

Solutions to Ensure a Balance Between Progress and the Protection of Human Rights

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Abstract—As societies strive for economic and technological progress, it is crucial to ensure that human rights are protected and upheld. This article explores solutions to strike a balance between advancing development and safeguarding fundamental freedoms. Key strategies discussed include strengthening legal frameworks, promoting inclusive decision-making, and fostering a culture of human rights. The article emphasizes the need for policymakers, businesses, and civil society to work collaboratively to embed human rights considerations into all aspects of progress. By adopting a holistic approach, the article argues, it is possible to achieve sustainable development that respects and protects the dignity and rights of all people.

Keywords— Balance, Progress, Protection, and Human Rights.

I. INTRODUCTION

The definition of human rights, in accordance with the Universal Declaration of Human Rights, is "those rights that are inherent to the nature and dignity of persons". These rights are said to be universal, which means they are for everyone. These include the right to life, liberty, security, and education. All of these are very basic rights that are often taken for granted in today's world. The problem of human rights abuse is a result of governmental and non-governmental organizations. This may be because today nearly every country claims that it endorses and respects human rights; every abuser will deny human rights abuse against its citizens. This is a major contrast to the attitude towards human rights held long ago. The idea of the League of Nations first brought human rights into the picture as an essential means of peace and security for every individual. This began a massive effort to put a stop to the ongoing human rights abuses throughout history. Japan and Germany had their Protection of Human Rights and Fundamental Freedoms, with it being said that "The High Contracting Parties undertake to secure to everyone within their jurisdiction effective protection of the fundamental rights". However, this was not fulfilled and led to the ongoing human rights abuse during World War Two (Boiko et al.2020). Today, the idea is, of course, stronger than ever with the existence of the United Nations and the Declaration of Human Rights in 1948. The UN has had a hand in the human rights protection acts of third world countries. Although these have not been too successful, mainly due to a lack of funding, it is a step in the right direction for a better tomorrow.

A balanced society can be defined as a society that gives priority to both human rights and progress. However, it is an

unfortunate fact that achieving both of these goals is a very difficult task in today's world. A major reason for this is that priorities often vary from place to place. Take China, for example. China sees development as a means of protecting human rights. However, to countries in the West, it is seen as China sacrificing the human rights of its citizens in order to initiate development. As human rights are the fundamental rights of every person, regardless of race, religion, or sex, it is crucial that they have priority in every country. Development is something that cannot be ignored. For third world countries, it is an essential means of survival. Japan and Germany, however, show a different type of development. Both of these countries are now large key players in the world economy. With the help of the USA, both countries have developed a new democratic form of government, which they believe is a better means of protecting human rights. Through this, it is clear that different people have different interpretations of what progress actually is (Arslan et al.2022).

II. HISTORICAL CONTEXT

Globalization of trade and the UN human rights treaties have led countries to face increasing scrutiny from their peers. The increased attention has led to the near eradication of the death penalty in Australia. Measures such as these have contributed to a balance between progress and the protection of human rights in Australia.

During the Cold War, the element of universality of human rights had become increasingly contentious. In light of the atrocities committed during World War II, there was discourse within the UN for the creation of mechanisms to monitor states' human rights practices. The non-binding UN declarations, combined with the binding Covenants, have established a body of law. This body of law has provided the checks and balances to state sovereignty with respect to the protection of universal human rights. States had long been exploiting the concept of sovereignty to avoid judgments on practices within their borders, which were often to the detriment of their citizens (Yoshida, 2023).

During the era of decolonization, it was the recognition of the fundamental role of self-determination in seeking universal respect for human rights that provided the impelling force for the surge in human rights standard-setting. The human rights norms that were agreed upon served dual purposes. Firstly, they were to be used in the international context as a condition for the newly independent states, and secondly, as a point of reference for comparison to the practices of states within their

territorial limits. The point of reference was to become particularly important in the next phase (Jerónimo and Monteiro2022).

