

# HUMAN RIGHTS DOCUMENTATION

MYRNA S. FELICIANO\*

## I. Introduction —

Studies on international human rights had amorphous beginnings before 1945, which gradually evolved into an intricate but "untrodden area of systematic research."<sup>1</sup> This is largely attributed to the adoption of the United Nations Charter which sets forth the international protection of human rights as a basic purpose. The proclamation of the Universal Declaration of Human Rights by the United Nations General Assembly in December 10, 1948, provided the impetus for the development of new rules of international law defining in specific terms, individual rights and freedoms.<sup>2</sup> The result is not only a substantial and rapidly developing body of law, both substantive and procedural, that has called for a systematic scholarly analysis but a bibliographic output on the subject which has reached alarming proportions to what is now being referred to as "the human rights documentation explosion."<sup>3</sup>

At present, the international organizations, such as the United Nations, the United Nations Educational, Scientific and Cultural Organizations (UNESCO), the World Health Organization (WHO), the International Labour Organization (ILO), and regional bodies such as the Council of Europe, the Organization of American States (OAS), and the Organization of African Unity (OAU), are producing vast literature on their human rights activities which are

\* *Law Librarian and Professorial Lecturer, University of the Philippines College of Law.*

<sup>1</sup> MOSKOWITZ, *THE POLITICS AND DYNAMICS OF HUMAN RIGHTS* 98-99 (1958).

<sup>2</sup> The Declaration amplified two basic categories of rights: economic, social and cultural rights, and civil and political rights. This was subsequently followed by international instruments such as the Convention on the Prevention and Punishment of the Crime (adopted December 9, 1958 and entered into force, January 15, 1951); International Convention on Elimination of All Forms of Racial Discrimination (adopted November 21, 1965 and entered into force, January 4, 1969); International Covenant on Economic, Social and Cultural Rights (adopted December 16, 1966 and entered into force, January 3, 1976); the International Covenant on Civil and Political Rights (adopted December 16, 1966 and entered into force, March 26, 1976); the Optional Protocol to the International Covenant on Civil and Political Rights (adopted December 26, 1976) and the Helsinki Agreement (adopted August 1, 1975).

<sup>3</sup> T.H. Reynolds, "Highest Aspirations or Barbarous Acts" . . . *The Explosion in Human Rights Documentation: A Bibliographic Survey*, 71 *LAW LIB. J.* 1-48 (1978).

incorporated within their own documentation systems. This is also true of the United States Federal Government which has published a tremendous amount of documents according to the Superintendent of Documents classification number indicated in the *U.S. Government Publications Monthly Catalog*.<sup>4</sup> On the other hand, non-governmental organizations (NGOs), among which are included the Amnesty International, the International Commission of Jurists, the International Committee of the Red Cross, the International League for Human Rights, and the International Association of Democratic Lawyers, have developed their own methods for collecting and storing information within their own specialized areas to which there is limited access, except for the publications which they are issuing or have issued. This problem is compounded by the fact that any research in the field of human rights entails an examination of studies made in the different disciplines from a diversity of viewpoints that usually appear in documents, magazines, reports, newsletters and other ephemeral materials which are unindexed and difficult to locate. As succinctly stated by Prof. Richard P. Claude, "the current state of the art is such that the threshold problem of where to find relevant and reliable information dominates this new fledgling area of research."<sup>5</sup>

## II. *Its Current Status* —

Any human rights research commences with the national constitutions and international treaties, as they provide the standards or legal norms with which to judge the human rights conduct of any government. The national constitutions are easy to locate and the treaties could be found in the United Nations publications<sup>6</sup> or any compilation of human rights documents.<sup>7</sup> For the more recent collection of international instruments on the subject and its repertoire of practice, there are two publications, James Avery Joyce's *Human Rights: International Documents*<sup>8</sup> and Max E. Tardu's *Human Rights: The International Petition System (A Repertoire of Practice)*,<sup>9</sup> both published by Oceana Publications.

