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Human Rights As A Development Right

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Introduction : Human Rights As A Development Right

Kalinga Seneviratne

In September 2020, President Rodrigo Duterte of the Philippines, addressing the United Nations General Assembly, stressed that his country will continue to protect its people from illegal drugs, criminality, and terrorism, and he denounced interest groups that have “weaponized” human rights and have attempted to discredit a popularly elected Government.

“These detractors pass themselves off as human rights advocates while preying on the most vulnerable humans; even using children as soldiers or human shields in encounters ... they hide their misdeeds under the blanket of human rights but the blood oozes through,” noted President Duterte, adding that any human rights concerns must be approached with genuine dialogue and “must be done in full respect of the principles of objectivity, non-interference, (and) non-selectivity”. President Duterte’s speech argued that human rights need to be considered as a collective right, and not merely an individual right, which could be used as a weapon against governments.

The current discourse on human rights is based on the 1948 Universal Declaration of Human Rights (UDHR) that was adopted by the United Nations at a time when most of its members were European. It uses the concept of human dignity, based on the idea that human dignity that has been lost as a result of totalitarian rule and war, needs to be given back to the human persons as the dignity given to it by God. This is based

on Christian theology.

There is also the 1976 International Covenant on Civil and Political Rights (ICCPR) adopted by the United Nations, where newly independent Asian countries, in particular, played a major role in drafting it. The ICCPR took the individual focus of the UDHR a step further by bringing in collective rights.

The basic ethical concept of Chinese social-political relations is the fulfilment of the duty to one's neighbour, rather than the claiming of rights. The idea of mutual obligations is regarded as the fundamental teaching of Confucianism, while Buddhism sees the proposition that human rights are grounded in human nature and human nature is the ultimate source of human rights. Rights are actually extensions of human qualities such as security, liberty and life. To end suffering, every person should follow the path of purity, of righteousness and of virtue, and it this includes economic, social and cultural rights.

In this issue of Asian Review, we take a broader perspective of human rights, bringing into the discourse the collective rights of the human race, which involves economic, social, and cultural rights. In other words, we focus on the development rights of peoples rather than individuals.

New Push for Development Rights

The United Nations Declaration on the Right to Development was adopted by the General Assembly on 4 December 1986, with a record vote of 146 in favour, 1 against (United States) and 8 abstentions (Denmark, Finland, the Federal Republic of Germany, Iceland, Israel, Japan, Sweden and the United Kingdom). The right to development has since been reaffirmed in several international declarations such as the 1992 Rio Declaration on Environment and Development, the 1993 Vienna Declaration

and Programme of Action (which by consensus reaffirmed the right to development as an integral part of fundamental human rights), the United Nations Millennium Declaration, the 2005 World Summit Outcome, and the 2010 outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals.

In June 2021, in her opening remarks to the 47th session of the United Nations Human Rights Council (UNHRC) Commissioner Michelle Bachelet pointed out that “extreme poverty, inequalities, and injustice are rising (and) democratic and civic space is being eroded” due to the Covid-19 crisis, and that economic and social rights, and the right to development, are universal rights. “They are not ordinary services with a market-set price-tag, but essential factors in building more peaceful and equal societies,” she noted.

At the same sessions, China moved to redefine human rights, claiming that the West has weaponized it. The western bloc voted against a resolution on development rights that was titled ‘Contribution of Development to the Enjoyment of All Human Rights’. This resolution said, among other things, that the aim of development is constantly to improve the well-being of the entire population and all individuals ... and the important role of inclusive and sustainable development in promoting and protecting human rights and stressing the importance of development cooperation. It emphasized people-centric development policies to over-ride the impact of the Covid-19 pandemic. The resolution asked the UN Human Rights Commissioner’s office to organize a series of seminars in the next couple of years to address the issue of development rights.

The resolution was carried by 31 votes to 14 against. Among the 31 countries that supported it were China, Russia, India, Indonesia, Brazil, Argentina, Pakistan, Philippines, Mexico, Bolivia, Cuba, Fiji, Venezuela, and Uruguay – a broad cross-section of the international community. And voting against were mainly European countries such as Austria, Bulgaria, the Czech Republic, Denmark, France, Germany, Italy, Netherlands, Poland, and the

UK, along with the Republic of Korea and Japan. A resolution calling for international cooperation to contain, mitigate and defeat Covid-19 and to lift unjustified obstacles for the export of Covid-19 vaccines; and another resolution calling for international solidarity to realize the Sustainable Development Goals were carried by the same vote margin with same countries voting for and against. The Swiss Broadcasting Corporation's international news site "swissinfo" noted that China is now on a mission to redefine human rights on a global level.

Different Perspectives on Human Rights

In this issue of Asia Review, we explore different perspectives on human rights that focus more on development rights concepts rather than on individual rights.

Malaysian Islamic and social justice scholar Dr. Chandra Mazzafar notes that there has never been a situation where humankind as a whole is faced with a multitude of challenges all at the same time in different spheres of life. "This is partly because we are all being drawn — whatever our cultures and ideologies — into the same pattern of modernization which is supposed to signify progress," he argues, and advocates that the struggle for alternative societies or social systems needs to draw on "deep roots within various spiritual traditions".

Thai communications scholar Dr. Palphol Rodloytuk draws on Buddhist philosophy and Engaged Buddhism in exploring human rights. He argues that religions, Buddhism included, have provided pragmatic responses to address human rights, which includes communication rights and the right to livelihoods. His paper utilizes the Buddhist pragmatism framework to connect to the issue of human rights, including communication rights from historical, social, cultural, and development aspects.

Singapore-based socio-economics analyst Jayasri Priyalal, looks at Authoritarianism and People-Centric Development in the Asian context, drawing on unique development models that enabled inclusive growth in the ancient Asian Empires and looks

at how the rulers ensure continuity and connectivity by critically analyzing the development model of the Peoples Republic of China.

Indian communication scholar Dr. Padma Rani focuses on the migrant worker phenomena to analyze the modern interpretation of human rights from both an individual and a collective rights focus. Labour migration could be a win-win situation, where migrants contribute to growth and development in their place of destination, while the place of origin benefits from their remittances and the skills acquired. Though migration covers a fundamental human right to work and move in freedom, its flow and management creates serious human rights concerns. The paper deals with the provisions for the protection of migrant workers, examining it with cases from different regions.

Vietnamese communication scholar Dr. Van Vu examines how the people of Vietnam cooperated willingly with the government in COVID-19 control measures, even though it limited their right to assembly, privacy, and freedom of movement. The findings found that the respondents have trust in the government as an important agency in pandemic management, even though their human rights may have been violated.

It is hoped that this issue of Asian Review will provide you – the readers – with a broader perspective of human rights and its applications, and it will assist in contributing to a redefinition of human rights in the 21st century.

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The Spiritual Basis of The Struggle for Alternative Societies

Chandra Muzaffar

ABSTRACT—There has never been a situation where humankind as a whole is faced with a multitude of challenges all at the same time in different spheres of life. This is partly because we are all being drawn — whatever our cultures and ideologies — into the same pattern of modernization which is supposed to signify progress. There are, in fact, two processes at work in this transformation of the entire globe into a certain pattern of existence. At the deeper level, there is a definite notion of the individual, the community, nature, and technology, which is embodied in that worldview associated with development and modernization. A spiritual vision of the human being and humanity is vital for the struggle of the alternatives as a whole. Alternative advocates also believe that it is only in small and medium-sized communities that the human being will be in a position to shape his destiny. This paper discusses the basis of this struggle for alternative societies to save humankind.

Introduction

More than at any other time in human history, there is today tremendous uncertainty about tomorrow. Humankind is faced with the real possibility of total annihilation. This, in a sense, is a unique possibility. As Arthur Koestler put it, “From the dawn of consciousness until 6 August 1945, the man had to live with the prospect of his death as an individual. Since the day when the first atomic bomb outshone the sun over Hiroshima, mankind

as a whole has had to live with the prospect of its extinction as a species.”¹ It is only too true that the logical outcome of the arms race is the end of the human race.

While the nuclear threat is perhaps the most serious crisis confronting man, there are other challenges, which have contributed to the despair that marks our era in history. These challenges vary from the First World to the Second World to the Third World. They are conditioned by ideology, the nature of industrialization, the level of economic development, history, and culture. Broadly speaking, they range from over-consumption and environmental degradation; to poverty and exploitation; to growing authoritarianism and deteriorating ethnic relations; to dehumanizing lifestyles and spiritual alienation. It is this state of affairs that prompted the Iranian thinker, Ali Shariati to remark, “Humanity is a species in decline; it is undergoing a metamorphosis and, just like a pupating butterfly, is in danger because of its own ingenuity and labours.

Indeed, this decline of humanity is almost unparalleled. There has never been a situation where humankind as a whole is faced with a multitude of challenges all at the same time in different spheres of life. This is partly because we are all being drawn — whatever our cultures and ideologies — into the same pattern of modernization which is supposed to signify progress. The media, technology, transnational corporations (TNCs), the state, and imperialism have been responsible for this.

There are, in fact, two processes at work in this transformation of the entire globe into a certain pattern of existence. At the deeper level, there is a definite notion of the individual, the community, nature, and technology which is embodied in that worldview associated with development and modernization. It is a vision of the human being, as an individual, or as part of a larger collectivity, striving to improve and enhance his material position through the control and conquest of nature with the help of more and more efficient technologies. The belief is that this must lead

1 Quoted in Sean McBride ‘The Role of the Mass Media in the Search for Peace’ in *Armaments, Arms Control and Disarmament*. A UNESCO reader for disarmament education, Marck Thee (ed) (1982).

inevitably to the well-being, the happiness of humankind. Within the liberal-capitalist tradition, this happiness, brought about by greater material comfort, is supposed to manifest itself in the expansion of individual freedom. Within the socialist tradition, happiness, which is also a product of greater material welfare (as against material comfort), is expected to express itself through social equality and social solidarity.

While happiness undoubtedly has a great deal to do with material progress and prosperity, it is obvious to most of us now that there is no one-to-one equation between the two. Human happiness is dependent on many other forces which taken together tend to diminish the significance of unlimited material development per se. The many serious shortcomings in the political, economic, and cultural life of the materially successful societies of our time bear testimony to this truth. In the liberal-capitalist societies, for instance, their much-eulogized freedom, we are now painfully aware, is more apparent than real. The mass consumer society is no less a threat to individual freedom and autonomy, in certain respects at least, than an authoritarian elite ruling through decrees. Similarly in the socialist states, equality is not just a mirage, especially in the political, intellectual, and cultural sense; what is worse, equality sometimes becomes a convenient slogan for the imposition of the most ruthless forms of inequality. Third World Societies in pursuit of these two grand paradigms of development and modernization spawned in the West have in turn produced distorted, contorted versions which are sometimes more terrible in their consequences for the ordinary human being.

