



## HUMAN RIGHTS DAY-2013

# Freedom from 'Fear': Human rights contextualized

PROF.DR. MIZANUR RAHMAN

We as Bangladeshis have inherited a number of legacies: legacy of struggle, legacy of impunity, legacy of deprivation. After 42 years of Independence, many ask me what is the point in looking back over and over again. Whilst those cynic of reflections focus on moving on, one fact that cannot be denied is that such reflections help us understand who we are. After 42 years, one cannot but acknowledge that we are as if moving in a circle. Bangladeshis started their journey with the most compelling emotion: fear. Fear was the most dominant factor in their lives back then and it has once again become the most dominant factor in our lives. Today, under this suppressingly frustrating political turmoil, our each day passes under a tumult of fear and uncertainty. We are afraid to walk in the streets, we are afraid to make future plans. We are afraid to undertake ventures, we are at times afraid to even step out of our homes.

Freedom for fear today appears to be one of the core issues that Bangladesh should be concerned with. The issue of human rights violation is largely discussed and debated in the public dominion, and although not everyone has the correct idea of what human rights is and when human right is violated, nonetheless it is becoming gradually apparent that people are becoming more rights conscious. This attribute carries with it the unfortunate fact that very seldom do we find ourselves to be duty-conscious. However, in the equilibrium of rights and duties, duties have been cast away, they have been banished from the discourse of good citizenship, and this absence of one's sense of obligation today has entailed in the form of human rights violation the most gross

tesque features, ensuing far stretching incidents of terrorizing people and making them afraid within their own country.

The notion of fear first gained intense attention when the then President of the United States Franklin D. Roosevelt in his State of the Union address in 1941 mentioned that people in the world have the right to be free from Four things, and prominent amongst them was the Freedom from Fear. We claim to have come a long way from WWII, and although while making a foundation pillar for the UDHR 1948, this freedom did not get its individual place amongst its articles or even in the International Covenants of 1966, it is undeniable that this freedom is an integral part of the modern human rights discourse.

Human rights is the most basic and inalienable rights of a person which he derives by the very virtue of being a human. Human rights are inalienable, interdependent and interconnected. Man does not receive these rights from any superior entity, rather under the social contract theory, man has vested the State with the duty of protecting their rights. These are rights without which one cannot flourish as humans, cannot explore the potentials to the greatest possible extent, and cannot claim to have a life worthy of human dignity.

Human rights can be violated only by the State or any other entity authorized by the State. That is the basic distinction between 'crime' and 'human rights violation'. As such, a big question arises whether the grotesque activities we are encountering nowadays fall under human rights violation or crime. With this is entangled other prime issues, that is, what the freedom from fear has to do with all this, and the fact that freedom from fear has intricate relation with other human rights e.g. equality

before law, equal protection of law, right to life, liberty and property.

The development of human rights has ripened into a well structured grouping of rights for easier comprehension. Provided that human rights cannot be separately treated from one another, categorization of these rights under three classes has facilitated characterizing the freedoms people are entitled to in various spheres and under diverse capacities. These three categories are Civil and Political rights, Economic, Social and Cultural Rights, and finally Collective rights.

Freedom from Fear falls under the category of Civil rights. Civil rights are rights that arose from the mere existence

against the Allied forces. However, the current jurisprudence holds that this freedom applies not only to the States in the sense "that no nation will be in a position to commit an act of physical aggression against any neighbour -- anywhere in the world", but also against the individual citizens in relation to their fellow citizens and State.

In current human rights discourse, freedom from fear has elaborate connection with the notion of human security. The proponents of human security challenge the notion of traditional national security as mentioned by the UN Charter and opine that the proper beneficiary of security should be the individual rather than the State.



of organized society. Drawing on the social contract tradition, right to physical security had been preached to be formally incorporated in the Bill of Rights of many countries including the USA, South Africa etc.

The political rights, on the other hand, are rights that arose from the political organization of particular societies.

