

Human Rights Offenders Why North Korea is UN's Achilles Heel

ATAUR RAHMAN

THE movement toward an individualised conception of security lies, first of all, in the evolution of the international society's consideration of rights of individuals in the face of potential threats from states and non-state actors. The most obvious foci of analysis here are the UN Charter, the UN Declaration of Human Rights (1948) and its associated covenants and conventions. Ironically, the United Nations today, especially its powerful organ the Security Council, seems to be failing in its primary duty – to protect people from the scourge of war and violent conflicts. The new threats are reinforcing the sense that this world body and its member-states are not organised to address the problems in an integrated way. The UN Charter, a quasi-global constitution, not only gives the Council primary responsibility for the maintenance of international peace and security that is capable of superseding the view of any state, but also stipulates in Article 103 that Charter provisions shall prevail over any other international agreement. It is therefore up to the UN Security Council to decide what actions are required for the maintenance or restoration of international peace and security, or for the advancement of human rights and fundamental freedoms that might be linked to security.

UN Inconsistent to Offenders

The comparison of the Libyan and Syrian cases makes very clear that the Security Council's record on human rights matters is not as consistent as most conscientious people might like. In fact, some observers think that the Council has displayed little consistency in applying humanitarian standards to its decisions and actions. As the Council grappled with a variety of situations involving human rights considerations, its record has been inconsistent despite a number of options available at its disposal. In fact, human rights concerns have become more sensitive in recent years. But the UN has not been able to impose punishment on the offending government or state. In recent years, Myanmar, Syria, Egypt, Iran are among the top ten offenders of human rights, surpassed by a paranoid state of North Korea that tops the list and has become the UN's Achilles heel.

North Korea – Worst Offender

In fact, the Kim Jong-un regime is notori-

ous in its record on human rights abuses that includes secretive state extrajudicial killings, disappearances, arbitrary detention, and torture of political prisoners. Indeed, Kim Jong-un's provocative attitude and use of state institutions transformed North Korea into a 'rogue' state and a threatening nuclear power while a huge number of people continued to starve for want of food and were denied basic human rights and dignity. The United States and its allies have for years been unable to find a solution, except for applying sanctions and appealing to China on this issue. Obviously, the recommendations of the UN

Commission of Enquiry remain as a moral force. In February 2014, the UN-mandated Commission of Inquiry (COI) found that the nature, scale, and gravity of the long-standing and ongoing systematic and widespread human rights violations in North Korea "reveal a state that does not have any parallel in the contemporary world." The Commission of Inquiry report detailed wide-ranging abuses in North Korea including prison camps, systematic torture, starvation and killings. Previously, the UN's concern of North Korea was limited to its nuclear weap-

programme. The United Nations Security Council has adopted four major resolutions since 2006 that imposed and strengthened sanctions on North Korea for continuing to develop its nuclear weapons programme and called to dismantle it "in a complete, verifiable, and irreversible manner" and refrain from ballistic missile tests. To this date, the UN Security Council's resolutions have been largely unsuccessful in preventing North Korea from advancing its nuclear weapons and ballistic missile programmes, although the sanctions have slowed development in these areas. The UN continues to closely

Dialogue and Enforcement of Mandate

North Korea has made a number of intriguing gestures recently on human rights. At the United Nations, its Foreign Minister announced his country's readiness to hold a "human rights dialogue with countries not hostile to it." The initiatives come on the eve

of the introduction of a resolution on North Korea's human rights situation at the General Assembly by the European Union and Japan. The resolution is expected to mirror the one adopted in March by the 47-member Human Rights Council, which acknowledged for the first time the occurrence of "crimes against humanity" in North Korea and called for both a Security Council referral of the situation to an "international criminal justice mechanism" and the adoption of "targeted sanctions" against the ones "most responsible." Initially, North Korea denounced the report of the COI – upon which the resolution