If anything, the transnationalization of this idea of development and modernization through the powerful medium of the TNC has aggravated the situation considerably. As far as this is concerned, it is the emergence of a global capitalist system, shaped by the TNCs and the capitalist high commands of North America, Western Europe, and Japan that is the root of the problem. This is the second process at work that was referred to earlier. So while the first is civilizational, the second is clearly ideological. The transnationalization process has created a world that is highly

conducive to the success of the TNCs. The values and lifestyles propagated around the globe stimulate the type of consumption which the TNCs — and perhaps only the TNCs—can take care of. This ranges from food and clothes to leisure and entertainment. As a result, a massive transfer of tastes and fads from the capitalist centers to their peripheries has been taking place, in the last two decades in particular. So massive is this transfer, which operates at the level of heart and mind, that there is today a real danger of a uniform, monotonous cultural pattern taking hold of humankind, snuffing out the variety and diversity of past civilizational settings. In this, the communication system which again reflects TNC power has played a very significant role. It is mainly responsible for “the cultural penetration of the human being, to condition him or her to accept the political, economic and cultural values of the transnational power structure”.

There is no need to emphasize that transnationalization is closely linked to every one of the challenges that have contributed to the crisis of our age. The continued poverty of so much of the Third World, for instance, is directly related to TNC dominance. The exploitation of our industrial workers, the expulsion of our rural farmers from their land, the expropriation of our mineral wealth, the destruction of our forests, the pollution of our seas, the control of our commerce and finance, and indeed the crippling of our entire economic, cultural and intellectual development should be viewed in terms of the power and influence of the TNCs. Equally important, the wrong sort of consumption, that characterizes almost everything that we consume from the houses we live in to the education we provide our children, can be attributed, to some extent, to the way in which TNCs have moulded the values and structures pertinent to the development process. Indeed, indirectly, even some of the other problems we noted earlier on, like ‘growing authoritarianism’, ‘deteriorating ethnic relations’, ‘dehumanizing lifestyles’ and ‘spiritual alienation’ are the consequences of a type of development, of which TNCs have been prime movers.

It has to be reiterated at this point (lest a wrong impression

is created) that over and above TNC power is, of course, that worldview associated with development and modernization which is, in a sense at the very core of the contemporary crisis confronting humankind. It is because the crisis is total in every way, that the solution required is also total. This again makes our position in history unique. For in the past, in the shift from one religious civilization to another, or in the substitution of one ideology for another, what took place was a partial transformation of values and accompanying structures. The situation today, however, demands a holistic transformation of values and structures—of the human being itself — if we are to continue to survive on this planet.

Alternative movements are responses to various dimensions of the crisis facing humanity. The quest for an alternative lifestyle is the search for sanity in an insane world.

Alternatives and Spiritual Values

The International Movement for a Just World (JUST)², the social movement I am associated with, has always argued that a spiritual vision of the human being and humanity is vital for the struggle of the alternatives as a whole. For many of the concerns of alternative groups everywhere — including those that are undoubtedly ‘secular’ — have deep roots within various spiritual traditions. In the case of the consumer movement, for instance, some of the issues it has articulated, from its promotion of breastfeeding to its opposition to uncontrolled chemicalization of foods, would win the applause of all the major spiritual philosophies. Similarly, its plea for moderation in consumption, for simple lifestyles, has been the cherished ideal of religion through the ages.

By the same token, environmentalists should not fail to realize how close they are to fundamental spiritual values when they ask for the preservation of forests, clean air and water, and for the judicious use of scarce resources. Where but in religion is

² JUST’s beliefs and activities are discussed in JUST 20 International Movement for a Just World (JUST) Kuala Lumpur, 2012

there a lucid enunciation of man's sacred relationship with nature?

It is equally important to observe that the struggle of alternative groups to ensure that science remains ethical, that technology does not overwhelm the human being, that man does not lose his humanity in the process of accumulating knowledge about the mysteries of the universe, are perfectly legitimate concerns in any of the great spiritual perspectives.

Even the noble quest to give a place of dignity to women, to emancipate them from the bondage of discriminatory structures and attitudes, to ensure that they are treated as equal partners of the human family, would be in accordance with the essence of most of the major spiritual traditions. Of course, in reality, religious laws and social practices have often conspired to degrade women. But it cannot be denied that as far as the question of their common humanity is concerned, no spiritual tradition has sought to differentiate women from men.

It can perhaps be stated even more emphatically that in their commitment to the disadvantaged, spiritual traditions share common sentiments with crusaders for an alternative order. For in at least two major religions, it is an irrefutable truth that the preference in their scriptures is for the poor and oppressed.³

Alternative advocates also believe that it is only in small and medium-sized communities that the human being will be in a position to shape his destiny. In this respect too, there is a great deal of affinity with the spiritual standpoint. Islam, Buddhism, Hinduism, and Christianity can provide ample evidence of small, cohesive, egalitarian communities that existed at some point or other in their histories — communities that demonstrated the finest ideals of their respective religions.

An even more powerful current within alternative move-

³ This is true of both Islam and Christianity. For arguments along these lines, in Islam see Ashgar Ali Engineer *Islam & Its Relevance to Our Age* (Institute of Islamic Studies, Bombay, 1984). For Christianity see Gustavo Gutierrez, *We Drink from Our Own Wells*, Matthew J.C. Connell (tr) [Claretian Publications, Quezon City 1983].

ments, which manifests some of the deepest urges within our spiritual traditions, is the quest for peace. All religions abhor violence. Peace is perhaps the ultimate purpose of man's spiritual journey. It is the goal of both his inward development and his outward commitment.

Finally, alternative movements have always maintained that bringing forth humanity in every one of us is their real goal. This is why they have often criticized capitalist societies for subordinating man to profits, and socialist states for reducing the human being to a digit within a rigid bureaucratic machine. For the religious traditions too, it is the human being and the development of his humanity — which is his spirituality — that is the true object of existence.

It is only too apparent that almost every important group in the quest for alternatives — from consumer advocates to peace marchers — reflects concerns that are clearly spiritual. This is why alternative groups should be bold enough and brave enough to regard their struggles as spiritual struggles. They should anchor their struggles to a spiritual worldview; they should regard the spiritual basis as the bedrock of their endeavour.

This does not mean attaching oneself to any particular religion. Neither does it mean becoming 'religious' in the conventional sense. What it does mean is that the spiritual conception of the human being, his purpose and his destiny, and the spiritual values that should guide him in his journey on earth, should be absorbed into our alternatives.

Despite all this, it is quite likely that in the Third World as elsewhere, alternative movements as a whole will not cease to grow. Authoritarianism, especially if it is backed domestically by a ruthless military elite, and abroad by arrogant imperialist forces, could well produce the sort of reaction that favours alternative movements. In the Second World, the awesome power of the state could create widespread alienation and thereby enable alternative groups to spread their influence. As far as the First World goes, the nuclear threat, the fiscal crisis, and of course, the political

and civil freedom of sorts provided by liberal democratic settings, could reinforce the position of various alternative movements.

Links Among Alternativesk

However, all this will take time. And time is not our dear friend. We are fighting against the frenzied, frantic ambition of the strong to perpetuate their dominance of the world by all means, fair or foul. This is why alternative movements must also begin to organize on a global scale. Consumer movements, environmental movements, alternative technology movements, women's movements, peace movements, religious movements, and numerous other alternative movements must get together and work out a common minimum program of ideas and action. In a nutshell, some international alternative movements like the International Organisation of Consumer Unions (IOCU) should take the initiative to organize a world assembly of alternative movements to which leading alternative movements from the First, Second and Third Worlds should be invited. Out of such an assembly could emerge a more concerted endeavour to mobilize the inhabitants of this planet to seek a new way of living.

If we can do this, we will have succeeded in bringing a ray of light to the darkness that shrouds our earth. We must believe that this is possible — that our modest efforts matter. We must have faith in ourselves and faith in our work. As Mahatma Gandhi never failed to remind us, in the end, truth and goodness have always won. If we have faith in that, we may yet live to celebrate the triumph of our humanity.

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Engaged Buddhist Community as a Human Right Response: A Case of Buddhist Participatory Communication

Palphol Rodloytuk

ABSTRACT—Religions have played very important roles in resolving conflicts and problems for mankind in addition to providing the paths to happiness and salvations based on their uniquely defined traditions and frameworks. In the past several decades, where world problems have become more complex, including peace and conflict resolution, requiring more complex international standards and frameworks, the declaration of human rights was announced, promulgated, and implemented into governance and development policies adopted by many countries worldwide, in order to facilitate the ways that problems, conflicts, and various causes of suffering could be solved, with clear international standards and guidelines.

Religions, Buddhism included, have provided responses (pragmatism) to world as well as human problems in the face of human rights, which have been expanded to include communication rights, the right to livelihoods, and beyond. This paper utilizes the Buddhist pragmatism framework to connect to the issue of human rights including communication rights from historical, social, cultural, and development aspects. It also discusses case studies of well-known Buddhist spiritual leaders who have been involved in “interpretation and dissemination” of teachings by the Buddha for solving modern day problems.

Keywords: engaged Buddhism, engaged Buddhist community, human rights, Buddhist participatory communication

Introduction

Buddhism has provided responses to development problems and concerns (Dukka) among Buddhist as well as non-Buddhist countries, at economic, social, and political levels, as well as to issues of human rights and peace at national and international levels. The Buddhist vital aspect enabling the application known as Buddhist pragmatism is well explained by scholars such as Rodloytuk (2005, 2007), Badge (2014), Gunaratne (2015), Roy and Narula (2017), Seneviratne (2021), Ward (2017), Etzioni (2020), and De Costa (2018), which can be found in the relevant areas between Loka and Dhamma (mundane and supra mundane worlds) (Perera 1991).

Buddhism has been applied for the study of human rights including communication rights as stipulated in the United Nation's Universal Declaration of Human Rights¹ after the end of World War II and further by the UN global ethics² and the MacBride Report passed after 1980 and in the 1990s.

Named after the Nobel Laureate Sean MacBride, The MacBride Report of 1980 by UNESCO was written to promote peace and human rights through communication, mass media, news reporting and new communication technologies in developing as well as developed countries for development causes. The publication of the report was not well-received by UNESCO members who were the developed(western) countries at the time, but it became a pivot for creating the development as well as participatory communication model for "one world" with "many voices" (see MacBride, 1980).

While the MacBride Report provides a foundation for more balanced communication for development purposes, The UN global ethics declaration was made official for the first time in the Parliament of World's Religion in Chicago in 1993 contextual-

1 Universal Declaration of Human Rights. United Nations.

2 WHAT IS THE UN ETHICS OFFICE? UN Ethics Office.

izing the functions, roles, and implications of global ethics built on religious and philosophical teachings for global development purposes and governance. This declaration sets the tone for creating global ethical standards in the age of globalization (Kung, 2005).

