

# Human Rights

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POINTS TO DEVELOP 1. Growing global emphasis on human rights.

concept of human rights means different things to different people but the Western viewpoint is gaining dominance.

political ramifications-the issue is becoming a North-South/East-West divide; the North/West emphasis on civil rights versus the South/East emphasis on economic and social rights.

Credibility of all sides questionable as viewpoints are guided by self-interest of ulterior motives.

5. India's view and status vis-à-vis human rights.

6. Necessity to spread awareness of human rights among the masses.

All kinds of human rights are equally important.

Many countries today find themselves in the position of being required by international opinion to endorse United Nations human rights declarations and covenants. If they are unable to do so, states are labeled enemies of human rights, even though social divisiveness and political instability, coupled with a deficient institutional framework and inadequate resources, make it impossible for them to adequately comply with the requirements. However, the questions of human rights has assumed a much deeper significance today. For long dismissed by various regimes as the preserve of well-meaning liberals and radical social activists, these rights have emerged on the global political agenda as a defining issue of the times.

There have been sharp division of opinion on the global level on what human rights mean, how they should be implemented, what role the United Nations, other international associations or the non-governmental organizations should play in the process, what human rights violations and abuses are, which human right has priority over the others, and so on. Questions are also raised on whether the human right advocacy derives from a new international awakening towards humankind or is it merely a new device in international diplomacy. Be that as it may, dominant say of the West in the regard, and the reluctance on the part of others to accept the Western concept and interpretation.

The traditional counter to the West used to come from the Soviet Union and its allies who would attack unemployment and galling economic disparity

between different social groups (classes ) in the West as, among other things, the violation of a fundamental human right to work and earn a living. The collapse of communism, however, has not meant that the ideological battle over human rights is over. At the commission of human rights in Geneva, the UN's main forums of the UN for human rights debates, two schools of thought are battling it out. On the one side is the west with its emphasis on civil and political rights; and on the other are the third world countries, and within them a sub-group of Islamic countries who have taken over from the socialist countries in articulating a very different view of human rights.

To the West, human rights can be defined to mean the classical freedoms of life, thought, expression and association. Here the individual becomes the focus of human rights. But the non-Western countries emphasis on collectivity as the basis of human rights: the individual can develop only when the society as a whole develops. And such rights could be relished only at a collective level, infringing at times, if necessary, on some individual rights to a permissible extent. The West and many other countries regard human right norms as universally applicable throughout the world, and feel all governments should abide by basic norms regardless of their cultural, social or political systems. Other countries argue that human rights norms are culturally specific, and should not be blindly applied across cultures and social systems. Joining the debate between universalism and cultural particularism, the Islamic countries have also expressed the view that there can be no universal human rights norms, and that the definition to human rights should respect the cultural diversities. Thus, the degree of personal freedom and liberty found in Western society may not be applicable to other societies and so the West should not try to impose its norms on the rest of the world.

South –East Asia has taken the lead in dismissal Western concepts as either unsuited or highly selective in their interpretation. The West believes that in the post-cold war era, the agenda for freedom must embrace even prisoner of conscience, every victim of torture, every individual who is denied basic human rights. Those countries (China, Indonesia, Singapore, Malaysia, Cuba, etc.) the have held out against the sweep of liberal democracy regard this invitation to 'embrace every prisoner of conscience as blatant attempt to interfere in their internal affairs. They assert that nobody should put his or her rights above those of the state; all countries have the right to choose their own systems and institutions and the means to stabilise them and other countries have no right to interfere.

The next main conceptual dispute is over the relative importance or priority of civil and political rights over the human rights of other sorts. The West has until

recent tended to define human rights primarily in terms of political freedom, and the Western concept of human rights abuses include torture and other mistreatment of prisoners, arbitrary arrest, interference with privacy, restrictions of freedom of speech, press and association, and sometimes the repression of those who demand self-determination. The rights have little meaning in situations of economic, social and cultural deprivation. They argue that a Western dominated iniquitous international system is as responsible for human rights violations as domestic political system comments in political terms as efforts to appropriate human rights, to help preserve the political and ideological hegemony of the North over the South. They see attitude of moral and cultural superiority implicit in many of the Western pronouncements on the human rights situations in the countries of the South.

India occupies a mid-way position in the entire gamut of such debate. With its liberal democratic institutions and parliamentary system of government, India is on the winning side of the ideological divide. But its human rights lapses and economic weakness have made the government vulnerable to international pressure. This has made India wary of human rights being used as a further instrument of pressure. The government claims to be assiduously vigilant about its commitment to human rights; but at the same times it is equally firm that the slogans of human rights do not become an instrument in the hands of the vested interests to challenge its political cohesion and territorial integrity.

Several third world countries argue that as long as Western nations continue to preach morality while practicing hypocrisy, human rights will be used as a stick to beat those who refuse to fall in line with the great powers best the world. The view has some substance. The collapse of the Soviet Union and the triumph of liberal democracy as the world's dominant ideology has given the West, especially the US a powerful new instrument in its foreign policy arsenal. Whether it is the former Yugoslavia or Iraq the protection of human rights has become a sufficient cause to legitimise a political and/or a military intervention. At a lesser level, the pressure on scores of countries ranging from Equatorial Guinea to Sri Lanka to respect the civil and political rights of their citizens.

