Research Paper

Re-examining the Security of State: Violation of Human Rights and its Implication of State Security

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ABSTRACT: *The paper will trace the importance of human rights and various deliberations of relating with the state security. It will examine how the violation of human right has posed a serious threat to state security. The security of people, community and individual has fostered the security of the state. The (national) security and human rights are inextricably bound together. Lacking those important basic rights, the security of the state cannot be guaranteed. The status of human right is not the benchmark to determine the performance of a state; however, the force of human right has deep implication of the state behaviour.* **Author notes:** *Some parts of this research paper are already published in a book in a chapter using a different title.*
 KEYWORDS: *Human security, Human rights violation, State security*

I.   INTRODUCTION:

Human right stands for human dignity; no one can take that dignity away or humiliate another human being[i]. Human right is one of the vital issues prevailing in our present day. Amartya Sen has said that human right can be seen as primary ethical demands[ii]. It is an essential issue that needs more attention. Even though, the significance of human right has been increasing, human right issues has been overlooked and discarded in many nation states. The word 'human right' itself is problematic to the 'Other', the rigidity and inflexibility has also brought problems to the Others. The government, the supposed protectors of human right, sometimes looks differently as demands of human rights has sometimes tied the hands of the government.

Many people believed that human rights law could not be fully implemented in our daily life. Many believed that the notion of Universal Declaration of Human Right (UDHR) is utopian in nature. It is treated as an excellent declaration which could inspire guiding norms to the state for implementing the human right laws. The constitution is equipped with those basic human rights. However, if there is a friction between human right and state interest, the government interest has often nullified the basic rights and violates the human rights of their citizens[iii].

Rise of New Edition of Security: Security of What and Security for Whom?

Security has many definitions. The security discussed in this study is not the traditional version of states or national security. The traditional or classical definition of security is about how states use force to manage threats to their territorial integrity, their autonomy, and their domestic political order, primarily from other states[iv]. In a present day, a new version of security has emerged. A new edition of security like human security is one of the imperative which we need to address. The security of human being, security of the people, community and individual cannot be ignored. The new concept of security deals with the sanctity of the individual[v]. The magnitude of military and economic security, however valued, has declined. The security of the state needs to be redefined, the vulnerability of people's life could be a serious threat to the state. The inviolability of human being could not be protected without implementing the human basic rights. Human right and security are interchangeable which support each other. The national security creates encouraging environment that is conducive to the pursuit of human security (right)[vi].

Conventional security has predisposed on military related security whereas non conventional has addressed the individual right, community and people of the country, it has been simply called 'people centric security'. Often it has been the prerogative of the nation to put great input on national and international security.

However, the contemporary times calls for a greater need to ensure human security. The security of a state would be incomplete if it cannot guarantee protection to its citizens.

Denial of Basic Democratic Right is a Serious Violation of Human Rights:
Domestic violence and imbroglio, personal insecurity- people needs protection from physical violence, domestic abuse, economic insecurity, health insecurity, denial of enjoyment of political rights, fear of failure of traditional relationships and values. Threat of traditional communities-predominantly minority and ethnic groups were the main intimidation due to violation of human security and rights.

The defiance of human right was mostly found in failed and underdeveloped states. The status of human right is not the yardstick for measuring the performance of a state; however, the strength of human right has deep implication of the state behaviour. The strength of basic human right has helped personal development, responsibility and accountability of the state and could help the secure the people, the community and the country.

The state security could be threatened in many ways. Lack of knowledge and awareness are the main stumbling blocks. Illiteracy has brought ignorance of right and privileges. In our society, the poor and uneducated people are marginalised more than others. The brutalities of police happened when people are not aware of their basic rights. Domestic abuse and violence are also common among the marginalised people. The security of an individual needs to be ensured. In democracy, where one can enjoy the basic important rights, there could be a perilous rise of illiberal democracies too. Fareed Zakaria said that routinely ignoring constitutional limits on their power and depriving theirs citizens of basics right and freedom[vii]. Political power could be easily misused; there are numerous case of irregularities and abuse of power in many states.

