

Saarc: Make human rights a priority

Saarc represents a sixth of the world's population and plays a significant role in global affairs. It is crucial that Saarc adopt measures that provide good governance standards for the region, including respect for fundamental human rights. If it does so, it could become a beacon for the rest of the world. Unfortunately, to date Saarc has not taken human rights seriously. Instead it has been largely a talk shop and a photo opportunity for its members' leaders.

BRAD ADAMS

As the leaders of the South Asian Association for Regional Cooperation (Saarc) meet in New Delhi on April 3 and 4, the discussions will inevitably focus upon economics and regional security. At Saarc meetings, human rights problems in each member country have usually been treated as an internal matter. However, it takes only a quick survey of the region to see that there are many human rights issues that would benefit from mutual engagement and agreement.

Apart from other serious human rights problems, Afghanistan, Pakistan, India and Sri Lanka are also dealing with situations related to armed conflicts and insurgencies. Nepal, with its numerous human rights problems, has only just emerged from a violent conflict that claimed over 13,000 lives, and violence continues in the south. Bangladesh has witnessed increased militancy and the caretaker government has detained tens of thousands, often ignoring basic due process, in its efforts to combat corruption and crime. Bhutan continues to discriminate against citizens of Nepali origin. In the Maldives, there are serious curbs on political freedom.

In Sri Lanka, the human rights situation has deteriorated drastically since major hostilities between the government and the Liberation Tigers of Tamil Eelam (LTTE) resumed in early 2006. The LTTE has been responsible for numerous political killings and indiscriminate bomb attacks, and continues to use child soldiers and forcibly recruit adults for its forces. It has prevented civilians from fleeing areas of combat in the north and east. Government security forces have increasingly violated the laws of war by engaging in indiscriminate attacks in which civilians were killed

and have also been implicated in extrajudicial executions. "Disappearances" attributable to state security forces or allied armed groups have risen sharply; hundreds of alleged "disappearances" have been reported on the Jaffna peninsula over the past 15 months.

More than 15,000 refugees have fled to neighbouring India and over 200,000 were internally displaced by the fighting in the north and east. The government has forced displaced civilians to return to their homes in the east despite their concerns about security and access to humanitarian aid. The Karuna group, with the open support of state forces, continues to abduct and forcibly recruit boys and young men for its forces and political work. Civil society has increasingly come under attack and national institutions involved in human rights protections have been undermined.

In India, impunity laws that protect members of the security forces from prosecution continue to fuel human rights abuses in the conflict in Jammu and Kashmir and in the northeast. Security forces have been responsible for widespread abuses including torture and arbitrary detentions. Recently, in Jammu and Kashmir, police investigations revealed that some policemen, usually in joint operations with the army, were killing civilians in faked encounters, and then claiming that they were Pakistani militants. New Delhi has failed to act on the recommendations of a government-appointed committee that said the Armed Forces Special Powers Act should be repealed. Despite encouraging disaffected groups to choose dialogue and peaceful protest in the northeast or in areas where Maoist groups have begun an armed campaign, the Indian government has failed to acknowledge or address such methods; for instance, it has failed to investigate

the reasonable demands of Irom Sharmila, who has been on a seven-year hunger strike to demand an end to human rights abuses by troops in Manipur. The government's failure to implement its laws that protect vulnerable communities received international attention in Maharashtra state recently, where four members of a Dalit family were brutally murdered, but no arrests were made until there were violent protests. Hindu extremist groups continue to threaten religious minorities, tribal groups and Dalits. Indian police have used excessive force against villagers and farmers opposing development projects. Laws to protect women and children have not been effectively implemented. India has failed to adequately acknowledge and protect refugees from Burma and Bhutan, and has provided military assistance to the Burmese army, which has frequently attacked civilians and committed other atrocities in its war against ethnic insurgents.

