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Human Rights, Poverty and Terrorism: A Triangular Relationship

DHRUV SELOT¹ AND LAASYA JOSHI²

ABSTRACT

Human beings by virtue of their existence possess certain inalienable rights which are known as human rights. They are universal in nature and no person can be deprived of them in the name of caste, creed, sex or religion. They extend to civil, political, social, economic and cultural rights. However, these human rights are being challenged because of various issues, which could also be called its subtopics, namely poverty, global inequities, discrimination, armed conflict and violence or weak institutions etc. Poverty refers to the situation in which an individual is deprived of the basic needs of food, clothing and shelter whereas terrorism means to instill fear and threat in the minds of the public through violence. This research paper dives deep into the large ambit of human rights and its subparts. The main aim is to evaluate the triangular relationship that exists between human rights, poverty and terrorism. Both qualitative and quantitative research methodology are used to critically analyze how a causal connection exists between these three determinants. It further explores human rights both from an international legal perspective enshrined in UDHR and from a national legal perspective through the Fundamental Rights laid down in the Constitution of India. In addition to the main theme this paper also includes discussions about the ISIS terrorist group, the humanitarian crisis in Kashmir, the Taliban attack and various other events which showcase how terrorism, poverty and violation of human rights are closely interlinked. Invariably, therefore, a conclusion can be drawn that human rights, poverty and terrorism, all are the causes and effects of each other.

Keywords: Human rights, Poverty, Terrorism, UDHR, Fundamental Rights, Humanitarian crisis

I. INTRODUCTION

a. Background

Human rights play a pivotal role in the growth and development of Human race. According to the office of High Commissioner UN, Human Rights can be defined as a bunch of rights Inherited due to the existence of Humans in itself. Human Rights are not provided by any State

¹ Author is a student at Christ (Deemed to be University), India.

² Author is a student at Christ (Deemed to be University), India.

or person in power rather it exists since the birth of Human.³ These rights start stretching from Art. 21 (Right to Life) of the Indian Constitution and holds many basic rights such as right to education, food, freedom etc. Development and enhancement are the two objectives of any statute or provision, these human rights although subsisted since the time of birth but earlier these rights were not specifically recognised and therefore it was violated by respective authoritative body of different States. Humans understood the philosophy of rights and responsibilities due to the existence of various social groups – Family, communities, nation and state, although the gist of duties and rights of a human being already existed in the old texts such as Quran, Vedas, Bible, etc.⁴ For the Native Americans there existed different codes which build the stone of justice and conduct.

b. History

Human Rights has flourished with great Antiquity, deep down to ancient times it all starts with series of events:

Cyrus cylinder was accepted as the first charter with regards to Human Rights as the king unchained the slaves and implemented two major changes, i.e., right to choose any religion and racial equality. The idea of Human rights started to spread among many countries including Rome, India, Greece and the idea of Natural law emerged from the same. Certain written documents containing the essence of Individual rights includes:⁵

- Magna Carta (1215)

It is one of the most significant features in the journey of Human Rights as the King of England infringed many customs and ancient laws which further forced the king to sign Magna Carta and lay down the foundation certain rights relating to Church, Properties, widows, taxes, etc. It establishes the path of achieving modern democracy and individual freedom.

- Petition of Rights (1628)

It was considered to be the next big step in the construction of human rights. Sir Edward Coke starts off the foundation by inserting four basic principles: -

1. Martial
2. Law should not take over during the talks of Peace.

³ United Nations, *What are Human Rights?*, <https://www.ohchr.org/>

⁴ *A Short History of Human Rights HR LIBRARY*, <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm> (Accessed: 14 December 2023).

⁵ *The background of human rights*, <https://www.humanrights.com/>

3. No person can be arrested without showing significant reason for the same.
4. Permission of parliament required before collecting Tax
5. Soldiers cannot be lodged on the citizens.

- US declaration of Independence

In 1776, the US congress accepted and signed the declaration of independence and the same was conveyed to the public through different mediums. The main theme behind this declaration was based on two pillars – Rights pertaining to Revolution and Individual. These themes started spreading and gaining attention internationally.