Interestingly, the preamble to the UNESCO constitution³ says, “since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed”, which is a very Buddhist concept, even though it is not clear if Buddhism influenced it when the constitution was written in 1945, as at that time the UN membership mainly consisted of western nations.

One of the major links between Buddhism and world issues and problems can be found in the concept of “Engaged Buddhism”, which was coined after 1950s to imply social, cultural, economic, and even political development and participation aspects through community engagement and empowerment projects. The movement was formed by Buddhists, who aspired and aspire to tackle the issues of world suffering, for example, violence, oppression, injustice, and environmental degradation, among others (Edelglass, 2009).

The framework of “Engaged Buddhism” to promote Buddhadhamma (the teachings of the Buddha) to solve world suffering was laid down by the Dalai Lama (known as the 14 Guidelines), which made him one of the forerunners of this movement. It is as follows: openness; non-attachment to views; freedom of thought; awareness of suffering; simplicity; dealing with anger; dwelling happily in present moment; community and communication; truthful loving speech; protecting the Sangha; right livelihood; and relevance for life (Edelglass, 2009:421-426).

It is some of these aspects, including community and communication, protecting the Sangha, right livelihood, and awareness of suffering that have provided the basis for interpretation and application of Buddhadhamma for Engaged Buddhist

³ See <http://www.unesco.org/new/unesco/about-us/who-we-are/history/constitution/>

movements in Thailand that this study will cover, to provide a Buddhist response to human rights.

Originating from the notion of “interpretation and dissemination of Buddhadhamma” through the traditional as well as contemporary teachings of Buddhism, Engaged Buddhism has been used in various contexts to mean different things (Dhammavanso, 2010). In the western Buddhist context, it is not necessarily connected to communities. However, in the eastern context, it is closely connected to community development and engagement as stipulated even by early teaching of the Buddha.

From the point of view of “interpretation and dissemination of Buddhadhamma”, in Thailand, for example, one could see attempts made by contemporary monks for the past few decades to make an effort to apply Buddhist teachings of, for example, the Four Noble Truths, to deal with modern-day problems of suffering (economic, social, political, environmental and so on). Attempts towards interpreting and applying Buddhadhamma to reach out to help people deal with their sufferings can be traced back to the time of the Sukhothai, Ayudhaya, and Rattanakosin periods in Thailand, with emphases that fell on different aspects (Dhammavanso, 2010).

Research Objectives

This study will address the issue involving Buddhist pragmatism or the “interpretation and dissemination of Buddhadhamma” in order to carve out and provide a Buddhist response to human rights. It adopts the following research objectives:

1. To understand the form of “Engaged Buddhism for Buddhadhamma” in contemporary Thailand;
2. To know the role that Buddhist participatory communication plays in community development;
3. To find out about a Buddhist response to human rights.

Research Questions

This study will gear to answer the following research questions:

1. What is the form of “engaged Buddhism for Buddhaddhamma” in contemporary Thailand?
2. What role does Buddhist participatory communication play in community development?
3. Based on the engaged Buddhist” models, what is a Buddhist response to human rights?

Research Framework and Methodology

The study will expound on the notion of human rights, including communication rights, to build the framework for the arguments. Regarding human rights, various articles in the UN Universal Declaration of Human Rights (UDHR) of 1948 are cited including Article 1 (born free and equal in dignity and rights); Article 2 (entitlement to rights and freedom unbound by race, color, sex, language, and religion); Article 3 (right to life and liberty); Articles 4 and 5 (no servitude, no torture, no cruel punishment). In so far as communication rights are concerned various articles were cited including Articles 19-22 (freedom of opinion and expression; peaceful assembly and association; political participation, and economic, social, and cultural rights) (Perera, 1991).

The study will use documentary research including books, journals, websites, broadcasts, and documentaries, on the one hand, and interviews with leading Buddhist monks, on the other.

The 1948 UN’s UDHR including communication rights has been translated into development policies, tools, and ap-

proaches for development projects in developing countries for the past 70 years, followed by UN global ethics declarations (1948, 1993, and 2016) built on religious and philosophical traditions from across the world to create peace and happiness along with wealth of the countries (Badge 2014, Sareo 2017, De Costa 2018, Ward 2017, and Mahinda Thero 2015).

Critiques and skeptics from outside and inside the Eastern countries that implement such development concepts and paradigms continue to point out that human rights from the perspective of the modernity development paradigm as well as the concept rooted in democracy as presented, are not being coherent with/relevant to traditional religions and philosophies such as Buddhism (Seeger 2010, Tomalin 2017, and Pandita 2012).

This study, however, argues, to an extent, that human rights, including communication rights, are theoretically and practically coherent with and relevant to Buddhism. This study proposes a Buddhist response to human rights including communication rights according to the nature of Buddhist pragmatism of Dhamma (Akaliko or unbound by time/historical context) (Seneviratne. 2021, Roy and Narula 2017, Honradarom 2014, Panisa et al. 2015, Phra MahaIndhapanyo 2017, Stocking cited in Wilkins et al 2009; Song 2020; Lotus Communication Network “Self-sufficiency Economics” broadcast 2021).

Literature Review

Human Rights and Buddhism

In a critical reflection of Buddhism from the perspective of law, Badge (2014) points to the aspects of teaching in Buddhism that can be applied to human rights as well as the aspects that are not compatible with human rights. Compared to the UDHR clauses, there is no precise wording for human rights in the Tripitaka, but Badge maintained that while some western philosophers like Locke and Hobbes were already talking about human rights in the 17th Century, human rights as a natural concept already

existed in Buddhist concepts. The Buddhist concepts of human rights include duties and rights and responsibilities.

According to Sareo (2017), the guidance of dignity and freedom stipulated by the Dalai Lama emphasizes welfare and happiness of mankind using the Buddhist precepts, including dependent origination, compassion, eightfold path, and vihara (monastic code) concepts. Kawada (2011) elaborates further about the 1993 global ethics declaration that the concepts embrace peace and coexistence which is now seen as a global, ethical effort.

In later periods, as described by De Costa (2018: 412-413), the UN General Assembly in 2016 perceived peace as one important aspect of human rights. Buddhism serves as a vehicle to induce participation process with the teachings. Like other religious and philosophical traditions, Buddhism offers “non-discrimination”, “cultural values”, and “sustainable eco-socio development”. Peace in this regard requires human rights concepts as well as religious, philosophical concepts.

Another aspect of human rights and Buddhism, which contains similarities and differences, is offered by Mahinda Thero (2015), Ward (2017) and “Communitarianism”. Mahinda Thero (2015:69-75) discusses human rights based on the UDHR of 1948 as inherent by birth, dignity, and equal rights as foundations of freedom, justice and peace in this world. Along a similar line, Buddhism sees and values such qualities of freedom and rights for mankind from 2500 years ago. It can be aptly described as promoting the “eternal values of human rights” with the participation and application of the four groups of members in society, such as Bhikku (monks), Bhikkuni (female monks), Upasaka (male laity), and Upasika (female laity).

Ward (2017) discusses peace, happiness and sustainability in the 1990s and beyond as hinged upon mindfulness and communitarian concepts of Buddhism. Like De Costa, he used the term ‘communitarian engaged Buddhism’ bridging the concepts such as dependent origination, compassion, and the five precepts. Communitarian concepts of Buddhism strive to create communi-

ties with individuals pledging for community wellbeing, practicing the Dhamma.

Quite conversely, human rights can be used to critique Buddhist concepts from the modern perspective. Differences can be found between Buddhism and human rights in the concept of political orientations. Buddhism would not endorse any form of politics or polity. Quite unlike the democratic aspect of human rights as propounded by the western world, Buddhism's ultimate sovereignty rests in Dhamma or the ultimate truth, not in the form of government or state (Perera 1991:27-29).

The concept of "Law" is also another aspect of difference between the two traditions. Everybody has the right of recognition before law. When law is seen as the "rule of righteousness" (*dharmachakra*), it ought to be seen as the rule of *metta* or compassion as well (Perera 1991, p. 40, 44).

However, critiques of human rights interpretation of Buddhism explain that changes in the social structure that created an imbalance between gender roles in Buddhist moral education and ordination occurred after the passing of the Buddha. According to Dhammika (2006), a clear mark of human rights was clearly established in Buddhism with members of Buddhist communities being well-represented. But after the reformation period in the 5th Century, Theravada (Elder) Buddhism clearly separated the roles of monks and laity, only allowing men to be ordained as monks and not women as *Bhikkunis*.

According to the documentary titled "The Buddha's Forgotten Nuns" 2013, points of view and analyses have been made about the issues of women's ordination, gender equality, and the early Buddhist tradition from Thailand as well as from overseas. Early Buddhism has allowed for women's ordination and equality in the ways that men and women are equal in practicing Buddhist precepts and achieving enlightenment. However, due to the conservative monastic structure, especially in Theravada countries that prohibited the *Bhikkuni* ordination, the four groups of members of Buddhist communities became absent for several

hundreds of years.

Communication Rights and Buddhism

A democratic, participatory form of communication rights for development and empowerment has crystallized into “participatory communication” after the 1980s. Based on UN and international frameworks for development and empowerment, participatory communication is grounded in the concept of participatory democracy. Participatory communication models have later been accepted as “multiplicity” communication in the development communication field. Latter day versions of participatory communication have added ethics and rights to communication dimensions to the early theory (Huesca, 2008).

Participatory communication for empowerment and development of communities has been used by international development agencies to promote social, economic, and cultural rights among citizens, following the declarations made by the UN, including the MacBride Report in 1980 (Servaes 2008: 21-22). Servaes and Verschooten (2008:45-46, 53,58) argue further that culture can be seen as a “creative and constructive force encompassing development and human rights”. Culture can be connected to religions, philosophies, and ethics.

Dissanayake theorized that Buddhism as a religion has an interesting approach to human communication. The Buddha used language that can be related to people from all walks of life. Among effective communication strategies are: use of rhetorical styles; exchange in conversation on material things, spiritual emancipation, illusion, and reality (Wimal Dissanayake cited in Seneviratne 2021:14-15).

Seneviratne (2021:20-24) emphasized that a pivotal aspect of Buddhist pragmatism is the concept of Engaged Buddhism, combining development with communication concepts and aims. Among those in the forefront are Thich Nhat Han, Buddhadasa and Sivalaksa who tried to reform Buddhist society by addressing

issues using communication for grassroots actions, known also as Engaged Buddhism.

Another recent movement concerning Buddhist pragmatism is Buddhist mindful communication. Buddhist mindful communication can be better understood from a journalism/broadcaster perspective as applying the teachings of “non-harm” in Buddhism (involving the five precepts and awareness). According to Pipope Panichapakdi in a Lotus Communication Network broadcast titled “A New Approach to Journalism in Thailand”, while a reporter/journalist is making sense of the news, there ought to be time to reflect, to be mindful of the consequences of the reports.

