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A Rights-Based Approach to Understanding Violence-Tolerance and its Implications: A Bangladeshi Example

Rona Jualla Van Oudenhoven*

The article contained herein is a snippet of a much larger study on violence and a rights-based approach towards understanding violence-tolerance. Field research conducted in Bangladesh, Canada, Nicaragua, the Netherlands, and the Caribbean context was imported to inform the larger study. This paper adopts a rights-based analysis of the issue of Violence against Children (VAC) incorporating Bangladesh as country example; it examines the knowledge, attitudes, perceptions and beliefs of a small section of the populace; looks at the country's standing with respect to the implementation of the UN Convention on the Rights of the Child; and puts forward a few recommendations for change. The research aims to promote a 'lowering' of threshold of violence- tolerance, thereby fostering a more child-friendly society. The basic premise that violence might be understood and addressed through an understanding of structural inequity and the cultural acceptance of violence paved the way for this empirical research. Galtung's (1969) theory of structural and cultural violence, which was the catalyst for this research, has promoted an increasingly rights based approach to international development issues; and allowed for a deconstruction of the violence concept and its epistemological implications, framing the argument against violence- tolerance more in terms of human rights and social justice. This article further promotes the rights discourse.

Keywords: children's rights; violence; tolerance; rights-based.

A Rights-Based Approach

The United Nation's Secretary General's Study on Violence against Children 2006:

> "Much violence against children remains hidden because of fear, societal acceptance and lack of reporting mechanisms. The emerging picture is one in which some violence is expected and isolated, and the majority of violent acts experienced by children are perpetuated by people who are part of their lives: parents, schoolmates, teachers, employers, boyfriends or girlfriends, spouses and partners."

The definition of the child as contained in Article 1 of the Convention on the Rights of the Child (CRC) is "every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier." The definition of violence is that of Article 19 of the CRC: "all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse." Here 'violence' is defined as 'violence'! This provision tells states parties to take "all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence… while in the care of parent(s), legal guardian(s), or any other person who has the care of the child." Other articles entitle children to physical and personal integrity, and establish high standards for protection. Article 34 makes it mandatory for states parties to protect children from all forms of sexual exploitation and sexual abuse. Article 37 prohibits torture or other cruel, inhuman or degrading treatment or punishment, as well as capital punishment and life imprisonment without possibility of release. It reads that "every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age." Article 40 states that children who come into conflict with the law should be "treated in a manner consistent with the promotion of the child's sense of dignity and worth". Articles 14, 16, 17, 37 and 40 for example, that pertain to freedom of thought and expression, right to privacy, access to information and the media, detention and punishment and juvenile

* *Consultant, International Child Development Initiatives (ICDI), Netherlands.*

delinquency, may certainly evoke rebuttals in many traditional circles.

A child rights-based approach to development does not inherently mean that things will change overnight but it does establish a set of clear guidelines, goals and standards to measure progress that is outlined in an internationally agreed framework, gleans commitments from governments, civil society organizations, communities, families and children, and recognizes an established monitoring system that ensures transparency and accountability to the task at hand, providing a good, safe and just life for our world's children. With its adoption children are no longer seen as recipients of services, but as subjects of rights and participants in actions affecting them. In addition, duty bearers – local and national governments — are held to their obligations to do all that is needed in the best interest of the child. This message forms the essence of this work and dictates the shape, form and outcome of this research.

The basic elements of any rights-based approach are:

o   Addressing the accountability of duty bearers (with reference to the CRC);

o   Enhancing empowerment of the right holders through a participative approach and active involvement;

o   Conducting interventions that directly address violations of rights;

o   Having in place operational processes based on rights programming principles that guide and shape the development interventions (referring to e.g. conducting a situation analysis, and monitoring and evaluating achievement in child rights and protection).

