

# Report on SCIENCE & HUMAN RIGHTS

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## UN Committee Declares Water a Human Right

“Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.”

With these words, the United Nations Committee on Economic, Social and Cultural Rights (CESCR or the Committee) took the historic step of declaring a human right to water for personal and household use in General Comment No. 15 on the Right to Water, which it adopted in November 2002. A General Comment is a document that provides interpretive guidance to assist States parties in meeting and reporting on their obligations under the Covenant.

One of the premises of human rights is that every human being has a right to those things that are essential to human life. Among those fundamentals are clean air, food, safe water, housing and clothing. However, air and water are not mentioned in the International Covenant on Economic, Social and Cultural Rights (ICESCR or the Covenant). At the time the International Covenant was drafted, in the 1950s, clean air and water were so abundant that it may not have occurred to the drafters that they needed to write them explicitly into the Covenant.

Fresh water is no longer abundant, and there is widespread awareness of issues of water quantity, quality and distribution. More than one billion people in the world do not have access to a basic water supply and an estimated 2.4 billion lack access to adequate sanitation. Unless effective action is taken, these trends will continue and further exacerbate a precarious situation. Water was a major theme at the recent

World Summit on Sustainable Development in Johannesburg, and the United Nations has declared 2003 the International Year of Freshwater. In March 2003, a major international conference—the Third World Water Forum—will take place in Kyoto, Japan.

Because their right to water does not appear in the Covenant *per se*, the Committee derived the right from its interpretation of other provisions, locating it in Articles 11 (the right to an adequate standard of living) and 12 (the right to health). The General Comment deals with adequate

water for personal and domestic purposes, defining adequacy in terms of factors such as availability, accessibility, quality and quantity.

In simplified terms, a human right imposes legal obligations on states to respect, protect, and fulfill the normative content of the right, and to do so in a way that reflects the fundamental human rights principles of equality and non-discrimination. States must give special attention to the needs of marginalized and vulnerable people. In economic, social and cultural rights, every human being has a claim on

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## AAAS Celebrates 25 Years of Science and Human Rights

On December 10, 2002, International Human Rights Day, the AAAS Science and Human Rights Program (SHR) organized a program to celebrate its 25th anniversary. The Science and Human Rights Program grew out of the Clearinghouse on Science and Human Rights, which was established in 1977 by the AAAS Committee on Scientific Freedom and Responsibility. Dr. John Edsall, the eminent Harvard scientist and founder of the Committee, believed that scientific associations “have not only a right but a responsibility to concern themselves with the defense of human rights of scientists.” Documenting and publicizing cases of abuses of scientists in other countries continued to be priorities when the Clearinghouse was transformed into the Science

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At its 25th anniversary celebration, the Science and Human Rights Program honored Dr. Richard Claude, pioneering human rights educator and author of the recently published book *Science in the Service of Human Rights*.

# AAAS Hosts Roundtable on Traditional Knowledge

On December 14, 2002, the Science and Human Rights Program hosted a roundtable on traditional knowledge and intellectual property at World Intellectual Property Organization (WIPO) headquarters in Geneva. The roundtable, a collaborative effort with Franciscans International, a Geneva-based NGO, took place after a week of debate in the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore (IGC). Approximately twenty-five participants, representing NGOs, funding organizations, academia, WIPO member-states, indigenous organizations, and the WIPO secretariat, attended. This was the first time that the NGO observers had been brought together

with the WIPO secretariat and member-state delegates for informal discussions of WIPO's work on traditional knowledge.

The roundtable was moderated by SHR Senior Program Associate Stephen Hansen. SHR staff member Justin VanFleet made a presentation on the application of existing intellectual property (IP) protections to traditional knowledge and introduced the "AAAS Handbook on IP Management and Methodologies." The handbook, co-authored by Hansen and VanFleet, will be published in 2003.

In 2000, the WIPO General Assembly established the IGC to explore topics related to the protection of traditional knowledge. The IGC serves as a forum for dialogue among the various bodies in

WIPO on issues at the intersection of traditional knowledge and intellectual property. Although not a legislative authority, the IGC can make suggestions and recommendations to other WIPO bodies.

The fifth and final IGC is scheduled for June 2003. After the final IGC meeting, traditional knowledge activities are likely to continue in the form of working groups focused on specific tasks.