Framework for Engaged Buddhist community as a Human Right response

In order to face difficulties and challenges brought by ultra-modernity, including economic, and social problems, Buddhism in Thailand has seen a number of movements in the past few decades that adopt Engaged Buddhism strategies for community development in rural areas.

Buddhism at one time was an important institution that declared these values, including moral values, behavioral values, all of which have been reflected in 12 values as propounded by the Thai government for the past 7-8 years on issues such as morality, sustainability, and mutual benefits. The traditional values of Buddhism have been challenged by state-sponsored and commercially oriented Buddhism. While that is happening, there is a contention between old and new liberal theories about issues such as rights and equality (Saisaneg, 2019).

In one aspect, human rights as clauses have been made into declarations and constitutions for Thailand in 1997 and 2007. The frameworks in the constitutions placed Buddhism in the context of human rights, including communication rights, based on democracy models. One can connect them through aspects of humanism and rationalism (Kwonsmakon, 2020).

After 1997, King Bhumibol theorized and promoted self-sufficiency economics, which has now become a vital Engaged Buddhism idea, and approach for development and empowerment of communities (Seneviratne 2021).

Among concrete forms of Engaged Buddhism communication for community development, health communication by development monks presents as a strong example. This communication approach focuses on Buddhism for rural community development. Based on the 2017-2021 plan for Buddhist development and reform in Thailand, it stipulates four areas: security for Buddhism; management; learning organization; and self-sustainability to integrate and find good practice (Phra MahaIndhapanyo 2017).

Case Studies

The following four case studies are vibrant examples of moral and spiritual leaders who provide clear examples for Buddhist pragmatism as a response to modern day problems and suffering (dukka).

Information and insights about the four Buddhist spiritual leaders were gathered partly from personal interviews and mostly from documentary research, including thesis, journals, websites, books, and media broadcasts.

The four spiritual leaders have driven the agenda and promoted the causes of Buddhist pragmatism for development of various kinds, starting from moral education, community development to communication rights, human rights development using the Buddhist teachings and meditation/mindfulness practices (moral precepts, loving kindness, nonviolence/nonharm, and the Middle Path through the right speech, right act, and right view), for the past three to four decades.

PhraPayom Kalayano and Phra Somkid Jaranadhammo are well known at local and national levels for promoting communication rights, right to community livelihood, human rights from the Buddhist perspective, self-sufficiency economics, Buddhist ecology, and Buddhist integrating farming models.

Phra Paisal Visalo and MaecheeSansanee Satiersut are well known for local, national, and international levels for promoting communication rights, right to community livelihood, self-reliance, human rights from both eastern and western perspectives, peace and conflict resolution, Buddhist ecology, as well as Buddhist interpretations of gender and equality.

Phra Paisal Visalo

Phra Paisal Visalo, residing in Chaiyaphum province in the Northeast of Thailand, is known for Buddhist pragmatism approaches and Buddhism for social development with thoroughly insightful perspectives of Eastern and Western paradigms of development. He insists that democratic development still requires community building in addition to fairness and individual freedom. According to Phra Visalo, participatory communication is necessary for creating good society (Saisaneg, 2019:195).

Quite unlike other Buddhist scholars in Thailand who focus mainly on local adaptations of Buddhhadhamma, Phra Visalo looks at the issue of rights and equality from the point of view of capitalism, Dhamma, and love (compassion). In terms of capitalism, he places emphasis on consumption and consumerism. He critiques liberal democracy for not focusing sufficiently on human rights, but focusing too much on consumption and consumerism (Saisaeng 2019: 211-213).

Phra Visalo has been well known for using Buddhist participatory communication approaches for social development purposes to bring balance to answer modern needs. He is able to use innovative media including Dhammayatra (walking Dhamma propagation/activity), as well as contemporary media, mixing

religious and civic issues (Praditsin 2014).

When Phra Visalo looks at another important dimension of human rights nowadays, he places strong emphasis on nonviolence and reconciliation of conflict as key answers to those problems. He tries to implement Buddhist concepts to help alleviate problems caused by harm and violence. Buddhist pragmatism approaches can shed light on these issues using peaceful means, nonviolence, mutual understanding, and acceptance of groups (Lokitsathaporn 2016:29-34).

Maechee Sansanee Satierasut

Another moral leader in Thailand who has been vital in pragmatizing Buddhist values for social development is Maechee Sansanee Satierasut from Satien Dhamma Sathan (Satien Dhamma Place) in Bangkok. Quite similar to Phra Visalo, she presents as an example of Buddhist moral leadership along with understanding about western concepts of development (including democracy, human rights, and communication rights) and Buddhist concepts. She is especially clear-sighted about women's roles in Buddhism for development for both maechee (nuns) and female laity.

One study conducted about nuns' social status and other aspects, looks at women's development as evident in Buddhism from the traditional past, to find out whether Buddhism helped to evaluate and enhance the roles of women. The study discusses Maechee Sansanee as emphasizing the roles of women as peace-makers of the world. In addition, she has rhetorical styles that could lead people to understand Dhamma. She rhetoricizes that "the world has Dhamma as their mother" (Tantivanichanon 2017).

Furthermore, Maechee Sansanee is seen as promoting the various issues of rights, livelihood, and peace. She uses skilful means to teach dependent origination, the ways of peaceful co-existence and living ecology, nonviolence and understanding of rights. Landmarks and symbols for achieving these goals at Satiendhammasathan are: Bridge of Awareness; Bodhi tree; foyor or

area; Dhamma Pavillion, and trees in the Dhamma garden, built to emphasize rights, roles, and responsibilities (Seettabut 2016).

Phra Payom Kalyano

Phra Payom Kalayano, of Wat Suan Kaew in Nonthaburi province, in the suburb of Bangkok, exhibits strong characteristics of Buddhist pragmatism approaches for community development regarding: integrating Dhamma into people's lives, propagating Buddhist morals to implant honest livelihood, using the Buddhist teachings and Buddhist sustainability development to solve social problems (Sangpanya et al. 2021).

Phra Payom has placed emphasis on roles of Wat (temple) and Phra (monk) for social welfare, empathy, development, and integration, as well as sustainable development. The paradigm used by Phra Payom involves the roles of monks, welfare, empathy, development, and integration, and sustainable development (Sangpanya et al 2021).

What brings Phra Payom closer to the issue of human rights, including communication rights and democracy, is his very strong style of political communication, blending Buddhist and Thai models. Phra Payom's political communication style involves senders (Phra) who can explain the connection between politics, values, and ethics (Athiputpakin 2018).

Phra Payom's persuasive style of communication, which empowers communities to deal with environmental issues, leads to problem solving and decision making. Besides, Phra Payom's approaches to teaching and preaching help to strengthen communities and people. He focuses on issues like social development, career development, and education development while teaching discipline, honesty and nonviolence (Athiputpakin 2018).

Phra Somkid Jaranadhammo

Phra Somkid Jaranadhammo, residing in Pong Kham village, Nan province in the North of Thailand, was described as a development monk who propagates Dhamma while promoting issues and activities such as self-reliance, agriculture, community forest, and ecology through various community development projects. He uses the Four Noble Truth and other Dhamma concepts to work with people.

Phra Somkid uses Buddhadhamma for conflict resolution for community and villagers. He further promotes Buddhist ecology to community members. He also uses integrated agriculture and self-reliance agriculture as well as ritual ceremonies and communication. Good ecology leads to good livelihood, happiness, and good economics. He builds civic consciousness and awareness and widens networking among villagers, thus proving the value of Buddhism for social development.

Phra Somkid integrates all the aspects through establishment of the Learning Center for Pong Kham area. He uses compassion, moral precepts, the right view, non-harm, including the right speech. Examples are provided about how monks and networks of schools and people work together on the forest conservation project (Phra Dhirapatto 2014).

Phra Somkid engages in various roles, including liaison networks for research and development for monks who groom and mentor other junior development monks as well as support development research projects and institutes. Phra Somkid aims at engaging monks and communities in solving economic and social issues, and dealing with poverty, using values such as rights, honesty, empathy, collective action, awareness, and consciousness (Phra MahaApakaro, 2013).

Findings and Discussion

All in all, this study explores three research questions using

qualitative research and has found the following:

1 - In terms of the form of Engaged Buddhism in Thailand, it is closely connected to community, as can be seen in the cases reviewed in the literature documents as well as by interviews. This applies to the cases of Phra Somkid Jaranadhammo (Ban Pong Kham); PhraPayom Kalayano (Wat Suan Kaew); PhraPaisal Visalo (Wat PahSukato); and Maechee Sansanee Satirasut (Satien Dhamma Sathan); they operate their engaged Buddhism development programs in connection with communities or from their solid communities and networks. Community consists of monks, maechees, and male and female laities. Community is driven by the Buddhadhamma including the Four Noble Truth (problem solving using the middle path); Brahnavihara (compassion, loving kindness, and equilibrium of mind); the six directions (rights, duties, and responsibilities towards others); Sappurisdhamma (the seven kinds of knowledge), which provide ground rules for common, peaceful living and harmonious living with the environment.

2 - In terms of Buddhist participatory communication and its roles in community engagement, the Buddhist style of communication is participatory in nature, as it is dialogic, and stresses ethics and the Middle Path. As can be seen in the cases of the four leading moral leaders discussed herewith, they emulate the Buddha's style of communication. All four deal with real difficult issues facing communities and people's lives, including poverty, injustice, degradation, economic hardship and more. Buddhist participatory communication can be engendered effectively only when Dhamma awareness and practice and ethical guidance are provided.

3 - The term 'engaged community' can be better understood in the context of members practicing Dhamma and observing Vinaya (code of conduct) rules to cope with human suffering, including economic, social, and environmental problems. The Four Noble Truths begin with the right view, right speech, right concentration, and right effort. The four cases studied reveal that members of community, through the expounding of Dhamma, for example by Phras and Maechee (male and female laities) have

grown to be familiar with and aware of these teachings. As a result, their thoughts, speeches, and acts could steer them from harming others, animals, and the environment.

Phra Paisal Visalo, for example, has promoted sustainable living communities in many rural areas with development projects. Similarly, Phra Payom Kalayano teaches the value of perseverance and self-reliance in dealing with complex problems that society brings. He often teaches that one has the right to one's own destiny and one's own aspirations. Furthermore, through Engaged Buddhist projects, he teaches the importance of non-anger, non-harm, truthful speech to control oneself from within and not to misbehave towards others.

In addition, Engaged Buddhism community provides a response to human rights in regard to a peaceful living environment that is wholesome and not detrimental to the environment. For example, Phra Somkid Jaranadhammo has been involved in the ordination of trees, reforestation in Nan, reduction of bush-fires caused by villagers, which affect lives of animals and people. Maechee Sansanee Satiersut has been promoting the green living environment in Satien Dhamma Sathan and other places to create a good practice. Satien Dhamma Sathan has provided a good example for site visits by many research students, observers, Thai and foreigners each year.

