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RIGHT TO LIFE AND RIGHT TO HEALTH AS COMPONENTS OF RIGHT TO PEACE

Abstract

When we look at the history of the world, there are short periods without wars, conflicts, and destruction, but generally, there is no period in which peace, as we understand it, lasts for centuries. The policies of states, the expression of societies in a way that engenders conflict, the unrest arising from geographical and strategic convergence, and the intolerance of individual people towards each other make war a "normal activity" of life, and humanity, in Hannah Arendt's words, lives in a "commonplace of evil." In our world, wars with conventional and regular armies have been replaced by asymmetric warfare, terror, and massacres. Although we say that war has no "law," such conflicts and attacks continue with the boundless actions of people who are savage, who do not recognize rules, and who do not bind themselves to any ethics, legal rules, and principles. Civilized, technologically advanced societies of our time have not yet acquired the ability to solve their international problems without resorting to violence. To achieve everyone's human rights as a member of society, peace is a manner of coexistence. It serves as a crucial component in achieving the realization of all human rights. Human rights are a byproduct of peace; the more a society works to uphold, defend, and advance the rights of its citizens, the better its chances are of reducing violence and mediating disputes amicably. But peace is also being acknowledged more and more as a human right in and of itself, as a newly emerging human right, or as a component of the so-called solidarity rights. The relationship between international human rights and the right to peace is quite strong, especially given how frequently human rights are violated when there is no peace. And finally, we comprehend that the right to peace only exists in the background of the defense and fulfillment of all human rights. In this essay, we concentrated on the impact of violations of the right to peace on the most fundamental rights, such as the right to life and the right to health.

Keywords: *right to peace, right to health, right to life, violation of rights, human rights implementation instruments, positive measures*

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Yaşamaq hüququ və sağlamlıq hüququ komponentleri kimi sülh haqları

Xülasə

Dünya tarixinə nəzər saldıqda müharibələrin, qarşıdurmaların, dağıntıların olmadığı qısa dövrlər olduğu görünür, lakin ümumiyyətlə, sülhün bizim anladığımız kimi əsrlərlə davam etdiyi bir dövr mövcud deyildir. Dövlətlərin siyasəti, cəmiyyətlərin münaqişə yaradan şəkildə özünü ifadə etməsi, coğrafi və strateji yaxınlaşmadan doğan iğtişaşlar, ayrı-ayrı insanların bir-birinə qarşı dözümsüzlüyü müharibəni həyat üçün "normal fəaliyyət" halına gətirir, və bəşəriyyət Hannah Arendtin də dediyi kimi "ümumən zorakılıq məkanında" yaşayır. Bizim dünyamızda adi və nizami ordularla aparılan müharibələr asimmetrik müharibə, terror və qırğınlarla əvəzlənib. Müharibənin "qanunu" yoxdur desək də, vəhşi, qaydaları tanımayan, heç bir etik, hüquqi qayda və prinsipə bağlanmayan insanların hüdudsuz hərəkətləri ilə bu cür qarşıdurmalar, hücumlar davam edir.

Dövrümüzün sivil, texnoloji cəhətdən inkişaf etmiş cəmiyyətləri hələ də öz beynəlxalq problemlərini zorakılığa əl atmadan həll etmək bacarığına yiyələnməyiblər. Cəmiyyətin bir üzvü kimi hər kəsin insan hüquqlarına nail olmaq üçün sülh birgəyaşayış tərzidir. O, bütün insan hüquqlarının həyata keçirilməsində həlledici komponent kimi çıxış edir. İnsan hüquqları sülhün əlavə məhsuludur; cəmiyyət öz vətəndaşlarının hüquqlarını qorumaq, müdafiə etmək və inkişaf etdirmək üçün nə qədər çox çalışırsa, onun zorakılığı azaltmaq və mübahisələri sülh yolu ilə həll etmək şansları bir o qədər yüksəkdir. Lakin sülh həm də özlüyündə bir insan hüququ, yeni yaranan insan hüququ və ya həmrəylik hüquqlarının tərkib hissəsi kimi getdikcə daha çox qəbul edilir. Beynəlxalq insan hüquqları ilə sülh hüququ arasında əlaqələr, xüsusən də sülh olmadığı zaman insan hüquqlarının nə qədər tez-tez pozulduğunu nəzərə alsaq, kifayət qədər güclüdür. Və nəhayət, biz başa düşürük ki, sülh hüququ yalnız bütün insan hüquqlarının müdafiəsi və həyata keçirilməsi fonunda mövcuddur. Bu essedə biz sülh hüququnun pozulmasının yaşamaq hüququ və sağlamlıq hüququ kimi ən fundamental hüquqlara təsiri üzərində cəmləşdik.

