

STATISTICS AND HUMAN RIGHTS

- A FORCED MARRIAGE?

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1. Introduction

It says something about the growing confidence and audacity of our profession, that statisticians are becoming more and more prepared to expand frontiers and express opinions beyond the narrowly mathematical and quantifiable. In this we are returning to our historical roots. Maurice Kendall once described the advance of statistics as "matched only by the Colorado beetle and Attila the Hun", and as Savage (1985) pointed out, we are now moving from "hard" subjects to "hard-soft" areas such as human rights and defence. Radstats is, of course, part of this move. (Incidentally, Savage's article provides yet another "first" for Radstats, being the first ASA Presidential Address to make explicit reference to our Newsletter.)

A recent visit to the ISI Conference in Amsterdam reminded me that this excursion outside traditional boundaries is not always entirely peaceful. Human rights was on the agenda at Amsterdam: this paper describes some of what happened (the off-the-record description is even more interesting!), and makes a few general points about recent writings on statistics and human rights.

2. The ISI and human rights

The American Statistical Association (ASA) has in recent years convened formal sessions on human rights issues at its annual conferences. A similar session was announced for the ISI in Amsterdam, but was subsequently cancelled by the Bureau. A request for an Open Meeting to discuss human rights issues was also refused, lest certain members of the ISI, especially the USSR, might see unwarranted interference in internal affairs.

Nevertheless, an Informal Meeting on Human Rights was convened to fit in with two contributed papers (Jabine 1985; Muhsam 1985). The ISI Secretariat did, I understand, consider refusing to accommodate even this meeting, but a room was eventually put at its disposal.

At the informal meeting a "Panorama" film was shown, and the following main items were discussed:

1. A petition to the ISI Council for the appointment of a Committee to review policies of the Institute in matters related to human rights.
2. A petition concerning one Yosif Begun, a Soviet statistical refusenik who featured on the Panorama programme.
3. A request that the 1987 ISI conference in Japan should include a formal session on human rights.

Item (2) set the cat among the pigeons, and led to considerable behind-the-scenes arm-twisting, desk-thumping, and soul-searching. The ISI President (James Durbin of LSE) argued forcefully that the petition's reference to "an informal meeting held at the ISI" risked antagonizing the USSR. Also, it was unethical and illegal to use the ISI's name without that body's agreement. Legal injunctions were mentioned.

The present writer was acutely aware in these discussions that the International Statistical Congress, the ISI's precursor, had eventually come to grief over just such a dispute as this - imperial Germany's perception that the ISC was interfering in internal affairs. It goes without saying that this would not be wished for the ISI. Nevertheless, I felt that the expression used in the petition, "an informal meeting held at the ISI" was a perfectly natural and accurate way of describing what had happened, and that the ISI had no reason to feel ashamed nor to cover up what had occurred. Thus, it was wrong and unnecessary to pressurise the organisers of the petition to change their wording.

In the event, the organisers of the petition did, under pressure, agree to revise the wording (the new wording is attached). The meeting-place description was revised to read "an international gathering of statisticians in Amsterdam, August 1985". This subtle encoding will of course completely fool the KGB.

This little mega-drama may be no more important in the long run than an average episode of Dallas. However, it does illustrate the following points:

1. International organizations cannot always take risks in controversial areas.
2. Officials may value the survival of their organisation above other ideals.

- 3. Most of the ISI discussion was extremely Cold War-ish in content - "Human rights" should mean much more than the rights to travel of certain Soviet Jewish intellectuals.
- 4. In such discussions, role reversal easily occurs. As Leslie Kish succinctly put it: "I like it, I like it! - Bibby attacks the Soviet Union, while Durbin rushes to its defence".

However, the question of how statistics can be married to human rights is an important one, to which we now turn.

3. Human and civil rights

Human rights must be seen as a legal and therefore a social concept. However, whereas most legal rights regulate relationships between individuals, human rights relate the individual to the state. Kamenka (1978) links the genesis of human rights as a concept to the rise of beliefs in economic and social individualism, although for others the idea is more basic than this, having roots in the Old Testament, etc..

Because the state is one of the parties in most human rights situations, it follows that national laws and legal systems cannot always be disinterested regulators. Thus human rights issues are increasingly becoming embodied in an expanding corpus of international laws (Evan 1984:3).

In the nineteenth century, only states were seen as subjects of international law: individuals were objects without any means to enforce their rights (Starke 1978:114). Also, the doctrine of national sovereignty, a latter-day version of feudal slavery, kept international law out of domestic affairs. The rapid codification of human rights after the Second World War was a response to the clear limitations of the national sovereignty argument in dealing with fascist atrocities - and also, it must be said, with the situation prevailing then in certain colonial territories.

