

San Jose State University

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Government publications: Human rights

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Government Publications

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HUMAN RIGHTS

Despite the controversial nature of his human rights policy, Jimmy Carter's initiative in this area may well go down in history as his most significant presidential achievement. The initiative in human rights, while related to the civil rights movement, does represent a new presidential program.

"Human rights" and "civil rights" are not interchangeable terms, although the Library of Congress is still using "civil rights" as the subject heading that includes materials on human rights. "Human rights" is a fairly new term, which first came into vogue in the 1948 United Nations Charter. The close relationship between respect for human rights and the maintenance of world peace became apparent from events in World War II. The term "human rights" encompasses not only civil rights but goes much further in defining the rights of people.

Civil rights include the important rights to life, liberty, security, privacy of person, and the right to be protected from torture and other cruel, inhuman, or degrading treatment. Human rights include not only the traditional civil rights but also economic, social, and cultural rights. A popular U.N. publication, *Questions and Answers on Human Rights* (1973) (OPI/493), defines human rights as "those conditions which allow us to fully develop and use our human qualities of intelligence and conscience to satisfy our spiritual needs."

Readers are invited to contribute information of interest. Please address any contributions to Jo Bell Whitlatch, 815 Cambridge Ave., Menlo Park, CA 94025.

United Nations and Human Rights

Many government agencies publish documents contributing significantly to the literature of human rights. Most important are the documents published by the various agencies of the United Nations.

One of the best summaries is *International Human Rights and International Education* by Thomas Buergenthal and Judith V. Torney (1976) (S 5.48: H88/5). Published by the United States National Commission for UNESCO, this work contains an excellent summary of the history of human rights and the activities of major organizations. The book also contains some interesting research on the knowledge and attitudes of U.S. students: research indicates that U.S. students tend to be less motivated to participate in discussions of international affairs outside the classroom than students of other countries.

Several basic documents form the basis of present United Nations human rights policy. Most fundamental is Article 55 of the U.N. Charter calling for "universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion." Elaborating on the Charter is the Universal Declaration of Human Rights signed on December 10, 1948. Thus, December 10 of each year is celebrated throughout the world as Human Rights Day. Two covenants elaborate on civil, political, economic, social, and cultural rights: International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights (accompanied by an optional protocol).

The United Nations has issued various guides to these basic documents. *Human Rights: a Compilation of International Instruments* (1978) (ST/HR/1 Rev 1) is a basic reference, first published in 1973. The compilation includes the United Nations Charter, the Universal Declaration, the Covenants, the U.N. Declaration on the Elimination of all Forms of Racial Discrimination, and the Equal Remuneration Convention. *Human Rights, International Instruments* (1978) (ST/HR/4) contains signatures and ratifications as of January 1978.

The United States government has also issued some recent guides and compilations of human rights documents, including *Human Rights, Selected Documents* (1977) (S 1.2: H88/6). *International Human Rights: Selected Declarations and Agreements* (1976) (Y 4.G74/6: H88/2) also contains significant European documents on human rights. *International Human Rights: Selected Statements and Initiatives* (1977) (Y 4.G74/6: H88/3) illustrates the types of action that can be taken in support of human rights.

The *Yearbook on Human Rights* (1946—) (E/CN.4/HR/) lists significant human rights activities in various countries. Unfortunately with the 1973-74 edition, the *Yearbook* went to biennial publication. Since the 1973-74 was not issued until 1977, the *Yearbook* is too dated to be of anything other than historical interest. The 1973-74 issue does note a hopeful trend—that the Universal Declaration appeared to be the basis for legislative developments supporting human rights in a number of countries.

Also of interest is the *Human Rights Bulletin*, an irregular publication, free upon request to the United Nations Division of Human Rights, Palais des Nations, CH - 1211, Geneva 10, Switzerland. *Bulletin* no. 17, January-June, 1977 (E/CN.4/1222) is the latest issued and reports on human rights activities of U.N. bodies and specialized agencies, as well as including a list of documents and publications in the field of human rights.

The best publication for keeping abreast of U.N. activities in the field of human rights is the *U.N. Monthly Chronicle* (1964—) (OPI/UN). This monthly periodical carries frequent articles on human

rights and activities in the field of human rights. The June 1978 issue lists the human rights issues of most current U.N. concern: improvement of human rights in Chile, protection of human rights in occupied Arab territories including Palestine, infringement of trade union rights in South Africa, rights of migrant workers, rights of the child, and rights of people belonging to national, ethnic, religious, and linguistic minorities. The August/September 1978 issue reports on a trip of one ad hoc working group to Chile in July and the meetings and hearings held by another ad hoc working group on southern Africa in July and August.

