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## **Nurtured Human Rights under Fractured Democracies: Hope and Despair**

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### **ABSTRACT:**

*Universality of human rights has constantly been scrutinized and challenged by local, political and social norms of nation states. Since democracy is considered as cardinal virtue for exercising human rights, claims of various non-democratic nations of free exercise of human rights by their citizens often raise eye-brows of democratic nations. On the other hand, non-democratic or less democratic nations (though some objections may be raised on the use of the term) claim that the democratic form of government, for implementing human rights is nothing more than an exaggeration. The present article tries to analyze the importance of democratic content in implementing human rights of individual. It also attempts to observe whether various models of governments like China and Russia are really able to deliver the resulted envisaged in Universal declaration of Human Rights. Further, it also tries to reveal whether or not it is possible to exercise /implement human rights even in fragile democracies like Ukraine or Syria.*

### **INTRODUCTION:**

“Nations failed and succeeded but one thing which time and again kept on becoming more and more acceptable, initially, and proven fact, eventually, was indispensability of democratic form of government to run the nation successfully.”

Democratic process is such a powerful tool which not only gives political stability to the government and the state but also gives moral and ethical backing to people who are elected. Since there are more forms of democratic governance than anybody can think of but the point

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is what are the attributes which make the democracy workable in real sense. Whether type of voting procedures make a system democratic i.e., direct or indirect elections, a rigid constitution or a flexible one, a referendum exercise available to citizens etc. All the types mentioned herein are not the ideal but minimum requirements of which we have to choose few of them. A true democracy cannot breathe and cannot be lively unless and until its roots are deep seated in the life of its citizens.

Now let us assume a nation with all the above mentioned attributes, still will it be considered as true democracy? The answer may be Yes or No or at least Do not know. The question was not tricky but the answer certainly requires some more facts than provided. Here comes the very important role of those factors which make *Kinetics of Democracy* workable. These are related to how a citizen zeros down his opinion to cast a vote to particular candidate or a party. These are also related to the study of those how elected people react against those who did not cast their votes to them, these are also related to the study of reaction of those who belong to majority against those did not cast their vote to chosen ones, and of course the Digital Anarchy which is becoming more and more threat to the democracies.

As for the opinion to cast the vote to a particular candidate or a party, it may be influenced by some promises of development made by the candidates, or some personal benefits or money or making the illegal things legal etc.

As for the reaction of chosen ones, it may be favourable, unfavourable and sometimes destructive. As for the reactions of majority, it may be defamatory to those who voted otherwise.

If the opinion of voters is driven by personal benefits, it is certainly shaking the roots of democracy, though superficially but strong mandate may signal a strong democracy which is not true. It may also be noted that *Fractured Democracy* should not be confused with *Fractured Mandate*. Former is a threat which certainly leads to exploitation of people and the latter may or may not harm the democratic process of a nation. Most of the times fractured democracies have strong mandates in favour of their state heads. There are examples where heads of North Korea, Iraq, Zimbabwe etc. have got virtually hundred percent votes in hundred percent turnout. Very much probable but highly impossible!

Now the main question is whether human rights of individuals are protected enough in these kinds of so called democracies. If yes, then how?

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In the democracies like mentioned earlier, if the reaction of chosen ones is favourable, it's fine. If the reaction is unfavourable (though it is still favourable compared to destruction), it may raise some eye brows and objections but if the reaction is destructive, now it is really a matter of serious concern. It is also of equal importance how majority reacts against those who cast their votes against the elected ones.

Support of a particular leader or party demands acknowledgement but disagreement demands anonymity. Then only the real support can be measured.

In nations like North Korea, Zimbabwe etc., it is quite possible that people cast their votes in favour of political manipulators out of fear rather than because of affection or love. It is also quite possible that people of such nations do not enjoy the *right to disagreement*. Here we are calling them as *restricted democracies*.