SHR will continue to collaborate with the WIPO secretariat on the human rights components of intellectual property and traditional knowledge. For more information on the IGC, visit: <http://www.wipo.int/globalissues>. ♦

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## *Water, continued from page 1*

the state to meet its minimum core obligation with respect to that right, through direct provision if other means are not available. Human rights also provide forms of recourse and redress if a state violates its obligations.

The international human rights system has weaknesses, notably in its lack of effective enforcement mechanisms. Still, the existence of human rights gives people legal claims, and as they press their claims and come to believe in their rights, they begin to make the rights real.

### Participation of AAAS and Other NGOs

The Committee on Economic, Social and Cultural Rights has traditionally been receptive to participation in its work by non-governmental organizations. As in other parts of the UN system, the resources of the Office of the High Commissioner for Human Rights are scarce, and the involvement of NGOs has been very useful to the Committee in leveraging these scarce resources.

The Committee had the assistance of academic, UN, NGO and other experts in

drafting and reviewing the General Comment on water. The Science and Human Rights Program and in particular its Director, Audrey Chapman, have a longstanding relationship with the Committee and have worked with it on similar initiatives.

The Committee sent SHR a draft of General Comment No. 15 in October 2002, with a request to review it and provide feedback. Believing that the combined input of environmental, human rights and community development NGOs would be most useful in providing recommendations on a topic like water that touches all these areas, SHR

organized an informal consultation of about a dozen NGOs to discuss the draft and make recommendations. The consultation took place on October 30. SHR collected and synthesized the recommendations in a document that was sent to the drafters in November. Audrey Chapman attended the CESCR's session in November, participated in a general discussion and assisted with the final drafting of the General Comment. Input from the NGO consultation

organized by SHR is reflected in the final document in a variety of ways, including the emphasis on sanitation and on community participation in decision-making.

Awareness is growing in the human rights and environmental communities of the extent of their common ground. Human rights like health and food cannot meaningfully be understood without taking account of their environmental dimensions, and

human rights mechanisms can be invoked to protect the environment. Formal acknowledgment that adequate and accessible water of acceptable quality for personal and domestic

use is a human right is a major step forward in strengthening these connections and ensuring that all people have access to the water they need for their survival. ♦

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# Conference Brings Together Social Scientists to Discuss Truth Commissions

In recent years, truth and reconciliation commissions have become popular tools for newly elected democratic governments to address past periods of human rights violations, consolidate democracy, and heal the wounds of the past. In the last twenty years, more than twenty truth commissions have been established in such diverse countries as Argentina, Chile, Nigeria, South Africa and East Timor, and commissions are currently operating in Peru, Ghana, and Sierra Leone.

Truth commissions have also become a popular subject for researchers and international policy analysts in the developing field of transitional justice. Much of the early literature has taken a descriptive approach. However, new research has begun to use empirical social science methods to examine the impact of truth commissions on their societies.

In November 2002, the AAAS Science and Human Rights Program and the South African-based Centre for the Study of Violence and Reconciliation co-organized a conference in Stellenbosch, South Africa, which brought together transitional justice researchers to discuss design and methodological issues in empirical studies of truth commissions. Sixty social scientists from a variety of disciplines, including political science, statistics, criminology and sociology, attended the conference.

In his welcoming remarks, CSVR Director Graeme Simpson outlined the goals of the conference and set the tone for the three days of reflection and discussion, saying that “this conference is vital because of the demand it represents that our research must be rigorous and empirically defensible, not merely for its own sake, but because of the forward-looking

policy implications and interventions that this facilitates both within and between countries.”

The conference featured three days of thematically oriented sessions. During the first day, keynote speakers Neil Kritz, Director of the Rule of Law Program at the United States Institute of Peace, and Brandon Hamber of Democratic Dialogue in Northern Ireland addressed the relevance of research in making policy determinations and the transferability of lessons learned, respectively. The afternoon session was devoted to clarifying the key concepts of “truth,” “justice,” and “reconciliation.”



Conference participants Jeffrey Sonis, Univ. of North Carolina-Chapel Hill; Tony Reeler, Amani Trust, Zimbabwe; and Lazarus Kgalema, CSVR, South Africa discuss victim studies.

The following two days were dedicated to panel discussions on specific methodologies currently in use to assess transitional justice mechanisms. Panelists from a variety of countries and academic backgrounds discussed the relevance, usefulness, challenges, and limitations of public opinion surveys, institutional impact assessments, perpetrator and victim studies, community studies, and comparative analyses.