Several agencies are active in various phases of the U.N. human rights program; the agency vested with the primary responsibility is the Commission on Human Rights. The commission was established in 1946 to submit proposals and recommendations on an international bill of rights and international declarations or conventions on civil liberties, the status of women, freedom of information, protection of minorities, and prevention of discrimination on grounds of race, sex, language, or religion. The commission plays an important part in the establishment of standards and reports to the Economic and Social Council; the annual report of the commission is contained in the official records of each United Nations General Assembly (1977) (A/32/44).

The Commission on Human Rights is the body primarily responsible for creating the two covenants. In 1976 both covenants finally came into force. Because of the nature of the rights, the covenant on economic, social, and cultural rights can only be implemented progressively, depending upon the resources available to the nation-state. However, the covenant on civil and political rights deals with rights that are largely enforceable now and consequently has an optional protocol attached to the covenant. The optional protocol establishes an appeal procedure for individuals who consider their rights under the covenant to have been violated. The principle implementation method for both covenants, and one that ratifying states are obligated to carry out, is a system of periodic reporting. The resulting reports are called *Periodic Reports on Human*

Rights and are published in the United Nations E/CN.4 series. The covenant on civil and political rights has established a Human Rights Committee that may receive and consider complaints from individuals.

The most burning issue in human rights in the United Nations has been racism, especially as manifested in the apartheid policies of the Republic of South Africa and Namibia. Since United Nations publications on apartheid alone could comprise an entire bibliographic essay, the following is a selection of a few recent U.N. publications on the subject of apartheid:

The Centre for Apartheid publishes a regular series, *Notes and Documents* (1968-) (DPSC/U.A. 24). *Objective: justice* (1969-) (OPI/OJ (vol)) provides a regular review of U.N. activities for the self-determination of peoples, the elimination of racial discrimination and apartheid, and the advancement of human rights. UNESCO has published several studies on education and culture, including *Mucheke: Race, Status and Politics in a Rhodesian Community* by AKH Weinrich (1976) and *Namibia: the Effect of Apartheid on Culture and Education* by Marion O'Callaghan (1977).

Other recent publications of note include the *14th Special Report on the Application of the Declaration Concerning the Policy of Apartheid of the Republic of South Africa* (International Labour Conference, 64th session, 1978); *Racial Discrimination* by Hernán Santa Cruz (1976) (E/CN.4/Sub.2/370/Rev.1); the *Report of the U.N. Committee on the Elimination of Racial Discrimination* (1977) (A/32/18); the *Report of the U.N. Special Committee against Apartheid* (1976) (A/31/22 Add 1-3); *Violations of Human Rights in Southern Africa* (1978) (E/CN.4/1270); and the *Report of the World Conference for Action against Apartheid* (1977) (A/CONF.91/9).

The International Labour Organisation (ILO) has conducted a very active and relatively effective program in the field of human rights. ILO is the U.N. agency primarily responsible for human rights issues related to the right to work and social security. The right to work includes the opportunity to earn a living by work that is freely chosen, fair wages, equal remun-

eration for work of equal value, an adequate standard of living for workers and families, and safe and healthful working conditions. The ILO deals with the issues of forced labor and collective bargaining rights.

Through the Committee on Freedom of Association, ILO has developed safeguards for trade union rights. The annual report of the director-general of the ILO, *Activities of the ILO*, includes a section on human rights. ILO conference reports dealing with human rights are frequently issued; *Making Work More Human* (1975) is involved with working conditions and the environment; *Employment of Women with Family Responsibilities* (1978) explores the implementation of the 1965 standard for women workers.

Despite ILO's excellent record of human rights accomplishments, the United States withdrew from the ILO in November 1977. The United States Chamber of Commerce and the AFL-CIO supported the U.S. withdrawal because the majority of workers in ILO were appointed by governments who do not permit the free formation of employee organizations. In recent years, the ILO had failed to pass resolutions condemning unfair labor practices in the Soviet Union and various Third World countries while passing anti-Israel resolutions condemning Israel for racism, discrimination, and violation of trade union rights in occupied territories. In June 1978, for the first time in a number of years, an anti-Israel resolution failed to pass, leading to some speculation that the United States may rejoin ILO and contribute financially to the support of an organization with such a strong history of support for human rights programs.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization (WHO) have both been quite active supporting human rights programs relating to educational, scientific, cultural, and medical issues.