How did human right violation related with security?
The vulnerability of a state is defined in terms of the nexus of security and development agendas where human rights rarely feature as a core factor[viii]. The state securities are not only external or basic military based national security. The security of the people, the security of community and individual has fostered the security of the state. The (national) security and human rights are inextricably bound together[ix]. Lacking those important basic rights, the security of the state could not be guaranteed. In a country where basic political, economic, and individual rights are violated, the level of governance is low. The government (authority) is not accountable to the people, the countries are poor, inflation rates are high, there is no job security, the basic minimum pay is terribly low, corruptions are rampant and political power is fragile. Elections, if held, are reduced to just a facade to cover up the rampant practice of corruption and nepotism. In some countries, the government has imposed a state of emergency law to suppress uprisings and curtail freedom of speech and justice in the process.

To know how human right violation are linked to state insecurity, let us reflect the recent international as well as the domestic imbroglio due to refute of human basic right :-

Egypt has been ruled by Hosni Mubarak since 1981. Under his reign, the rule of law has collapsed. The people cried out to stop serious violation of human dignity and right. The police brutality, rigid state of emergency laws, lack of free elections and curtailing the freedom of speech, corruption and worst economic condition with increasing high unemployment, inflation, and low minimum wages has forced the country to come together and shook the state security. Egypt, under Mubarak unrelenting to suppress political rebel in 2010, disband demonstrations, harassing rights activists. In spite of promising since 2005 to end the state of emergency, the government continued to use outdated laws which were constituted in 1958. The government declined to reveal the number of persons detained under the emergency law[x].

One of the principal causes of disastrous 2011 civil war in Libya was violation of human right. Libya has poor human right records. Colonel Gaddafi has ruled Libya with an authoritarian hand. During his long reign, Gaddafi government has executed his opponent activists publicly and broadcasted the executions on state television channels. Many ethnic groups, religious group like Islamic fundamentalist and tribal minorities undergo harsh discrimination. Freedom of Press Index 2009 has declared Libya as the most-censored state in the Middle East and North Africa.

According to the Human Right Watch, country summary (Libya) 2011, reveals "Government control and repression of civil society remain the norm in Libya"[xi]. The basic important right like freedom of assembly and expression, including penal code provisions that criminalize "insulting public officials" or "opposing the ideology of the Revolution," has been maintaining harsh restriction[xii]. The people under Gaddafi cried due to restriction of human basic rights, the terrible condition of the country forced the people to rise up, revolt and come together in one main cause.

The case study of these two countries, however well-equipped in military strength, shows that threats to a country can be internal if basic human rights are violated. Besides political repression, the UDHR demands of *"everyone has the right to life, liberty and security of person"*[xiii] were denied. The right to live includes

economic security, food security, health security and many more. It had resulted in the uprising of the people where the imbroglio of the state emerged. The external security needs to be supplemented by internal security.

However, human right has also been violated in the name of national security. In a country like Yemen, the anti-terrorism campaign has restrained the people's rights. Brutal torture, enforced disappearances, arbitrary and mass arrests and detentions occurred periodically. It targeted unarmed political activists, journalists, academics, and opinion-makers that are critical to the governmental policy[xiv]. So, we could state that there is an urgent need to channel human rights in the right directions.

In our country too, there is unrest due to denial of human basic rights. The Naxal movement is not only about military insurgency; its root could be traced back to denial of basic human rights. The Naxal movement has been stated to rise due to struggle for basic economic rights. Naxalite asserts to be fighting for land rights, right of the periphery-tribal, *Adivasis* and the untouchables. Naxalite infested areas suffer from illiteracy, poverty and overpopulation. The districts under the Naxal infested areas are among the poorest in the country. The Naxal has been popularly dubbed as anti-development. The Naxalite are not anti-development, but questioned 'whose development' and 'what sort of development' Prof. GN Saibaba reveals[xv]. Naxal infested region has significant wealth in natural resources-including minerals, forestry etc. However, the native people were denied access to those natural resources and benefits. Instead, those resources have been taken out for other purposes that exclude the natives.

In 2006, India's Prime Minister, Manmohan Singh stated that the Naxalites are the single biggest internal security challenge ever faced by our country. The Prime Minister reiterated in 2009, the country was losing the battle against the Maoist rebels. It might be just beyond uprising, it is about denying the economics rights and developments. Many people may label it under different names like insurgency, revolution, civil war etc. However, the decisive root of this dilemma is depriving of human basic needs. The people need their rights protected. This denying of individuals their fundamental moral entitlements is serious violation of human rights[xvi].