Books, monographs and periodical articles on the topic could be located thru the regularly published indexes such as the *Harvard*

<sup>4</sup> Washington, D.C., U.S. Government Printing Office 1895—

<sup>5</sup> R.P. Claude, *Reliable Information: The Threshold Problem for Human Rights Research*, 6 HUMAN RIGHTS 169 (1971).

<sup>6</sup> Examples are the U.N. COMPILATION OF INTERNATIONAL INSTRUMENTS (1978) 130 p., the U.N. General Assembly Official Records and the U.N. Treaty Series.

<sup>7</sup> I. BROWNIE, BASIC DOCUMENTS ON HUMAN RIGHTS 531 (1971).

<sup>8</sup> N.Y., Oceana, 1978—3v.

<sup>9</sup> N.Y., Oceana, 1979-80. 2 out of 3 projected Binders. Looseleaf.

*Current or Annual Bibliography*,<sup>10</sup> the *Index to Legal Periodicals*,<sup>11</sup> the *Index to Foreign Legal Periodicals*,<sup>12</sup> *Index to Current Periodical Articles Related to Law*,<sup>13</sup> *Index to Canadian Legal Periodical Literature*,<sup>14</sup> *Current Law Index*,<sup>15</sup> *Szladi A Bibliography on Foreign and Comparative Law*,<sup>16</sup> *Public International Law: A Current Bibliography of Articles*,<sup>17</sup> *Index on Censorship*,<sup>18</sup> *Social Sciences Index*,<sup>19</sup> *Public Affairs Information Service*,<sup>20</sup> *Readers Guide to Periodical Literature*,<sup>21</sup> *International Political Science Abstracts*,<sup>22</sup> and the newspaper indexes such as the *New York Times Index*<sup>23</sup> and the *Times (London) Index*.<sup>24</sup>

There are bibliographies on human rights which are published separately or appended to a book<sup>25</sup> or periodical article.<sup>26</sup> Two retrospective bibliographies are the *International Human Rights: A Bibliography, 1970-1976* (1976) and the *International Human Rights Bibliography, 1965-1969* (1976) which are compiled by W. Miller and published by the University of Notre Dame Center for the Study of Human Rights. These two materials list articles in journals and collections on human rights but are limited to English language publications. The Center has plans of extending these bibliographies back to 1948 which would include important works in French, German and Spanish as well. A brief bibliography on the European Convention on Human Rights is the *Bibliographie Concernant la Convention Européenne des Droits de l'Homme* published by the Directorate of Human Rights, Secretariat General of the Council of Europe in 1973.

<sup>10</sup> Cambridge, Mass., Harvard Law School Library, 1961.

<sup>11</sup> N.Y., H.W. Wilson, 1908 —

<sup>12</sup> Chicago, American Association of Law Libraries, 1960 —

<sup>13</sup> N.Y., Glanville Publishers, 1958 —

<sup>14</sup> Montreal Index to Canadian Legal Periodical Literature, 1963 —

<sup>15</sup> Produced by the Information Access Corporation, 1980 — v. monthly with quarterly and annual cumulations. I have had no opportunity to examine this index and its sister publication, *Legal Resource Index* which I understand will appear on microfilm.

<sup>16</sup> N.Y., Published for the Parker School of Comparative Law, Columbia University by Oceana Publications, 1955-62. 2v. With regular supplements.

<sup>17</sup> Berlin, Springer-Verlag, 1974 —

<sup>18</sup> London, Writers and Scholars International, 1972 —

<sup>19</sup> N.Y., H.W. Wilson, 1974 —

<sup>20</sup> N.Y., PAIS Inc., 1914 —

<sup>21</sup> N.Y., H.W. Wilson, 1900 —

<sup>22</sup> Paris, International Political Science Association, 1951 —

<sup>23</sup> N.Y., N.Y. Times, 1913 —

<sup>24</sup> New Haven Conn., Research Publications, Inc., 1906 —

<sup>25</sup> For examples see M. MELTZER, *THE HUMAN RIGHTS BOOK* 167-162 (1979) and W. LAQUER & B. RUBIN, *THE HUMAN RIGHTS READER* 130-375 (1979).