III. ETHICAL CONSIDERATIONS

With consideration to human rights, efforts to alleviate poverty must skirt eliminating previously gained benefits by the poor or additional sectors of the population. To do so would be counterproductive and might create a situation similar to the efforts to cure the disease of the Haitian migrants. Likewise, it is important to prevent any disadvantage to people of a particular ethnic group or race (Amar and Pratama2020). This is relevant to the objective given the racial tension surrounding the Haiti issue and close relation to the economic conditions of some marginalized Dominican racial groups.

The balance between poverty alleviation and human rights has been discussed. This serves as the central concern of this report. Suggestions such as implementing a poverty assessment test or targeting specific regions and sectors that have a high probability of further impoverishing those involved commonly carry ethical concerns (Eerola et al.2021). Evaluating whether it is ethically acceptable to have these programs running both domestically and internationally in comparison to their potential benefits can prove to be difficult. Other suggestions such as the expansion of the tourist industry or the change in educational curriculums have repercussions that may serve to hinder the objective and also carry concerns of national dignity and further backlash in both human rights and ethical terms.

IV. LEGISLATIVE MEASURES

There are several ways in which legislative measures can help achieve a better balance between progress and the protection of human rights. The first method comes from the regulatory impact statements (RIS) made by government departments to show the likely effects of new legislation. By screening human rights compatibility at an early stage, conflicts can be identified and addressed before key decisions are made. An independent human rights body could have the power to review existing and proposed legislation to determine its human rights compatibility. In 2006, the UK House of Lords Constitution Committee stated that an 'ex-ante' review of this nature could identify potential conflicts and assist in finding less restrictive means to achieve policy goals. The second method involves statutory interpretation. Even if legislation is found to be incompatible with human rights, it need not be struck down if there are no conflicting common law or constitutional provisions (Macchi, 2021). The legislation in question simply retains its meaning but must be interpreted in a way that is compatible with human rights standards. This approach was described in *R v Brown* as 'reading in' the Convention and involves the courts in a supervisory role over legislation. This method means that there is no automatic invalidity of legislation and overcomes fears of judicial power or 'activism'.

V. TECHNOLOGICAL INNOVATIONS

In many ways, technology has been seen as more of a problem than a solution to the human rights plight. Technology is often seen as undermining the universal standards of human rights and is used as a tool of repression. Despite this, technological advancement is essential for progress and thus the need for a way to ensure there is a balance between technological progress and the protection and promotion of human rights is necessary.

There are a few ways in which this issue can be addressed. One way would be to prohibit the creation of technology that is harmful to human rights. Though this may sound like a good idea, it is not at all practical. The development of technology is a long and complicated process. The implementation of this strategy would mean inciting researchers and developers of technology to abandon their current projects, and may likely dissuade people from entering the field of technology research (Gürsan & de Gooyert, 2021). This would not only hinder technological progress, but also likely waste many resources as research on these technologies has already been in progress.

Another strategy would be to employ some form of damage control in which it is attempted to negate harmful effects of technologies on human rights after the technology has already been product. An example of damage control would be the proposed solution of adding facial recognition technology to state issued identification cards in order to replace the use of cards to access state facilities and services. This is a cost effective way to provide identification as the only costs involved are the initial implementation of the technology and the maintenance of the databases of information. However, the potential harm to human rights is great. This technology would create a database of the movements of all citizens who have this identification increasing the risk of surveillance and the privacy violations that often accompany it. While there is a chance that this technology may not be implemented if damage control can be effectively employed to prevent it, the best form of damage control would be prevention. Generally speaking, it is far more effective and efficient to prevent technology that is harmful to human rights from becoming product than to negate it afterward (Smith & Miller, 2022).