Restricted democracies do not allow their citizens to enjoy their freedom of expression or right to disagreement. Their citizens have only one right i.e. right to agree with whatever government commands irrespective of getting into the merits and legality of the command. The message which these government convey is that citizens are happy and do not have any problem with the political system but the message which is received is that the citizens are not even allowed to narrate the atrocities and brutalities. These fragile democracies with strong mandate are the most horrible form of democracies.

*Free democracies* like western European nations or United States are examples where mandate may be fractured but the democratic values are so powerful in their society that they accept and respect the opposition and opposition also respects the majority not by fear but because of their democratic values. In these nations right to disagreement is protected, enjoyed and exercised substantially. Most pleasing part of these systems is that they are always open to new ideologies and do not fear to rebut old ones, if proven irrelevant or threat to the system. This may be considered as the best form of democracy so far evolved. Cases of violation of human rights may also be found there but violation is also vehemently objected.

*Anarchist democracies* like south Asian nations are the form of democracies where the system pretends to be democratic but in real sense that is not. These systems are flawed on each and every step of their democratic process.

#### **PROTECTION OF HUMAN RIGHTS:**

Libraries all over the world are flooded with the literature on Human Rights. Universal Declaration of Human Rights adopted by the United Nations General Assembly on 10 December 1948 was elaborative document on Human Rights. Even after almost sixty six years of declaration, it is still not possible to envision the world free from exploitation, disparity and other social evils. The question whether we failed in executing the goals or we failed in setting up the goals itself, still remains unanswered.

Here, the attempt has been made to find out the reasons for failure in achieving the objects of declaration.

### **RIGHT TO DIGNITY OR RIGHT AGAINST HUMILIATION:**

The term ‘Dignity’ has been referred in the Declaration for five times. It is pertinent to mention the places where the term has been used. Preamble to Universal Declaration of Human Rights clearly mentions “...Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world...”

Further, the Preamble reads as follows ‘...Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.’

#### **Article 1**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

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**Article 23 (3)**

Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

These are the articles where the term ‘dignity’ has been used. It is quite clear from the reading of the above mentioned articles that individuals are free from any kind of discrimination but a flaw which runs through all the articles is ‘clear cut responsibility’ on the states has not been imposed. What so ever responsibility, if it has been imposed, is weak in terms of power and ‘moral’ in terms of ‘nature’.

Any right, solely, provided to individuals, without any protection by the state or the courts, is merely a piece of paper and does not deserve a better place than a dustbin. Now the task is how to ensure dignity of individuals? It cannot be ensured by declaring them as equal or providing them right to dignified life. Rather it is better to ensure a ‘Right against humiliation’.

Humiliation is affecting in various ways. It is of political, social and economic in nature. Advancement of technology has brought back the age of crippling democracy where a vast part of population cannot and does not take part in decision making and policy making. Opinions are made on websites, surveys are done on emails and decisions are pronounced on social networking sites. These pronouncements are hurting nation, especially anarchist democracies, more seriously than any other form of destruction.

‘Right against Humiliation’, if provided, can give people more space and privacy which is missing.

**RIGHT OF BEING WELL-INFORMED**

It is often seen that websites and social networking sites keep us updated but with incomplete information. Prompt system of verifying genuineness of information is missing. Lack of information is leading towards weak opinion making and thus hurting the nation as a whole. Difference between rumour and fact is vanishing very fast. We must know that rumour has wings and truth has feet. Rumour can fly high because it is designed to do so. It is often seen that political parties, with ulterior motive, misuse electronic media and spread false information for their own benefits. Genuineness of information, not the quality, must be ensured. It must be kept in mind that ‘quality of information’ should not be confused with

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‘genuineness of information’. People should themselves decide ‘quality of information’ and state should not interfere with it but genuineness should be ensured. Very important human right of an individual is to be informed well.

**CONCLUSION:**

Democracy, in true sense, is synonymous to free exercise of human rights but sovereigns have tried their best to defy the proposition. We have seen there are nations who claim to be democratic without providing atmosphere to exercise human rights. Democracies can only be strengthened by making people more free and expressive but with a sense of speaking the truth. And for that we need to make people more secure from political humiliation, social discard and economic in equality.

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