- Constitution of USA

It is the most supreme and basic component in the development of United States of America federal structure. The main feature which makes it a unique in the construction of Human Rights is that it is the oldest written constitution which is still in use, also it explains the structure of government and its limited jurisdiction. Lastly it lays emphases on the rights of the citizens and hence becomes an important part in the journey of Human Rights.

- Declaration of Rights of Man and the rights of the citizens

Moving forward in the history towards the western part of Europe – France. The people in the country eliminated the Monarchy and moved towards establishing Republic. After few weeks of the same the NCA implemented this with a view to form a written constitution of France. It talked about different kind of rights such as, right to security, right to liberty etc and it also laid the foundation of Anti Oppression thinking.

Further many such events occurred which played a significant role in the development of Human Rights such as Bills of rights in 1791, The first Geneva Convention in 1864 followed by formation of UN and UDHR in 1945 and 1948 respectively.

II. CHALLENGES

Human rights are for everyone - rich, poor, dark skinned, white skinned, Hindu, Muslim everyone. Still, today, millions of people face deprivation and oppression with regards to these basic rights. Currently, the human rights landscape is abound with discrimination, poverty, violence, impunity, weak institutions and the newly added challenge of the emergence of artificial intelligence. According to the United Nations' Report of 26 May, 2005, these challenges occurred mainly because of the gaps in commitment, knowledge, capacity and security. Human rights shape the future of a person and nature because of which it is of utmost

importance to overcome the challenges by building a normative framework. Instead of depending on each state to tackle the problem, the solution should be found at a global level so that the basic structure of universality is not destroyed. Human rights bring a feeling of hope and satisfaction in the minds of common people and when these are challenged, the confidence of the public also shatters. Thus, it becomes important to study in detail about the determinants that weaken the basic structure of humanity.

- **Universalism v relativism**

Are human rights universal? Or are they culturally relative? This is a fight that has been going on since ages with no definite conclusion. Universalism implies that each human is a self-sufficient entity while cultural relativism emphasizes a particular nation or culture expecting everyone to go according to what their nation wants them to. The ideological and cultural differences between people actually reflect more on the relative side of human rights than on their universality. Despite the fact that the Universal Declaration of Human rights argues for the commonality and universality of all rights being provided to every citizen, there is a challenge inflicted upon it by virtue of different norms and traditions of various nations and societies.

- **Globalisation**

Globalisation, which emerged in the 20th century, started because of interdependence of nations on each other. International actors and standards have been curated in such a way as to abide by the principles of human rights. On one hand where things have become much easier, globalisation, on the other hand has created a lot of negative implications on human rights. With the change in marketing policies, education systems, trade, etc. a wave of privatization, job cuts and compromised education and basic facilities have been created. Major inequality and poverty has also created violation of human rights in various ways. Globalisation can be considered a process whose initial aim was to connect people together but eventually it led to violation of human rights in some or the other way.

- **Equality, liberty and sovereignty**

There has been a constant debate because of the paradox that when on one hand human rights advocates for the protection and promotion of every individual, then how on the other hand they create inequalities and violate their own basic terms. Sovereignty means that no other state or organization can intervene in the functioning of a particular state. But this raises a concern on whether such sovereign states are then allowed to violate human rights? The liberty of states is compromised because they are only allowed to adhere to what is written in the universal statute.

They are not free to make their own rules which violates their liberty to a large extent. In the same way, human rights self-contradict the notion of equality. It propagates on treating everyone in the same way but does not take into account the inherent inequalities in the people. The rights face a challenge on the ground that till every person comes on the same pedestal, the right to equality cannot be guaranteed. To be treated equally, everyone has to be equal first, only then can the true motive of the Universal Declaration of human rights be achieved.