A Rights-Based Approach to Education: An Example

A rights-based approach establishes certain basic entitlements — such as education and freedom of expression — as a human right and a child's right. Education, for example, was formally recognized as a human right since the adoption of the Universal Declaration of Human Rights in 1948. This translates to not only access to educational provision, but also the obligation to eliminate discrimination at all levels of the educational system, to set minimum standards and to improve quality. A rights-based approach to education deems education as necessary for the ful?lment of

any other civil, political, economic or social right. The Millennium Declaration commits many countries to ensuring that all girls and boys complete primary education and to the elimination of gender discrimination in educational access. Human and children's rights are mainstreamed into the policies and programmes of many countries and this leads to a conceptual, analytical and methodological framework for identifying, planning, designing and monitoring development activities based on international children's rights standards.

The following elements are necessary, speci?c and unique to a rights-based approach and can be used for policy and programming in the education sector:

o   Situation assessment and analysis to identify the claims of human rights in education and the corresponding obligations of governments, as well as the immediate, underlying and structural causes of the non-realization of rights;

o   Programme planning, design and implementation. Programming is informed by the recommendations of international human rights bodies and mechanisms;

o   Assessing capacity for implementation. Programmes assess the capacity of individuals to claim their rights and of governments to ful?l their obligations. Strategies are then developed to build those capacities;

o   Monitoring and evaluation. Programmes monitor and evaluate both the outcomes and processes, guided by human rights standards and principles.

A Rights-based Approach to Education: Benefits

o   Promotes social cohesion, integration and stability: A rights-based curriculum includes a focus on respect for families and the values of society and thus promotes understanding of other cultures and peoples, contributing to intercultural dialogue and respect.

o   Builds respect for peace and non-violent con?ict resolution: Schools and communities are required to create learning environments that eliminate all forms of physical, sexual or humiliating punishment by teachers and challenge all forms of bullying and aggression among students.

o   Contributes to positive social transformation: A

rights-based approach empowers children and other stakeholders. It fosters social transformation towards rights-respecting societies and social justice.

o   Is more cost-effective and sustainable: In the long term building inclusive, participatory and accountable education systems will serve to improve educational outcomes. Poor performance and high drop-out rates are facilitated by school violence and abuse, discriminatory attitudes, an irrelevant curriculum and poor teaching quality.

o   Produces better outcomes for economic development: A rights-based approach to education can be entirely consistent with the broader agenda of a country's plan for economic and social progress.

Bringing about Rights-Based Change

Society revolves around the discursive. This article recognises discourse as action, as a 'practical, social and cultural phenomenon' (Van Dijk 1997). Local discourse and context are recognised and interpreted as functional parts of global contexts and vice versa, establishing ideology as the link between discourse and society, often responsible for the reproduction of power and domination. Targeted change therefore has to embrace this element. It may mean, first and foremost, the adoption of a premise or a word or a doctrine or a philosophy that would start the wheel of change in motion. 'Rights' as discourse has to become the language of the streets; it has to be internalised as the modus operandi and it has to 'emerge' from the populace.

The influence of societal structures on ideology ought not to neglect the reverse. Gramsci (1971) identifies the existence of a 'political society' and a 'civil society' with the former being "the domain of coercion, the latter being the domain of 'hegemony'". He notes that at the same time, both elements establish and enforce the value system (Morera 1990). Althusser (1971) viewed,

> "…ideologies not as a nebulous realm of ideas but as tied to material practices embedded in the social institution…the central effect …as positioning people in particular ways as 'social subjects'." (261)

> "Michel Foucault's work on discourse was explicitly directed against Marxism and theories of ideology… For Foucault,

discourses are knowledge systems of the human sciences (medicine, economics, linguistics, etc.) that inform the social and governmental 'technologies' which constitute power in modern society." (261)

Frankfurt School philosophers maintain that cultural products are more autonomous expressions of contradictions within the social whole than mere 'epiphenomena of economy'.

