

## Gross violations of human rights

Gross violations of human rights By Hanna Newcombe There are two kinds of human rights. I am not thinking now of the distinction between civil-political and economic-social-cultural rights as distinguished in the Universal Declaration of Human Rights, nor of the distinction between individual and group rights. These distinctions are valid in their context, but I wish to draw attention here to something quite different. The distinction to be made is between gross human rights violations (GHRV) and milder kinds of violations, though of course, all violations should be avoided. Perhaps the difference should be seen as one between crimes and torts; though both are illegal acts, crimes are much more serious. Or, in religious ethics terms, it is like the difference between deadly sins and venial sins. GHRV refers to acts such as genocide, torture, death squad murders, disappearances, abductions, slavery, mass rape, and ethnic cleansing. These actions result in death, maiming, physical pain, bodily violation, deprivation of freedom, and deprivation of home and means of livelihood. Besieging of cities with the aim of mass starvation of the inhabitants should be included, as well as deliberate blockage of food or medical aid to stricken areas. Acts of war, such as the bombing of civilians in cities is of a similar nature, and is excluded by the rules of the Just War and the Nuremberg War Crimes Trials, though this has been widely disregarded in 20th century practice. I consider these acts of GHRV to constitute crimes against humanity, in stark contrast with violations of such rights (enumerated in the Universal Declaration) as the right to freedom of speech and assembly, the right to a fair trial, the right to vote, the right to health and education, the right to employment and to vacations with pay. These can be seen as minor, though still not to be condoned, in comparison to killing and maiming of victims. The milder violations prevent the fulfilment of the higher human needs, in Maslow's hierarchy of needs, while GHRV take away the basic preconditions of life itself. Why is this distinction important? My interest is not purely academic. If a government engages in GHRV against its citizens, the international community (probably the U.N.) should have the duty (not just the right) of humanitarian intervention to save the endangered population. If the minor rights are violated, national sovereignty should prevail and outside action should be limited to diplomacy and public censure--though this should be very explicit and always forthcoming, whether the violations are by our allies or our enemies, by the weak or by the powerful. Impartiality and even-handedness are very important here. So the distinction I am making should have legal and practical import; it is not meant to be a mere scholarly classification. The economic and social rights, especially, cannot always be fulfilled in very poor countries; it may be physically and economically impossible. In that case, they should still be considered as a future aspiration; but their absence should not be too harshly censured by outsiders, unless they are offering concrete material help. Humanitarian intervention in cases of proven GHRV should preferably take the form of economic sanctions (food and medicines excepted). If after the exhaustion of all other options, military sanctions are required, the rules of the Just War and the Nuremberg War Crimes Trials must be strictly followed, especially proportionality, and no harm to the innocent. These rules should be stated as general principles and codified as binding international laws. The U.N. operations must be subject to law just like nations, individuals, and corporations. In democratic states, the government is not above the law; and in the world, the U.N. as an embryo world government, must not be above it either. U.N. peace-keepers were rightly present in Somalia, for example; but have not always behaved correctly. Their role in Yugoslavia, on the other hand, was too minimal, but this is probably dictated by practical considerations: the U.N. was not able to stop the abuses. Another rule of the Just War is that one must have a reasonable expectation of success. In any case, new and clear rules are needed for future U.N. peace-keeping. One significant step in this rule-making process would be the definition and codification of gross human rights violations and the specification of steps for dealing with it by way of humanitarian intervention. This rule-making and codification process must begin soon, for the need is urgent. Hanna Newcombe is a peace researcher in Dundas, Ontario.

## About the Author

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