<sup>26</sup> For country listing, see R. Claude, *op. cit. supra*, note 5 at 175-187. For an excellent bibliographic survey, see T.H. Reynolds, *op. cit. supra*, note 3. See also H.A. Hood, *Human Rights Research in Periodicals: A Bibliographic Note*, 13 VAND. J. TRANS. L. 519-527 (1980).

There are two current publications which contain bibliographic entries for print materials. One is the *Checklist of Human Rights Documents* which is published monthly since 1976 by the Tarlton Law Library of the University of Texas and considered as the essential bibliographic tool for researchers in human rights. Particularly strong in U.N. and inter-governmental organization documents, there are entries also for the publications of non-governmental organizations and national governments, monographs, journal articles, scholarly conference papers and special studies. Its only limitation is that the issues are non-cumulative and the entries are not annotated. The other research tool is the *Human Rights Internet Newsletter* which is distributed by the Human Rights Internet, an international communications network and clearinghouse on human rights. Published nine times a year and described as more journalistic than bibliographic, it documents current human rights developments in all areas of the world. It provides systematic information about the research of scholars, human rights publications and unpublished reports, conferences and seminars, and teaching resources. It is similar to the *Checklist* in that it is non-cumulative which means that an extensive scanning of individual issues is required.

Among the periodicals dealing on human rights, the more important are the *Columbia Human Rights Review*,<sup>27</sup> *Human Rights Journal*,<sup>28</sup> the *Human Rights*,<sup>29</sup> the *Human Rights Review*,<sup>30</sup> the *Universal Human Rights*,<sup>31</sup> the *Rights of Man Bulletin*,<sup>32</sup> a *Chronicle of Current Events*; *A Journal of the Soviet Human Rights Movement*,<sup>33</sup> the *ICJ Review*,<sup>34</sup> the *Freedom at Issue*,<sup>35</sup> the *Human Rights Bulletin*,<sup>36</sup> and the *SMOLOSKYP: A Quarterly Publication Dealing with Human Rights and Eastern Europe*.<sup>37</sup>

The *North American Human Rights Directory, 1980*<sup>38</sup> lists 90 major non-governmental and 17 inter-governmental organizations.

<sup>27</sup> N.Y., Columbia University School of Law. v. 1, 1967-68-

<sup>28</sup> Strasbourg, Institute of Human Rights. v. 1, 1968-

<sup>29</sup> Chicago, American Bar Association Section of Individual Rights and Responsibilities, v. 1, 1970-

<sup>30</sup> J.E.S. Fawcett, ed. London, Oxford Journal, v. 1, 1976-

<sup>31</sup> Richard P. Claude, ed. College Park, University of Maryland, v. 1, 1979-

<sup>32</sup> N.Y., International League for Human Rights, v. 1, 1974-

<sup>33</sup> London, Amnesty International. v. 1, 1968-

<sup>34</sup> Geneva, International Commission of Jurists. v. 1, 1969-

<sup>35</sup> N.Y., Freedom House, 1970 — There is a yearly publication which contains comparative surveys and country summaries entitled FREEDOM IN THE WORLD, POLITICAL RIGHTS AND CIVIL LIBERTIES which cumulates the Freedom at Issue.

<sup>36</sup> Geneva, United Nations, No. 1, 1969-

<sup>37</sup> Ellicott, Maryland, Helsinki Guarantees for Ukraine Committee and Ukrainian Information Service, 1978 — which is a publication I have not examined but mentioned in Hood, *op. cit. supra*, note 26 at 525.