Further interviews with Phra Payom Kalayano and Phra Somkid Jaranadhammo reveal the following points about the issue as follows:

“The interpretation and dissemination of Buddhadhamma today is easier than before, but the problem facing people today remains far more complex than in the past. The use of social media is crucial in today's interpretation and dissemination of Buddhadhamma. It is through community and project management that people learn about rights, equality, peace, respect, reconciliation, and other issues. Monks as moral leaders have an important role in interpreting and disseminating Buddhadhamma to explain these concepts to laity.”

(Interview with Phra Payom,2021).

“Human rights concepts and Buddhist concepts are closely related, and geared to answer human problems and needs, so when monks teach laities about basic issues and concepts of human rights, they can make connections to Buddhist teachings. However, more difficult concepts and issues about human rights need further explanation, and monks need to explain these issues and concepts using local, cultural contexts of people in different areas to make sense of them. Networks of development monks from previous and present generations are essential in this aspect, but they need to tackle present-day issues and problems using critical thinking and problem-solving methods to solve more complex issues and problems.” (Interview with Phra Somkid, 2021).

Discussion with Reviewed Theories and Concepts

Engaged Buddhism can be achieved through community engagement and empowerment projects, as the four case studies have revealed. Furthermore, out of the Fourteen Guidelines provided by the Dalai Lama, some are highlighted as vital and crucial to Thailand’s Buddhist communities, including awareness of suffering; community and communication; and right livelihood. It is in this very context that a Buddhist response by the four case studies reviewed can be provided in a meaningful way.

Concerning human rights, it involves equality, dignity, rights, right to communication and right to livelihood, as stipulated in the UDHR according to Perera (1991). Human rights became much more clear when expounded using ethics in connection with the issue of peace, happiness of community and sustainability, which the four cases experienced. This is in accordance with Badge (2014), Sareo (2017), Kawada (2011), De Costa(2018), Ward(2017), Mahinda Thero(2015), Seneviratne (2021), Roy and Narula (2017), Honladarom (2014) and Stocking (2009).

Moreover, the concept of human rights is better put into perspective by the Dalai Lama as described by Sareo(2017). The

four case studies found that through the international discourse of peace, coexistent living, sustainability and cultural rights, human rights is found to be related to Engaged Buddhism, especially in line with Buddhist community movements and communication. The four case studies also reflect a close link between the concept of human rights and the eightfold path through the notion of right, starting from the right view, to the right speech, and the right livelihood. The notion of community involving engaged Buddhist community, in a similar way that Ward(2017) wrote, can be understood in the context of communitarianism, especially the contemporary type which is known as responsive communitarianism.

In terms of Buddhist participatory communication, it has a resonance with what Servaes (2008) wrote about multiplicity communication. Buddhist participatory communication takes shape of dialogic communication with a meaningful process of communication. As Huesca(2008) suggests, multiplicity communication when in contact with new social movements advance its form and deepen its impact on society.

Further to what Servaes and Verschooten (2008) wrote about culture and human rights, the discussion about and the involvement in engaged Buddhist communities show a blend of cultures and religions. This can be found in the four case studies reviewed, with heavy emphasis falling on community development that hinges upon culture that could induce participation and empowerment. To this end, one can see that Buddhist participatory communication, similarly, provides opportunities to develop at individual, community, and societal levels as Roy and Narula (2017) suggested.

Conclusion and Recommendations

In conclusion, this study aims to understand the ways in which engaged Buddhist communities can provide a response to human rights issues in today's world. It poses three questions

that relate to the form of engaged Buddhism; the role of Buddhist participatory communication in community development; and an engaged Buddhist model of response to human rights, which all have been answered in varying degrees. The study finds that, by and large, Buddhism has been coherent with and relevant to the western concept of human rights, comprising human dignity, equality, communication rights, among others, from the early tradition of Buddhism until the present.

It is through the lens of examining these four case studies that aspects of the form of engaged Buddhist community; the role of Buddhist participatory communication (which is dialogic in nature) and community development; and engaged Buddhist community as a response to human rights can better be understood.

Regarding points of recommendations, the study proposes that future research looks at engaged Buddhist community in the urban and cosmopolitan context like Bangkok and major cities in Thailand by examining and interacting with the issues of human rights, namely dignity, equality, and communication, and trying to find out how these communities can provide a response to human rights. Also it is important to observe whether the gaps still exist in terms of what appears to be gender inequality and social inequality in specific frameworks.

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Interview

- Interview with Phra Payom Kalayano. 3 June 2021.
- Telephone interview with Phra Somkid Jaranadhammo, 26 June 2021

Authoritarianism and People-Centric Development in Asian Context

Jayasri Priyalal

ABSTRACT—What are the successes and failures of the Asian authoritarian political systems, and how they have evolved over the centuries? Thus, Chinese history became a chapter of human civilization. The famous saying reminds us that those who cannot cope with changes will never initiate changes. What are those changes? And how the rulers, emperors, and party leaders in China adjust to the changes is worth exploring academically from a historical point of view,

The salient features of the code of conduct the rulers adopted, presumably gave the numerous emperors a sense of direction to apply autocratic rule, yet maintained a semblance of inclusive growth, targeting their subjects. To what extent do those principles differ from the benchmarked guiding principles explored, to uncover the new learning points to make sustainable development goals a reality, is the purpose of this paper.

Unique development models that enabled inclusive growth in the ancient Asian Empires are examined extensively. How did the rulers ensure continuity and connectivity of Authoritarianism? This is critically analyzed, focusing on the Peoples Republic of China.

Keywords: Dhamma, culturalization, Participatory Democracy, Tolerance, Trans-civilizational Civilization, Ecological Civilization, Ten Royal Virtues, Just rule, Ashoka Chakra, and Diamond Sutra.

Introduction

What type of democracy prevails in China? Is the Communist Party of China (CPC) autocratic machinery that dictates the ordinary life of the citizens? If so, how come the system remains unchallenged and uplifts over 800 million people from abject poverty? These questions are examined in this paper, considering the historical socio-cultural development that paved the way for central command politics and inclusive growth, bringing the People's Republic of China (PRC) to become the second-largest economy, without following the neo-liberal doctrine.

Chinese political systems have been interpreted by academics from different angles. Professor Wang Gungwu is one such scholar, who argues that: the Chinese do not deny democracy, but their interpretation is different. The Chinese idea of democracy is, that - if we are doing it for people and people approve, you have democracy. It rules for the people, but not by the people, asserts Gungwu because the individual rule of law and liberty is quite ambivalent to Chinese. (Beng 2015)

The driving force of the Chinese political system is the CPC. The party, when formed in 1921, consisted of only fifty members, and mobilized people's power towards nation-building. By 1949 the People's Republic of China (PRC) came into being, defeating all feudalist imperialist forces under the leadership of Chairman Mao Ze-dong on the principles of Marxism-Leninism (Eleanor Albert, 2021). Lu Cheng-Yang, having done an initial exploration into concepts and thinking behind the CPC and its leadership selection; authored the book *Adaptive Leadership*. In his book, Cheng-Yang asserts; Mao Ze Dong first observed, contemplated, and concluded that power came from the people. Accordingly, the CPC's founding principles were established aiming at serving the people, striving towards ideals, and doing the right things in practice as principal pillars of the party (Cheng-Yang, 2013).

Over 70 percent of the CPC's nearly 92 million members are men. In 2019, however, more than 42 percent of new members

were women. Farmers, herders, and fishermen make up roughly 30 percent of its membership (Eleanor Albert, 2021).

Fareed Zakaria (2020) names the CPC as, in some ways, the world's most elitist organization. In his book, *Ten Lessons for a Post-pandemic World*, Zakaria writes, from statistics collated from amongst those who attended the 18th central committee of CPC in 2016, 99.2% of the central committee members have received a college education.

Lee Kuan Yew, a founding father of Singapore, elaborates: "In China, there will be displacement of one set of leaders by another group of leaders because culturally and historically, the belief in China is that a solid central authority leads to peace and prosperity. One man, one vote has never been in China and has never produced a prosperous China. And they are not going to try it" (Lee, 2018).

Generally, the statistics from China are viewed with suspicion, but there are reliable sources of information from various studies jointly conducted by different academic institutions. Joining the party (the CPC) is not just a straightforward process of filing an application form. One needs to be a graduate from a recognized university, an admirer of the glorious history of the past CPC struggles, and an adherent to the strict code of conduct required of the party members enumerates extensively, Cheng-Yang (2013) in his book 'Adaptive Leadership'. The publication is a report from a research project on the CPC's selection, grooming, and renewal of leadership in the 21st Century. Cheng-Yang further stresses, becoming a party member is a process of culturalization, similar to being interviewed by different levels of management to ensure that you fit into the company's culture. In this case, the difference is the duration - two to three years.

In his book 'The Empty Raincoat: Making sense of Future', Charles Handy (1994) highlights the organizations that cope with change successfully, embed an incredible sense of direction, sense of connectivity, and a sense of continuity as a landmark cultural-

ization. It is often said that change is inevitable and some people change for the better and some for the worse, so you can either embrace them or replace them, This resonates well with Handy's efforts to find a sense for a desirable future.

This paper examines the historical sources that enabled authoritarian rule in China from the Spring and Autumn era (discussed later), with directions provided from dominant ideologies espoused by great thinkers. How these practices evolved and changed with time, especially learning from other cultures, religions that emerged in Asia, while shaping the people-centric statecraft with an autocratic style are also examined.

Handy's analogy of "change is good if the resultant difference is for the better and not for the worse", is a popular phrase that inspires this author. Accordingly, the paper is structured to identify the various sources that shaped the direction as an ideology and how they were connected from one regime to another and continued until the formation of the CPC , forging ahead towards the 21st Century, transforming China into a challenging economy.

Sense of Direction: Is the Mandate Origin from Heaven?

The history of Chinese civilization starts from the Spring and Autumn period starting from the 8th century BCE. The great Chinese thinker Kung Ch'iu (Kung-tzu), known popularly in the West as Confucius, was born in 552 or 551 BCE (Adair, 2013). Confucius's philosophy – Confucianism-has been a mainstay of Chinese society and state institutions (Acemoglu, 2019).

Although Confucius did not write any scripts, his famous disciple Mengzi also known as Mencius recorded a collection of Confucius's sayings as Analects. So, many of Confucius's ideas are the interpretations of Mencius and written by him, and they have often been reviewed in the literature. In ancient China, Mencius highlighted how a ruler was tasked with upholding a certain stature amongst the people he governed, to keep the Mandate of

Heaven. The philosopher Mencius, who would become a student of Confucianism a century after Confucius's death, held "that heaven oversees a kind of overwhelming moral order in which it is given to rulers to rule for the sake of the common people" (Murrel, 2017).

