

JASMEET GULATI
O.P. Jindal Global University, India

IS OTHERING ANTITHETICAL TO HUMAN RIGHTS?

Abstract:

In any homogeneous or heterogeneous society, reference to 'others' is not only to those who have been internally displaced or have entered as refugees or migrants, but also to those who are not identifiable as belonging to that society. The reasons could be many-fold; including different culture, nationality, gender, and so on. These differences are commonly known. But otherness can also be distinguished because of certain features which are outside this realm i.e. those who are not in power or place of authority, or those who are having a belief or ideology which do not form part of the larger group. They are unable to integrate with society because not only have they lost their identity but their assimilation has also been restricted by the 'majority'. These 'others' are not accepted as part of 'us' where the society is in a superior position so as to be able to stop 'others' from being 'us'. Since the 'others' are not accepted in the mainstream, their vulnerability leads to denial of basic rights which form part of those rights that are recognized as human rights.

The paper will be divided into four parts. The first part will explore the reality of 'otherness' amongst human beings which is not only because of majority-minority based reasoning. The second part of the paper will discuss the human rights aspect of the concept of otherness, because the moment we distinguish a group as others, we violate their human rights. The part will highlight the basic rights of the migrants being violated which are recognized under the UDHR e.g. right to asylum. It will also focus on the principle of non-refoulement which is now a rule of customary international law.

Part three will highlight the plight of refugees owing to the indifference of Governments towards them. The case of Syrian crisis in Europe will be analogized with the Rohingya refugee crisis in India. The political setting of a developing state like India will also be discussed. The plight of internally displaced persons will also be reflected upon to draw a contrast to the situation in Europe. In conclusion, part four of the paper will focus on implementation of human rights i.e. whether recognizing 'others' amongst 'us' will be antithesis to the concept of human rights in the light of Refugee Convention 1951 which has already distinguished refugees as others.

Keywords:

Human Rights of Refugees, Refugee Convention, Others amongst Us

JEL Classification: K33