern communities and lead to the application of successful techniques of promotion and achievement of human rights. The research methodology developed by UNITAR to study the effectiveness of measures and policies against racial discrimination and presented to the Teheran International Conference on Human Rights, is relevant for these studies.

22. Some specific problems faced by rural dwellers are the following:

1. fair returns for the work done - this applies to tenant farmers and agricultural labourers. Minimum wages acts and such other economic regulations are not given effect to by landlords and employers and sufficient attention is not paid by Governments to remedy the situation;
2. educational facilities and other social welfare measures are not implemented with the same vigour as in the cities by the city-based administrators;
3. petty officials exploit and harass the generally ignorant villagers and very often the victims have no recourse to any tribunal for redress;
4. even though diverse political and social rights are theoretically available to the rural citizens, they do not have the means or the opportunity to exercise and enjoy these rights.

6. Prosecuting officials and human rights

23. As in many other problems of the promotion and protection of human rights, this subject is also suitable for a wider variety of studies, with local, national, regional and universal application. The individual studies lend themselves to further comparative studies.

24. Experience and enquiries show evidence of the influence and initiative available to prosecuting officials e.g., public prosecutors, police officials, and government lawyers, in the defence or denial of human rights. Individuals, whether indicted for a specific infringement of the law of the country or subject to an informal inquiry in the preliminary stages of an investigation, are very often left to the discretion of these authorities. Such officials, with key positions in the administration of criminal justice, and their actions have importance in regard to the basic privileges and rights of the individual. The possibility of the violation of human rights by this class of public officials has been appreciated by authorities and constitutional and procedural safeguards have been provided to prevent any abuse of powers. In spite of such theoretical and practical protection, a vigilant public opinion and constant concern for the rights of the individual are required to ensure fairplay and justice.

25. One essential element in the situation is the need for better awareness on the part of the public about the various procedures employed by the prosecuting functionaries and a keener appreciation of the remedies available to them. The functions and jurisdiction of such officials vary from country to country and there are institutional differences in the same country, between one part and another, due to historical, social and political reasons. Not enough research has been done in relation to practical problems of the defence and denial of human rights by prosecuting officials.

26. Studies will be necessary to establish the practice of these authorities in relation to the more important human rights and to ascertain the general areas in which violations take place. Detailed research into a series of sample cases in different parts of each country could provide the information about the following:

- (a) how the officials and their departments functions;
- (b) what their powers of inquiry and indictment are;
- (c) what constitutional and procedural limitations exist;
- (d) to what degree do they conform to these rules;
- (e) how much of self-restraint is exercised;
- (f) what is the extent of the public knowledge and concern about any possible deviations from the rules;
- (g) what remedial actions are taken by higher authorities;
- (h) what part is played by public information facilities and political parties in condoning or opposing oppressive measures;
- (i) the existence of special groups or organizations devoted to these issues.

Similar studies are also possible in regard to the positive role of the prosecuting officials in the protection of human rights.

7. Youth Movements and Human Rights

27. The modern youth is probably committed to the ideals of Human Rights as any other section of the population and serves as an active agent for the promotion and protection of human rights. The ferment, and sometimes the unrest of the youth, which are often under the guise of youth rebellion, discontent and protest movements of various colours could in themselves be the manifestations of the youths' concern for the principles of justice and other human rights. Properly guided and appropriately assisted, the energy and enthusiasm of the younger generation can be mobilized for the fuller realization of the aspirations of entire mankind of which the young forms a substantial slice. To direct the attention of the youth towards explicit questions of human rights and to make youth the major partner in the promotion of human rights, a clearer understanding of the youth movements and a more precise appreciation of the impact these have on society are necessary.

28. It is proposed that studies be undertaken of the youth activities touching on human rights in all countries. The main factors to be analysed are:

- (1) the extent and strength of youth organizations and youth movements concerned with human rights;
- (2) the major areas of concern, e.g. right to education, greater social benefits to the young;
- (3) the methods of organization and objectives - the right of young people to protest against authority, distinction between student and youth movements, and the differences in urban, rural and working-class sectors;
- (4) the integration of relationship of youth movements with other political or social organizations in the country, ban against student participation in political activity;
- (5) the impact of the youth movements on the social and political aspects of life, with special reference to the question of human rights;
- (6) the assessment of the effectiveness of the youth activities in the field of human rights;
- (7) specific questions of racial discrimination in youth movements and role of youth both as the discriminator and the discriminated.

29. The main research methods would be, as in much of other sociological research: documentary analysis of legislation, political manifestos, newspapers, etc.; presentation of demographic and other data, interviews, et. al. There is an important consideration to be borne in mind, in undertaking any research described above. This relates to the need for including concepts like "youth therapy", complaints against youth, and specific measures to remedy their deviations or maladjustments. Measures to improve their individual behaviour and to train them to accept the patterns of prevailing norms and mores of the society may also be the subject of study to the extent that these are relevant to the question of human rights. The primary aim of the studies will be to acquire "policy knowledge" to comprehend the patterns of action, including how the impulse of youth movements may creatively participate in the shaping and integration of a new order in which human rights could be vigorously promoted and more effectively protected.

30. In structuring these national studies, there are certain basic reference points which may, in the final analysis, operate only as tentative hypotheses. These include:

- (a) studies in this field may begin from the assumption that structural changes in the societies concerned are prerequisites for the implementation of human rights;

(b) the respect for human rights is not only a principle of institutional order, but also, for each individual, a way of life.