was based – and made inflammatory personal attacks against its chair, Australian Justice Michael Kirby. Now it offers dialogue, seemingly with the aim of weakening the text of the resolution and encouraging "no" votes or abstentions in the 193-member General Assembly. But whatever the reasons for the change in North Korea's position, dialogue must be viewed as a legitimate part of diplomatic discourse and not a vehicle to trade away other human rights goals – such as the wording of the General Assembly resolution, the position of the UN Special Rapporteur on Human Rights in North Korea or the UN office to be set up in Seoul. It is time now to act decisively to initiate a result-oriented dialogue with the UN High Commissioner for Human Rights, and his office should be the focal point for such a dialogue with North Korea in line with UN resolutions and consensus reached at the General Assembly. The dialogue should seek to establish technical assistance programmes to help North Korea bring its laws into line with international standards, set up a national human rights commission, and identify the steps needed to carry out the recommendations of the UN treaty bodies and the COI report. The "human rights contact group," recommended by the COI, should be formed to promote a regionally focused longer-term dialogue. The political discriminatory system of Songbun, which lies at the root of so many human rights violations in North Korea, should also be discussed. North Korea has ratified the International Covenant on Civil and Political Rights, and – even though it often seems to forget that it is bound by this treaty – thus, should be held to its provisions. It is time for the recommendations of all the different UN bodies to be on the table. When debating security issues with human rights implications, the relevant UN officials should always be invited to address the Security Council. Finally, when enforcement action is approved, there needs to be a follow-on supervising committee to report back to the UN Security Council about commitment to and progress in implementing its mandate.



North Korean leader Kim Jong-Un

PHOTO: AFP / GETTY IMAGES

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monitor these programmes. But the 193-member UN General Assembly in November this year has urged the Security Council to consider referring North Korea to the International Criminal Court. The UN General Assembly is currently finalising a resolution on the human rights situation in North Korea which, among other things, encourages the UN Security Council to continue its discussion of the country's human rights record. UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein testified before the Security Council that the "abduction of foreign nationals, the enforced disap-

pearance, the trafficking and the continued movement of refugees and asylum-seekers makes this point clearly. These, in addition to a litany of other gross human rights violations, have still not been halted or reversed by the Government of the DPRK,"

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Make corporal punishment of children socially unacceptable

LAILA KHONDKAR

The idea that breaching a child's human dignity and physical integrity is acceptable or normal reflects children's lower status in society. Children deserve warmth and guidance from us for their growth and holistic development, not punishment.

RECENTLY a friend of mine called to inform that his nephew (studying in class three in an English medium school in Dhaka) has been severely beaten by his teacher. I was outraged to know that this has been going on for the last two weeks, and the child has been visibly injured. I informed my friend that there is a circular (2011) by the Ministry of Education banning corporal/physical punishment in educational settings in Bangladesh, and asked if the parents have been to the school to complain. Till that point, they were hesitating to do that, fearing more negative consequences for the child. Later on, they changed their mind and met the headmaster. Apparently he has given assurance that this will not happen again. But who will ensure that?

According to the Multiple Indicator Cluster Survey of 2012-2013 (report published by UNICEF and Bangladesh Bureau of Statistics in March, 2015), 82.3 percent children (1-14 years) in Bangladesh experienced psychological aggression or physical punishment during the last one month. In most cases, children get punished by parents, teachers, employers, and caregivers in the name of 'discipline'.

Extreme cases of corporal punishment faced by children in schools and madrasas, children with mental health problems, child domestic workers etc, get reported by the media, but millions of children are suffering each day in silence. It should be noted that there are other non-physical forms of punishment that are cruel and degrading (e.g. punishment which belittles, humiliates,

denigrates, scapegoats, threatens, scares or ridicules the child). Are we aware of the real impact of corporal punishment? A 2013 review (conducted by the Global Initiative to End all Corporal Punishment of Children), including more than 150 studies, showed associations between corporal punishment and a wide range of negative outcomes, and presented a convincing case that corporal punishment is harmful for children, adults and societies. This violates children's human dignity and physical integrity and is a blatant violation of children's rights under the United Nations Convention on the Rights of the Child, which Bangladesh has ratified.

There is overwhelming evidence that corporal punishment causes direct physical harm to children and impacts negatively in the short and long-term on their mental and physical health, education and cognitive development. There are misconceptions among parents, teachers and caregivers in Bangladesh that corporal punishment teaches children how to behave. In reality, this increases anti-social behaviour, damages family relationships, and it is less likely that children learn the lessons adults want them to learn. This also increases aggression in children, and is linked with intimate partner violence and inequitable gender attitudes. Corporal punishment of children increases the likelihood of perpetrating and experiencing violence as an adult. So if we continue to allow corporal punishment of children then it will become impossible to break the culture of violence in our society.

