

Kirghizstan: Reality behind Ethnic Riots

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Formerly known as Kirghizia, the Central Asian republic of Kirghizstan is a country of incredible beauty and proud nomadic traditions. Kirghizstan is a land of snow capped mountains, windswept desert and grass-covered steppes. Most of the republic's 5 million people now live in settled communities. Though for more than 2000 years their ancestors were nomads(1). Its first president Askar Aakayev(2) took certain steps which rendered it as an important state and his intellect and smile attracted a wide affection. He was the first non-communist who was elected president of any Asian state(3). He decided to attract Western financial assistance through unbiased approach and economic conditions. So in 1993 Kirghizstan became the first Central Asian country that plunged into the privatization of state owned existing trade and land(4,5). Though, with the passage of time Akayev tended to be more aristocratic.

Kirghizstan made progress on the same wavelength as other Central Asian states achieved in terms of cultural equality, modernity and open-mindedness. It became the centre of trade because goods used to be brought here from China, Turkey, Korea, Thailand, Iran and Dubai and then transferred to other countries. It also remained fore-runner in treaties and relations with international institutions(6). It is the only country in the Central Asian states which is the member of World Trade Organization. It is worth remembering that Kirghizstan policy is most liberal one of all the Central Asian states. Then suddenly Kirghizstan became a burning issue in international media; as ethnic riots burst out in its major cities of Osh and Jalalabad in which death toll reached up to the figure of 170, including one Pakistani student. More than 400 people were wounded. According to Associated press "up to a thousand people have crossed the nearby border into neighbouring Uzbekistan"(7).

Considering Kirghizstan's riots as ethnic and linguistically riots would be just a surface level analysis. Central Asian states had been living united even before the time of Soviet Union. It is no surprise to find any Tajikistani, Kazakhstani and any Uzbek in Kirghizstan. Kazakhstan is the mixture of more than 130 nations and same is the case with Kirghizstan(8). Here, ethnic troubles have never been so extreme that people picked up swords.

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- 18- “And We ordained therein for them: life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal” (5:45)(17)
- 19- P.J. Fitzgerald, Salmond on Jurisprudence, Allahwala Printers, Lahore, 12th Edition, p.216-218.
- 20- Muhammad Encyclopedia of Seerah, Vol.2, The Muslim School Trust, London, 2nd Edition, 1985, Pp.333.
- 21- “And Indeed We have honored the children of Adam, and We have carried them on land and sea, and have provided them with lawful good things and have preferred them above many of those whom We have created with a marked preferment” (17:70){18}
- 22- “There is no advantage for an Arab over a non-Arab, or for a white man over a black save on the basis of piety” [11].{19}
- 23- “Verily, We created man in the best stature (mould) “ (95:4){20}
- 24- “And has subjected to you all that is in the heavens and all that is in the earth; it is all as the favour and kindness from Him” (45:13){21}
- 25- Paul Barry Clark and Joe Fowe Raker, Encyclopedia of Democratic Thoughts, Routledge, USA and Canada, 2001, Pp.628.
- 26- P.J. Fitzgerald, Salmond on Jurisprudence, Allahwala Printers, Lahore, 12th Edition, p.220, 221.
- 27- PLD 1957 Lahore 914; PLR 1958, 1, 869.

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- 7- V.G. Ramchandran, Fundamental Rights and Constitutional Remedies, Eastern book Co., Lucknow, Delhi, India, 1959, Pp.6.
- 8- "Verily, We created man in the best stature (mould)" (95:4)
- 9- "And (remember) when your Lord said to the angels: verily, I am going to place (Man) vicegerent on earth" (2:30)
- 10- "And He taught Adam all the names" (2:31)(9)
- 11- "And (remember) when We said to the angels: Prostrate yourselves before Adam (2:34)"(10)
- 12- "And (remember) when your Lord said to the angels: verily, I am going to place (Man) vicegerent on earth" (2:30).(11)
- 13- "See you not (O men) that Allah has subjected for you whatever is in the heavens and whatever is in the earth and has completed and perfected His Graces upon you "(31:20)(12)
- 14- "And has subjected to you all that is in the heavens and all that is in the earth; it is all as the favour and kindness from Him" (45:13)(13)
- 15- "Who has created death and life that He may test you which of you is best indeed" (67:2)(14)
- 16- Indeed We have sent our Messengers with clear proofs, and revealed with them the Scripture and the Balance (Justice) that mankind may keep up justice " (57:25)(15)
- 17- "O you believe! Stand out firmly for justice" (4:135)(16)

is the only issue that all the world leaders they agree in principle on this point that human rights should be respected.(26)

Human dignity represents a vital expression of values. The protection of Human Dignity is generally recognized to be a fundamental aim of modern international law .In recent decades almost every international organization, regional and global, has adopted human rights norms and responded to human rights violations by member states.(27)

In modern times there has been rising global insistence that states, government's constitutions and laws exist to serve the people and there is a consistent universal outcry for the human rights and fundamental freedoms of the individual to be respected and secured.

