

Threats to Democracy

Need for Rights-Based Approach to Crime and Poverty

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The enactment of emergency laws in some democratic countries after 11 September, including our own Poto, brings to the fore certain important issues about the shrinkage of democratic space available to citizens all over the world.

A few decades ago, one felt quite optimistic about the consolidation of democratic polity and culture in different parts of the world. The end of the Cold War blocs, collapse of certain totalitarian, military and repressive regimes and transition to democracies in some countries of Asia, Africa and Latin America, the spread of human rights philosophy and institutions, the strengthening of the NGO movement and rapid growth of economy in some parts of the democratic world gave rise to confidence in the efficacy of democratic polity to solve people's problems.

This optimism has been belied. Among the factors responsible for decline in public faith, two have been prominent. One has been the failure of the criminal justice system to control crime in a fair, just and effective manner and the other has been the failure on the economic front to alleviate poverty and inequalities.

Erosion of the faith

There is an increasing feeling that the democratic system has failed to provide a feeling of security to the common man. The establishment of a feeling of security is extremely important because without it, one cannot enjoy one's basic needs and rights. As the UN Commission on Crime Prevention and Criminal Justice in 1995 said: "To feel safe from crime is as important to a person as access to food, shelter, education and health."

A large number of people are of the view that democracy as a system of governance is weak and fails to control crime effectively. This feeling is supported by the fact that the crime rate in almost all the democratic countries is definitely very high and is continuously rising. The state is failing to prevent crime and in some cases also to deal promptly, justly and effectively with those who commit it. When a large number of people, after committing crimes, are allowed to getaway and justice is not meted out to victims, or criminal cases in courts of law are allowed to drag on for umpteen number of years, it results in the erosion of the faith and confidence of the public in the effectiveness not merely of the criminal justice administration but of the whole system of democratic polity and governance.

A democratic system is associated with the rule of law. Loss of faith is all the greater and widespread when the rule of law is not enforced. The way the system has worked in some countries, it has given rise to an impression in the public mind that some persons i.e. those who are rich, influential and politically powerful, commit crimes with impunity and manage to remain above the law of the land and it is only those who belong to the poor and underprivileged sections of society who are put behind the prison walls for committing even

minor infractions of law. The system also shows bias and discrimination on the basis of race, colour and caste.

Seeds of discontent

This leads to alienation of a large section of people who are victims of discrimination and injustice. It fuels the seeds of discontent, protest and violence.

The citizens expect the state to provide them freedom from crime and violence. The state's failure to do so gives rise to public fear of crime and criminals. Fear of crime feeds on itself and always grows at a rate faster than crime. It reduces the quality of life enjoyed by citizens in many ways. It is such public fear and perceptions, which provide a licence to the police to ignore the law and deal with crime and criminals by using rough and illegal methods. Police deviance always increases whenever the fear of crime whips up the rhetoric of "war against crime and criminals."

Citizens' vigilantism, which poses another threat to the rule of law, is also known to increase when citizens lose faith in the ability of the state to control crime. Public vigilantism has emerged as a big threat to the consolidation of rule of law in South Africa and some other democratic countries of that region and Latin America.

The state always uses the opportunity provided by the accelerating fear of crime to arm itself with repressive powers. Fear of crime provides an opportunity to governments to introduce black laws, enhance powers of the police, overlook use of third-degree methods by state agencies and curtail citizens' rights. Instead of the rule of law, rule of fear reigns supreme. In the final analysis, it is democracy, which really gets mugged. This has happened in large parts of the democratic world after 11th September.

In such an environment where popular opinion supports authoritarian responses to crime and violence, the human rights movement suffers a setback. It fears an erosion of political support because the human rights groups are accused of coddling the criminals and ignoring the rights and needs of the citizens to live in a climate of peace and stability. There is also a feeling that the human rights organizations are always ready to denounce the police abuse, but hardly have any specific suggestions to improve their performance.

The other factor responsible for erosion of public faith is an economic one. There is considerable evidence to prove that poverty and income disparities in most democratic countries are increasing. In its millennium report on human rights and poverty eradication prepared for the CHOGM meeting, the Commonwealth Human Rights Initiative, an independent NGO based in New Delhi, has brought out some interesting facts about the incidence of poverty in the commonwealth countries.

Consolidating democratic space

According to the report on "Human Rights and Poverty Eradication" (2001), in a commonwealth of 2,000 million people, nearly 700 million live on less than \$1 a day. Over 40 per cent of population in Lesotho, India, Ghana, Kenya, Nigeria, Zambia, Tanzania, Uganda, Gambia and Sierra Leone live below the national poverty line or below an income

of less than \$1 a day. The share of the world's poorest 20 percent in global income is only 1.11 per cent, down from 2.3 per cent in 1960. Today, the richest 20 per cent earn 78 times more than the poorest 20 per cent, while in 1960, the disparity was only 30 times as much. Even in developed democratic world, there are pockets of poverty. In the UK and Australia, over 13 per cent of the population live below the poverty line, while in Canada, the population living in poverty is 17.6 per cent.

Consolidation of democratic space is thus dependent mainly on the ability of the democratic regimes to deal with the forces of crime and disorder effectively but justly, without violating human rights and to ensure that the fruits of development are distributed equitably. A rights-based approach to the problems of crime and poverty is the need of the hour.