> "According to Habermas, a critical science has to be self-reflexive and it must consider the historical context in which linguistic and social interactions take place." (Althusser (1971, 261)

People can only make sense of the salience of discourse in contemporary social processes and power relations by recognising that discourse not only constitutes society and culture, but is also being constituted by them (Fairclough and Wodak 2007). Discourses are connected to each other; they involve an understanding of the rules. Discourse is not produced without context and cannot be understood without taking the context into consideration (Duranti and Goodwin 1992). Context then always includes intertextuality and sociocultural knowledge. A rights-based approach has to be cognisant of the subtle nuances of cultural interplay in shaping the mind-set of a people as, in the end, it may prove to be the most critical tool for change.

Bangladesh: A Country Example

> "Bangladesh ratified the Convention on the Rights of the Child (CRC) in August 1990, marking children's rights to life, survival and development on the national agenda. Despite this, outdated legislation, inadequate policies and poor services continue to jeopardize the rights of children".

The following is its Reservation:

> "[The Government of Bangladesh] ratifies the Convention with a reservation to article 14, Paragraph 1: "Also article 21 would apply subject to the existing laws and practices in Bangladesh."

Haradhan Kumar Mohajan (2014) writing about child rights in Bangladesh noted that, "About half of the populations of Bangladesh are under the age of 18 who are considered as children and more than

20 million of them are under the age of 5. About 73% of children live in the rural areas and 27% live in the urban areas. One third of these children continue to live below the international poverty line. The violation of child rights is a common matter in Bangladesh. The children have basic rights to education, balanced diet, health and nutrition, protection, participation, recreation, safe water, sanitation, and hygiene. Most of the children of Bangladesh are deprived from these basic rights."

In a country with a population close to 160 million, discussions on rights with a small group of NGO staff, parents, and young boys and girls in situ can only skim the surface of the issue. At the same time however, valuable lessons were learned when focus groups sessions were held with three groups of Bangladeshi respondents (all respondents totalled 32), consisting of housewives, teachers, NGO staff, journalists and children (11-18years).

The discussion on rights and violence struck a chord as almost all participants felt that the country had become more violent over the last decade and that tolerance of violence had dramatically increased, with very few people standing up against it. The common perception was that girls and women appeared to suffer most from violence; as instances of rape, torture related to dowry, forced child marriages were raised as major concerns. 'Eve teasing', harassing girls and women was common and actually seen as the most common form of violence; in fact, the shared opinion was that the female segment of the population had to cope with more violence than their male counterparts.

Violence was mainly defined in its 'direct' expressions such as biting, teasing, beating, acid throwing and mental and physical maltreatment or torture. Yet, a few people also mentioned disregarding human and children's rights. Sexual violence, especially meted out to girls and women, was seen as most common, largely explained by the fact that 'sex', 'sexuality', 'sexual rights' and 'reproductive health' were issues hardly discussed in the nation, and if they were, were discussed in an unwholesome and incomplete manner. Herein, lies also the solution, as better education, awareness raising and skills training are listed as routes to a less violent society.

The participants were hopeful about the country's future, with fewer resources than their 'richer' neighbours India and Pakistan, they were making strides in the fields of health, child survival and women's education (The Economist 3 November 2012); they also think, probably as a result, that violence will decrease over the coming years. There is a unanimous view that the right kind of laws are largely in place, but that they are poorly implemented, if at all; respect for human and children's rights is also seen as critical.

In 2010, it was announced that the government, acting on an order from the High Court, had banned corporal punishment in all schools, a move that seems to have the support of a large section of the population; only a few of the respondents were in favour of corporal punishment, and that only in special circumstances: "if they are out of control of their parents" and "if somebody is involved in sexual violence".

Like everywhere else, children living on and off the streets have a tough life, to use an understatement. It was sad to hear that in addition to the regular exploiters, such as gangsters, corrupt shopkeepers or taxi or rickshaw drivers, the 'elite' was also singled out as abusing and taking advantage of them.