The conference gave participants an opportunity to examine the different methodologies from a wide range of perspectives. While it is clear that no one method is appropriate in all circumstances, each of the methodologies has advantages and disadvantages when used to study particular social phenomena. The conference highlighted the need for further discussion on how researchers can best use social science methods in their work.

Several of the participants were concerned with how to make their research more relevant and influential, not only in the area of policy-making, but also for sharing their findings with the victims and

survivors who participated in their studies. There is a critical need to bring this information back to the community so that people have an opportunity to make sense of their individual experiences in a larger context, and use the research results in their efforts to lobby for further truth and justice in their respective societies.

The conference also highlighted the need to reinforce the many international partnerships and networks that were formed and engage in cooperative research and comparative studies. New, more holistic investigations are needed into underexplored areas such as the role of judiciaries, multinationals, and other governments in human rights abuses; the attitudes and needs of people who choose not to participate in transitional justice mechanisms; the experiences and needs of children, youth, and women; and the ways in which political violence becomes part of criminal networks.

The full agenda of this conference is available online at <http://shr.aaas.org/mtjm>. Selected papers will be published in an edited volume.♦

## Now Available:

**2003 Directory of Persecuted Scientists, Engineers, and Health Professionals:** AAAS Science and Human Rights Action Network Alerts From June 2001 - December 2002

To order, please contact the AAAS Distribution Center at:

P.O. Box 521  
Annapolis Junction, MD 20701  
Tel: (800)222-7809

The Directory is \$5.00. In the US, shipping and handling is \$4.00 for the first item. Add \$1.00 for each additional item in the order. For non-US orders, shipping and handling is 25 percent of the total order.

and Human Rights Program in 1989.

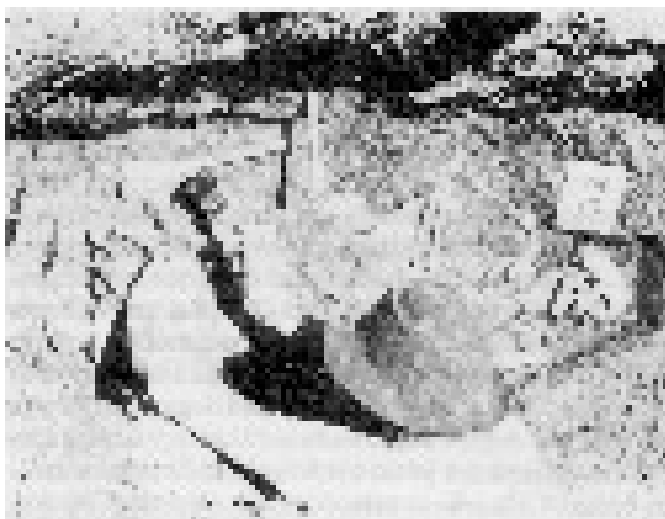
Through the years the Program has continued to carry out human rights documentation and advocacy in three areas: (1) violations of scientific freedom and the professional rights of scientists; (2) violations of the human rights of scientists in their capacity as citizens; and (3) participation by scientists in practices that infringe upon the human rights of others. Begun in 1993, the AAAS Human Rights Action Network (AAASHRAN) uses email and the World Wide Web to inform subscribers of cases and developments deserving special attention and to coordinate scientists' efforts to appeal to governments on behalf of their colleagues. SHR also organizes humanitarian and fact-finding missions to investigate human rights issues; prepares documentation for Congress and other U.S. government officials and international human rights groups; and organizes programs on human rights issues related to science.

Although it is difficult to quantify the contributions of the Program to the protection of the human rights of individual scientists and scientific groups, SHR's efforts have played an important role in energizing the involvement of scientists and other scientific associations in human rights-related activities. Many of the scientists, engineers, and medical professionals for whom we have advocated have credited our efforts as contributing to their improved treatment or their release from prison.

In a recent communication, Dr. Moncef Marzouki, a former professor of public health and human rights detainee in Tunisia, explained that solidarity from outside one's group is especially welcome because it is direct proof that one's struggle is understood and appreciated. He remembered "the day I got the first message from Victoria Baxter on behalf of the American Association for the Advancement of Science. It was a happy one." He therefore asks that we keep writing letters, showing interest, and lobbying on behalf

of human rights. "It has much more effect than one can imagine. It keeps alive the light of a fire refusing to die, called human brotherhood."