The Spring and Autumn period was followed by the warring state period during 475-221 BCE. Shang Yang was another great thinker who shaped statecraft, founding on the principles of Confucianism, which were deeply rooted in Chinese society. Shang Yang – also known as Lord Shang, was born in 390 BCE. In Shang Yang's vision, law and state power had to be used to turn everyone into either farmers or warriors. They would be rewarded for farming or fighting and punished otherwise (Acemoglu, 2019).

The First Emperor Qin Shi Huang of the Qin Dynasty named Ying Zheng, (259-210 BC) who ascended to the throne at the age of thirteen, is considered the ruler who unified China, eliminating Han, Wei, Chu, Yan, Zhao, and Qi 221 BCE (Zhang 2003).

Confucius envisioned the afterlife as one in which individuals reached sagehood and worshipped their descendants and families (Murrel 2017). But, when asked about death, Confucius responded, saying; "While you do not know life, how can you know death?" (Leys 1997) Confucius's philosophy sought the redemption of the state through righteous individual behaviour. His thinking affirmed the code of social conduct, not a roadmap to the afterlife, wrote Henry Kissinger on China (Kissinger 2011). During the Qin Shi Huang's legacy, it appears that the emperor deviated from the sense of direction set by the Confucianism social order in pursuit of an elixir that could keep him from dying. He sent thousands of men and women to the East to seek help from the immortal, wasted national strength and workforce in building six palaces and constructing the Lishan Tomb, assuming that he would be ruling after death (Zhang, 2003).

Qin Shi Huang was commissioned to build 8000 life-size terracotta warriors for his mausoleum. Society was heavily taxed

for all these wasteful constructions, resulting in an upsurge of popular revolts, overthrowing the Qin dynasty in fifteen years (Acemoglu, 2019). The author visited the Terracotta warriors' site in Xian in 2017 and saw the massive construction around the mausoleum unearthed. With thousands of terra-cotta warrior life-size figures, with different military ranks, in a war-ready situation, with weapons in arms, to protect the emperor from enemies after his life. Emperor was generous to make life-size animals, such as pigs, goats, cattle, and chickens, to feed the terracotta army. A clear indication, that neither the emperor nor the soldiers, knew what happens after death.

Mao Zedong once claimed that the population of China declined from fifty million to ten million during the so-called Three Kingdom period (A.D 220-80). Mao used this example to demonstrate why China would survive even a nuclear war (Terrill, 2000).

The foregoing paragraphs enumerate the perceived sense of direction the ruling emperor secured as a mandate from heaven. However, historical facts reveal that a sense of misdirection resulted in chaos during the dynasties of various rulers. The mythical belief of 'Mandate from Heaven' had been sidelined when the emperors were obsessed with power and ego and believed that they were immortal and able to rule, even after death. Such misconceptions were used as learning points for the next generation of rulers in shaping up the Chinese civilization as discussed in the next section.

Compelling Sense of Connectivity

Kissinger (2011) explains that almost all empires are created by force, but none can be sustained by power. The universal rule is, to last, it needs to translate power into obligation. The ultimate task of statesmanship is to give away the dominance to shape the future, moving away from repression and rule with consensus. Kissinger argues that the Chinese never generated a myth of cosmic creation. Their universe was created by themselves, whose values

were conceived with Chinese origin. Confucius's philosophy was backed with this belief and preached towards a hierarchical social creed and righteous individual behaviour as the way forward and as a code of social conduct, not a roadmap to the afterlife.

Daoism, another influential philosophy along with Confucianism, emerged during the Han period (206 BCE–220 CE). Daoism focuses on mysterious and spiritual dimensions, known as the ways of Laozi and Zhuangzi. Established as schools during the Spring and Autumn period (771 to 476 BCE) and the Warring States period (475–221 BCE), and focused on the unity of heaven and humanity (Murrell, 2017).

In turn, immortality soon became a fundamental goal of the Daoist religion, the paradises became major celestial palaces, and the methods to achieve immortality became highly elaborate techniques for Daoists. Believing in immortality and not knowing what happens in the afterlife, forced rulers cause numerous hardships to those living under their rule. The decline of the population in huge numbers in China during the three-kingdom period claimed by Mao Zedong justifies this assertion with historical facts.

Qin Dynasty and Mauryan Empire: How They Differ

During the Spring and Autumn period that prevailed in China, the Mauryan dynasty ruled a massive empire from 321 to 180 BCE in India (Zhang 2003). Chandragupta Maurya was the first ruler of the Mauryan empire, but the most important ruler of this empire is the third ruler Ashoka who ruled one of the largest empires during that time, 268–233 BCE. After his father died, he was crowned as the king of Magadha around 268 B.C. After eight years of being a king, Ashoka planned to seize the territory of Kalinga, the present-day Orissa. He led a huge army and fought a gruesome battle with the army of Kalinga. Though Ashoka emerged victorious at the end, the sight of the battlefield made him heartbroken with shame, guilt, and disgust. He felt sick inside and he pledged to never ever fight a battle again. To

seek solace, he converted to Buddhism (Ponsen n.d).

According to history, when the first emperor of the Qin dynasty, Qin Shi Huang, was leading in China, the Mauryan emperor Ashoka was ruling in India. But what is most interesting is that each emperor adopted distinctively two different approaches in maintaining their autocratic rule.

Emperor Qin Shi Huang was obsessed with immortality, building palaces, mausoleums to rule even after death and creating a terracotta warrior to protect his tomb from enemies. Contrarily, Emperor Ashoka had been practicing tolerance based on Dhamma, the teachings of Gautama Buddha. Emperor Qin Shi Huang built palaces and a tomb to prove his greatness and immortality. According to the Dhamma, Ashoka had been sharing principles of a just ruler with tolerance and announced his magnanimity by erecting Rock Pillars inscribing a code of conduct for rulers to follow as rock edicts and pillar edicts across his empire.

The two ruler's governance revolved around the proper understanding of life and life after death. Origins of just and inclusive societies and culturalization of tolerance under an Autocratic regime in Asia would have emerged from these practices. Further research and in-depth studies are necessary to explore this for comparative analysis.

Emperor Ashoka's pillar edicts and rock edicts came to light, thanks to the great work of James Prinsep in the 19th century, who deciphered the Brahmi scripts used in script rock and pillar edicts (Dhammika, 1994). Herbert George Wells (1921), in his book, 'The Outline of History. Being a Plain History of Life and Mankind', presented a formidable portrait of Emperor Ashoka. Wells devoted various paragraphs to inscribing collective memory the contours of a picture describing Ashoka as a Great Monarch writes Federico Squarcini (2019).

The origins of stone inscriptions come from the Achaemenid emperors, especially Darius and Xerxes. The Achaemenian Empire preceded the Mauryan Empire in Persia. There is much

on the surface to justify rock edicts, and stone carvings have their origins in the Achaemenian empire, writes Bhairabi Prasad Sahu (2018). Achaemenid Empire (now Iran) was adjacent to the Mauryan Empire. The Mauryan empire broadly comprised the upper and middle Gangetic Plains towards distant areas such as Gandhara, stretching from Afghanistan to Karnataka and Bengal to Gujarat (Sahu, 2018).

Pillar and Rock edicts commissioned by Emperor Ashoka provide an essential clue in the search for effective connectivity. What were the contents, and why did the emperor take great pains in this mission? The Australian bhikkhu Ven. S. Dhammika (1994) compiles that these edicts, inscribed on rocks and pillars, proclaim Asoka's reforms and policies, and promulgate his advice to his subjects. The present rendering of these mandates, based on earlier translations, offers us insights into a powerful and capable ruler's attempt to establish an empire on the foundation of righteousness. This reign makes the moral and spiritual welfare of his subjects its primary concern.

The Ashokan inscriptions provide much helpful information about how the emperor tried to reach out to, and establish a familiar chord with the subjects. Mauryan emperors generally resort to creating pretensions of uniformity, including an ideology, to bind their subjects to themselves to ensure the continuance of their authority (Sahu, 2018).

Having waged a war to strengthen his autocratic rule all over India, Emperor Ashoka, repented for the loss of life caused by battle, reprisals, deportations, and the turmoil that existed in the aftermath of the Kalinga war, which horrified him. It brought about a complete change in his personality. It seems that Ashoka had been calling himself a Buddhist for at least two years before the Kalinga war. Still, his commitment to Buddhism was only lukewarm and perhaps had a political motive behind it. But after the war, Ashoka dedicated the rest of his life trying to apply Buddhist principles to the administration of his vast empire (Dhammika 1994). According to Buddhist literature Arahant Neegrodha, a disciple of Arahant Moggallana was the one who

persuaded Emperor Ashoka to become a Buddhist.

Ashoka's inscriptions reflect the political philosophy expressed in the edicts, focusing on their ideas and arguments regarding the relationship between political power, violence, happiness, and the good, writes Upinder Singh(2012), in one of his research studies at the Department of History, University of Delhi. In his essay 'Governing the State and the Self: Political Philosophy and Practice in the Edicts of Ashoka,' Singh highlights the ideas of a political and moral empire, where the inclusion of humans and animals in the king's constituency, the political importance attached to emotions, the connection between the governance of the state and the self, and the rationale for the mitigation of conflict and violence in the social and political spheres, were important elements.

In many of the stone inscriptions, Ashoka's mission was to disseminate the Dhamma teachings of Gautama Buddha, promoting harmonious cohabitation of all living beings in the natural ecosystems. Singh (2012) reiterates this position, Ashoka's exhortations against injuring and killing animals and humans, accompanied announcements of positive welfare measures undertaken by the King for them. As inscribed in Rock Edit 2, the state made medical treatment provisions, the planting of herbs, root plants, and fruit trees, and the digging of wells and planting of trees along roads for the benefits of the community.

Global institutions are increasingly stepping up towards sustainable ecological civilization. Realizing 17 Sustainable Development Goals (SDGs) by 2030 is one such priority propagated by the United Nations. There is a need to invent a sustainable guiding framework enabling inclusive growth in the 21st Century, especially at a time when the whole world is grappling with the COVID-19 pandemic and in search of a new direction.

Seamless Continuity of Good Governance Principles

This section discusses how the seamless continuity prevailed

across the Asian empires at the beginning of the common era of Anno Domini (A.D.). The communication medium Ashoka chose to disseminate his message across the empire was inscribing Dhamma on rock and pillar edicts. His vision was a great innovation to keep the records eternally intact, even for us to learn after two millennia. Ashoka's inscriptions refer to Dhamma (the Prakrit equivalent of the Sanskrit dharma, a word difficult to translate into English, carrying its connotations of goodness, virtue, and duty) (Singh 2012). The Dhamma of Ashoka's edicts is variously understood as a Buddhist lay ethic, a set of politico-moral ideas, a sort of universal religion, or an Ashokan innovation (Barua, 1946). Messages conveying the Emperor's readiness to listen to people's affairs at any time and place and ensuring their welfare and happiness marked a transformation in the political culture of the times, constituting a manifest attempt to reassure local people across regions (Sahu, 2018). The main theme of the Rock Edict VI script could be the very first genuine historical commitment of a ruler for people-centered, responsible governance towards inclusive growth.