III. DIMENSIONS

Since the time of inception, human rights have been divided in larger parts on the basis of their history, philosophy and normative theories. However, in modern times, a strict distinction has been made by dividing them into three broad categories: civil and political rights, social, cultural and economic rights and solidarity rights. They are further categorised into positive and negative rights. All these rights need to be protected by the state for their better enforcement. Human rights have, thus, attained a multi-dimensional character in this dynamic era. Everything is interdependent. The cultural values of a person depend on societal norms. The economic conditions and political status go hand in hand. Tolerance towards this diverse culture becomes a very important aspect and this is the reason why international covenants of human rights are followed strictly because they categorise all sets of human rights in an exhaustive manner. Let us now consider these categories of human rights in brief:

- **Civil and political rights:**

Also known as First-generation human rights or blue rights, they mainly deal with liberty and political participation in public life. They are civil in nature because they guarantee an individual's freedom and divide an individual from the state. Civil rights include the right to life and liberty, right to privacy, right to equality before law and right to get a fair trial. Political rights ensure participation of people in political life so that they become aware of the current political regimes. They include the right to freedom of speech and expression, right to assembly and association and the right to vote. These rights are fundamental in nature because they are the basic rights which every state should provide to its citizens. They are considered negative rights because a mere absence of their violation is required to uphold them.

- **Social, cultural and economic rights:**

These are called the second-generation human rights which came to recognition after world war II. They are prominently related to equality and are social, cultural and economic in nature. The main rights included are the right to work, right to education, right to propagate any religion, right to favorable conditions of food and housing, etc. Economic rights became a part of human

rights quite recently when the US started recognising the right to bargain and worker's compensation. It is the duty of the states to provide the citizens these rights with the resources available to them. Unlike the political and civil rights, they are termed as positive rights because the conventions provide to the people everything that is needed by them.

- **Collective and Solidarity rights:**

These are the third-generation human rights, also considered the "soft laws". They go beyond the focus of individuals and put emphasis on the needs of community or people, thus called collective rights. They include the right to a healthy environment, natural resources, sustainability, communication and self-determination. Some Charters such as that of Hungary and Israel have embodied these rights in their Constitutions as well giving them a legitimate character.

IV. POVERTY

What is poverty?

Poverty is a broad term usually denoted to a particular individual, community or group of people. It can be defined as a "State" or a "Period" where an Individual cannot afford to meet the basic requirement such as food, shelter and clothing in one's own life. The word "State" denotes to different social and emotional condition or phase of the person and "Period" notifies about the duration (whether it is referred for a longer duration or a shorter duration).

Poverty is also not just about the lack of money rather it is also connected to a sense of feeling of being poor, for example- not being able to afford expensive cloths, gifts, trips etc. It is widely believed that Poverty is attached with a cost and hence all those who fall in the line of poverty bears a cost. Once these cost starts affecting a person's social character or reputation then the person starts reciprocating in a certain way which affects the society in a negative manner. Also, Poverty might be different for person from territory to territory, Ex- A person in UAE might feel like he is Poor but the scenario in India might be different for him.

Merely providing the Definition and discussing about the concept does not provide a solution. Hence it is not only the sole responsibility of the government to eradicate poverty but it should also include each and every person, organisation and community to provide the necessary support and opportunity to the capable members of this society to showcase their Skills and Potential.

Provisions concerning Poverty under UDHR and Indian Constitution

- The Universal Declaration of Human Rights

UDHR is considered to be one of the most significant documents in the development of Human Rights. In specific terms, it does not talk about “Poverty” as a particular provision but there are different articles which has the essence of it and the main motive behind those rights is to nurture certain social and economic rights. Provisions relating to Poverty includes-

1. Article 3- It talks about Right to life, liberty and also security. Poverty covers/includes each element of this article in its large chunk of essentials. Violation in any of the element under this article directly affects the Persons ability to live and hence it can lead to poverty.
2. Article 22- This article specifically deals with the notion of social security. It covers the welfare of the state and also includes the aspect of providing justice. Further this article focuses on providing the individual, communities and families the maximum resources available within a state including food, shelter, water etc.
3. Article 23 does not specifically relate to poverty but it establishes Right to work as a human right and further talks about favourable work condition including protection against unemployment.
4. Article 25 – It is considered to be one of the most crucial and important articles for the protection of human rights. The theme of this article is “Right to adequate standard of living”, as the head of this article explains that it provides a right to each and everyone to live in an adequate manner for the well being of himself and his family, including social service, food, water, shelter, clothing etc. It also extends it’s power till providing security in the state of unemployment.
5. Article 26 – Although this article does not talk about poverty but it talks about right to education, free and accessible to everyone. Hence, eradicating poverty.