<sup>38</sup> Compiled by Laurie S. Wiseberg and Harry M. Scoble, Washington, D.C., Human Rights Internet, 1980. 181 p. The two other directories are the HUMAN

It has also identified nearly 500 U.S. and Canadian-based organizations involved in human rights and similar concerns. It is interesting to note that there are only nine university-sponsored centers and programs which include the University of Maryland Center of Philosophy and Public Policy, the Center for the Study of Human Rights at Columbia University, the University of Notre Dame Center for the Study of Human Rights, the Georgetown University Law Center's Centro de Inmigracion, the International Human Rights Internship Program at the University of Minnesota, the Urban Morgan Institute for Human Rights and the Woodstock Theological Center. Other international institutes which are primarily geared to the teaching and research on human rights are the African Institute of Human Rights at Dakar, Senegal and the International Institute of Human Rights founded by Rene Cassin in 1969 at Strasbourg, France.

Forthcoming projects of the Human Rights Internet are the *European Directory of Human Rights Organization*, the *Directory of Human Rights Organizations based in Africa, Asia, the Middle East, Latin America and Caribbean*, the *Who's Who in International Human Rights*, the *Syllabi for the Teaching of Human Rights*, and the *Human Rights Research Manual*.

### III. Problems in Collection Development and Documentation —

A preliminary survey of international human rights resources in the United States was undertaken in the early part of 1979.<sup>39</sup> Funded by the Ford Foundation, questionnaires were fielded to 200 U.S.-based NGOs which had relevant human rights holdings and to 140 libraries (60 of which were law school libraries or special law libraries and 80 of which were libraries of colleges, universities or major institutes). Out of these 150 libraries, only 54 completed the questionnaires.

The library survey revealed the following findings:<sup>40</sup>

1) In the classification schemes for cataloging international human rights materials, majority of the libraries surveyed either relied on the Library of Congress System supplemented by the SUDOC (U.S. Superintendent of Documents for U.S. government docu-

RIGHTS ORGANIZATIONS AND PERIODICALS DIRECTORY issued biennially by the Meiklejohn Civil Liberties Institute at Berkeley, California and the HUMAN RIGHTS ACTION GUIDE which is published annually by the Coalition for a New Foreign and Military Policy at Washington, D.C.

<sup>39</sup> L. Wiseberg & R. Greenfield, *Human Rights Resources in the United States*, in HUMAN RIGHTS INTERNET, 1980 NORTH AMERICAN HUMAN RIGHTS DIRECTORY 126-142 (1980).

<sup>40</sup> *Ibid.*, p. 134-136.

ments) and the U.N. documentation system or the use of an in-house classification for international human rights materials. Some libraries utilized a combination of the Dewey Decimal classification and a relatively late adoption of the Library of Congress scheme.

Significantly, it should be noted that only 7 libraries indicated that the location of relevant holdings could be attained by using the key words "international human rights" while 87% of the libraries suggested the need for supplementary key words.

2) Librarians were hard-pressed to distinguish international from domestic human rights materials and thus, could not make an estimate of what is in their collections that would be considered as international human rights. An example of this is the lack of clarity concerning what journals should be classified as international human rights journals.

3) Little attention has been given to fugitive materials, press clippings, unpublished materials (e.g., conference papers, dissertations, diaries, letters, private papers of individuals, etc.) and audiovisual materials. This may be attributed to the fact that the law school libraries and libraries which form part of academic institutions have an acquisition policy which would exclude the collection of new sheets, ephemeral materials, etc.

As to the NGO survey, the pilot study indicated that most of the NGOs maintained files of the type of materials that conventional libraries do not collect, i.e. fugitive or ephemeral materials but their files are not open to the general public in view of the confidential nature of their files and the lack of facilities and staff to service their collection. Also, the NGOs have been unable to maintain bibliographic control over their holdings since they do not have the financial resources to hire a documentalist. Lastly, many NGOs have non-permanent status in that they usually are organized in response to a crisis and often disappear after that certain crisis is over, or they may have been so crisis-oriented that they often fail to maintain control even over their own publications.<sup>41</sup>