The Universal Declaration of Human Rights (1948) contains 30 articles, which may be summarized as follows:

- 1. Statements of ideals: rights to life, liberty, equality, and security of person.
- 2. Economic rights: rights to work and own property; adequate housing, education and leisure.
- 3. Social rights: Freedom of movement and association; the right to marry, and "equal access to public service in one's own country".

- 4. Civil rights: Freedom from slavery, torture, arbitrary arrest, invasion of privacy; universal suffrage.
- 5. Cultural rights: freedom of religion and opinion; right to freely participate in the community's cultural life.

Measurement of the above seems no more impossible than many other tasks attempted by the social indicators movement. Aborn and Demko (1984, Table I) relate these rights to the OECD List of Social Indicators (Christian 1974). However, it is notable that their proposed human rights indicators are most convincing in (2) above, and almost nonexistent in (1) and (5). This suggests that the other areas, namely (3) and (4), are those where attention could profitably be focussed. Item (4) perhaps corresponds to the somewhat narrow view of human rights often adopted in the West.

4. Data sources, and discussion

As with any law, national or international, the measurement of compliance or non-compliance is daunting. However, human rights measurement has the added complication that in many alleged violations, the accused person - the state - is also the provider of the key evidential data. One can imagine the havoc that this concatenation of roles would play in an average magistrate's court!

In order to avoid this conflict of interests, the state must not have a monopoly of the available evidence. Supra-governmental and non-governmental agencies are two possibilities. Several useful non-governmental sources already exist (Evan 1984:13-18).

1. The Annual Reports of Amnesty International provide detailed qualitative information on certain types of violation in many countries of the world. Some preliminary processing is necessary before these data can be amenable to statistical analysis. Evan (1984:14) suggests content analysis as one way of proceeding, although the wisdom of this may be doubted.

2. The Comparative Survey of Freedom produced by Freedom House rates countries on two seven-point scales of "political" and "civil" rights (Gastil 1981). Although "some data may be better than none", these scales are too American-centric, in effect using "Western Democracy" as their model and metric (Scoble and Wiseberg 1981:148-155).

Human rights rating: 30%

Population: 29,030,000 (see Obs.)
 Life expectancy: whites 70, blacks 53
 Infant mortality (0-1 year) per 1000
 births: whites 15, Africans 200

Observations: Human rights, because of discrimination against non-white races, vary between extremes. The answers given below, contrary to the assumptions of government and constitution, make no distinctions between the races. Black inhabitants are not treated as citizens or legally regarded as such and the number of full citizens should therefore drop to 8,000,000.

FREEDOM/RIGHTS

1. Of movement in own country	NO	Further comments 70% of population are Africans needing permits (under 'pass' system), 200,000 arrests in 1982	NO
2. To leave own country	NO	Passports 'a privilege'. Political opponents of regime usually denied them	NO
3. From deprivation of nationality	NO	Remaining in exile in exchange for passport	NO
4. To seek information and teach ideas	NO	Black education subject to limitations of curricula and books, state of surveillance etc.	NO
5. From serfdom, slavery, forced or child labour	no	Cheap 'parole labour system' a form of forced black labour. The UN equate apartheid with 'slave-like practices'	NO
6. Of peaceful political opposition	NO	Anything that conflicts with policy of white supremacy comes under 'security' laws	NO
7. Of peaceful assembly and association	NO	As 6	NO
8. Of women to equal rights	NO	Discrimination apparent among all races	NO
9. From directed employment or work permits	NO	Law restricts numbers and trades of blacks in many industries	NO
10. Of inter-racial, inter-religious and civil marriage	NO	Banned under Immorality and Mixed Marriage Act	NO
11. To practise any religion	yes	But no intruding into political or social controversy	YES
12. From compulsory religion or state ideology in schools	no	Over 100 laws restrict reporting. But significant section of white liberal press maintain opposition to government	no
13. From political press censorship	NO	Usually non-European suspects, including children under 16	NO
14. From police detention without charge	NO	Particularly during police checks in black areas or searching for blacks in unauthorized areas	NO
15. From police searches of home without warrant	NO		NO