VI. INTERNATIONAL COOPERATION

International cooperation is often seen as a way to ensure that human rights are protected and progress can be achieved. Through international cooperation, developing countries are given aid and are able to develop their infrastructure and technology sustainably, without violating human rights by exploiting future generations and destroying the environment. Similarly, developed countries are encouraged to consider the human rights implications of their actions and policies in other regions. Trade agreements, for example, have been altered to include human rights considerations. Businesses and corporations are also encouraged to act in socially responsible ways through codes of conduct and international agreements. Recently, there has been much emphasis on developed

countries forgiving third world debt to allow them a fresh start in implementing policies that are more pro-people and pro-environment, without the burden of previous debts and structural adjustment programs (SAPs) imposed to service those debts. The recent Johannesburg summit also illustrated positive steps in international cooperation to protect the environment and resources for the future. However, the prevalent global culture of neoliberalism and competition between states today hinders international cooperation that truly protects human rights. This is because states and big businesses often exploit people and resources for a competitive advantage in the global market (Lawson & Beckett, 2021). Therefore, achieving a balance between progress and human rights is not always easy, and international cooperation has often been more about promoting the interests of the hegemonic global powers. An example of this is the influence of the US on globalization to promote its own interests and spread the free market through agencies like the IMF, WTO, and World Bank, which have been implicated in policies that exploit the third world and disregard human rights. It is clear that international cooperation must be genuine and promote the common good in order to protect human rights and aid global progress.

VII. EDUCATION AND AWARENESS

The importance of education in preventing human rights abuses is well recognized. The Universal Declaration of Human Rights (UDHR) provides the basis for human rights education, stating in Article 26: "Everyone has the right to education. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms". This declaration has been further developed by both international and regional organizations, and by individual states, to form a solid body of international law which recognizes a right to human rights education. This education is to be directed to the understanding of, respect for and protection of human rights, and the principles of equality and non-discrimination. Human rights education is targeted at both educating people about their human rights and fundamental freedoms, and teaching them the skills and attitudes they need to respect the rights of others (Lawson & Beckett, 2021).

For violations of individuals' human rights to decrease, it is generally felt that increasing the knowledge and understanding of these rights is a key tool. By clarifying what human rights are, and what they mean for people in their day to day lives, it is possible to anticipate the occurrence of human rights abuse and to stop the abuse from becoming entrenched. Education will empower individuals with the skills and knowledge they need to defend their own rights and the rights of others.

VIII. PUBLIC ADVOCACY

Public advocacy campaigns can be conducted to raise awareness of the impacts of globalization and human rights abuse on human lives, especially to policymakers. Advocacy strategies such as internet campaign actions targeted at policymakers would serve to expose human rights abuses and create pressure for changes in policies and practices of

companies. It can also increase awareness among the general public and influence them to take public action on behalf of oppressed people around the world. Another effective advocacy tool would be to create and publish reports documenting specific human rights abuses by companies and governments, and adopting favorable practices (Pacheco-Vega & Murdie, 2022). These reports can be used to directly lobby key decision-makers and to educate the public and create public pressure for changes in harmful policies and practices. The media can also be used to project a voice for oppressed peoples and communities and to place human rights concerns on the global agenda. This can involve creating contacts with media organizations and running campaigns to raise awareness of specific human rights abuses. The media can also be utilized to commend and promote positive examples of practices by companies and governments that respect human rights and to constructively criticize and expose damaging practices. Gathering public support and running specific expressive campaigns, coalition building, and encouraging public involvement in voluntary efforts and consumer actions can also be ways to bring about change.