The survey stressed the inadequacies and inconsistencies of the Library of Congress classification scheme as it pertains to materials on international human rights. It indicated also the deficiencies of the Library of Congress Subject Headings List and the Legislative Indexing Vocabulary Thesaurus (LIVT) which are used in the computer-based SCORPIO system. The study criticized these systems

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<sup>41</sup> *Ibid.*, p. 140-1.

as overly broad for the purpose of identifying international human rights materials so that the information retrieval aspect from a user viewpoint has been made difficult.<sup>42</sup>

From this twin-survey, Wiseberg and Greenfield concluded that: (1) there are few specialized human rights collections in the United States; (2) the resources of the Library of Congress and many other good libraries are vast, but the accessibility of human rights materials scattered throughout the collections is exceedingly difficult because of structural factors; (3) conventional libraries are exceedingly poor with respect to "fugitive" or "ephemeral" materials; (4) the best collections of such materials are housed by the NGOs which however remain inaccessible because these are not open to the public and poor bibliographic control is being maintained over these materials; (5) with the exception of commercially available press clipping services, press clipping files on current international human rights issues are also to be found in the offices of the NGOs; (6) neither NGOs nor conventional libraries systematically collect or maintain non-conventional resources such as films, slide-shows, tapes or oral histories; (7) there is a need for a human rights resource guide for librarians and scholars; and that (8) there is a clear need for strengthening the human rights resource centers in the United States and an equally urgent need for developing a new indexing language.<sup>43</sup>

The Center for the Study of Human Rights at Columbia University has initially developed a materials' classification system which consists of 99 topics arranged alphabetically and within each subject, by author. An initial observation of this scheme is the difficulty of approaching it from a geographical standpoint, the inadequate cross-references and the overlapping of some topics. However, if we compare it with the list of 42 Library of Congress subject headings and the list of 51 LIVT for use with SCORPIO system, it a definite improvement.

#### IV. *Need for a Systematic Documentation and Acquisition of*

##### *Materials —*

The need for a monitored documentation is as imminent as the constituency for human rights, *i.e.*, the number of concerned persons and governments worldwide. This is clearly growing, as claims

<sup>42</sup> The LIVT used in the SCORPIO System constitutes an entirely separate and independent indexing system used primarily for periodicals, government publications and legislative developments of interest to the U.S. Congress. *Ibid.*, p. 137-139.

<sup>43</sup> *Ibid.*, p. 142.

for international equity are simultaneously being reflected in claims for domestic justice as well as the need for deepened perceptions and investigations.<sup>44</sup> Because of the realization that there is a need to improve the reliability, comprehensiveness and accessibility of human rights information across the broad spectrum of economic, social, cultural, political and civil rights, a group of persons working within relevant organizations and institutions met in 1978 and later in April, 1979 in Chaumontal, France under the auspices of the Ford Foundation. The consensus of the meeting stressed the need for an international documentation service which would be non-governmental in structure, independent in operation and international in scope. A working group was constituted composed of Martin Ennals (Amnesty International), Asbjorn Eide (Norwegian Peace Research Institute), Hans Thoolen (International Commission of Jurists), Friederike Knabe (Amnesty International) and Laurie Wiseberg (Human Rights Internet), all serving in their individual capacities. As a result of their consultations with several experts in the human rights field, the working group has drafted a "Memorandum" on the establishment of an International Documentation Service called the HURIDOCs. In preparing the said Memorandum, the working group was guided by the following principles:<sup>45</sup>

- a) The system must be universal in concept and multicultural in its support.
- b) All human rights covered by the International Covenants should be potentially included in the system.
- c) All the information handled within the system should be public.
- d) No attempt should be made by the system to create information by research or to evaluate information provided other than by definition of sources.
- e) No elaborate new international organizations should be established and the purpose must be to link existing centers of information and research.