Human rights play a significant role in securing the accountability of those who wield power and control resources essential to the satisfaction of basic human needs. Human rights are also important as a means for securing participation.

Societies, individuals and families are disintegrating in the modern era. It is a challenge to human process. Threats to human dignity and freedom have emerged from the structure of the modern technological society. The need to reappraise the foundation on which the whole concept of human rights rest was never as pressing as it is today.

It was during the second half of the eighteenth century that the rights of man became the central theme of the philosophical and political thoughts in the west and debates about the dignity of man, his place in society and his rights gave luster and richness to human civilization.

During the 19th century, the idea of human rights and liberties was taken as a threat to the state power, as the thinkers and reformers suggested giving more authority to the state. It was Jeremy Bentham, who questioned the concept of natural law and natural rights. The rights which were given on papers of different countries were not actually given to the people in real life. In the middle of the 20th century the United Nations made a declaration of Universal Human Rights and passed a resolution against genocide and framed regulations to check it.

If there is one single Ideology widely accepted round the world today, it is the concept and ideology of Human Dignity and Human Rights. The world community, over a thousand million strong, asks for justice at home when it demands a peace zone. Not mercy but justice not might but right, against threat of death, for free life breath. (25)

The importance of human rights can be judged simply on this basis that there are diversified views of the leaders of the world regarding almost every issue about life and its concern, however, if there is a consensus of those leaders, it

their civilization begins to disintegrate and finally fade away from the pages of history (20). The Quran condemns in very strong words those people who spread corruption and injustice in the land and deny other people's rights.

The dignity of man is in conformity with the Quranic verse which states:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِّنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا
(21)[70: الإسرائاء] تفضيلاً

No distinctions in dignity and fundamental rights between one man and another as race, sex, blood relations or wealth, in accordance with the saying of the Prophet of Islam,

(22)(22894مسند احمد، حديث) لا فضل لعربي على عجمي ولا لاسود على احمر الا بالتقوى

The Quran elevates humanity to a rank higher than the angels and honors it by the trust of being appointed vicegerent (khalifah) of God on earth. The angels are told to prostrate before Adam, the archetypal human being. This moral latitude of humanity is then complemented with a reference to the physical nobility of its origin:

(23)[4: التين] لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَنِ تَقْوِيمٍ

It also affirms humanity's competence and trust worthiness in the eyes of God. Furthermore, Allah has subjected whatever is in the heavens and whatever in the earth to humanity:

:الجاتية[وَسَخَّرَ لَكُم مَّا فِي السَّمَاوَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِّنْهُ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

13](24)

The Messenger of Allah advised people to honor and respect other people's dignity and rights and refrain from acts of injustice and excesses against other people. One of his greatest contributions is to add grace, elegance and dignity to human character and conduct and thus raised human being higher in esteem.

The contribution of the Prophet (SAW) of Islam to the enhancement of human dignity is diversified. He was himself a perfect example of graceful, pleasing and beautiful conduct and he encouraged others to adopt the same conduct in their social life. It was his habit to bring out and demonstrate in practice what was most delightful, refined, polite and natural in human behavior.

The concept of human dignity has assumed importance globally during the past few decades and has international significance. Human dignity has been no exception but this has not deterred humanity from repeating and reiterating the principles which govern human rights. Human rights are claims upon society.

وَكَتَبْنَا عَلَيْهِمْ فِيهَا أَنَّ النَّفْسَ بِالنَّفْسِ وَالْعَيْنَ بِالْعَيْنِ وَالْأَنْفَ بِالْأَنْفِ وَالْأَذْنَ بِالْأَذْنِ وَالسِّنَّ بِالسِّنِّ وَالْجُرُوحَ
:الْمِائِدَةُ [إِصْصَاصٌ فَمَنْ تَصَدَّقَ بِهِ فَهُوَ كَفَّارَةٌ لَهُ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَئِكَ هُمُ الظَّالِمُونَ
45](18)

All these things point to the importance of person's individuality, dignity, status and potential.

The major religions and philosophies places central value to the concept of right and wrong, good and evil; legality and illegality, justice and injustice, and significance of individual man's dignity and equality of men. In addition, liberty is also highlighted as a fundamental right which gives dignity and rights to the man on this earth. It makes him creative and a master of ones own destiny.

Following a value-policy oriented approach based on the protection of human dignity, the demands for human rights depend for effective participation in all community value processes. Human Dignity depends on eight interdependent values, such as: respect, power, enlightenment, well being, health, skill, affection and rectitude. (19)

The main function of society is to enable individuals to establish justice individually and socially. The concept of individual rights will ever remain central on the earth in all cultures and civilizations. Individual responsibility states that all human beings are entitled to freedom and equality without any discrimination.