Açar sözlər: *sülh hüququ, sağlamlıq hüququ, yaşamaq hüququ, hüquqların pozulması, insan hüquqları həyata keçirilməsi vasitələri, müsbət addımlar*

Introduction

Since 2008, the UN Human Rights Council has been working on a declaration related to the right to peace which is mainly related to the right to life and dignity. For these freedoms and rights to be safeguarded and enjoyed in all other nations worldwide, we all have the right to live in a peaceful and orderly society. Also, Article 1 of the Declaration on the Right to Peace states "Everyone has the right to enjoy peace such that all human rights are promoted and protected and development is fully realized" (Declaration on the Right of the Peoples to Peace, 1984).

How the right to peace, the right to life, and the right to health are protected by international instruments?

The right to life and dignity are known as the most violated rights of human rights during any armed conflicts because of the tight relations between them and the right to peace since violation of the right to peace affects those rights more than others. In violation of these marked human rights, subjects can belong to any group, for instance, subjects can be nationals, refugees, civilians, combatants, or any other people without discrimination of sex, ethnicity, social status, or any other features. In this article we will focus on the interrelation between the right to peace, the right to life and the right to health as its components, the consequences of the violation of these rights, and States` positive measures regarding the implementation of the right to peace and related rights.

The Universal Declaration states in Article 3. "Everyone has the right to life, liberty, and security." (Universal Declaration of Human Rights, 1948).

These elements build the foundation of freedom, justice, and peace in the world. Yet, the Universal Declaration does not include a separate article on "the Right to Peace". But as we see, UDHR defines the right to life as inseparable from the right to peace. It becomes clear that the rights to life, health, and peace are interrelated. In accordance, Article 1 of the draft Declaration on the Right to Life in Peace states "Everyone is entitled to the promotion, protection, and respect of all human rights and fundamental freedoms, in particular the right to life, in a context in which all human rights, peace, and development are fully implemented" (3). That statement also defines that the right to life as a fundamental human right can exist and also can be protected in the realization of the right to peace.

During the drafting of the 1948 Universal Declaration of Human Rights, attempts were made to make Article 3, which proclaims the right to life, more precise (Kanger, 1984: 81-82). Several issues were the object of discussion in the drafting of corresponding provisions on the right to life of human rights treaties, but it was the views and decisions more recently rendered by international supervisory organs that have gradually given more precision to the right to life as enshrined in the respective human rights treaties. Even those who insist on regarding the right to life strictly as a civil right cannot fail to admit that, ultimately, without an adequate standard of living (as

recognized, e.g., in Articles 11-12 of the UN Covenant on Economic, Social, and Cultural Rights, following Article 25 [1] of the 1948 Universal Declaration), the right to life could not possibly be realized in its full sense (e.g., in its close relationships with the right to health and medical care; the right to food, and the right to housing) (Leckie, 1989: 544).

Two points deserving of particular emphasis here. First, it has not passed unnoticed that the provision of the UN Covenant on Civil and Political Rights on the fundamental and inherent right to life (Article 6 [1]) is "the only Article of the Covenant where the inherency of a right is expressly referred to." Secondly, the United Nations has formed its conviction that all individuals and all peoples have an inherent right to life. This brings to the upfront the safeguard of the right to life of all persons as well as of human collectivities, with special attention to the requirements of survival as a component of the right to life of vulnerable groups including the dispossessed and deprived, disabled persons, children and the elderly, ethnic minorities, indigenous populations, migrant workers.

Many human rights accords have gradually formalized and explained the status of health as a fundamental right. The connection between health and human rights is first noted in Article 25 of the Universal Declaration of Human Rights (UDHR), which states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services…" (Universal Declaration of Human Rights, (1948). In accordance, the World Health Organization was incepted with the spirit of promoting the health of all peoples and recognizes in the Preamble of its Constitution that health and peace are interrelated notions, stating that, “the health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.” (Constitution of the World Health Organization, 1946).