As envisioned by the said working group, the documentation service would be utilized to provide information openly to appropriate interested bodies, *i.e.*, inter-governmental organizations, non-

<sup>44</sup> See T. Buergenthal & J.V. Torney, *Expanding the International Human Rights Research Agenda*, 23 INTERNATIONAL STUDIES Q. 321-334 (1979) where the authors have identified ten research needs in the area of international human rights.

<sup>45</sup> *Huridocs: A Project to Consider The Establishment of a Human Rights International Documentation Service*, 5 HUMAN RIGHTS INTERNET NEWS-LETTER 1, 10-11 (March-April, 1980).



governmental organizations, researchers, the press, governments as well as individuals. The structure of service is such that it would include a "nucleus" or coordinating unit, regional centers, and participants in the network which will be the various organizations and institutions. Apart from the informational work that these participants are already doing, they will be contributing to the service by making references of relevant information collected by them according to a standard form. These references will be stored and systematized by the nucleus and would be available for all kinds of inquiries while the contributing participants will then make available the body of information to which the reference is made. The nucleus would also be a stimulus to closer cooperation within a loose network of human rights-oriented organizations. On the other hand, the regional links will be carrying out research and documentation concerning various categories of human rights within their region and would assist in the identification, collection and servicing of documents, as well as in the indexing of them. In line with this function, it will be a primary concern of the documentation service to collect references to and index primary resources which would include human rights instruments, decisions and other legal practices relating to human rights; the information which describes actual reality; and policies pursued in order to change reality in relation to specific human rights areas. Thus the collecting function of any library who is interested in being part of the network should be towards the acquisition of materials in the following categories:

- 1) Legal documents (constitutions, statutes, court decisions, administrative rules, and treaties).
- 2) Official documents of international organizations pertaining to human rights.
- 3) Official documents of inter-governmental organizations.
- 4) Documents published by non-governmental organizations.
- 5) Specialized subject literature (books, monographs, studies, theses and periodical articles).
- 6) Condensed current information (*e.g.*, Keesing's *Contemporary Archives*, *Facts on File*).
- 7) Bibliographies, indexes, abstract journals.
- 8) Statistical works, area handbooks encyclopedias, digest.
- 9) Clippings and SDI services.
- 10) Fugitive materials.
- 12) Microfilm collections.

Since there is already in existence a wide range of organizations and institutions which perform part of the tasks mentioned above, their services would be utilized in this endeavor. However, this does not preclude any organization or library from joining the network.

Therefore, the documentation nucleus which is being proposed will not be an organization for action and neither will it be an independent instrument for the implementation of human rights for its purpose is not, by its own action, to bring pressure to bear on governments or inter-governmental agencies, or to influence public opinion but to substantially improve the task of the voluntary organizations, the press, and other interested groups and individuals. The nucleus will not be an educational institution since it will not be used directly for instructing people about the norms, the reality, and the implementation of human rights but, again will assure the educators who would want to know where relevant information could be found. It is not also the intention that the documentation nucleus would be functioning as a research institution for it would not be analyzing existing information or formulating theoretical propositions concerning the human rights systems and their relation to reality although there will be in the network, research institutions which will be performing this function and which will themselves contribute to the information in the documentation service and benefit from it.<sup>46</sup> Thus, it could be seen that although the functions of the documentation nucleus will be limited in function, nonetheless, the service would be able to provide information on all the internationally recognized human rights, specifically, their content, their implementation, and the gap between the norms and reality.

#### V. Conclusion —

From the above proposal, one could easily perceive that the first priority in such a documentation service is the compilation of an indexing language. Various peoples all over the world have different perceptions of the concept of human rights. This arises naturally from the interaction of their beliefs, prejudices, and patterns of thought, their cherished values and enlightened impulses, their objective needs and reasoned interests, their national pride, patriotism, and ideological conviction. Nevertheless, the compilation of a human rights thesaurus could be achieved only with the full cooperation of scholars, researchers and in particular, the law librarians who in their role as receivers and transmitters of knowledge would provide the necessary impetus in this endeavor.

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<sup>46</sup> *Ibid.*