We can learn a very good lesson from the above mentioned cases. In various countries, they

seems to be living peacefully however, there is ignorance and poverty, domestic abuse, domestic violence and crime rate is rising. The security of state does not depend only on military or external threat. Absence of insurgencies group does not imply that we are secure and peaceful. We need to ensure people's enjoyment of economic and other important rights. So, addressing poverty and calling on to encourage the government to fulfil social and economic rights and equality rights is not anti-democratic in nature[xvii]. The terrible condition of the people could lead to insecurity. The rights of the people, community and individuals needs to be valued. So, both security and human right are bounded together, "there can be no security where essential human dignity is not protected and upheld by laws, and there can be no fully realized human rights in countries deep in the throes of deadly conflict"[xviii].

Healing the Wound: Measures to be Adopted for Restoring Human Rights

The safeguarding of the human right has accelerated security of state. Security of the state calls for a fight to eradicate denial of basic human rights. Education provides an important arsenal to eradicate the bane of ignorance and poverty. Education gives wisdom and knowledge which paves way for the better implementation of human rights. UDHR has situated education for eradication of violation for human right. The Article no. 26 of UDHR has mentioned clearly that education should lead to the full development of the human personality, strengthening of respect for human rights and fundamental freedoms. UDHR wants education to promote understanding, tolerance and friendship among all nations, racial or religious groups[xix]. Education might not cure all the social diseases, or solve social problem. However, education can help provide the stepping stone for the citizens to enjoy their rights.

Besides giving knowledge and wisdom through proper education system, people need to edify human right education. Abbas Rashid mentions that the denial of education has to be seen as the violation of a basic human right and a synonym for disempowerment.[xx] He also extent that *"It recognises the universality and indivisibility of human rights; increases knowledge and understanding of human rights; empowers people to claim their rights; assists people to use the legal instruments designed to protect human rights; uses interactive and participatory methodology to develop attitudes of respect for human rights; develops the skills needed to defend human rights; integrates the principles of human rights into everyday life; creates a space for dialogue and change; encourages respect and tolerance"*[xxi]

Poverty is one of the primary causes and alleged they are denied development and economic prosperity, "it is a violation of human rights to be starving, to be homeless or to not have adequate resources to support a family"[xxii]. Denying economic right is denying the important basic rights. So, uplifting of economic condition is another important instrument to prevent violation of human right. Poverty is one of the main hindrances to implementing the human right. Gwen Brodsky and Shelagh Day said that "an adequate standard of living is fundamental to the human dignity and security of every individual"[xxiii]. If corruption is a deprivation of

other share, it would be a serious violation of human right. The economic right needs to be protected among the citizens. The poor people could also be easily marginalised and their rights easily deprived.

There must be a rule of law. The rule of law is one of the basic important ingredients of liberal democracy; the government or authority must respect the constitutional liberalism which limits the exercise of power. In many countries too, the right of the people, community and individual need to be paid utmost importance. In some way, the risk of external threat is responsible to the union government. However, the government and people of India need to take care of internal security of the state.

The agents of insecurity can be state (government and it's agents like administrative, judicial, police, paramilitary and military structures) individuals, societal groups, institutional structures, international crime[xxiv]. To prevent state's human right violation, the Non-Governmental Organizations (NGOs) plays a crucial role. The NGOs and non-governmental actor play a crucial role for preventing the violation of human right. The NGOs can gear up on promoting and giving awareness of right to the common citizen. UN also recognises the positive role of NGOs in various aspects.

In various state too, we can find deprivation of rights, domestic abuse, poverty and crime related violence etc. The rich has become richer and the poor, poorer. What happened to other countries can also happen to our state too. If we do not eradicate social evils then our social atmosphere can abruptly decline. Domestic violence and violence associated crimes could proliferate. The threats maybe concealed for now but are slowly rising. There must be a law which allows for the freedoms as discussed above. If we are talking about rights, the rights must be convenient to use, rights must be also available to enjoy too.

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