The articles mentioned above do not talk about Poverty explicitly but they discuss the idea of many rights which should be provided to the individual regardless of his socio-economic status as these are the basic rights which should be available to the citizens.

- Indian Constitution

The word “Poverty” is one of the core issues of Indian Constitution, therefore many provisions are structured in it to eradicate poverty and improve the condition of the citizens of India. Briefly we will be looking into the particular parts of the Indian Constitution which relates to the main theme of poverty.

1. **Directive Principles of State Policy (Part IV):** The DPSP (article 36 to 51) constitute its policy with a motive of welfare of the citizens and also to eradicate poverty. It includes specific provisions such as Article 38,39,41,42 and 47. The main idea behind these articles is to direct the state in promoting welfare of the citizens, providing equal opportunity and security, Ensuring Right to education and work, it also bounds the State to provide assistance during the period of unemployment, sickness, old age etc. Lastly, Article 47 attaches a responsibility on the State to increase the level of nutrition and public health, which is directly interlinked with the concept of eradicating poverty.
2. **Fundamental Rights:** The main Spotlight of these rights is shifted on individuals but in spite of this there are certain article which elevate human life and eradicate poverty. Article 15, 21 and 23 – Eliminate discrimination, ensure right to life and personal liberty and further prohibit forced labor and human trafficking respectively. These articles ensures that the life of an individual is improved and it also eliminates the threats of poverty.
3. Further many provisions/acts such as 42nd amendment of Part – IV A, Reservation policies (article 15(4), 16(4) and 46), NREGA, PDS, Food security act, etc., ensures that basic amenities is being provided to the citizens for its welfare and removing the notion of poverty from the Indian map.

V. POVERTY AND HUMAN RIGHTS – INTERLINKED RELATION

The interlinked relation between Poverty and Human rights is a complex and sophisticated relationship. However, many scholars and Human rights protectors have researched and given their theory on the same. The main issue highlighted in the interlinked relation includes-

1. **Dignity:** Poverty is one of the significant characters which impact human dignity by depriving humans of basic needs such as food, water, shelter, clothing, health and education. This violation not only affects human dignity but it also violates the Core human rights provided under UDHR.
2. **Equality:** Human rights always advocates the notion of Equality as one of its core principals, it also advocates for providing rights which eradicates discrimination. Poverty on the other side not only infringe these rights but it also targets a particular marginalised section of the society and treat them as vulnerable creates by means of injustice and inequalities.

3. Justice: Seeking justice is one of the basic rights available to an individual both nationally and internationally but the virus of poverty not only deprives an individual economically but also mentally from seeking justice by lack of legal representation.
4. Political and Economic rights- Poverty affects both political and social rights, it hampers the participation of an individual in the political process which further affect decision making, political participation and the basic right of expression. It also infringes economic rights by excluding poor from the talks of society and governance, hence leading to economic imbalance.

This interlinked relation has an endless list of such violations of Human rights due to the existence of Poverty in the society. Talking about Human rights on one hand and addressing poverty on the other hand are two inseparable issues. Governments, international organisations, Human rights advocate, non-governmental organisations and civil society must spend more time together and discuss on the real issue of Human rights rather than throwing the burden of acceptance on each other. By doing the same, Humans can successfully create a world which not only respected human dignity but also gives each individual a reason to live more and respect each other.

VI. TERRORISM

What is terrorism?

Terrorism can be defined as acts of violence intended to harm civilians. The main aim of terrorists is to fulfill their political aims by creating threat in the minds of innocent people. Although the international community has not yet adopted a comprehensive definition of terrorism, certain acts and essential components are defined by existing declarations, resolutions, and universal "sectoral" treaties related to particular parts of it. The phrase is widely used to describe a broad variety of actions taken in reaction to various situations and events on both a national and international scale. Its use frequently carries political overtones.