Based on the English translations of King Asoka's Edicts by Amulyachandra Sen, Ven. S Dhammika (1994) quotes the Rock Edict VI as:

*Beloved-of-the-Gods, King Piyadasi, speaks thus:[13]
In the past, state business was not transacted nor were reports delivered to the king at all hours. But now I have given this order, that at any time, whether I am eating, in the women's quarters, the bedchamber, the chariot, the palanquin, in the park or wherever reporters are to be posted with instructions to report to me the affairs of the people so that I might attend to these affairs wherever I am. And whatever I orally order in connection with donations or proclamations, or when urgent business presses itself on the Mahamatras, if disagreement or debate arises in the Council, then it must be reported to me immediately. This is what I have ordered. I am never content with exerting myself or with dispatching business. Truly, I consider the welfare of all to be my duty, and the root of this*

is exertion and the prompt dispatch of business. There is no better work than promoting the welfare of all the people and whatever efforts I am making is to repay the debt I owe to all beings to assure their happiness in this life and attain Heaven in the next.

Emperor Ashoka ensured the direction, connectivity, and continuity by ending the script by including the concluding paragraph in the Rock Edict VI with the following meaning.

Therefore, this Dhamma edict has been written to last long and that my sons, grandsons, and great-grandsons might act in conformity with it for the welfare of the world. However, this is difficult to do without great exertion (Dhammika, 1994).

Ashoka had assumed a title, “Devanampiya”, which means ‘dear to the gods’, and Priya Dasi, which translates as ‘he who looks upon at that which is beloved/dear/auspicious’, ‘he who looks affectionately/amiably’, or, given the unstandardized usage of the time, ‘one who is dear to look’.

Emperor Ashoka erected 33 edicts, consisting of rock edicts, pillar edicts, minor rock edicts. Many inscriptions were engraved on pillars, large stones, and cave walls during his reign (Mark 2020). The Ashokan inscriptions indeed signified an ambitious project of communication so far as they helped to communicate and share thoughts with the functionaries of the state and subjects in different corners of the far-flung empire. The promulgations are inscribed on stone in public places (Sahu, 2018).

As inscribed on Rock Edict 2 (Girnar), The King’s political realm is distinguished (from that of bordering (pacanta) kingdoms. In the south, these were the principalities of the Cōḷas, Pāṇḍyas, Sātiyaputras, Keralaputras, and Tāmaparṇī (Sri Lanka). In the northwest, there was the Yona (Greek) king Antiyoka and his neighbouring kings (Singh, 2012).

Prof. Raj Somadeva explains, the king who was ruling in Sri Lanka during Ashoka’s reign was known as Tissa, who regularly exchanged gifts with Emperor Ashoka to build up relationships.

Hence Ashoka persuaded the king in Sri Lanka to re-coronate with the title of “Devanampiya”. This is a demonstration of soft power used by Ashoka to expand his reach to influence other neighbouring kingdoms.

According to Professor Somadeva, the Sri Lankan kings followed the code of ethics propagated by Ashoka and continued using Devanampiya title. Ashoka’s son Mahinda and daughter Sangamitta were dispatched as emissaries taking Buddhism to Tambapanni (now Sri Lanka) (Somadeva, 2020).

The Pillar Edict at Kharoshthi, close to Taxila, with Greek and Aramaic language (the language of Achaemenid empire) in the northwest frontier region of the kingdom, was an implicit recognition of the multicultural character of that region. This pillar is on the northern border and situated near the trade route known now as the ‘Silk Route’ to China. Ashoka would have strategically used the pillar edicts inscribed in Greek and Aramaic so that traders who passed by read and understand the code of just rule practiced in the Ashoka’s Mauryan Empire, thus conveying the messages of Dhamma to Chinese rulers.

Ashoka’s Efforts to Disseminate Dhamma to China

The literature that deals extensively with the stone inscriptions of Ashoka, refers to reaching to the kingdoms and empires to the South and the West. There are not any details about the emperors’ efforts to reach out to China.

However, Ashoka had been aware of the trade routes between the Achaemenid and Greek empires with China. Erecting a pillar in Kharoshthi, adjacent to the Silk Route, and inscribing the contents in Greek and Aramaic could have been done strategically to transmit the message to China.

As explained in the previous sections, Buddhism was not influential during the Qin and Han dynasties during the Spring and Autumn period in China. However, there are some indica-

tions of connections, relating to historical artifacts connected with Buddhist monks' robes unearthed at Mawangdui, Changsha in Hunan province relating to the Western Han period (206 BC-8AD) (Zhang, 2003).

The dislike of Buddhism within China came from the idea of going against Confucian teachings, which now had been one of the leading religions and philosophies in China for hundreds of years (Murrel 2017). According to Patricia Ebrey (1993), professor at the University of Washington, Buddhism was introduced into China in the late Han dynasty and flourished during the Age of Division and the Tang and Song Dynasty. Buddhism radically transformed Tang China when institutionally it became an arm of the state. When Buddhism first came to China, it “was an event of far-reaching importance in the Development of Chinese thought and culture and Buddhism itself,” writes Theodore De Bary and Irene Bloom (Bloom 1960).

During the Tang Dynasty, various schools in Buddhism evolved, with their irreproachable and infallible theories based on the doctrine of Sakyamuni Buddha. An important component, which has yielded fruitful results on Chinese culture, is Indian Buddhism (Buddhanet 2008). Professor Wang Hui, Department of Humanities of Tsinghua University, interprets the Chinese civilization as a Trans-civilizational civilization. Which can hold multi-ethnic, multi-religious cultures together and acknowledge the different types of Buddhism that came from India, and shaped the integral parts of Chinese culture (Hui 2021). Principles of Tolerance inherited from Dhamma appears to have mainstreamed in the Chinese culture.

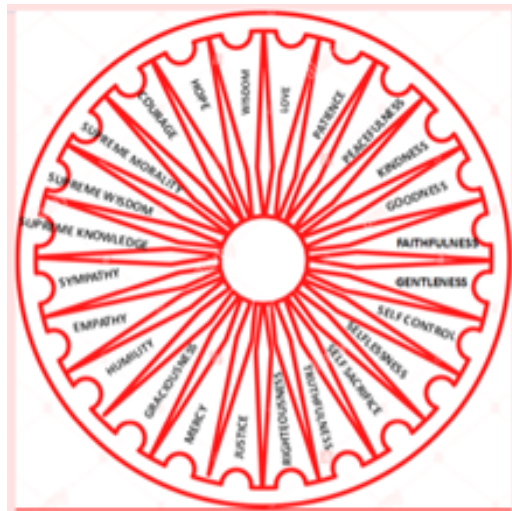
Inclusive Growth and People-centered Development in the 21st Century

People's well-being centric development led to Authoritarianism, discussed in the previous section and influenced by the teachings of the Buddha in China and India based on Dhamma in

the first centuries of the common era. A concept of a participatory democracy had been in practice even under autocratic monarchic rule through a council of state officials during Ashoka's reign, is referred to in the rock edict VI. Ven. Dr. Walpola Rahula (1959) comments that the Buddha did not take the life out of the context of its social-economic background; he looked at it. His teachings on ethical, spiritual, and philosophical problems are well known in Asia, yet little is known about these factors in the West. For a country to be happy, it must have just governments, writes Ven. Rahula.

The doctrine of 'The Ten Duties of the King' - Ten Royal Virtues (dasa-raja-Dhamma) – as prescribed by Buddha in Jataka stories, is a text for the creation of just governance for the well-being of the people (Rahula 1959) .

The greatness of Ashoka's style of good governance resurfaced after two millennia; the national flag of the Republic of India embedded with Ashoka Chakra , a symbol of recognition of a just ruler who practiced tolerance and socially beneficial governance. H. G Wells pays tribute to Ashoka:



Amidst the tens of thousands of names of monarchs that crowd the columns of history, their majesties and graciousnesses, and serenities and royal highnesses and the like, the name of Asoka shines and shines almost alone, a star (Wells, 1921).

Tolerance and mutual respect, and rulers engaging in social deliberation practices in China has been influenced by Buddhism, says Prof. Amartya Sen, who reiterated that this priority is well reflected in the inscriptions that Emperor Ashoka placed on specially mounted stone pillars across India (Soka University of America, 2014).

Pioneering efforts of Emperor Ashoka of transmission of Buddhism – Dhamma - to China developed exponentially when the Buddhist monks started to travel across the Silk Road routes to India to learn about Buddhism. Amongst them, Bhikkhus, Fa-Hsien, Xuanzang, and Hiat-Sing were recognized for their pioneering work (Balagalle, 1957). Ashoka's effort to inscribe Dhamma in a lasting manner on stone pillars finally paved the way for inventing the first printed book in the world. Prof. Amartya Sen confirmed the fact in one of his speeches.

As it happens, the first printed book in the world (or rather, the first printed book that is dated) was the Chinese translation, done by Kumarajiva in 402 AD, of an Indian Sanskrit treatise, the so-called Diamond Sutra, (Buddhist Discourse) which was printed in China four centuries later, in 868 AD. The book, Diamond Sutra (Vajracchedikaprajnaparamita, in Sanskrit) itself was translated into Chinese about a dozen times (Soka University of America, 2014).

History Rhymes – Conclusions

The Communist Party of China (CPC) celebrated the centenary on July 01, 2021. However, a single political party remaining in power continuously for a century needs to be critically analyzed. CPC has remained relevant to the most populous country globally, changing the quality of life for the majority despite numerous

shortcomings of liberty and human rights, as stated within the United Nations Universal Human Rights Declaration

What is the sense of direction that China has adopted throughout its historical journey to make Authoritarianism continue to this date? One may note that it is by balancing the focus to remain people-centered, enabling inclusive growth to be a reality. A mandate from Heaven to rule gradually transformed with influences of Dhamma, based on teachings of the Buddha, towards participatory democracy with an Autocratic model, throughout China's history, even under the current CPC.

Although India pays tributes to Emperor Ashoka as a just ruler who practiced people-oriented governance, the representative democratic principle led the Westminster style of governance practiced by India after independence, and still struggles to deliver benefits to the millions of marginalized populations. Shashi Tharoor, Congress MP for Thiruvananthapuram and author of the book 'An Era of Darkness' argues that the Westminster system of governance is not suited to the Indian reality. He asserts that the parliamentary system devised in Britain – a small island nation with a few thousand voters per MP and even today less than a lakh voters per constituency – assumes several conditions that simply do not exist in India, where the appeal of individual leaders often prevails. It also involves the British perversity of electing a legislature to form an executive. So, India has legislators who are not interested in law-making but seek election to Parliament only to get into government (Mehta, 2016).

On the contrary, in China, the CPC has taken the lead in its style of government, supported with socio-economic policies to uplift 800 million out of abject poverty.

