

Human rights are the first casualty in any conflict.

## OUTLINE

### 1) Introduction

#### Thesis Statement:-

A blatant transgression against basic human rights is the greatest tragedy in any conflict. Rights of combatants as well as of non-combatants are violated with impunity. All sorts of rules of war are forgotten in a bid to damage and destroy the adversary.

2) Human rights and the idea of 'Just War'

3) International Statutes and Laws of War

4) Violations of the rights of combatants

i) Case in point: Treatment of prisoners in Guantanamo Bay

ii) Case in point: Treatment of Russian prisoners by Ukrainian Army

5) Violations of the rights of non-combatants

a) Women rights

i) Right to sanctity/honour

ii) Right to health provisions

iii) Right to equal treatment

b) Rights of Children

- i). Right to food and shelter.
- ii) Right to education
- iii) Right to stay with parents

c) Rights of Sick persons

Case in point: Plight of patients in Gaza

d) Rights of elderly persons

e) Rights of health workers and aid suppliers

Case in point: Killings of UNRWA employees in Gaza

f) Rights of media personnel

Case in point: Treatment of media personnel in Middle East.

6) Steps that can ensure the protection of human rights in conflicts.

- i) Stringent laws at national level
- ii) Advocacy of International community at global level
- iii) Role of International watchdogs
- iv) Rights come with responsibilities: respect others' rights to have your rights

7) Conclusion

In the sand-swept region of western Sudan, where two warring factions are fighting for power and influence, it is not only the fighters that are being killed; human rights are also being murdered brutally. While the dead bodies rot on the streets of Darfur, the living suffer equally in the absence of their basic rights. But that is not the <sup>exclusive</sup> case with illiterate, power hungry factions of Africa, even the most educated, modernized and progressive societies forget their respect for human rights when it comes to conflicts. And long before the armies start clashing, basic human rights disappear from the societies leaving nothing but brutality and suffering behind. The humanity has so far failed to forge a lasting peace for itself, however, several efforts have been made to justify these conflicts and to minimize the effect of conflicts on general populations. International community has instituted laws of war to ensure that basic human rights are protected even during the conflicts. Sadly, these

laws have failed to materialize into reality and even in the twenty-first century where humans boast about their intellectual and technological zenith, they still transform into brutal creatures when it comes to testing times like wars and conflicts. By far the greatest suffering faced during a conflict is by women. It is during these times that systemic discrimination against women becomes even more pronounced. The children face death and destruction that haunts them throughout their later life - Conflicts wreak havoc on the elderly and the ill who are already too weak to protect themselves. Prisoners of war, media persons and humanitarian aid suppliers also find that conflicts do not distinguish between combatants and non-combatants - There is much that can be done at national and international level to ensure that human rights are protected during conflicts but the world must not forget that rights are respected when responsibilities are met. A blatant

transgression against basic human rights is the greatest tragedy in any conflict. Rights of combatants as well as non-combatants are violated with impunity. All sorts of rules of war are forgotten in a bid to damage and destroy the adversary. The world needs to work collaboratively to ensure that conflicts do not compromise human rights. This is one way to prevent the effects of future conflict.

In a bid to reconcile the idea of war with religion and to minimize the collateral damages of war, the Christian theology came up with the idea of 'Just War'. Saint Augustine opined that a war can be legitimate if it is based on a lawful purpose and protects the basic rights of all humans irrespective of their religion. But that was way before the international community actually agreed on a definition of 'human rights'. It took the world a few hundred years to come up with the details

of basic human rights and an additional period to recognize that these rights are to be protected both in peace and war - Islam, on the other hand, was quick to point out this issue and clearly laid strict regulations to ensure and protect human rights of both muslims and non-muslims and combatants and non-combatants - In reality, we find that the world is progressively forgetting these rules and growing inhumane as time passes. We find several instances in the history about the violations of human rights during conflicts. Violations of human rights during Shia-Sunni conflicts, Muslim-Christian crusades, Ethnic national clashes, World wars and during natural calamities are a few cases in point. All of these examples point to the fact that human rights are the first casualty in conflicts -