Aristotle is of the opinion that men are not at all equal by nature, since some are born for slavery and others to be the masters. Rousseau says that no man has any natural authority over his fellows and suggested that all legitimate authority among men must be based on covenants.

Dignity is a natural right belonging to every individual. An individual is not honored for personal attributes or status in society, or for racial or tribalism distinctions, but because one is a human being. Dignity is therefore, the absolute right of everyone.

The Quran states the Law of Nature that so long as people maintain their life-systems on the basis of justice, freedom and goodness and allow all people to enjoy their rights in a normal way and practice their lives freely without interference or interruption, they prosper and make progress in life. But when they start spreading corruption in the land and usurping other people's rights,

Before the advent of Islam, honor, status and dignity were reserved for certain classes on the basis of birth, power or wealth. Islam presented its concept of honor and dignity on the basis of man's creation by Allah:

(8)[4:التين] لَقَدْ خَلَقْنَا الْإِنْسَانَ فِي أَحْسَن تَقْوِيمٍ

A person deserves dignity and honor as a human being and has been endowed with the best physical, mental and intellectual form and given capacities and faculties which no other being has been given. As far as human beings and their worldly life is concerned, they are all equally honorable and esteemed as human beings without any reservation of dignity or honor for anyone on other counts.

One of the greatest contributions of Islam is the concept of the individual and his dignity, status and potential. The entire philosophy of Islam is based on human creation.

(9){30:البقرة} وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً

The endowment of knowledge as a special Divine Favour;

(10)[31:البقرة] وَعَلَّمَ آدَمَ الْأَسْمَاءَ كُلَّهَا

The prostrating of angels (in submission) before him (for his service);

(11)[34:البقرة] وَإِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا لِآدَمَ

Allah's entrusting him with the vicegerency on the earth;

(12)[30:البقرة] وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ فِي الْأَرْضِ خَلِيفَةً

and making him the central figure in the creation;

لَقَدْ أَوْفَىٰ مَا وَعَدْنَاهُ رَبَّهُ وَمَا فِي السَّمَاءَاتِ وَمَا فِي الْأَرْضِ وَأَسْبَغَ عَلَيْكَ نِعَمَهُ ظَهَرَ وَبَاطِنًا

(13)[20]

“

الْجَائِثَةِ وَسَخَّرَ لَكُم مَّا فِي السَّمَاءَاتِ وَمَا فِي الْأَرْضِ جَمِيعًا مِنْهُ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِّقَوْمٍ يَتَفَكَّرُونَ

(14)[13]

The testing of him in these Favors;

(15)[2:المالك] الَّذِي خَلَقَ الْمَوْتَ وَالْحَيَاةَ لِيَبْلُوَكُمْ أَيُّكُمْ أَحْسَنُ عَمَلًا

and in the administration of justice between people in multifarious worldly affairs;

(16)[25:الحديد] لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ

(17)[135:النساء] يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ

Dignity of a Person: An Introduction in the Islamic and legal Perspectives

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Human dignity is the manifestation of human rights. Rights may be proprietary or personal, utilitarian or moral, but they almost always relate to the dignity of the individual. Constitutional proclamations of the rights of citizens are generally reflective of a society's commitment to the individual's dignity and value. The concepts of the dignity of man and human rights have always been considered the most critical dimension of the organized society. Human dignity and status lays a firm basis for the building of society on an equal basis, wherein all could claim dignity and honor as human beings (1). Human dignity is the foundation of freedom, justice and peace in the world (2).

The term Dignity is derived from the Latin word 'dignitas' which denotes a quality of being worthy or honorable which signifies his highest and noble position in a community. Dignity means honor, authority or reputation (3). The Human Dignity consists in man's ability to experience self awareness and to think rationally (4). When one loses the ability to exercise his rational function, one loses the essential dignity as well (5). Dignity lies in the right conduct of a person and to keep oneself within the characteristics of control. The morality of Islam is based on the concept of human dignity to inculcate the quality of control towards evil inclinations.

Dignity is a social factor. It involves one's ability to participate in a social arrangement of some sort and to hold some kind of rank therein. Society confers dignity on the individual. Social dignity refers to one's reputation or good name. Cassio said in Shakespeare's Othello, reputation is something priceless and much more valuable than any other possession (6).

According to an Indian legal expert 'What adds to the dignified and free existence of human being should be regarded as Human Rights (dignity) (7). Each society and civilization has a set code or a manifesto determining the strength and greatness of dignity of a person. Human dignity is tainted with the proponents' cultural values and traditions and represents a vital expression of values. The concept and implications of human rights in different cultures and civilizations is a window through which one can judge the dignity of a person.

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