What can be the consequences of the violations of the right to peace and related to these violations how right to life and right to health can be affected?

As we elucidate, for the protection and realization of fundamental human rights, the right to peace is a core element. For instance, we may take a look at living conditions in conflict zones. The following will happen by the violation of the right to peace:

- poverty increases and ends up in a poorly functioning economy;
- political instability prevails;
- security and public safety become diminished, and crimes increase;
- divil wars affect economic conditions in two stages;
- during conflict;
- during the post-war period.

During the conflict, there is a direct cost caused by the destruction of resources that would otherwise have been employed in production. This directly impacts contemporaneous economic performance in the affected territory. In addition, the economic activity of countries that suffer from civil conflict is damaged indirectly by an increase in production costs and insecurity in transport. Risk perceptions play a key role here as they spread the costs of armed conflict beyond the directly affected territory. In addition, armed conflict will affect economic development and poverty also in its aftermath through the humanitarian crisis triggered by wars and the contraction of investments due to instability (8).

The average political stability index of countries for 2021, Somalia has the lowest value (-2.68) and the five following countries were Syria (-2.66), Yemen (2.59), Afghanistan (2.53), Iraq (2.40), and Libya (-2.37). It is not a coincidence that all of these countries had internal or external armed conflicts.

Wars are related to subsequent violence in complex and at times contradictory ways. The relationships between war and postwar violence, recognized throughout history, have attracted the attention and concern of researchers, state officials, policymakers, and the broader public. Methodological challenges, however, limit the potential for isolating the precise circumstances under which war and postwar violence are causally related. The weight of the evidence indicates

that war is often followed by increases in violence, but there are important exceptions to this pattern. Potential theoretical explanations for this relationship abound. The harmful effects of wars on the minds and bodies of those participating in them are less influential on postwar violence than are the damages wars do to postwar societies' social and economic institutions, political legitimacy, and group relations. Preventing or reducing elevated rates of violence after wars is rarely a priority during peace negotiations. As a consequence, policies instituted as part of the peace-building process often fuel violent crime. Hopefully as a universal protection mechanism, in 1949, the Geneva Conventions were adopted.

While discussing the negative effects of violating the right to peace, it is crucial to note that during times of war, people who live in conflict zones have been killed in their homes, in markets, and on public streets. They have perished as a result of explosives, gunfire, improvised explosive devices (IEDs), drones, and fire. Civilians lose their lives at checkpoints, when military vehicles run them off the road, when they tread on mines or cluster bombs while gathering wood or tending to their crops, or when they are abducted and killed as a form of intimidation or retaliation. Death can result from war weeks or months after combat. The infrastructure destruction and bad health conditions brought on by the wars have killed many times more people in the war zones than the violence itself. For instance, war refugees frequently lose access to a reliable food source or their occupations, which increases malnutrition and disease susceptibility. Since 1946, fewer people have died in wars in total. Over 500,000 individuals perished in war-related direct violence in certain years in the immediate post-war period. The annual death toll has recently tended to be under 100,000.

In addition to the right to peace, one of the fundamental human rights that are infringed upon as a result of the right to peace is the right to health. One in five people who live in conflict-affected areas has mental health illnesses, according to data from the World Health Organization, demonstrating the need for much more care for survivors. The numbers are significantly higher than originally believed. One in 16 people living in conflict zones, according to data published in 2016, has mental health issues. However, the WHO claims that its data is more reliable because it is supported by 129 studies, of which 45 have never been included in estimations before. 22% of people who live in conflict zones have depression, anxiety, post-traumatic stress disorder, bipolar disorder, or schizophrenia, according to a WHO report that was published in the medical journal The Lancet. Compared to men, women are more likely to be impacted, and the load increases with age. The severity of the mental disease ranges from moderate to severe in 9% of the population. It is mild at 13%.