The idea of the freedom from fear emanates from the notions of fundamental human rights. Roosevelt mentioned this freedom at the backdrop of the atrocities committed against individuals at both the international and domestic levels by the Axis forces against their own nationals as well as

Freedom from fear as a catalyst for democracy has always played a crucial part in indicating the state of political maturity and protection of human rights. Harbingers of democratic rights and fundamental freedoms have always mentioned freedom from fear on various contexts. Aung Sang Suu Kyi in 1990 said that "Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it.... In an age when immense technological advances have created lethal weapons which could be, and are, used by the powerful and the unprincipled to dominate the weak and the helpless, there is a compelling need for a closer relationship between politics and

ethics at both the national and international levels.... The quintessential revolution is that of the spirit, born of an intellectual conviction of the need for change in those mental attitudes and values which shape the course of a nation's development." This immensely penetrative speech shows that the right to choose one's own political system, government, right to protection of human rights, and right to development are all interdependent and have a close connection with freedom from fear.

Contextualizing the freedom with the current political turmoil and practice in Bangladesh is not difficult. Behind the facade of promoting people's right to choose their government, the political parties have now reached a state where spreading of fear and hate-speech has become the chief tool for exercising their political right to protest and freedom of expression. On a close speculation, we can see that political rights are being exercised in Bangladesh at the cost of civil rights and basic protection of the citizens. In today's Bangladesh, Fear is operating on a circular motion: the citizens are fearful because they seem disempowered, weak, and helpless to protect their life, liberty and property. The political players are fearful because they face the threat of losing power over the people. All this resonates Su Kyi once again: "Within a system which denies the existence of basic human rights, fear tends to be the order of the day. Fear of imprisonment, fear of torture, fear of death, fear of losing friends, family, property or means of livelihood, fear of poverty, fear of isolation, fear of failure... It is not easy for a people conditioned by fear under the iron rule of the principle that might is right to free themselves from the enervating miasma of fear."

The path we undertook in 1971 was a promised path of deliverance. But that deliverance even today seems far away. The mind today is not without fear, and the head is not held high. Knowledge in

Bangladesh is not free, for fundamentalism has gripped the system today to make knowledge available at the cost of fearing social imputation, narrow domestic walls have fragmented the nation into conflicting pieces, where we recognize each other only under political, religious or financial attire, and the fear of losing one's reputation for being too liberal is at its peak. This all-consuming fear has made a mockery of human rights. Words today remain hollow promises, for promises are today meant to be broken.

Is there any exit from this current impasse threatening most basic of the basic human rights of the citizens of the country? Can we create an environment wherein people will once again, like in the bygone days of our war of liberation, repose complete trust and confidence upon the 'politicians' as promoters of the 'national will'? Can we eradicate 'fear' from the minds of school going kids, passers-by, the day labourers, the honest and the poor, and people in general? Can we make our dear motherland a country where peace as against chaos and destruction will reign supreme? The question is not whether we can but rather we MUST. The contrary will lead to a situation when the very existence of a sovereign nation with dignity will be at stake. Let the resilience of the people of Bangladesh be our strength. Let us invoke and practice the fundamental tenets of human rights for all, equally, everywhere in our daily life. Let partisan politics be subordinated to the supreme and ultimate goal of our liberation struggle- establishment of a society where dignity of human person in all its manifestations shall be ensured and guaranteed. Let respect of and for human rights guide us in overcoming all odds.

The writer is Chairman, National Human Rights Commission, Bangladesh.

## Re-claiming rights and dignity

C R ABRAR

THE world celebrates 10 December as the Human Rights Day. The day marks the anniversary of the framing of the Universal Declaration of Human Rights in 1948. The Declaration is essentially the redemption document of collective remorse of international community that stood by in silence as Nazi Germany engaged in liquidating its own citizens under the guise of Westphalian precept of state sovereignty. International human rights movement has made significant strides since then. The principles that human rights are universal, indivisible, interdependent and interrelated are now widely acknowledged. Promotion and protection of all human rights for all people "regardless of their political, economic, and cultural systems" has become the cornerstone of global human rights agenda.