Cultural rights go beyond educational rights and involve the right to engage in intellectual and aesthetic activities,¹ rights particularly important to the practice of library and information science. On September 12-16, 1978, UNESCO sponsored

an international congress on human rights education, addressing the need for basic training, training needs of different cultures, and specialized training for the professions. Periodicals published by UNESCO, *Impact of Science and Society* (1950-), *UNESCO Courier* (1948-), *UNESCO Features* (1949-), regularly feature articles on human rights. *UNCHR* (no.1, February 1973) (HCR/UNHCR/1) explores the difficult issue of refugees and the right of everyone to seek and enjoy asylum from persecution in other countries. At present, there are no criteria for determining which country should appropriately grant asylum to a refugee. *World Health* (1948-) (WHO), *Ideas and Action Bulletin* (1964-) (Food and Agriculture Organization), and *Populi: Journal of the United Nations Fund for Population Activities* (1974-) have also carried human rights articles.

Population programs have been the subject of many recent UNESCO documents; perhaps no issue more clearly illustrates the potential conflicts between the demands and needs of society and the rights of individuals. *Health Aspects of Human Rights* (1976) (WHO), *Human Rights and Scientific and Technological Developments* (1974) (E/CN.4/1142), *Human Rights Aspects of Population Programmes* (1977) (UNESCO), *The Population Debate* (1975) (ST/ESA/SER A57), *Protection of Human Rights in the Light of Scientific and Technical Progress in Biology and Medicine* (1974) (WHO), and *The Realization of Economic, Social and Cultural Rights* (1975) (E/CN.4/1131/rev.1) investigate population issues involving birth control, abortion, sterilization, control of communicable disease, fertility, migration, psychosurgery, euthanasia, and additional very difficult moral and ethical issues.

Thinking Ahead (1977) (UNESCO) traces UNESCO's progress in preventing various forms of discrimination and promoting rights to educational, scientific, and cultural information. The report outlines UNESCO's action plans for human rights through 1982. In addition, certain nongovernmental organizations, particularly Amnesty International and the International League for Human Rights, prepare important reports on human rights

violations and serve as nongovernmental consultants to international organizations.

Human Rights in Europe

Europe is very advanced in establishing human rights standards and providing effective enforcement machinery. The European Convention on Human Rights came into force on September 3, 1953. It differs from U.N. efforts in providing machinery to implement the standards. The enforcing bodies are an investigating commission and a court. *The European Convention on Human Rights* (1975) (Council of Europe), the annual *Report on Activities of the Council of Europe*, and the *Proceedings of the Fourth International Colloquy about the European Convention on Human Rights* (1976) (Council of Europe) together provide a good summary of the activities and the concerns of the Convention. *Forum* (no.1-2, 1978) (Council of Europe) contains a special section on human rights with a discussion on extending the Convention to cover certain economic and social rights.

U.S. government reports prepared by the Commission on Security and Cooperation in Europe (Y 4.In 8/16: Eu 7/ (no.)) also provide an excellent source of material on European human rights programs. This commission was established to monitor the implementation of the 1975 Helsinki accords. The governments that signed the Final Act of the Helsinki Conference on Security and Cooperation in Europe made official commitments to allow reunification of families and to respect the rights of citizens to enter and leave their countries regularly for personal reasons. The accords are significant because human rights are acknowledged as a major ingredient of peaceful, cooperative human behavior.

Human Rights in the Americas

Cooperative human rights efforts in the Americas are not as far advanced as in Europe. Documents published by the Organization of American States (OAS) are the best source for human rights. OAS structure includes an Inter-American Commission on Human Rights, whose purpose is to promote the observance and protection of human rights and to serve as the consultative organ of the OAS. Annual

Reports (OEA/Ser. L/V/II. (no.)) contain a summary of work accomplished. The commission has recently issued a *Handbook of Existing Rules Pertaining to Human Rights* (1977) (OEA/Ser. L/V/II.23/Doc. 21). *Americas* (v.29, no.5, May 1977) (OEA/135.A512e) contains a good summary of human rights in the Americas.

A central objective of the 1948 OAS Charter was to establish a system of individual liberty and social justice based on respect for the essential rights of man. In 1969 the American Convention on Human Rights, which provides mechanisms for applications of sanctions, was established. The Convention finally came into force in July 1978, although it is still not in force in the United States.

The Inter-American Commission on Human Rights has also published recent reports on human rights violations in Chile (1977) (OEA/Ser. L/V/II.40), Paraguay (OEA/Ser. L/V/II.43/Doc. 13, corr 1), and Uruguay (OEA/Ser. L/V/II.43/Doc. 19, corr 1). All three reports conclude that there have been serious violations of human rights in these countries. The United Nations Commission on Human Rights has recently issued a *Study of Reported Violations of Human Rights in Chile* (1978) (E/CN.4/1266) and the government of Chile's response (E/CN.4/1290). Again, the United Nations report concludes that there remain critical areas of violations of human rights and fundamental freedoms.