Conflicts affect aggregate productivity directly through physical health but also indirectly through mental health. Being exposed to violence leads to post-traumatic stress disorder (PTSD) which affects both adults and children. These mental illnesses are characterized by hyper-vigilance, flashbacks, and nightmares. Those who experience stressful events are more likely to have poor self-reported health, and morbidity (as revealed by physical exams or laboratory tests), use medical services frequently and die. Li et al. show that "people who experience PTSD are at much higher risk of developing other health problems, including diabetes, heart ailments, depression, and addiction" (9). Civilians exposed to the civil war in Lebanon find that patients with severe coronary artery disease had more war-related stress than did either patient with normal arteriographic findings or hospital visitors. Using female Vietnam veterans, Wolfe et al. show that "warzone exposure and PTSD are associated with self-reports of poor health and numerous physical problems" (Wolfe, Jessica, Paula, Schnurr, Pamela, Brown, and Joan Furey, 1994: 62) Rosen and Fields were among the first to attempt to explain how PTSD could adversely affect physical health. Friedman and Schnurr explained, "the potential channels can be divided into 3 groups: biological, psychological and behavioral channels" (Friedman, Matthew, and Paula, Schnurr, 1995: 507-524). From a biological point of view, PTSD can modify cardiovascular reactivity, disturb sleep physiology, enhance thyroid function, etc. Singhal studies the long-term effects of the U.S. war in Vietnam on mental health and he finds that "early-life exposure to war negatively affects mental

health in adulthood and proposes malnutrition during the war as a significant mechanism" (Singhal, Saurabh, 2019: 8).

The right to health is also an essential tool for safeguarding those who need care, health workers, and facilities in times of political violence that are not warlike when protestors are all too frequently denied access to health care due to their political activities and health workers are arrested and prosecuted for providing the care. Yet, a significant human rights organization highlighted doubts about states' duty to refrain from interfering with medical personnel who treat injured demonstrators as recently as the Arab Spring in 2011, going beyond bans on arbitrary arrests and restricting free speech. Similarly to this, without the right to health, the tools to stop the criminalization of health care by states only incidentally involved in the conflict are ineffective. This is because the threat of using ever-expanding counter-terrorism law to restrict medical and humanitarian action in war is against international humanitarian law. The significance of the right to health in times of war and other forms of political violence has just recently started to emerge. The first breakthrough likely came in a 2013 report by the Special Rapporteur on the Right to Health, Anand Grover. The report recognized that insecurity often limited states' ability to ensure the resources needed to maintain access to health but explained that the requirement of progressive realization remained in place, requiring "concrete steps towards the full realization of the right to health to all, without discrimination and regardless of the status of persons as combatants or civilians" (13). His report was soon followed by another by the Office of the High Commissioner of Human Rights on economic, social, and cultural rights in armed conflict. Then in 2018, Agnes Callamard, Special Rapporteur on the summary, arbitrary and extra-judicial executions, wrote a powerful analysis entitled "Saving Lives is not a Crime" that showed how the criminalization of humanitarian aid and medical care under counter-terrorism law violates the rights to life and health (14).

It has taken far too long for the right to health to be acknowledged as a factor in armed conflict. In a situation when violations are so frequent and medical needs are so significant, some introspection is necessary to understand why it was treated so poorly. In the future, it will be necessary to use the right to health as a tool to enhance the well-being of those whose health is most at risk. There has recently been some progress in that direction. Afghanistan's efforts to build a functioning health system have been greatly hampered by persistent insecurity and violence against civilians and medical facilities. Several clinics and hospitals have been forced to close as a result of threats and violence. The right to health is also being defended to fight against the criminalization of health care as well as unfair and discriminatory occupational health care.

States positive measures on the right to peace and related rights. Resolution 35/4 adopted by Human Rights Council 22 June 2017, states about the promotion of right to peace "*The Human Rights Council stresses* that States should respect, implement and promote equality and non-discrimination, justice and the rule of law, and guarantee freedom from fear and want as a means to build peace within and between societies" (15). Either in resolution 71/189 adopted by the General Assembly on 19 December 2016, the General Assembly "s*tressing* that peace is a vital requirement for the promotion and protection of all human rights for all" (16). İn the annex of Declaration on the Right to Peace, the General Assembly "*reaffirming* the obligations of all Member States, as enshrined in the Charter, to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.." (17).

Conclusion

Human rights are a result of peace; the more a society works to maintain, defend, and enhance its inhabitants' rights, the higher the likelihood that violence will be reduced and conflicts will be resolved amicably. Yet, peace is also being recognized as a human right in and of itself, as a recently developing human right, or as a part of the so-called solidarity rights, in increasing

numbers. Given how frequently human rights are violated when there is no peace, there is a strong correlation between international human rights and the right to peace. We also realize that the right to peace only exists in the context of the protection and realization of all other human rights

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