31. Studies in each country could form the basis for comparative studies of a selected number of national societies having in common active youth movements which provide variation in the degree of development, structural patterns, political and economic conditions, etc. Factual data obtained in these would also be raw material for other studies concerning youth activities not related to the question of human rights. It may even lend itself to the testing of existing theories of youth behaviour and the ideologies and trends of youth movements in general.

8. Impact of advances in life sciences
on the realm of human rights

32. Future developments in the life sciences, especially in biology, genetics, medicine and psycho-pharmacology are likely to have far-reaching consequences on almost every facet of life. This impact will be the greatest on the area of human rights. Some significant specimens of possible scientific advances will illustrate probable predicaments which humanity may face in the future.

33. Discoveries in genetics, combined with parallel developments in medicine, may make it possible to introduce changes in the natural selection and transmission of hereditary traits. While such induced changes may prevent congenital diseases or improve the human breed, it also affects the freedom of choice especially if there were external control and regulation of the standards of interventions into heredity. Such action would also raise serious questions touching on the very core of the ethics and moral foundations of human society.

34. A second example concerns the increasing facilities for transplantation of human organs, like the heart and kidney, or their substitution through prosthetic devices. The medical achievements are remarkable and the problems of human rights thrown up by these developments are equally serious. In determining the choice of donors and recipients of human transplants, doctors and hospital administrators and later public health authorities will be taking vital decisions. Apart from legal and financial complexities, the potentialities for "heart banks" and "brain banks" raise issues of the dignity and integrity of the human person. Examples of such

complicated situations arising from these so-called therapeutic treatments can be multiplied by reference to developments in other sectors of science. The experiences resulting from voluntary, prescribed or compulsory consumption of narcotics and other stimulants developed by recent discoveries in psycho-pharmacology also generate important issues of human rights.

35. These advances in science and their applications to the physical and psychological transformation of human beings, together with the control which machines and men can exercise over nature, may alter the very concepts and scope of the most basic human rights as we understand them in the context of present-day knowledge and experience. We may find that we have to reformulate the existing rights or set up new rights. There is an imperative need to study the future values and variables of life, influenced by modern science, in order to obtain the necessary information and take decisions which would radically revolutionize our very existence. So far, the international community has refrained from undertaking any major study of these problems, either because these were still shrouded in mystery and uncertainty or as a result of the speed with which we are being overtaken by the developments.

36. Obviously the problems have biological, medical, legal, economic, political and social aspects and the combined and co-ordinated work of experts in these diverse disciplines, on a systematic and well-directed basis, would be desirable. UNITAR has come to appreciate the virtues of such an approach and has also been aware of the difficulties in undertaking research embracing such a wide array of problems and prospects. This experience, at the same time, encourages us to present to the scholars and statesmen of the world a general indication of some of the questions as we see them and urge the international community on the need for concerted efforts to study and analyse these issues.

9. Use of data-storage-retrieval systems in the field of human rights

37. The interaction between modern scientific and technological developments and human society has created as much fear of baneful effects as hopes for economic prosperity. One particular aspect, namely, the phenomenal progress with computers and data-processing, has given rise to apprehensions about scientific surveillance

of individuals' freedom of action and privacy. While this is a justified concern, there is the other side, namely, the beneficial contribution which data-processing and information retrieval can make to the fuller enjoyment of human rights and fundamental freedoms. To translate these potentialities into practice, research is required to be done both nationally and through international organizations.

38. There are many areas where computer technology could be applied for the preservation of human rights, and for promoting social progress and better standards of life in larger freedom. It provides tools for enjoying these rights, such as for the wider dissemination of information, in making broadcasting and television cheaper and quicker in rural areas and for the training of qualified teachers and professional staff for education.

39. The potential uses of computers and similar technologically sophisticated equipment depend on their accessibility to all those who can benefit from them. For evident reasons at present they are facilities to which there is only restricted public access but as computers function as an extension of knowledge in an intensive and quicker manner, there should be greater access for the public to these facilities. In making such facilities more widely available to the public, especially in rural areas and developing countries, a large array of problems with technical, economic, legal, social and political aspects present themselves. Some fundamental questions suggest immediately for study and exploration.

1. What will be the time period through which these technical tools will be made available for more general use? The state of scientific know-how and technological art is still not advanced enough. Considerable research requires to be done both in terms of basic principles and industrial innovations.
2. Will it be possible to create a network of computers and data-retrieval systems so as to serve all parts of the world? International co-operative arrangements will have to be made to set up local, regional and global grids.
3. What should be the organizational form which these facilities should have? One likely choice is to adopt the institutional pattern of public utilities like telephones and electricity. Whether such utilities are

public or privately owned, the question is relevant in terms of the broader scope and function, because computer facilities have been of limited access only whether they are under private or public ownership.

4. To what extent these facilities could be built up on the same lines as broadcasting (radio and television) facilities have been developed in respect to the distribution of information as well as their reception and utilization by the general public?
5. What practical possibilities exist for using computer technology in the service of education and training?

40. These are all complex questions involving consideration from different points of view and requiring experts in many fields to come together and study them in a co-operative effort. Such action is possible by national and international teams. It is only through international co-ordination that any useful results can be obtained. But it is essential to raise these questions through national discussion and research and thereby produce impact on possible international action.
