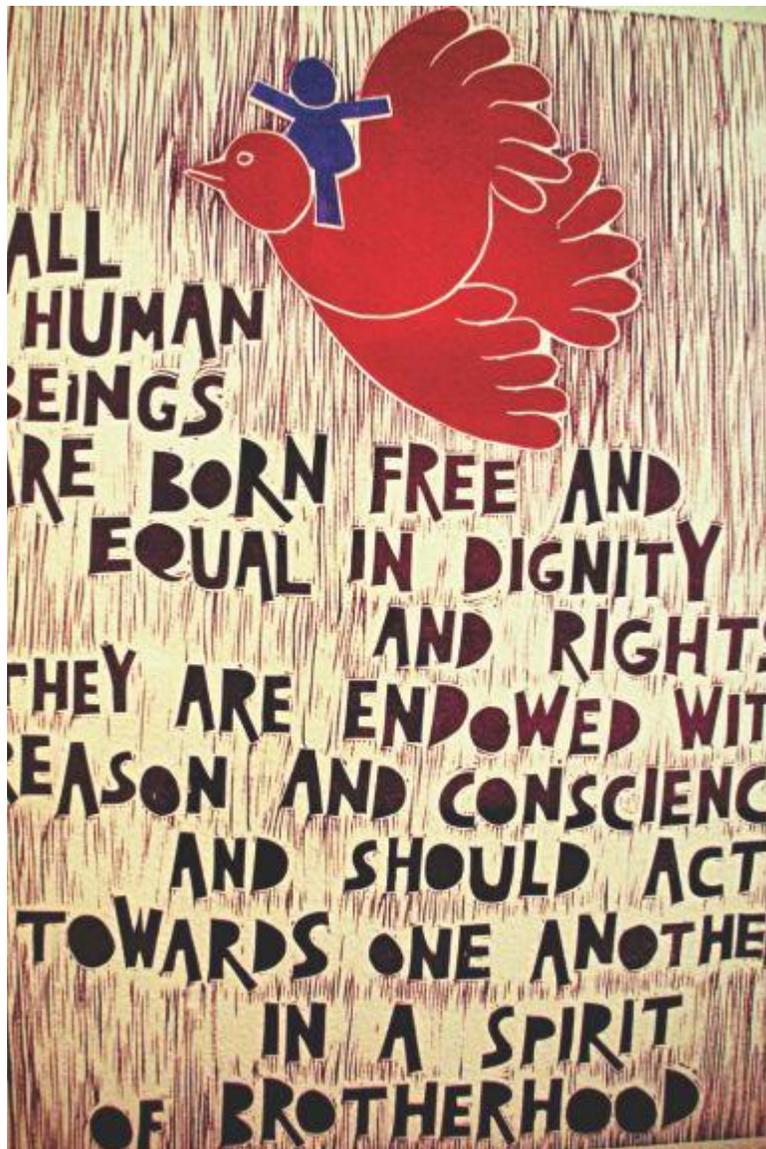


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Stretching the boundaries of HR



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It is common knowledge that authoritarian regimes (both unelected regimes and elected regimes subsequently turning into tyrannies) are guilty of violation of human rights norms in this country. Probably, it is equally common knowledge that human rights activists in Bangladesh have relentlessly fought and are continuing to fight for upholding human rights. However, this brief essay would argue that in the course of their advocacy for protection of human rights; sometimes human rights activists in this country have contributed to the lack of concern and respect for human rights in Bangladesh by an overkill of the concept. And it has happened so often that the very concept of human rights may be on the brink of becoming a cliché to many Bangladeshis.

For instance, it is not uncommon for some human rights activists in this country to cite incidents of crimes and claim that they epitomise violation of human rights. Of course, crimes can sometimes connote a violation of human rights but in and of itself, criminal offences cannot tantamount to such violation. In order to appreciate this phenomenon of over-stretching of human rights and its evils, we may first look back at the origin and basis of the emergence of the human rights norms. In essence, we may note that these norms emerged from the notion of a need to uphold universal human dignity and to limit the state's sovereign rights to treat its citizens in whatever manner it may choose. Thus, the human rights norms were never meant for redressing typical criminal offences; rather it was about putting an end to the territoriality of law in matters of fundamental human dignity.

Hence, by equating typical criminal offences (even those which are perpetrated by members of the law enforcing agencies, unless of course, they are systemic violations with active or tacit state sanction or attributable to state's negligence) to violation of human rights, the biggest danger is probably that the general population receive a wrong message about its nature and scope. In the process, they may become de-sensitised about human rights. This is distinctly dangerous because there being no world court for the protection of human rights; arguably the biggest defender of human rights is public opinion. And surely no democratic regime can brush public opinion aside and hence, for upholding the norms of human rights it is very critical that public is vocal about it.

In the process of an overreach on human rights, even the activists and organisations may suffer from a loss of sense of purpose and they may become unable to perform functions which they are actually expected to. In other words, their expansive agenda on human rights may militate against their chances of having real impact. It may be argued that this propensity of an expansive (at times bordering on implausible) reading of human rights norms would also have an adverse impact on public institutions (such as the National Human Rights Commission) who have a mandate to work for the protection and promotion of human rights. It would promote a

culture in which such a public institution may feel compelled or at least encouraged to venture into areas which should not be their domain. For instance, they may be relegated to the prosecutor and investigator of a crime. While in terms of the outcome of such an action, there is nothing immoral or questionable; it would beg a question about the efficient allocation of resources. After all, this would be a function of the police and prosecutors not that of the National Human Rights Commission.

Thus, it may be said that despite the inherently inter-disciplinary nature and philosophical underpinnings of human rights, they are a distinct set of rights for very justifiable reasons and we must remember that in our over-zealous pursuit for protection of rights of individuals or protection of the victims of crimes. Hence, we would do well to keep in mind that not all victims of crimes are by any means victims of violation of human rights. And indiscriminately blurring the line between the two would do a disservice to the cause of the protection of those very rights that the human rights activists seek to protect.

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