In addition to these efforts to bring human rights to the science community, the Science and Human Rights Program has pioneered the application of a variety of scientific methodologies to protect and promote human rights. In 1984 when Argentina had recently returned to civilian rule, President Raul Alfonsín and the Mothers of the Plaza de Mayo, a nongovernmental human rights organization, requested the help of the Program in exhuming the mass



In the 1980s, AAAS sent forensic scientists to Argentina to conduct training on identifying skeletal remains.

graves of victims of Argentina's "dirty war" and conducting genetic tests to try to identify the children stolen from former dissidents and adopted by supporters of the previous regime. SHR responded by sending a delegation of American forensic and genetic scientists to Argentina. This first mission led to a major AAAS initiative to apply forensic sciences to the investigation and documentation of human rights violations and to provide this evidence to courts and special commissions of inquiry. In the course of these efforts, the Program established, trained, and supported the work of teams of forensic anthropologists in Argentina and Guatemala.

Since the mid-1990s, SHR has actively developed and applied new statistical and information management techniques appropriate to dealing with large-scale

human rights violations. Human rights organizations and commissions increasingly undertake projects that require an understanding of large-scale violations, such as mass killings and genocide, deportations and ethnic cleansing, and systematic detention and torture. However, the usual tools of human rights documentation are inadequate for dealing with such phenomena. In order to understand large-scale violations, human rights groups need to be able to collect, organize, and analyze massive amounts of information. SHR has developed technical and scientific methodologies for dealing with large-scale violations

and has provided technical assistance and training to truth commissions, tribunals, ombudsmen, and non-governmental organizations in Guatemala, Haiti, Honduras, South Africa, Cambodia, East Timor, Kosovo, Sierra Leone and Sri Lanka.

The Program has also developed methodologies for monitoring human rights and identifying violations, along with resource materials on how to use them. There has been increasing awareness in recent years that the ability to undertake systematic monitoring of the major international human rights instruments is central to evaluating the performance of states and holding them accountable for violations of these rights.

SHR has focused its efforts on developing new methodologies and resources for monitoring economic, social and cultural rights; in the process it has played a major role in shaping the approaches and monitoring strategies of other human rights organizations and of the UN Committee on Economic, Social and Cultural Rights.

In the past 25 years, SHR has amply demonstrated that just as human rights are indispensable to the conduct of science, science is equally necessary to the promotion and protection of human rights. We are committed to promoting this critical two-way linkage between science and human rights in the years ahead. ♦

# Staff Updates

In addition to giving numerous talks at scientific, technical, and human rights meetings and getting the Human Rights Data Analysis Group (see page 6) up and running, **Patrick Ball** traveled twice to Sierra Leone to work with the Truth and Reconciliation Commission there. He helped the Commission plan the data collection process and make a preliminary assessment of the first 1,320 statements they have collected.

**Audrey Chapman's** article on the human rights dimensions of intellectual property was published in the December issue of the *Journal of International Economic Law*. She co-organized the conference on empirical methodologies for studying the impact of transitional justice mechanisms, which took place in Stellenbosch, South Africa in mid-November, and made a presentation at the conference on approaches to research on reconciliation (see page 4). In November, she attended part of the fall session of the UN Committee on Economic, Social and Cultural Rights to participate in the discussions related to drafting a general comment com-

ment on the human right to water (see page 1).

**Victoria Baxter** recently published the 2003 edition of the *Directory of Persecuted Scientists, Engineers, and Health Professionals*. Baxter also continued her work on transitional justice, organizing the international meeting in South Africa, which is described in the article on page 4.

**Stephen Hansen** and **Justin VanFleet** spoke at the U.S. Patent and Trademark Office TechFair in August, on the role of traditional knowledge as prior art in the patent examination process. At the December 2002 WIPO Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, Hansen chaired a roundtable on traditional knowledge and VanFleet made a presentation on the application of the existing intellectual property framework to traditional knowledge systems.

**Sage Russell** organized the NGO consultation to discuss draft General Comment 15 on the Right to Water. *Exploring the Core Content of Socio-economic Rights:*

*South African and International Perspectives*, a book she co-edited with Danie Brand of the Faculty of Law, University of Pretoria, was published by Protea Book House in Pretoria in September 2002.