In Pakistan there have widespread reports of arbitrary detentions and enforced disappearances. Alleged terrorism suspects are often detained without charge or tried without proper judicial process. Human Rights Watch has documented scores of arbitrary detentions, instances of torture, and "disappearances" by the security forces in Pakistan's major cities. The government has failed to provide the civilian population in the Federally Administered Tribal Areas adequate protection from Taliban attacks after agreements ending military operations there effectively ceded power to local tribal leaders closely allied with the Taliban. Civilians have also died in counter-terrorism operations due to the security forces' use of excessive force. While the authorities routinely misuse counter-terrorism laws to perpetuate vendettas and as an instrument of

political coercion, sectarian militants continue to target the Shia Muslim minority in Pakistan and are responsible for attacks upon civilians in Indian-administered Jammu and Kashmir. Women and girls in Pakistan confront astounding levels of violence, with hundreds of women and girls murdered each year in the name of family "honor." Journalists and human rights defenders face frequent threats and attacks from state agents and extremists. Pakistan's judiciary remains subservient to the military. When it does attempt to act independently, the government has intervened, as it has done recently with the arbitrary removal of the Chief Justice of the Supreme Court.

In Afghanistan, more than 1,000 civilians were killed as a result of violence related to the insurgency in 2006; 15,000 families were displaced and over 200,000 children were unable to attend school. The violence prevented reconstruction and access to clean water, education, and health care. The Taliban and other anti-government forces continue to attack aid workers, government officials, teachers, students, and schools. Regional warlords implicated in war crimes, some allied with the government, continue to perpetrate serious human rights abuses throughout Afghanistan. Afghan women and girls continue to suffer from entrenched discrimination throughout the country. They have among the highest rates of illiteracy, maternal mortality, and forced marriage in the world. There are few remedies available for gender-based violence and many women and girls confront severe restrictions on their freedom of movement. Afghanistan is again on the precipice of becoming a haven for human rights abusers, criminals, and militant extremists, many of whom in the past have severely abused Afghans, particularly women and girls.

In Bangladesh security forces have long been implicated in torture and extrajudicial killings. These have continued since a state of emergency was declared on January 11. The killings have been attributed to members of the army, the police, and the Rapid Action Battalion (Rab), an elite anti-crime and anti-terrorism force. Killings in

custody have been a persistent problem in Bangladesh. To date, no military personnel are known to have been held criminally responsible for any of the deaths. There have been widespread abuses reported against Hindus and Ahmadiya Muslims. Women continue to suffer domestic violence including acid attacks, largely with no response from the state. Most recently, under the state of emergency, the military has arrested thousands of people on allegations of corruption and other crimes, but many have been denied their due process rights. Some have been tortured. There have also been attempts by the authorities to control the media, with editors being privately summoned to impose self censorship.

Bhutan has continued its discriminatory practices to enforce a distinct national identity, in line with Bhutan's "one nation, one people" policy. These policies are perceived as a direct attack on the cultural identity of the ethnic Nepalese living in southern Bhutan. The government forcibly evicted tens of thousands of ethnic Nepalese in 1990 and 105,000 still remain in seven refugee camps in Nepal. Nearly 50,000 Bhutanese refugees live outside the camps in India and Nepal. Bhutanese Nepali speakers who managed to avoid expulsion and still live in Bhutan remain very insecure. Some have been denied citizenship cards following the latest census in 2005 and so they are now effectively stateless in their own country.

In the Maldives, citizens continue to face restrictions on political freedom. Security forces have been implicated in torture and arbitrary detention, among other abuses. There are severe limitations upon the rights to freedom of the press, assembly, association, and religion. Unequal treatment of women continues, as do restrictions on workers' rights.

In Nepal, the November 21, 2006 agreement between Nepal's coalition government and the Communist Party of Nepal (Maoist) ended ten years of fighting that killed an estimated 13,000 people. The deal included compliance with an armed management pact, under which each side would put away most of its weapons and restrict

most troops to a few barracks, under the supervision of monitors from the United Nations. Both parties agreed to end all forms of feudalism and promote greater inclusion of marginalized groups. However, ethnic, linguistic and regional tensions continue, with increasing violence in the south where ethnic minorities are demanding equal representation in determining Nepal's future. Women are yet to be an equal part of the peace process. Impunity remains a problem, with little urgency in investigating and prosecuting those responsible for atrocities during the conflict. The army was responsible for enforced disappearances, torture and mistreatment of detainees, while the Maoists recruited children into armed conflict and punished civilians that they deemed as insufficiently committed to their cause with executions, mock executions, cutting body parts, and severe beatings. Meanwhile, trafficking of Nepali women and children into India as domestic labor or sex workers continues, particularly because thousands remain internally displaced due to the conflict.

