

Political Violence and Human Rights Issues

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“Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”.

— Preamble to the Universal Declaration of Human Rights, 1948

I. Introduction:

The basic and inalienable rights of human beings are called human rights without which dignity and liberty cannot be achieved for the overall development of human being. The Universal Declaration of Human Rights is an International document which enumerated a list of rights applicable to all people regardless of their religion, race or gender. This International document has shifted the focus of international law from the relationship between States to the relationship between State and the individual.

For the purpose of securing human rights the United Nations General Assembly adopted the Universal Declaration of Human Rights on 10th December, 1948. It was not binding on the States and could not be enforced. It was the first step towards securing human rights in the world.

The United Nations adopted methods for drafting covenants relating to human rights to create binding obligations. Following two categories of covenants were created:

1. International Covenant on Civil and Political Rights and
2. International Covenant on Economic, Social and Cultural Rights.

The International Covenant on Civil and Political Rights restricts the State from abridging certain rights which are inherent in human being for example the right to freedoms of speech, belief, assembly etc. right to person, right to fair legal procedure etc.

The rights mentioned in the International Covenant on Economic, Social and Cultural Rights are for example right to social security, right to health and education which can be materialized only if the positive action taken by the state.

A Committee on Economic, Social and Cultural Rights was established in 1985 for monitoring the implementation of the Covenant. The Committee is thus a subsidiary organ of ECOSOC and derives its formal authority from that

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body. The primary function of the Committee is to monitor the implementation of the Covenant by States parties.

The optional protocol was adopted by the General Assembly of United Nations on 10th December, 2008. The purpose of this is to allow the State parties to recognize and submit to the jurisdiction of the Committee on Economic, Social and Cultural Rights to look into the complaints from individuals. The committee has no jurisdiction to receive a complaint against a State Party which is not a party to this protocol. The committee shall consider a complaint only after satisfying itself that domestic remedies have been exhausted. The committee shall take the measures for a friendly settlement.

II. South Asian Region:

In the South Asian region the common practices are disappearances, torture, police abuse etc. Along with some of the oldest civilizations in the world, South Asia includes some of its poorest countries. The ailments of this region are ethnic tension, civil war, religious persecution and terrorism including abuse of government power, censorship, and human rights violations².

II. I. South Asian Human Rights Documentation Centre:

The South Asian Human Rights Documentation Centre (SAHRDC) is a non-governmental organization. This centre is a network of individuals across the South Asian Region. It aims to investigate, document and disseminate information about various human rights treaties and conventions, human rights education, refugees, media freedom, prison reforms, political imprisonment, torture, summary executions, disappearances and other cruel, inhuman or degrading treatment to human beings. This centre has a Special Consultative Status with the Economic and Social Council of the United Nations³.

Presently the developing world is witnessing most violent internal conflicts. Kal Holsti's latest figures estimate that 97 percent of the world's armed conflicts between 1945 and 1995 took place in either the traditional or the new Third World⁴. Regarding political violence in South Asia, a scholar writes "The middle class, incapable of generating ideas and institutions of its own, ends up borrowing ideas of other civilizations but without the understanding of the consequences. In the habit of borrowing, the middle class ends up borrowing something deadly, terror"⁵. Political violence or rampant counter violence aimed at defeating it, in

2 <http://www.archdaily.com/58519/south-asian-human-rights-documentation-centre-anagram-architects/> visited on 7th December 2010.

3 <http://www.derechos.org/saran/> visited on 6th December 2010.

4 Ann Mason, "Colombia's Conflict and theories of World Politics," *Political Science*, University of the Andes, Bogota, Colombia, in Contemporary conflicts.

5 Pavan Kumar Varma, *The Great Indian Middle Class*. Also see Shambhu Ram Simkhada, *Poverty and Political Violence in South Asia*.

the words of the same scholar, is, “An intellectual tragedy, a tragedy of idealism, ignorance and mimicry”⁶. Mimicry distorts understanding of time and space, sense of right and wrong, as well as recognition of friend and foe. So, common people are in the line of fire and exploitation from all who claim to wage wars in their name, champion their cause or govern and protect them⁷.

Nobel laureate and Holocaust survivor Eli Weisel once related a story of Nazi atrocity this way:

“They came and took people away from the village far away and we kept quiet because it was not our village; they came and took people away from our village and we kept quiet because it was not our neighbourhood; they came and took people away from our neighbourhood and we kept quiet because it was not our household; and when they came and took us all away there was no one left to protest”⁸.

The history shows that conflicts, war and violations are always damaging the normal life of individuals which has a far reaching effect on the society. The worst violations of human rights take place when genocide almost always occurs during war⁹. Women and children are mostly affected groups in the society during war and conflict. Violent conflicts cause destruction, despair and death, undermining the basic ideas of human rights¹⁰.

6 *Ibid.*

7 *Ibid.*

8 Paraphrased from a speech given to mark the 50th Anniversary of the signing of the Universal Declaration of Human Rights at the 55th Session of the Commission on Human Rights, Geneva, archives, OHCHR.

9 UN Action plan to Prevent Genocide, <http://www.preventgenocide.org>, visited on 6th December 2010.

10 For a perspective on the impact of violent conflict on democracy, development and enjoyment of human rights in Nepal, see Simkhada et al., “Causes of Internal Conflicts and Means to Resolve them: Nepal a case study,” *PSIO Occasional Paper 3/2004*, Graduate Institute of International Studies, Geneva, August 2004.