Combatting Terrorism

Article 33 of the Fourth Geneva Convention regulates anti-terrorism in international aspects. The Unlawful Activities (Prevention) Act of 1967 and the National Security Act of 1980 are the laws now in effect in India to combat terrorism..⁶ The anti-terrorism laws in India have long been the subject of heated discussion. One of the fundamental arguments against these

⁶ Aakanshi Bansal, *Evolution of India's Anti-terrorism law*, September 10, 2022, <https://www.claws.in/evolution-of-indias-anti-terrorism-law/>

restrictions is that they infringe on the fundamental liberties of citizens, which are safeguarded by Part III of the Constitution. Legislation to combat terrorism has previously been passed by the legislature, and it has been upheld by the judiciary, albeit reluctantly. Terrorist activities of groups of ISIS and Al-Qaeda have come to a major standstill because of these regulations, thus protecting human rights.

Terrorism and human rights

The first and foremost debatable question is whether terrorism causes violation of human rights or violation of human rights causes terrorism? It is obvious that terrorism violates fundamental human rights (and, more broadly, the idea of the rule of law) if one accepts that it entails the use of politically motivated, fear-inducing violence to commit crimes intended to harm innocent people in order to force governments or societies to take or refrain from action. Terrorists attack the principles of the Universal Declaration of Human Rights, the two Covenants, and other international agreements by definition by carrying out terrorist acts. These attacks target numerous "first generation" rights, such as the rights to life, liberty, and physical integrity, as well as second and third generation rights. Article 3 of UDHR and Article 21 of the Indian Constitution are concerned with the right to life which is the most violated right due to terrorism. Terrorism is indeed a breakdown of humanity and it seems to undermine the human rights and the legal systems which aim to protect it. However, even in the midst of such a breakdown, human rights continue to exist, albeit in a weakened state. While they cannot completely eradicate all wrongs, they can still offer some modest protection and a glimmer of hope for justice. The right to life, liberty, and physical integrity are among the many human rights that are directly affected by terrorism. Terrorist acts have the potential to topple governments, weaken civil society, endanger peace and security, endanger social and economic growth, and may particularly harm some communities. Each of these directly affects how basic human rights are exercised.

VII. INTER-RELATIONSHIP BETWEEN HUMAN RIGHTS, POVERTY AND TERRORISM

Human rights, poverty and terrorism are interconnected and addressing one aspect can have a subsequent positive effect on others. The biggest question so far remains whether poverty and terrorism violate human rights or because of violation of human rights do poverty and terrorism occur. The basic necessities of people are snatched away due to violence or poverty which leads to violation of human Rights. According to various studies conducted, it can be inferred that all three determinants are cause and effects of each other. Combating poverty and advancing human rights can aid in the prevention and elimination of terrorism. An atmosphere that is less

receptive to radicalization can be created via socioeconomic development, access to education, work opportunities, and basic amenities. The attractiveness of violent extremism can be diminished by respecting the rule of law and promoting social cohesion, inclusivity, and a sense of justice. To successfully address these interconnected concerns, an integrated strategy is required. The fact that these difficulties overlap should be taken into account in policies and initiatives. For instance, initiatives to reduce poverty should simultaneously focus on improving access to healthcare, education, and other essential services, thereby supporting human rights. To prevent aggravating problems, counterterrorism policies should be in line with global human rights norms. Some real life examples can be seen in the form of the terrorist groups of ISIS and AL-Qaeda. Just because their human rights were violated they caused massive destruction, thereby violating the human rights of others and making a large number of people poor by depriving them of their basic amenities. In conclusion, the connections between terrorism, poverty, and human rights are complicated. Even if poverty isn't a direct cause of terrorism, fighting it can help stop radicalization. Ensuring that human rights are upheld helps lessen both the causes of terrorism and the potential for violations during counterterrorism measures. In order to address these interconnected issues, a comprehensive, integrated approach is essential.

VIII. CONCLUSION

The preceding discussion thus tells us about the intervention of human rights with its two important determinants, that is, poverty and terrorism. It has served and will continue to serve as a gauge of the legitimacy of government, a guide to setting the priorities for human progress, and a basis for consensus over what values can be shared across diverse ideologies and cultures.⁷ It can be further concluded that a proper framework will help in combating them and upholding human rights in their greatest sense.

⁷ Stephen P Mark, *Human Rights: A Brief Introduction*, 18 (2016)