Human rights abuses such as those listed above are often the cause and fuel of conflict. A failure by the state to provide and protect economic, social and cultural rights and civil and political rights, including ensuring the rights of marginalized groups such as ethnic and religious minorities, can lead to discontent that eventually turns violent.

Militants and armed groups, such as Kashmiri, Maoist and north-eastern militants in India, the LTTE in Sri Lanka, and Islamist groups in Pakistan and Bangladesh, often commit human rights abuses and violations of international humanitarian law, including indiscriminate bomb attacks, extortion, killings and abductions. Security forces deployed by the state for counter insurgency operations, unless properly checked, have in turn become responsible for abuses including torture, extrajudicial killings, arbitrary detentions and enforced disappearances.

Regional security and economic progress cannot be achieved unless every citizen is provided with a secure environment to enjoy their civil, political, economic, social and cultural rights. This is especially true for groups historically discriminated against, like women and children. Half of the world's poor live in this region. Policies and laws to help them will be useless unless effectively implemented.

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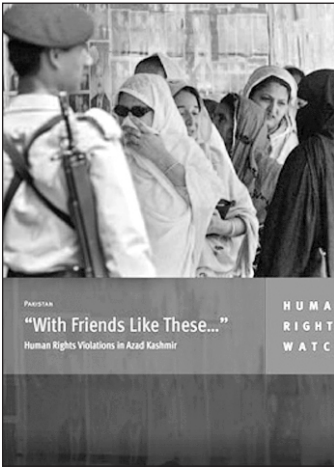
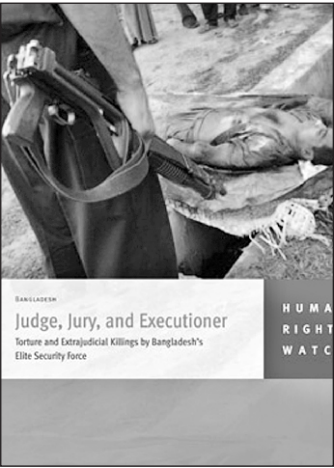
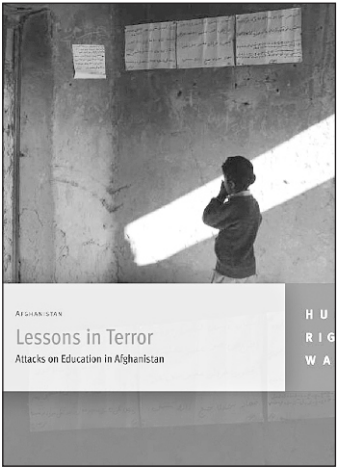
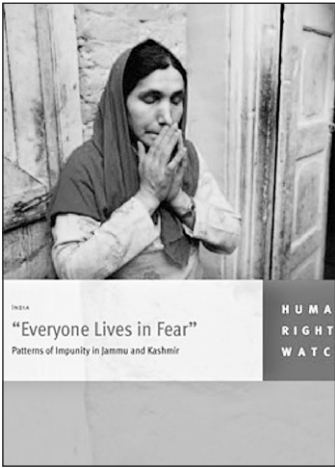
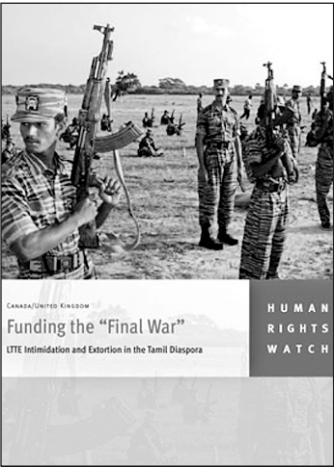
Human Rights Watch encourages Saarc members to:

- Ensure the protection of vulnerable communities including religious and ethnic minorities, Dalits and tribal groups. Governments should repeal all laws that lead to discrimination against minorities such as citizens of Nepali origin in Bhutan, Tamils in Sri Lanka or the Ahmadiyas and Hindus of Bangladesh. Instead, laws designed to protect these groups should be properly implemented, such as in the case of Muslims, Christians, tribal groups and Dalits in India.
- End specific legal, cultural, or religious practices by which women are systematically discriminated against, excluded from political participation and public life, segregated in their daily lives, raped in armed conflict, beaten in their homes, denied equal divorce or inheritance rights, killed for having sex, forced to marry, assaulted for not conforming to gender norms, and sold into forced labor. Arguments that sustain and excuse these human rights abuses - those of cultural norms, "appropriate" rights for women, or western imperialism -- barely disguise their true meaning: that women's lives matter less than men's.
- Implement laws to end human rights abuses against children including the use of children as soldiers; the worst forms of child labor; torture of children by police; police violence against street children; conditions in correctional institutions and orphanages; corporal punishment in schools; mistreatment of refugee and migrant children; trafficking of children for labor and prostitution; discrimination in education because of race, gender, sexual orientation, or HIV/AIDS; and physical and sexual violence against girls and boys.
- Build strong international human rights norms and institutions to create a successful, rights-respecting counter-terrorism policy. Protection of human rights should be treated as an essential tool in the fight against terrorism, not as an obstacle.
- End state participation in enforced disappearances, torture, arbitrary arrest and detention, and extrajudicial executions, which are often masked as armed encounters.
- Prosecute and punish those responsible for human rights abuses, including persons implicated as a matter of command responsibility when superiors knew or should have known of ongoing crimes but failed to take action. These include high-

ranking and powerful individuals, including those holding government positions.

- Stop supplying weapons to governments likely to use them to commit violations of international human rights and humanitarian law. India supplies weapons to Burma, and Pakistan has provided weapons to Sri Lanka. Saarc member states, have also provided weapons to abusive opposition groups.
- Tie military aid to fellow Saarc members and other countries to strict human rights compliance.
- Prohibit the use, production, and trade of antipersonnel landmines and cluster munitions that cause unacceptable harm to civilians.
- Adopt multilateral labour agreements to protect workers from Bangladesh, Pakistan, Sri Lanka, Nepal, and India who migrate to the Middle East and Asia. These workers, especially those in construction and domestic service, regularly suffer unpaid wages, confiscation of their passports, hazardous working conditions, and sometimes physical abuse. High recruitment fees and deception during recruitment have led many workers to be trapped in situations amounting to debt bondage and human trafficking. Labor-sending governments should regulate and monitor labor recruitment agencies by placing caps on recruitment fees, providing clear information in enforceable employment contracts, and strengthening support services in embassies abroad for abused workers.
- Provide proper protection and access to humanitarian assistance for refugees and internally displaced persons. No one should be returned to a place where their life or freedom would be threatened. The groups at risk today in the Saarc region include Afghan refugees in Pakistan, Rohingyas in Bangladesh, Burmese and Sri Lankan refugees in India, and Tibetan and Bhutanese refugees in Nepal. The internally displaced include tens of thousands who fled from armed conflicts in Nepal, India, Sri Lanka and Pakistan as well as those displaced due to natural disasters such as the Indian Ocean tsunami and the Kashmir earthquake.

Brad Adams is Executive Director, Asia Division, Human Rights Watch. This article is based on a Human Rights Watch letter to the leaders of eight Saarc member countries: India, Pakistan, Afghanistan, Nepal, Sri Lanka, Bangladesh, Bhutan, and the Maldives.



EID-E-MILADUNNABI

The greatest guide for mankind

"My choice of Muhammad to lead the list of the world's most influential persons may surprise some and may be questioned by others, but he was the only man in history who was supremely successful on both the religious and secular levels ... It is this unparalleled combination of secular and religious influence which I feel entitles Muhammad to be considered the most influential single figure in history."