SHR welcomed two new staff members to the Human Rights Data Analysis Group (HRDAG) in fall. **Miguel Cruz**, Computer/Network Engineer, manages the technology used to gather, exchange, and analyze human rights data. Cruz has 15 years of Internet experience and has provided technical consulting for public and private institutions worldwide. He holds a B.A. from the University of Michigan and an M.A. in International Relations from Yale University. **Rafe Kaplan** is the senior developer of *Analyzer*, the next generation of database software for recording and analyzing large amounts of human rights data. Kaplan holds a B.Sc. degree in Computer Systems Science from the University of Manchester, UK. Prior to joining SHR, he worked professionally for six years writing software in New York City. ♦

## Saad Eddin Ibrahim to be Honored for Human Rights Work

Attendees of the 2003 AAAS Annual Meeting and the general public are invited to attend a reception in honor of Dr. Saad Eddin Ibrahim of Egypt.

Dr. Ibrahim is the founder and director of the Ibn Khaldun Center for Development Studies, a Cairo-based think tank that conducts research on democracy, civil society, and minority rights in Egypt. In 2000, Dr. Ibrahim was arrested on charges related to a documentary that the Center had created about voting rights and voter fraud in Egypt. The charges have been internationally condemned as politically motivated. Dr. Ibrahim has twice been found guilty in trials characterized by serious and repeated procedural irregularities.

Please join us to honor Dr. Ibrahim and his struggle.

February 15, 2003, 5:00- 6:30 p.m.  
Ballroom I, Denver Marriott City Center Hotel  
1701 California Street  
Denver, Colorado

Dr. Ibrahim will be represented by his daughter, Randa S. Ibrahim, one of the attorneys on his case, who will deliver remarks on her father's behalf.

Cosponsored by the AAAS Science and Human Rights Program, the American Sociological Association, the Committee of Concerned Scientists, and the Committee on the International Freedom of Scientists of the American Physical Society. For more information, visit: <http://shr.aaas.org>



# New Human Rights Data Initiative Begins

During the fall of 2002, the Science and Human Rights Program launched the Human Rights Data Analysis Group. We welcome Rafe Kaplan (software engineer) and Miguel Cruz (systems and networking expert) to AAAS; statistician Jana Asher will formally join HRDAG in a few months.

Together with Patrick Ball, the new staff members are developing extensive new software applications and providing technical assistance to many new projects, including the truth commissions in Ghana, Sierra Leone, and Peru, as well as to non-governmental data collection efforts looking at human rights violations in Chad.

## Human Rights Data Analysis Group (HRDAG) AAAS Science and Human Rights Program

1200 New York Avenue, NW  
Washington, DC 20005 USA  
Tel: 202 326 6790  
Fax: 202 289 4950  
Email: [hrdag@aaas.org](mailto:hrdag@aaas.org)

For more information, visit the HRDAG website:  
<http://shr.aas.org/hrdag>

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<http://shr.aas.org/report>

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The AAAS Science and Human Rights Program collects and disseminates information about scientists, engineers, and health professionals who are victims of human rights abuses or whose academic freedom is infringed. It also develops applications of scientific methods and techniques for the documentation and prevention of human rights abuses. The concerns of the Science and Human Rights Program are universal and independent of the ideology of any government or individuals it attempts to aid.

The Science and Human Rights Program is part of the AAAS Directorate for Science and Policy Programs. The Directorate and its Committee on Scientific Freedom and Responsibility monitor actions of the governments of the United States and other nations which may circumscribe the freedom of scientists or restrict their ability to exercise their professional responsibilities, and report on developments affecting scientific freedom and responsibility. ♦

Science and Human Rights Program  
1200 New York Avenue, NW, Washington, DC 20005

<http://shr.aas.org>

## Science and Human Rights Program Staff

*Program Director*  
Audrey R. Chapman

*Deputy Director*  
Patrick Ball

*Senior Program Associates*  
Stephen Hansen  
Sage Russell

*Program Associate*  
Victoria Baxter

*Computer Specialists*  
Miguel Cruz  
Raphael Kaplan  
Matthew Zimmerman

*Project Coordinators*  
Jason Sanders  
Justin VanFleet

*Director, Science & Policy Programs*  
Albert H. Teich



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