The US state department compiles a human rights situation report for all countries of the world except the US itself. Uncle Sam almost eliminated the native population of North America, subjected millions of Africans to slavery, denied them civil rights till three decades ago, conducted genocidal bombings, killed hundreds of thousands of Koreans, Vietnamese and Iraqis, and deprived the human rights of millions of people all over the world through excessive consumption, ecological depredations and economic imperialism. On the other

hand, a great deal of concern is expressed for human rights violations if some terrorists and secessionists are killed in encounters in Kashmir or Punjab. Similarly, while the Serbs, the Iraqis, the Iranians and a host of other people whom the West loves, the Israelis get away with whatever they do, or at least receive a ritual slap on the wrist.

It is also clear that violations of civil and political rights in the developing countries are given much higher priority by the West than the human rights violations resulting from the outbreak of racism and xenophobia in western Europe, especially Germany. Japan, which frequently sings the tune of the West, is also oblivious of the fact that a number of Koreans, forcibly brought to Japan at the time of the Second World War, and their progeny still suffer a heap of discriminations and deprivations. A score of the communists (prisoners of conscience?) are in the Japanese jails without trial. The West rarely talks of them. Mud-slinging also sometimes becomes the purpose of pointing out human rights abuses in an opposing country. In the eyes of Pakistan, there are gross human rights violations in Kashmir and Punjab, and lately in Ayodhya. But what about its own role in the two sensitive northern states? And what happened in Pakistan in the wake of the Ayodhya incident?

Despite the obvious double standards that are employed and the fact that human rights are often a leaf to disguise Western foreign policy interests, the importance of human rights on the global agenda cannot be dismissed. It has to be accepted that in many parts of the developing world, democratic institutions exist only in name, as military regimes and corrupt, venal dictatorships impact themselves on their long-suffering populations. In a country like India, societal tensions have reached a boiling point and the relationship between the state and society has been altered. The liberal democratic institution that India erected is under threat. While no one denies that terrorism has to be dealt with firmly, is it not a fact that it is corruption and maladministration that has given rise to unrest and militancy? Nor can one turn a blind eye to police atrocities on the vulnerable sections of the populations. In most situations if one is fair, the conflict is not between political and economic rights of individuals or society; the tension arises because the government/political/administrative bosses support vested interest groups against the common masses. National interests and sovereignty are not the true concerns but self-aggrandizement, greed and short-term political ends are.

On a pragmatic plane, it is to be realised that the West is in a position to call the tune. Aid with strings attached may be unpalatable, but at times bitter medicines and false pride have to be swallowed. Furthermore, it is rather

shortsighted to argue that cultural and social rights militate facets-equally important-of the same substance. If ideas and beliefs are to be denied validity outside the geographical and cultural abounds of their origins, Buddhism would have been confined to North India, Christianity to a narrow tract in the Middle East, and Islam to Arabia.

Probably bowing to pressure from its own activists and from outside, India has set up a National Human Rights Commission which is to tackle violations of such rights.

While cultural relativism cannot serve as a basis for diluting or derogating from universal human rights standards and obligations, we also need to recognise that the discourse on human rights takes place in an esoteric language and idiom which is unintelligible to vast sections of the human population. A conspicuous failure of the human rights movement has been its inability to expand the base of support for secular, democratic and pluralistic values. The social imagination of an entire generation is being captured by the ideologies of ethno-populism, of exclusion and of intolerance. This should be discouraged. Instead of pressure tactics, the family – culture may be advocated. Obligations of reciprocity within a family, for instance, facilitate attitudes and values and supportive of the rights to the child and the needs of the elderly. Such an approach leads to more effective protection of rights than what could be available in a legal culture which view these issues exclusively in terms of an individual's claim against the state. If "human rights are those moral rights which are owed to each man or woman by every man or woman solely by reason of being human", coupled with the Western emphasis on individual rather than collectivity, addressing and preaching human rights to individuals and not the government, may bring greater dividends.

Differences of opinions over human rights are inevitable, and to an extent logical, in the real world of competing states and contending interests. The promotion of human rights by all countries has always been selective. The United States, for instance, is vociferous in criticism of violation of human rights in countries when it suits its several Amnesty International reports have indicted the USA on this score. Any kind of external pressure is bound to fail. Every ethnic group has a passion for its cultural traditions and values. Even if some shortcomings are to the human rights situation. In the situation of India- poor, developing and culturally diverse, there is as much a need for the basic minimum 'roti', kapra aur makan, and more recently 'bijli, sadak aur paani', the essentials of food, clothing and shelter, and those necessities of a better life, namely, electricity, roads, and clean water, as for the civil liberties. The one cannot exist

without the other. At the Vienna Conference on Human Rights it was ultimately recognised by all the participants that democracy, Development and human rights are interrelated concepts and ideals.