Conclusion

The rights-based approach calls essentially for the integration of the standards and principles of children's rights into any undertaking. In the case of development programming, this means it must form part of the plans, strategies and policies so as to promote greater awareness among governments and other relevant institutions of their obligations to ful?l, respect, and protect these rights and to support and empower individuals and communities to claim their rights. It calls for the generous and consistent implementation of the CRC by all members and groups in society. It calls for the end of the violation of children's rights in the forms of child labour, child marriages, child sexual abuse, neglect, incest, corporal punishment, domestic abuse and infanticide. These are phenomenon that are often fed by cultural beliefs, norms and practices, and maintained by structural elements in society.

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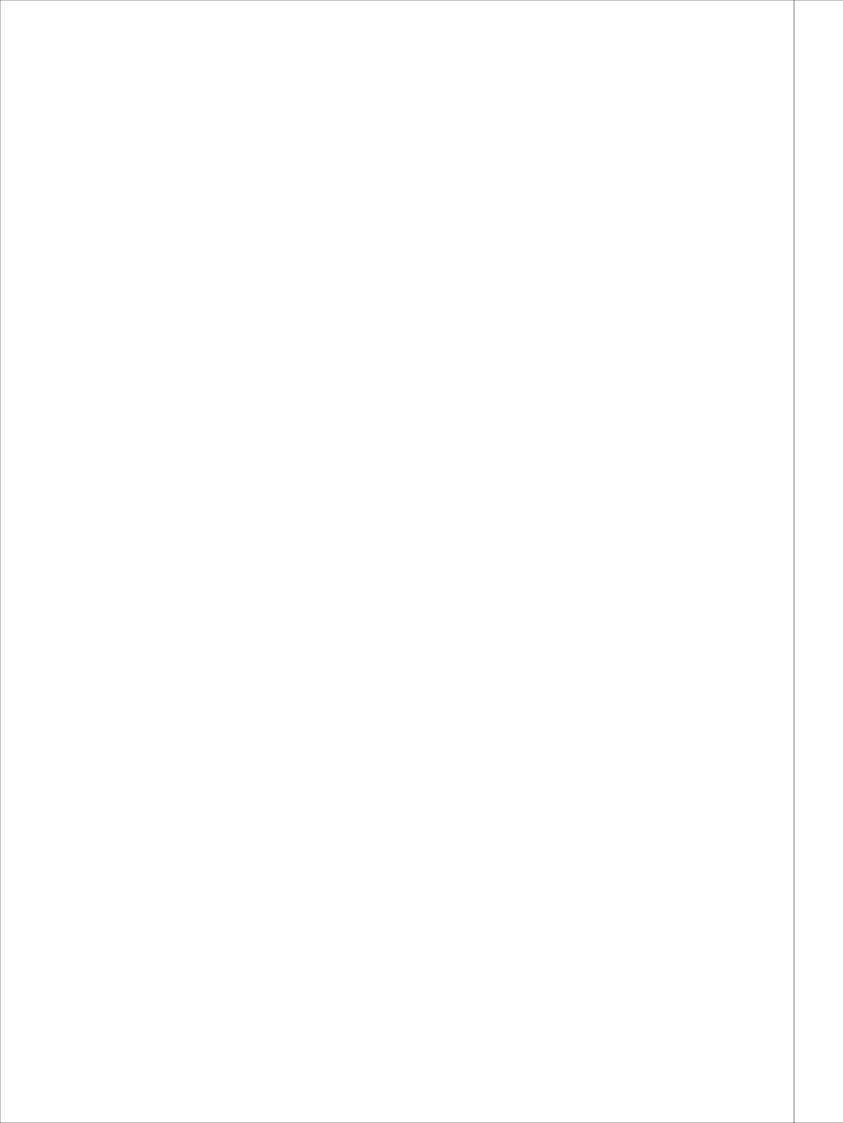
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Table 5.2 Human Development Information on Bangladesh (UNICEF, 2013)

Human Development Index	U5MR	Adult literacy rate	Life expectancy	GNI USD	Population (000)
146	139	57	69	770	150,495

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