The year 2013 is also noteworthy in another respect. It marks the 20th anniversary of the much celebrated Vienna Declaration and Plan of Action (VDPA). The VDPA has been identified as "the most significant human rights document produced in the last quarter of a century and one of the strongest human rights documents of the past hundred years". It contributed to major advances in forwarding women's rights, the fight against impunity, the rights of minorities and migrants and the rights of children. Also the Plan of Action led to the creation of the first International Criminal Court and a number of Special Procedures that went beyond the purview of civil and political rights. As more states became parties to a plethora of international human rights instruments the VDPA played a critical role in strengthening the Treaty Bodies. The Plan of Action also contributed to the creation of national human rights institutions that are currently operational in 103 countries.

Despite such major achievements events in various parts of the world including Palestine, Syria, Afghanistan and Guantanamo Bay remind us that rights are not universally available and enjoyed. States still continue to justify denial of rights under various pretexts, and women, minorities and migrants are still discriminated against and abused.

Human rights defenders are coming under fresh challenges in this constantly evolving globalised world. They are required to protect and push forward the rights agenda in confronting complex issues such as economic and financial crises, climate change, war against terror, migration and invasion of privacy in cyberspace. Often it becomes a mammoth task to withstand the pressure exerted by the institutions of the State that try to subvert the long standing principles and institutions under the garb of national security - a point that the UN rights chief Navi Pillay articulated in the following words, "we must refuse to compromise on the hard-won fundamental human-rights-compliant laws, standards and institutions that have been built up over the past half century." She exhorts the rights defenders not only to resist such moves but also to further consolidate, expand and strengthen human rights principles and institutions.

*This day provides an opportunity to reflect on the costs that the people of Bangladesh have paid for exercising their rights as citizens of an independent country.*

As in any other part of the world the Human Rights Day has a major significance for the rights defenders in Bangladesh. At the time of independence and during its forty-two years of existence the people of Bangladesh have paid dearly for the establishment of their rights. Despite being recognized in the statutes, it has become a formidable task for them to effectively exercise those rights. The omnipotent state often becomes the usurper of those rights. The continuation of a series of so-called anti-people laws and administrative practices has become a major hindrance to enjoyment of civil and political rights. Under successive regimes there has been a concentration of power in the hands of the executive through the emasculation of the legislature, politicization of the judiciary and civil administration, overt reliance on the intelligence agencies and coercive apparatuses of the state, resorting to extra-judicial killings and

disappearances, and according impunity to members of law enforcement agencies.

The split of civil society institutions along party political divide has further convoluted the situation. Instead of working as restraint on the excesses of the state and having a sobering effect on the executive, the partisan civil society and their front intellectuals often become the champions of the cause and standard bearers of the incumbent. A major section of the media are also tainted by such bias.

In Bangladesh the observance of the day has a major significance this year. The whole nation is passing through a trying time. Doubts are being expressed about the sustainability of the much-celebrated democratic order. Confined to their homes the ordinary citizens have become hostage to two contending political camps. The ill-conceived 15th amendment of the Constitution has upset the delicate political balance and pushed the polity to the brink of an abyss. The naïve zero sum approach of the ruling regime has contributed to rapid escalation of violence. Serious doubts are being expressed whether masses would at all be able to exercise their right to vote candidate of their choice in a free and fair environment. The reckless resort to violence by the political opposition and their utter disregard to human life and dignity have only manifested the shallowness of their respect for human rights.

This day provides an opportunity to reflect on the costs that the people of Bangladesh have paid for exercising their rights as citizens of an independent country. It also offers them an opportunity to decide whether they would be passive participants of a process that erodes their rights and undermines their human dignity or be active citizens asserting the rights and transforming the society and polity for the better. As Navi Pillay reminds us, "Human rights can, and should, be the bedrock of moral and legal stability, keeping us firmly rooted in civilized behaviour during this exciting, but also frightening and extremely powerful, whirlwind of change".

The writer teaches International Relations and co-ordinates the Refugee and Migratory Movements Research Unit, University of Dhaka. He is president of Odhikar.

### A XYDLBAAXR is LONGFELLOW

On letter stands for another. In this sample, A is used for the three L's, X for the two O's etc. Single letters, apostrophes, the length and formation of the words are all hints. Each day the code letters are different.