IX. CORPORATE SOCIAL RESPONSIBILITY

Corporate social responsibility has been proposed as a solution – and a practical one – to the tension between human rights and economic progress. If participants in the global economy are to trust that the economic and social benefits of globalization will outweigh the costs, they need to be assured that the rules of the game enable business to act responsibly. Corporate social responsibility is grounded in values, but it also requires a measure of self-interest if it is to be sustainable. Firms will act responsibly because they believe that it is in their interest to do so, or because they fear that if they do not, consumer boycotts or 'naming and shaming' by transnational activist groups will damage their brand or their ability to secure government contracts. At a national level, governments are more likely to implement and enforce legislation protecting human rights if they believe that doing so will not put domestic industry at a cost disadvantage vis-a-vis foreign competitors. In the long run, human rights are more likely to be widely respected – or so the argument goes – in global economic sectors in which efficiency and quality, rather than low-cost labor, are the competitive factors (Carroll, 2021). This must mean creating an economic environment in which progress will depend less on the sacrifice of human rights. Corporate social responsibility creates momentum to develop best practice and is a prelude to more definitive rules and less ambiguous standards for international business on human rights. The ongoing development and enforcement of 'corporate codes of conduct' on various issues is the best example of this at present. For example, the Council on Economic Priorities has identified more than 200 US firms with codes of conduct or statements of principle on labor or human rights issues. Many firms and industry associations have sought to avoid or minimize legislation that would compel them to abide by human rights standards, by arguing that self-regulation is preferable and more flexible. Self-interest is implicit in corporate social responsibility, and the

spur to regulation may, in fact, be more the fear by companies of consumer or investor reprisals for not living up to their CSR commitment. Yet the overall relationship between CSR and human rights is positive; it is an effort to reconcile the pursuit of profit with the statement of a set of universal values.

X. JUDICIAL SAFEGUARDS

Judicial safeguards are legal procedures which are used to judge the efficiency, effectiveness, and fairness of governmental policies. They establish a balance between the interests of society and the rights of individuals, and some of them are classified as legitimate objectives under Article 10(2) of the European Convention on Human Rights Human Rights. Judicial safeguards are vital in ensuring the protection of individual rights despite sometimes the greater interest for the community.

It is an established principle that the purpose of judicial review is to ensure that executive or legislative action is consistent with the rule of law. *UNISON* is a leading case in the Supreme Court which provides a good illustration of how judicial safeguards can protect human rights. Prior to 2013, employment tribunal fees were fixed, and claimants were required to pay a fee ranging from £160 – £250 to issue proceedings, with a further hearing fee ranging from £230 – £950. It was held that the fees Order was unlawful under both domestic and EU law because it effectively prevented access to justice. Laws LJ stated that for a measure to be lawful under domestic law, it must be within the powers of the 2007 Act, it must be clear and accessible, and it must be consistent with Convention rights. This case provides an illustration that judges must ensure all public measures are compatible with human rights by conducting a review during formal proceedings.

XI. GOVERNMENTAL POLICIES

In order to guarantee that modernization reaches its full potential and does not stray from the ultimate goal, there must be control exerted by the state. One method in which the government can control and monitor the modernization process is through indicative planning. This is a method by which the government plans the most efficient way to use the country's available resources in order to achieve a desired goal. This takes the form of setting targets for both the public and private sectors. An example would be to set a target for improving the healthcare system. The set target would entail the building of new hospitals and schools, in addition to an increase in wages for doctors and teaching staff. This method is a sure way to ensure the progression towards the aforementioned goal is traceable and also adds a sense of accountability to ensure it is accomplished. Measures taken to reach these targets can be heavily monitored to ensure they stay in line with what is best for the nation. However, it must be warned to all East Asian nations to employ this method not to go down the route of state intervention, as this can negatively affect human rights by bypassing the needs of the people for the benefit of the state. A nation's resources are finite, and by using methods to find the most efficient ways of using these resources, it can result in a positive sum game for

the nation, enabling a net gain in welfare without the sacrifice of specific groups.

A variety of actions are to be taken in order to carry out a fruitful improvement in the balance between progress and the upholding of human rights. Initially, a pattern of modernization is to be refined and established. The term modernization is not precisely defined; it is a dynamic and multifaceted process, so no universal formula of modernization can be applied. As a general rule, modernization is a process in which countries strive to improve the quality of life of its citizens, as indicated by a rise in material standards of living, a better education system, and greater social mobility through the application of science and technology to economic activity. With this in mind, modernization falls in line with economic growth and efficiency. In the past, rapid modernization has caused a detriment to human rights. One example would be the poor working conditions and low wages that were afforded to the workers that enabled the industrial revolution to happen. As history has shown, development has gone astray, which enabled the suffering in human rights to continue. To address this issue, we must ensure that said modernization happens in the right way.