A sweeping look at the international efforts in this area points to the statutes and conventions under the auspices of United Nations. The very basic instrument in this

regard is the Universal Declaration on Human Rights (UDHR). Other instruments include the International Convention on the Prevention and Punishment of the Crime of Genocide and the UN Laws of War. These laws define what can not be done during an armed conflict thus preserving basic HR. Most of these laws come from The Geneva Convention which was ratified by all one hundred and ninety-six governments. Besides, there are other bodies like the International Criminal Court (ICC) and the International Court of Justice (ICJ) to arbitrate and prosecute. Despite all of these efforts, we find an utter disregard of HR during conflicts all over the world.

During violent conflicts, we find that the rights of combatants are brutally violated. These combatants may come in contact with the adversarial factions after injury and subsequent capture. Combatants who surrender voluntarily also come under this category. Since the commencement of War on Terror, the USA has routinely violated

the rights of the prisoners held in Guantanamo Bay cells. A recent case is that of a Saudi-born Palestinian, Abu Zubaydah, who was water-boarded eighty-three times by CIA to obtain a confession. The treatment of Russian prisoners of war in Ukrainian jail is another example. They have faced torture and deaths during investigations (OHCHR, July 2022). These cases point to the clear violation of the rights of combatants during conflicts.

The violation of the rights of women is the biggest issue during conflicts (both armed conflicts and natural calamities). The foremost thing that comes under fire is the women's right to honour and dignity. This right is brutally violated. Everything from trade of women, use of rape as a weapon, early marriages and gang rape occurs during conflicts. UN Women Asia and Pacific in its documentary on How Disasters affects women and girls and men differently



(2022), point to the situation in Timor-Leste where women were sexually violated during the floods of 2021. Risks to of sexual violence become even more higher when the conflict is of violent nature -

Women have special health and medical needs owing to their biological and psychological functions - This means that they need special care during pregnancy and menstruation. These needs are not met during conflict. According to UN (2023), the women in Gaza are facing the worst 'menstrual crisis' since the Hamas-Israel conflict began. They are forced to take pills to delay their cycles but these pills come with other side-effects. Crisis like these point to the sad plight of women health during conflicts.

The right to equal and just treatment is yet another right that gets violated in the case of women during conflicts. Systemic ~~discrimination~~ discrimination is present in many societies that

favour men over women, however, these discriminations become more pronounced during conflicts. This discrimination was highlighted during the floods that wreaked havoc in Pakistan in 2022. The aid money was ~~had~~ handed over to the male members of the family who either gambled it away or kept the money for themselves. This highlights how women are not afforded equal protection and help during conflicts.

The rights of children are violated in the same manner as that of women. They are forced face hunger and deprivation without mercy. In their effort to seek safety, they leave their childhood homes and often have to spend the rest of their lives in slums. According to Unicef (2022), children between the ages of 0 to 3 are at high risk of malnutrition and wasting in disaster and conflict-ridden areas. This is because their mothers unable to breast-feed them

according to their requirements. This ultimately leads to high neonatal mortality rates in conflict-affected areas.

The right to education is a basic right of every child. Yet this basic right get violated soon after the conditions in an area gets conflictual. According to the UNICEF, "Education has been the greatest casualty in the conflict-ridden areas of Africa" in the year 2022-23. Even after the conflicts ends, the resumption of education remains largely dysfunctional in the affected areas. This is evident in war-torn areas of Western Africa where literacy rates remain extremely low. Violation of this basic right has ripple effects on the population at later stages -

The right <sup>of children</sup> to stay with their parents is legally protected under the UN Convention on the Rights of Children (UNCRC). Unfortunately, this right gets easily violated during

conflicts. A recent case ~~that~~ is the abduction of Ukrainian children by Russian troops and their confinement in concentration camps where they are being taught Russian language and Russian norms and values (HR Watch, 23). But this is not the first case of this kind - similar events have occurred in China where Ughur Muslim children have been separated from their parents, which is a clear violation of the rights of children.