SYED ASHRAF ALI

It was on the 12th of Rabiul Awal in Amul Fil or the Year of Elephant (570 Anno Domini) that the benighted world was blessed with the most coveted boon and Ahmad Mujtaba Muhammad Mustafa (peace be upon him) was born as mercy and guide for all mankind, nay for the entire creation. "The advent of this great teacher, whose life from the moment of his Ministry is a verifiable record," says the renowned historian Syed Ameer Ali in *The Spirit of Islam*, "was not a mere accident, an unconnected episode in the history of the world. The same causes, the same crying evils, the same earnest demand for an 'assured trust' in an all-pervading Power, which led to the appearance on the shores of Galilee, in the reign of Augustus Caesar, of a Prophet, operated with greater force in the sixth and the seventh century."

fresh form of positive faith, to recall all wandering forces to the inevitable track of spiritual evolution "towards the integration of personal worship."

They all pointed to the necessity of a more organic revelation of Divine government. The holy flames kindled by Zoroaster, Moses, and Jesus had unfortunately been distorted and quenched in the blood of man. Under the overpowering influence of the sickly imaginations, the sublime and glorious moral teachings of Gautama had been almost hid from view.

Mrs. Rhysse Davies very rightly points out: "Theories grew and flourished, each new step, each new hypothesis demanded another, until the whole sky was filled with forgeries of the brain and the nobler and the simpler lessons of the founders of the religions were smothered beneath the glittering masses of metaphysical subtleties."

The holy Prophet Muhammad (pbuh) with his amazing soberness and incomparable self-control, with which he entertained his all-absorbing visions, rose to the occasion with all the sincerity, conviction and determination under

the sun. The challenge was dreadful, the task stupendous. "Many a less sincere man. many a real hero," says Major Arthur Glyn Leonard in *Islam: Her Moral and Spiritual Value*, "would have shrunk from and succumbed before an ordeal so terrific, a contest so supremely titanic. But Mohammed was made of a sterner stuff, of the spirit gods are made of. Failure was a word that he did not recognise. With God at his back, success was an absolute certainty -- a foregone conclusion." It was indeed a unique success. Even a devout Christian like Rev. Bosworth-Smith unhesitatingly admits in *Mohammed and Mohamedanism*: "Islam is the most complete, the most sudden and the most extraordinary revolution that has ever come over any nation on Earth."

Thomas Carlyle analyses this success beautifully in *On Heroic, Hero Worship and The Hero in History: The Hero As Prophet*: "A poor shepherd people roaming unnoticed in the deserts since the creation of the world. A Hero Prophet was sent down to them with a word they could believe. See, the unnoticed becomes world noticeable, the small has grown

world great, within one century afterwards, Arabia is at Granada on this, and Delhi on that; glancing with valour and splendour and the light of genius, Arabia shines through long ages over a great section of the world."

There must be something so fascinating, so arresting in the personality of this great Arabian who without any standing army, without any palace, without any huge resources to fall back upon, without the slenderest human backing and against the heaviest material odds could so effectively revolutionize the social, political, moral, and spiritual outlook of the wild hordes, the barbarous savages of Arabia, creating a new orientation, developing a new phase of action, a new angle of vision, giving a new direction to human thought, a new interpretation of human life and destiny.

There must be something chivalrous about this giant among men that alone among the great teachers of mankind he conferred the first legal status of honour and responsibility upon women making them Sui Juris, ensuring their economic independence and providing them opportunities in all spheres of human activity, guaranteeing their rights in the properties of the deceased parents, of the dead husband and children -- rights and privileges which could not be conceived of before the enactment of Married Women's Property Act in England by the middle of the nineteenth century, rights which are being conceded to them by the

civilizes nations of Europe and America even in the 21st century.

There was something so constructive and creative in the amazing genius of this great man of vision and imagination that he reconciled the divergent claims and conflicting interests of all classes and conditions of people, combining various aspects of human life, the individual with the social, the national with the international, the material with the spiritual, the herewith with the here-after, laying down principles for all stages and conditions of human society, principles aiming at the perpetual growth of the human race.

There was something so rational, so dynamic, so material, nay, so original, in his magnificent conception of God and his relation with man and the system of universes that he could with his simple humility, with his democratic conception of the Divine Great, with his unarraying appeal to reason and the ethical faculty of mankind, lay the foundation of the modern world, establishing both in theory and practice liberty, equality and fraternity at least twelve hundred years before the French Revolution.