XII. MONITORING AND EVALUATION

Monitoring and Evaluation has a few main functions in the context of human rights. The first is to generate information to provide accountability for performance to stakeholders. This includes information on the efficiency and effectiveness of activities and outputs. The second is to provide a basis for decision-making on the allocation of resources and the prioritization of activities. The third function is to provide lessons learned to improve ongoing and future programming. This includes identifying and documenting the factors that determine the success or failure of a project. Finally, M&E is an assessment of a project's impact. This can involve comparing a target group's situation pre and post-intervention, or it can involve more complex impact assessment studies. The last function is the least implemented but it is one of the more significant. Understanding the impact of interventions on the lives of those in a target group helps to build knowledge and capacity in the rights-holder, thus promoting sustainable improvement in their living conditions.

XIII. STAKEHOLDER ENGAGEMENT

Stakeholder engagement is critical to the successful implementation of tech-enabled solutions for the protection of human rights. From the earliest stages of tech development through to deployment and evaluation, a sustained effort should be made to understand and address the needs, concerns, and capacities of a wide array of stakeholders, recognizing that they will be differently impacted by tech projects. In those cases where evidence suggests that a tech-enabled system will cause certain groups to be disproportionately impacted, steps should be taken to mitigate these effects, recognizing that failure to do so can itself be a human rights violation.

Stakeholder mapping and analysis is a useful first step to identify all those who may be affected by a tech-enabled

initiative, as well as those who have an interest or influence in its outcome. Key informants or focus group discussions can then be used to explore the perspectives of various stakeholder groups in more depth. A consistent message from those who may be affected negatively by a tech-enabled initiative is the desire to have their voice heard and to have some influence over the development and implementation of the initiative. This is based on a distrust of unilateral decision-making processes where others make decisions that affect them, or accurately predicting the outcomes of those decisions. A rights-based approach acknowledges the entitlement of affected stakeholders to have some say in decisions that affect them, as well as the right to access information on the possible impacts of those decisions. Differently from impact assessment in techno-centric terms, stakeholder engagement is an ongoing, two-way communication process aimed at exchanging information and perspectives amongst all stakeholders, taking their views and concerns into account in decision making, and informing them on how their concerns have been addressed. The end goal is to increase the effectiveness of an initiative in respecting and protecting the rights of various stakeholders. An unrealistic expectation of stakeholder engagement is that all affected stakeholders will agree to an initiative, or that conflicts of interests between different stakeholders can always be resolved in a satisfactory manner.

The UN Guiding Principles on Business and Human Rights, to which respect state human rights institutions and non-state actors have committed, outline a global standard for preventing and addressing adverse impacts on human rights that result from business activity. While the Guiding Principles are framed in terms of business-related impacts, the processes outlined are relevant to any initiative with the potential to negatively impact human rights, including those relying on state or non-state actors. A central theme is the requirement for meaningful stakeholder engagement in all decisions that are anticipated to have an effect on specific stakeholders and/or rights-holders. This means stakeholder engagement should not be a mere formality or aimed at placating affected stakeholders, but rather a sincere effort to take on board the concerns of those who may be impacted and to adjust decisions accordingly. Requirements of transparency throughout an initiative and access to remedy for those negatively affected are closely linked to the above. The Guiding Principles identify affected stakeholders as those who may be at risk of an adverse human rights impact or those whose engagement can help identify or mitigate such an impact. The requirement of due diligence in impact prevention is commensurate with the risk level, with greater risk of adverse impact to a group, the more a tech-initiative will be responsible for knowing and dealing with the likely effects. Some tech-enabled initiatives will fall within Guiding Principle 29 regarding situations of risk where conflict-affected regions or gross human rights abuses are occurring.