Ill and disabled persons are at an even greater risk during conflicts - This is because their vulnerability is compounded due to their inability to move on urgent basis - In addition, they put their attendants at equal risk along with themselves. According to the UN, over hundred patients used to receive periodic healthcare facilities like blood transfusion and dialysis in Gaza Strip. All of this care has been suspended since October 7. The hospitals are shutdown, destroyed

run out of service during conflict thus putting patients at fatal risk.

One of the most sorrowful plight during conflicts is that of the elderly. At an age where they need to stay in the care of their children and the safety of their homes, they are forced to flee, see their homes turn to debris and bury their child. Other rights of the elderly include the right to designate a guardian, the right to health and the right to social security. During conflict, none of these rights are respected. The elderly are either forced to live and die on foreign land or worse forced to bury their own children.

The warring factions may not respect the rights of each others' civilian populations but they can easily follow the rules to protect the neutral players like the healthcare professionals and aid providers.

Unfortunately that also doesn't happen. We find several cases where the rights of these actors are violated despite the fact that they have no involvement in the conflict itself. The current plight of UNRWA workers is a case in point - According to UNGA December (2023) Briefing, 152 UNRWA's Palestinian workers have been killed since the hostilities began on October 7. This has happened despite several warnings from USA and UN to Israeli authorities. All sorts of international laws and regulations have failed to protect neutral actors during conflicts.

The rights and safety of media personnel is another area that the world community has failed to protect during conflicts. This was a rare occurrence during the first decade of 21st century but has now become a frequent event. The year 2023 has seen the greatest death toll of media personnel in many years.

In the recent Hamas-Israel conflict and related situation in Middle East, 17 journalists have lost their lives (Committee to Protect Journalists, 2023). Research shows that all of these people were killed after being tortured in one way or another. Media personnel are a crucial entity during conflicts and can pave way for conflict resolution. Not respecting their rights and safety can confagrate the situation even more -

The world community has failed miserably when it comes to the protection of human rights in conflict but that doesn't mean that the world has completely run out of all options. There certainly are several options that can improve the situation. At local and national level, government can formulate stringent laws that ensure that basic human rights are upheld both at times of peace and of war. Strict adherence of UN Convention Against Torture (UNCAT) and Geneva

Convention needs to be ensured by all signatories. International community, civil society and NGOs can provide their support for upholding of HR in war zones through awareness campaigns, advocacy and by mounting pressure on national governments at various levels.

Another important link in the chain are global watchdogs. These include bodies like UN Security Council (UNSC), International Criminal Court (ICC) and International Court of Justice (ICJ). Active and stringent policing through these institutions can propel national governments to adhere to the laws of war. In the past, lax jurisdictions on part of these institutions have led to <sup>the continuation of</sup> mass ethnic cleansing, genocides and HR violations. For instance, it took ICJ a decade to declare that genocide occurred in Bosnian conflict. Moreover, the nations need to realize that in a world of today, the relations between nations and groups operate on the basis of mutuality. Respect of the rights



of adversarial party will eventually lead the other party to respect the rights of opposing party. Mutual respect of the rights can lead to the dissolution of conflicts and may even prevent future ones.

The world history shows a dismal picture when it comes the observance of human rights at the time of conflicts. Everyone from women, children, elderly to sick, media personnel and humanitarian aid suppliers face the spill over effects of war. The rights of inactive combatants are transgressed brutally. The laws of war are present at least on the paper but their implementation is sporadic and conditional. The global community, national governments and global watchdogs need to bolster their support for the observance of basic HR during the times of conflict and chaos. Observance of basic human rights the basic tenet of humanity and it should be upheld at all times.