The high level of corporal punishment of children reflects deeply embedded social attitudes that authorise and approve it. We must challenge

this, and corporal punishment must be made socially unacceptable. We repeatedly hear that beating by parents and teachers has been going on in our society for long, and this is a common practice. Some even go on to claim that they would not have been able to be who they are if they were not punished by their parents or teachers! But someone needs to stand up and break the cycle of violence against children. We used to have the culture of burning wives alive with their dead husbands in the Indian sub-continent. Now it is difficult to even comprehend that such a practice ever existed! Nothing can be justified in the name of 'culture' or for the sake of being an old tradition if that hurts human dignity.

We also have to stop giving excuses to justify corporal punishment. For example, it is commonly mentioned that in an over-crowded classroom, teachers need to use corporal punishment to manage the students. Have we ever heard that a teacher is hitting another adult staff in the school because s/he is stressed out? Will that be acceptable? Do we hit our colleagues if we are having a stressful day at our workplace? But don't many of us shout at or hit our children to ventilate our frustrations in life and work? Don't we overlook when a child is being beaten up by a parent in a public place? The idea that breaching a child's human dignity and physical integrity is acceptable or normal reflects children's lower status in society. Children deserve warmth and guidance from us for their growth and holistic development, not punishment.

Some recommendations to end corporal punishment of children:

- Government circular on banning corporal

punishment in educational settings must be monitored properly and the teachers violating this should be brought to justice. Existing laws that allow corporal punishment must be repealed; this includes The Whipping Act, The Railways Act, The Cantonments Pure Food Act, The Prison Act, The Borstal Schools Act, Penal Code and Code of Criminal Procedure.

- A new law prohibiting corporal punishment in all settings (homes, schools, workplace, institutions including alternative care arrangements etc.) should be enacted.
- Law reforms must be accompanied by long-term awareness-raising and public education in order to ensure knowledge of children's rights among children and adults, including children's equal right to respect for their human dignity and physical integrity, to protection from all forms of violence including all corporal punishment.
- There should be a campaign to make corporal punishment of children socially unacceptable.
- Positive discipline in homes and schools should be promoted. This is about non-violent childrearing and education, and giving parents, teachers and other caregivers a framework for responding constructively to conflicts with the children. The messages on positive discipline should be built into the training of all those who work with or for children and families, in health, education, and social services.

The writer is Director of Child Protection, Save the Children.

QUOTABLE Quote

J. K. ROWLING

It is our choices... that show what we truly are, far more than our abilities.

CROSSWORD BY THOMAS JOSEPH

ACROSS

- Hunger indicator
- Bright parrot
- Nantes notion
- Tie down
- Continental coin
- Wed in secret
- 1948 John Wayne film
- Packers' place
- Cuisine mixing styles
- "If you ask me," in chat rooms
- Korean or Thai
- Genesis event
- Tennis need
- Denali setting
- "American idiot" band
- Towering trees
- Niche
- Greek group
- Library patron
- Destiny
- Printer need
- Fresh reaction

DOWN

- Docking site
- For two, in music
- Bookish sort
- Florida neighbor
- Skirmish
- Squirrel's find
- Recipe amount
- Common verb
- Tie the knot
- Number of "swans a-swimming"
- Pressing need
- Life stories
- 18 in a frenzy
- Luke's teacher
- Viper feature
- Manual reader
- Locale
- Imperfection
- Downsizing tactic
- European snake
- Wear away
- "Forget it!"
- Uttered
- Poll numbers
- Dance unit
- Museum focus
- Zodiac cat
- Soup buy

YESTERDAY'S ANSWER

W	H	E	W	T	A	F	T		
H	E	X	E	D	M	I	N	O	R
I	R	A	T	E	A	N	G	R	I
S	O	C	F	A	T	T	E	N	S
K	I	T	T	E	N	S	L	O	T
C	A	R	A	T	S	A	S	A	W
F	R	I	E	A	T	O	L	L	S
A	L	E	M	I	T	T	E	N	S
B	A	T	T	E	N	S	F	O	P
A	G	A	I	N	P	H	E	R	A
S	O	R	E	S	U	P	E	R	A
E	N	D	S	M	E	S	S		

BEETLE BAILEY by Mort Walker

12-24

BABY BLUES by Kirkman & Scott

COULD YOU BE ANY MORE ANNOYING?

LATCH ME, CATCH MY BREATH FIRST.