United States documents are also useful. *Human Rights Issues at the Seventh Regular Session of the Organization of American States General Assembly* (1977) (Y 4.In 8/16: H88/8/977) notes that the session was marked by an extensive debate on the importance of human rights. In a speech titled *Human Rights and OAS Reform* (1977) (S 1.106: V 28/8), Cyrus Vance reports that the United States sees human rights and OAS structural reform as the two most important issues before the Organization of American States.

United States Foreign Policy and Human Rights

In 1973, Congress began an extensive series of hearings on human rights and United States foreign policy; these hearings and committee prints are available in

the House Committee on International Relations series (Y 4.In 8/16: H88/ (no.)). Many of the reports involve in-depth consideration of human rights in individual countries: the Philippines, Africa, South Korea, Chile, Iran, India, Cambodia, Uganda, the Soviet Union, and others. *Country Reports on Human Rights Practices* (1978) (Y 4.In 8/16: H88/27) is prepared annually for Congress by the Department of State in fulfillment of the annual reporting obligations of the Foreign Assistance Act of 1961.

A recent Congressional hearing, *Human Rights and U.S. Foreign Policy: a Review of the Administration's Record* (1977) (Y 4.In 8/16: H88/28) includes testimony of the Department of State, the Agency of International Development, the Department of Defense, and Treasury officials, as well as a U.S. policy brief prepared by the Congressional Research Service. The brief explores the key question that has been much debated in the government—should another government's treatment of its own people be an important factor in U.S. foreign policy formation?

The Congressional Research Service has also prepared two other recent reports for Congress: *Human Rights in the International Community and U.S. Foreign Policy 1945-76* (1977) (Y 4.In 8/16: H88/20/945-976) provides an excellent summary of the history of the international human rights effort and U.S. foreign policy. Historically and at present, human rights compete with other foreign policy considerations—namely, national interests and what may be most advantageous to the nation-state. *Human Rights Conditions in Selected Countries and the U.S. Response* (1978) (Y 4.In 8/16: H88/30) is an independent set of studies of human rights practices in nineteen countries, which provides a useful contrast with U.S. State Department *Country Reports*. The report also addresses issues of adequacy of data, relative severity of violations, and reasonable expectations for countries with differing cultural traditions.

The *U.S. Department of State Bulletin* (S 1.3: (year) (no.)) regularly contains articles and speeches by government officials and is useful for keeping abreast of events in U.S. foreign policy. *CQ Weekly Report* (v.36, no.31, August 5, 1978) published a

special report on "Human Rights: Getting Through a Policy Maze." The article outlines the president's basic policy goals; the right of persons to be free from torture and similar abuses by governments, to fulfill their basic needs, including food and shelter, and to enjoy civil and political liberties. However, the article notes that the United States may have too many different foreign relationships and competing policy objectives—need for U.S. defense bases, jobs, trade, and the support of the U.S. economy—to make addressing human rights abuses in other countries consistently a first priority of U.S. foreign policy. President Carter appears to be relying on moral persuasion in influencing world opinion.

On February 23, 1978, President Carter sent four human rights treaties to the Senate for ratification: the two United Nations international covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, and the American Convention on Human Rights. Hopefully, Senate ratification will take place soon. It is long overdue. *Four*

Treaties Pertaining to Human Rights (1978) (Y 1.95/2: C-F/corr) contains President Carter's letter of transmittal in which he names the United States as one of the few large nations not yet a party to the three United Nations human rights treaties.

Beset with contradictions as the U.S. human rights foreign policy is, yet the human rights initiative augurs well for the future. As Davidson Nicol so aptly notes, "Leaders in international organizations are an elite, but an elite devoted to ideals. The important thing for such leaders, in positions of power and influence, is to ensure that all people are given the opportunity for growth and are helped to reach their utmost potential . . . attitudes must be changed and are difficult to change."²

REFERENCES

1. A. H. Robertson, "The Right to Culture: Human Rights and Culture," *Cultures* 5, no.1:23 (1978).
2. Davidson Nicol, "Men and Women Said Different but Equal," *U.N. Monthly Chronical* 15, no.8:56 (Aug.-Sept. 1978).

Statistics Preconference

The Reference Statistics Committee of the Library Administration and Management Association Statistics Section is sponsoring a preconference Friday and Saturday, June 22 and 23, on "Using Statistics to Analyze Library Services." Dr. Gail Schlachter, assistant university librarian for public services at the University of California, Davis, will present the workshop, which will be held in one of the downtown conference hotels. Attendance is limited to 100.

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