16. From torture or coercion by state	NO	From assumption of innocence until guilt proved	NO
17. Of assumption of innocence until guilt proved	NO	Of accused to be promptly brought before judge or court	NO
18. Of accused to be promptly brought before judge or court	NO	Of all courts to total independence	NO
19. Of all courts to total independence	NO	From civilian trials in secret	NO
20. From civilian trials in secret	NO	For independent trade unions	NO
21. For independent trade unions	NO	From censorship of mail	NO
22. From censorship of mail	yes	To publish and educate in ethnic languages	yes
23. To publish and educate in ethnic languages	yes	To deliberate state policies to control artistic works	yes
24. To deliberate state policies to control artistic works	NO	From compulsory military service	NO
25. From compulsory military service	YES	To purchase and drink alcohol	YES
26. To purchase and drink alcohol	yes	To practise homosexuality between consenting adults	yes
27. To practise homosexuality between consenting adults	YES	To use contraceptive pills and devices	YES
28. To use contraceptive pills and devices	yes	Of early abortion	yes
29. Of early abortion	YES	Of divorce (for men and women equally)	YES
30. Of divorce (for men and women equally)	YES		YES

STATE POWER

31. Corporal punishment by state	15 lashes (officially)
32. Radio and TV broadcasts	Controlled and operated by national corporation
33. Book publishing	Privately owned publishing subject to security and racial laws
34. Number of police and military per 100,000 citizens	830 (including Commandos)
35. % of national income spent on above	9%
36. Weapons normally carried by civil police	9mm Parabellum pistols
37. Capital punishment by state	Execution for political crimes, murder, rape, 'embarrassment to the state'. (130 in 1980)

MAXIMUM PUNISHMENTS IN PENAL CODE FOR

38. Non-violent anti-government activities	Indefinite detention under Terrorism Act on grounds of 'endangering maintenance of law and order'
39. Possession of banned political literature	As 38
40. Refusing compulsory national service	2 to 3 years' prison and/or R2000 fine. Removable if refusal continues

Assaults on detainees frequent under interrogation. Law demands 'satisfactory replies'	●
Under Terrorism Act must prove that the offence did not come under such vague categories as 'prejudice to industry'	●
Indefinite delays under Terrorism Act	●
No court can order release of individuals detained by security forces	●
Many 'security' trials in camera	●
Most strikes by non-Europeans regarded as political threat. No union for black farmworkers	●
Opponents of regime subject to mail interception	●
Subject to racial and educational laws and limitations	○
Laws that enforce ideas of social and racial inferiority may inhibit artists' work	○
24 months' (whites) military service	●
Liquor stores divided for separate races	○
Legal over 19 years but a crime to cross colour barriers	○
All races	○
Broad medical/social reasons	○

3. The Physical Quality of Life Index (PQLI) developed by the Overseas Development Council, uses two infant mortality measures, and a measure of literacy. Variables such as these were of course available some time ago (Russett et al. 1964). However, the PQLI is extremely narrow in conception; although it may yet provide a starting-point for future improvement.

4. The World Human Rights Handbook (Humana 1983) presents ratings based on countries' compliance with the International Covenant on Civil and Political Rights (ICCPR), a legally binding (but optional) covenant approved by the United Nations in 1966. Only 40 per cent of UN members have ratified the ICCPR, but it nevertheless provides a useful benchmark.

Using official sources where possible, and private informants where not, Humana rated each country on a four-point scale for each of 50 items: 27 of these deal with explicit ICCPR provisions, and 23 relate to other rights such as divorce, abortion, capital punishment, etc.. A specimen page is shown opposite. This imaginative one-man approach is perhaps the most hopeful starting point of those discussed here.

5. Country Reports on Human Rights Practices is published each year by the US State Department, that well-known purveyor of radical data. For some 150 countries, these volumes document such things such as human rights to food, health, employment, and education (category (2) above). Recently, information has also been given about the extent of unlawful killings. For example, between 1981 and 1982 the estimated number of killings in El Salvador is reported to have dropped from 445 per month to 219 per month (US Department of State 1983) - although it may be asked whether this resulted from a genuine change in human rights, or merely from the relative lack of further victims (Savage 1985; Eisen and Verstappen 1984).

5. Conclusion

The above brief survey shows that statistics in human rights may be "an idea whose time has come". However, if it is to take off, members of groups such as Radical Statistics will have to assist in the process.

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APPENDIX

The petition concerning Yosif Begun is printed below. Please make copies of this and get them signed. Then return to Ann Mitchell, Department of Mathematics, Imperial College, London SW7, who will forward them to Mr Gorbachov.

PETITION

The following petition was unanimously approved at an informal meeting on statisticians and human rights held during an international gathering of statisticians in Amsterdam, August 1985.

We are extremely concerned about the general condition of our statistical colleague dr. Yosif Begun. His treatment has been particularly harsh in recent years, especially since he was moved to a closed prison in Chistopol. If it should be impossible to allow him to emigrate to Israel, as a minimum we request that his wife be allowed the statutory visiting rights and letters.

In the light of the successful meetings in Helsinki we urgently ask the Soviet authorities to review the case of Yosif Begun.