XIV. CASE STUDIES

Case studies are a valuable way to bring peace to the arguments of those who see science and technology as a way

of bringing about solutions to the world's problems, and those who see the loss of human rights as a result of such solutions. There are a wide variety of instances where successful scientific research has brought about great benefits to mankind, yet has crossed the line in terms of human rights and led to suffering of certain individuals or peoples.

Terrorism has brought about huge emphasis in the last fifteen years on the issue of security and the prevention of atrocity. An instance of the crossing of human rights with the solution to a problem is the UK's Identity Cards Act 2006. This was a response to the London bombings in 2005 and aimed to prevent illegal immigrants and terrorists from gaining easier access to public services. The usage of identity cards and the newly established National Identity Register were measures intended to provide a simple and secure way for people to verify their identity, and foreign nationals were required to register when staying in the UK.

A philosophy professor, Stephen Watson, brought about a case stating that this act was in violation of the European Convention on Human Rights, as he was a dual citizen of the UK and Australia who frequently traveled between the two, and would be required to register a biometric identity card if he wished to renew his passport. He argued that this job would be much more difficult for his Australian wife and she may abandon her UK residency, and if he were to become a foreigner at any point in the future, he would become isolated from UK society as he would be unable to access public services. The case followed with expensive litigation, and the new coalition government 2010-2015 eventually abolished the act. Given that it was never fully implemented, it is difficult to gauge its success as a solution to the problem of preventing terrorism. However, it is an instance where an action taken was viewed as too high a cost to human rights.

XV. CONCLUSION

In looking to the future, the cost that the developing countries have to pay for rapid industrialization is inevitable. It is the price for progress, modernization, and a better quality of life. For example, Japan, the Asian Tigers, and Malaysia have all had their turns in rapid industrialization. None of them have taken the cautious approach and encountered varying degrees of environmental degradation as a result. It is only when the pain of pollution becomes unbearable and threatens the quality of life that the environment is taken seriously. It becomes an ugly patch on what has been progress for these countries.

The desperation of developing countries to improve living conditions and better profitability often leads to disregard for environmental conservation. Many countries promote economic growth by depleting natural resources. This will not last far into the future and will only further compromise the ability to sustain the quality of life. The time will come when resources begin to run low, and a supplement will be needed. In which case, the third world debt and programs in economic growth do more damage than good (Werikhe, 2022).

This is then evident related to the declining terms of trade in developing countries. Economic policies historically have a skew in favor of the industrialized nations, and the

deterioration of the terms of trade signifies that LDCs are having to trade primary goods at a higher rate to pay for manufactures. And with ever-increasing debt to service, there is little hope for equal reprieve.

The garbage hey theorem illustrates thought on this. It states that an indebted country will have a need to overuse a resource today as in doing so it can withhold some of that resource for tomorrow's production, which can be sold at a higher price to service the debt. This states the problem, the environmental resources will not last for the rate of production occurring, and should it continue, this will leave a worse environment than the one it had sought to repair (Fuders2020).

XVI. RECOMMENDATIONS

The EC must first assess the impact of its activities on human rights. In improving transparency in the field of human rights, consideration could be given to the possibility of appointing a committee of independent experts to advise the EC on human rights issues. Next, the EC must seek to provide the necessary information and guidance to relevant actors in order to help them avoid complicity in human rights abuses. This might involve the publication of guidelines for businesses on human rights, and training for EC and member state political and military actors. In its conflict prevention activities, the EC should always give priority to the protection of human rights and where possible involve non-state actors and civil society in helping to prevent the outbreak of violent conflict. An essential component to this endeavor would be the early warning system which the EC is seeking to develop. The primary purpose of this system is to identify and assess potential or imminent sources of conflict with a view to their peaceful resolution. The EC has recognized the necessity to ensure that this system is grounded in human rights and to this end HR is to be made a category in itself, within the four category early warning model.

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