### 11-5 CRYPTOQUOTE

M N F D I L I D G M N K J M N M Q L  
K D F Q M , T N M V P N N R J V A P P L M E ,  
V A M U L Z G L H A P V Z P P N M E  
N T P J , Z K L T L G L E E Z K J .

— Z V K Z Q Z B P D T G N P T

**Yesterday's Cryptoquote:**  
FAR AND AWAY THE BEST PRIZE THAT  
LIFE HAS TO OFFER IS THE CHANCE TO  
WORK HARD AT WORKWORTH DOING.  
- THEODORE ROOSEVELT

### QUOTEABLE Quote

"It is better to lead from behind and to put others in front, especially when you celebrate victory when nice things occur. You take the front line when there is danger. Then people will appreciate your leadership."

Nelson Mandela

### BEETLE BAILEY



### HENRY



### North South University

The first private university in Bangladesh



## MBA Admission Spring 2014

(Following the guidelines of AACSB, the highest accreditation body of business schools in USA)

### Majors: Marketing, Finance, Management & HRM

#### Revised Schedule:

**Application Deadline: Wednesday, 18 December 2013**

**Admission Test: Saturday, 21 December 2013 at 10:00 a.m.**

#### Admission Requirements:

- A four-year Bachelor or a three-year Honors degree or a Master's degree in any discipline
- At least Second Class (45% or above) in all exams or a minimum CGPA of 2.5 on a 4-point scale
- Honors/Master's (appeared) candidates may sit for the admission test but must submit mark-sheets before admission
- Pass in admission test to be conducted by NSU or minimum score of 213 in CBT / 79 in IBT in both TOEFL & GMAT
- **Written test is waived for candidates with undergraduate GPA of 3.7 or above from NSU**

#### Special Features:

- Financial aid and graduate assistantship for MBA students
- Day time classes give flexibility with regular evening classes
- Fifty percent (50%) tuition waiver for candidate with highest score in admission test and for those with 3.80 CGPA in their undergraduate degree from NSU
- Course waiver and transfer based on academic background and special course waiver for candidates with 2 years of executive experience (upto 24 credits out of 60 credits)

Application Forms are available for Tk. 1000 at United Commercial Bank Ltd, Bashundhara R/A Branch. A complete application includes: (i) application form (duly filled in); (ii) three passport size photographs; (iii) copies of certificates and mark-sheets (attested) and (iv) Photocopy of National ID Card.

**MBA Program Office, School of Business  
North South University  
Bashundhara, Dhaka-1229  
Phone: 880-2-8852000, ext: 1765/ 1764/ 1763  
E-mail: mbainfo@northsouth.edu; Web: www.northsouth.edu**



ACROSS  
1 Complete, as  
6 Office helpers  
11 Biscotti flavor  
12 Center  
13 Nocturnal wanderer  
15 Youngster  
16 Pussy foot  
17 Outback bird  
18 Convincing debaters  
20 Comic Caesar  
21 Hos. sections  
22 Trick  
23 Cornered  
26 Jacket flap  
27 End-of-wk. days  
28 Shark feature  
29 Mediterranean fruit  
30 Heist  
34 LAPD alert  
35 Avoid the truth  
36 One, for Juan  
37 Harrison Ford film  
40 Bolshevik leader  
41 Wear  
42 Moved sideways

43 Rude look  
1 Ship poles  
2 Simmering, say  
3 Michelangelo statue  
4 Employ  
5 Hot, in a way  
6 Liquefies  
7 Shaky fish  
8 Fabricates  
9 Postulation  
10 Fruit-filled pastry  
11 History class topics  
14 History  
15 Yesterday's answer  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

1 2 3 4 5 6 7 8 9 10  
11 12 13 14 15 16 17 18 19 20  
21 22 23 24 25 26 27 28 29 30  
31 32 33 34 35 36 37 38 39 40  
41 42 43

NEW CROSSWORD BOOK! Send \$4.75 (check/m.o.) to Thomas Joseph Book 2, P.O. Box 536475, Orlando, FL 32853-6475

11-12