There was something not only original but unprecedented in his concept of the Ethics of War which had never been conceived of before, principles of warfare which furnished the real guidance for conduct of warfare for succeeding generations for centuries in three continents of the world -- Asia, Africa and Europe.

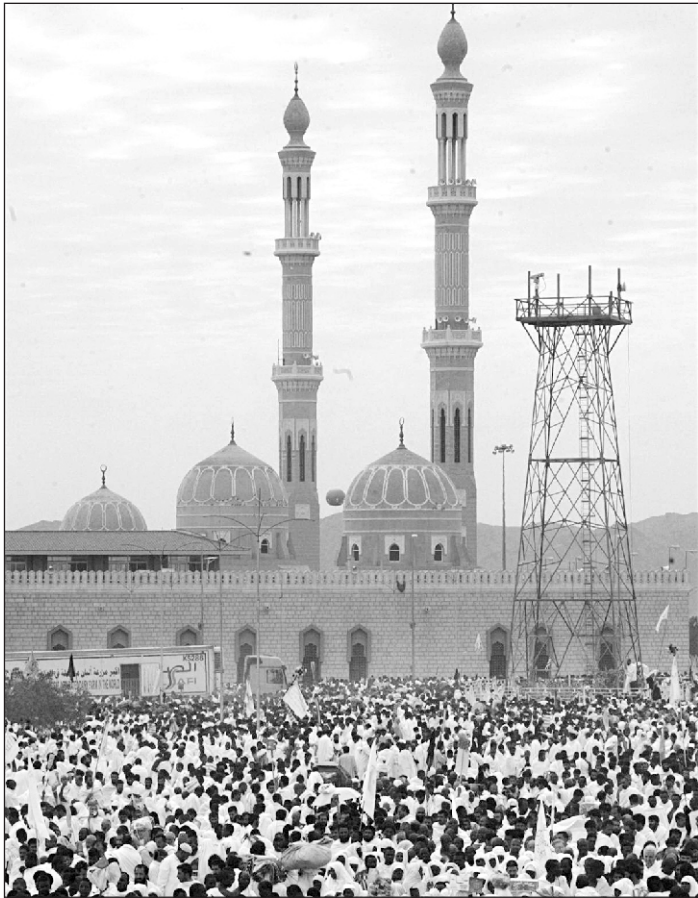
No wonder, it is not the Muslims

alone who claim that the holy Prophet Muhammad (pbuh) was the greatest and most influential among the salt of the earth in the annals of civilization. Even the non-Muslim saints and seers unhesitatingly admit that there was none greater than the Prophet of Arabia.

John William Draper, who claims that Renaissance owes its birth to Islam, acknowledges in unambiguous terms in *History of the Intellectual Development of Europe*: "Four years after the death of Justinian, in AD 569, was born at Mecca in Arabia, the man (Muhammad) who, of all men, has exercised the greatest influence upon the human race."

Alfred De Lamartine sums up the great virtues and the excellent qualities of the Last and the Greatest Prophet in *Histoire de la Turquie* when he claims: "If greatness of purpose, smallness of means, and astounding results are the three criteria of human genius, who could dare to compare any great man in history with Mohammed ... Philosopher, orator, apostle, legislator, warrior, conqueror of ideas, restorer of rational dogmas, of a cult without image; the founder of twenty terrestrial empires and of one spiritual empire, that is Mohammed. As regards all standards by which human greatness may be measured, we may well ask: Is there any man greater than he?"

The renowned astronomer and historian Michael H. Hart analyses the unparalleled greatness and incomparable achievements of the



Last Prophet of Allah and declares very courageously in his sensational publication entitled *The 100: A Ranking of the Most Influential Persons in History*: "My choice of Muhammad to lead the list of the world's most influential persons may surprise some and may be questioned by others, but he was the only man in history who was

supremely successful on both the religious and secular levels ... It is this unparalleled combination of secular and religious influence which I feel entitles Muhammad to be considered the most influential single figure in history."

Syed Ashraf Ali is former DG of Islamic foundation Bangladesh.