Even in the 21st Century, the CPC gives importance to its members and activists to establish a relationship with the masses and improve the ability to serve the public. In Xian, Shaanxi province, the party cadres reach out to people, with a three questions (3Q) and three explanations (3E) approach, enumerates Lu Cheng-Yang as: The three questions are: In policy, consult

people; In needs, ask the people; In planning, think of the people. The three explanations are: Solve the people's worry, alleviate the people's frustrations, and resolve the people's difficulties (Cheng-Yang, 2013). This is the way forward towards inclusive growth, with the essence of participatory democracy. Interestingly, in Shaanxi province, you find the mausoleum of the First Emperor Qin Shi Huang surrounded by terra-cotta warriors.

New learnings certainly help academics understand the code of conduct propagated by rulers for the benevolence of the people. Furthermore, it is important to ascertain whether such policies contributed to the improvement of life quality with the conditions that prevailed in the respective eras. An in-depth study further interpreting and disseminating the contents of Emperor Ashoka's rock and pillar edicts could be another Rosita stone moment, to unearth new learning points to improve the current internationally recognized conventions that fall short of realizing desired objectives and update the United Nations Sustainable Development Goals to achieve inclusive growth for shared prosperity for all in future.

Appendix I – Dasa Raja Dhamma- 'Ten Royal Virtues' are as follows*:

1. **Dana:** liberality, generosity, or charity. The giving away of alms to the needy. It is the duty of the king (government) to look after the welfare of his needy subjects. The ideal ruler should give away wealth and property wisely without giving in to craving and attachment.

2. **Sila:** morality - a high moral character. He must observe at least the Five Precepts and conduct himself both in private and in public life to be a shining example to his subjects. If the ruler adheres to it, strictly, then bribery and corruption, violence, and indiscipline are wiped out.

3. **Pariccaga Comfort:** Making sacrifices if they are for the good of the people - personal name and fame; even the life if need be. By the grant of gifts etc. the ruler spurs the subjects on to more efficient and more loyal service.

4. **Ajjava:** Honesty and integrity. He must be straightforward and must never take recourse to any crooked or doubtful means to achieve his ends. Discharge duties without fear or favour.

5. **Maddava:** Kindness or gentleness. A ruler's uprightness may sometimes require firmness. But this should be tempered with kindness and gentleness. In other words, a ruler should not be over - harsh or cruel.

6. **Tapa:** Restraint of senses and austerity in habits. Shunning indulgence in sensual pleasures, an ideal monarch keeps his five senses under control. Some rulers may, using their position, flout moral conduct - this is not becoming of a good monarch.

7. **Akkodha:** Non-hatred. The ruler should bear no grudge against anybody. Without harbouring grievances, he must act with forbearance and love. Political victimization is also not conducive to proper administration.

8. **Avihimsa:** non-violence. Not only should he refrain from harming anybody, but he should also try to promote peace and prevent war, when necessary. He must practice non-violence to the highest possible extent so long as it does not interfere with the firmness expected of an ideal ruler.

9. **Khanti:** Patience and tolerance. Without losing his temper, the ruler should be able to bear up hardships and insults. On any occasion, he should be able to conduct himself without giving in to emotions. He should be able to receive both bouquets and brickbats in the same spirit and with equanimity.

10. **Avirodha:** Non - opposition and non-enmity. The ruler should not oppose the will of the people. He must cultivate the spirit of amity among his subjects. In other words, he should rule in harmony with his people.

* Source : <http://www.lankalibrary.com/Bud/dasa-raja-dhamma.htm> - Danister I Fernando

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Migrant Workers' Rights from a Human Rights Perspective

Padma Rani

ABSTRACT—: Migrant workers constitute 59 percent of the migrant population. Migrant worker as a phenomenon is here to stay. Migrants contribute to growth and development in their place of destination, while the place of origin benefits from their remittances and the skills acquired. Migration is a fundamental human right to work and move in freedom. The two main approaches to deal with migration are the migration management and the human rights approach. The human rights approach is based on international human rights law. Under international human rights law, all migrants are entitled to the respect, protection, and full enjoyment of their human rights, regardless of their migration status. This paper deals with the provisions for the protection of migrant workers and examines the provisions by looking at case studies of migrant workers. In addition, it examines the plight of migrant workers during COVID-19 in the light of travel restrictions, loss of employment and stigma.

Keywords: Labour Rights, Human Rights, migrant workers, COVID-19, Human Rights violations

Introduction

In an ever-evolving globalized world, international labour migration has become a central issue, affecting virtually all countries. The International Labour Organisation (ILO) Declaration on Social Justice for a Fair Globalization, 2008, identifies migration as one of the characteristics of globalization that reshapes the world of work in profound ways. (ILO,2016)

Migrant workers are labourers who go from place to place searching for work seasonally or long-term. Migrant workers travel within their own country or across borders and travel to other countries for work. People move away from their place of origin, searching for employment, prone to human rights abuses. They often are seen as outsiders or troublemakers who take jobs away from locals. (Lewis and Skutsch, 2001). Other terminology used when referring to migrant workers includes overseas workers, foreign workers, aliens, foreigners and foreign nationals, non-national workers, immigrant, and non-immigrant workers, and “expatriate employees” (ILO,2016).

Though member states of UN and ILO use different terminologies for migrant workers in their national legislation, they adhere to the rights of migrant workers in their legislation. The UN recommendations on statistics of international migration define the “stock of international migrants present in a country” as “the set of persons who have ever changed their country of usual residence, persons who have spent at least one year of their lives in a country other than the one in which they live at the time the data is gathered” (UNDESA,2015).

Many countries like the Philippines, Bangladesh, Pakistan, and other developing countries export migrant workers as their remittances are essential for their home economies. For example, the Government of Pakistan indicated that the inflow of remittances in 2013–14 was US\$15.83 billion. Likewise, the Government of Bosnia and Herzegovina indicated that remittances amounted to 7 percent of the overall gross domestic product in

2011 (ILO,2016).

There are variations between countries regarding migrant workers: Morocco, Peru, and Russia are countries both of origin and of destination; Pakistan has many people going to work abroad and is also a transit point for Afghanistan. Myanmar, Nepal. Ukraine has had a significant number of people leaving the country; on the other hand, Bahrain and Singapore receive many migrant workers. (ILO,2016).

In 2015, there were 243.7 million international migrants globally, about 3 percent of the global population, compared with 172.7 million in 2000; 48.2 percent of migrants globally are women (compared to 49.1 percent in 2000) (ILO,2016). In 2010, almost one-third of overseas Filipinos were domestic workers, 98 percent being women. Almost 98.47 percent of migrant domestic workers from Indonesia were women. (ILO,2016). There is also a regional variation in migration; migrant workers from Asia moved in large numbers to other regions. The governments of Australia and Sweden, reported that they had most migrant workers from India. The governments of Nepal and Pakistan reported that most of their migrant workers moved to the Gulf and Middle East countries.

Migrant workers represent a very significant share of the global workforce in many countries. ILO estimates show that globally, migrant workers constitute 4.4 percent of all workers. They are 35.6 percent of all workers in the Arab states, 20.2 percent in Northern America and 16.4 percent in northern, southern and Western Europe. (ILO,2015) Approximately 9.1 million victims of forced labour (44 percent of the total of 20.9 million) have moved either internally or internationally.

ILO research suggests significant decent work deficits concerning migrant workers' fundamental rights at work. Migrant workers lack freedom of association, access to equal and fair wages, proper skills matching, decent working conditions, and adequate social protection, including non-availability of social

security benefits. Migrant workers are disproportionately affected by a higher occupational injuries rate than the native population. Many child migrants end up in agriculture or services such as domestic work, and some are victims of trafficking in persons (Birchall ,2016).

International Instruments For Protection Of Migrant Labour

The ILO and the United Nations (UN) have worked toward protecting the rights of migrant workers and their families. The ILO convention applies to all forms of labour or work.

From its origin, the ILO also resolved to protect “the interests of workers employed in countries other than their own” (ILO Constitution, 1919, Preamble, recital 2)¹ and has spearheaded the development of international standards for the governance and protection of migrant workers. ILO has adopted two Conventions, in 1949 and 1975, accompanied by non-binding Recommendations². The ILO standards are essential for safeguarding the dignity and rights of migrant workers. All international labour standards apply to migrant workers. Certain instruments address the specific issues of migrant workers. The ILO recognizes the issues faced by migrant labour and has tried to address it through their various standards.

Migrant specific instruments are Migration for Employment Convention(revised)1947; Migration for Employment Recommendation(revised) 1949; Migrant workers(supplementary provisions) Convention,1975; and, Migrant workers recommendations, 1975. The selected conventions and recommendations containing specific provisions on migrant workers are-Equality of Treatment (accident compensation) Convention 1925; Em-

1 See https://www.ilo.org/dyn/normlex/en/?p=1000:62:0::NO:62:P62_LIST_ENTRIE_ID:2453907:NO

2 See <https://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

ployment Service Convention 1948; Social Security (minimum standards) Convention 1952; Protection of Migrant Workers (underdeveloped countries) Recommendation 1955; Plantations Convention 1958; Equality of Treatment (social security) Convention, 1962; Maintenance of Social Security Rights Convention 1982; Private Employment Agencies Convention 1997; HIV and AIDS Recommendation 2010; Domestic Workers Convention, 2011; and Domestic Workers Recommendations 2011 (ILO, 2021).

United Nations System

After the Universal Declaration of Human Rights (UDHR)³ and the Genocide Convention of 1948⁴, the UN produced two composite international agreements in 1966 - the International Covenant on Economic Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The ICESCR came into force in 1976 (Davidson, 1993). The ICESCR dwells on the working details of the economic, social, and cultural “human rights” which are to be made available to the people by the state. The ICESCR lays down the following rights - right to self-determination (Article 1), a guarantee of equal rights of enjoyment of economic, social and cultural rights by people without discrimination of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or another status (Article 2 and 3); an equal opportunity to all people to the right to work under just and favourable conditions of work and to earn a living thereby (Article 6); the right of workers to form trade unions and join the trade union of choice, and to be engaged in lawful activities (Article 8); the right of everyone to social security, including social insurance (Article 9) (Gupta, 2004). The term “other” in Article 2(1) of the ICESCR includes non-national, such as refugees,

3 Refer <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

4 See https://www.un.org/en/genocideprevention/documents/atroc-ity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

asylum seekers, migrant workers, and victims of international trafficking, irrespective of their legal status and documentation.

The Convention on the Elimination of All Forms of Racial Discrimination applies to non-citizens too. The Convention on the Elimination of Discrimination against Women (CEDAW) talks of women and includes migrant women (Cholewinski, 2010).

From 1999-2001 several UN initiatives for labour migration were undertaken with the ILO. In 1999, the mandate of the UN established a Special Rapporteur on the human rights of migrants. The UN Convention against Transnational Organized Crime and its associated Protocols (including trafficking in persons and migrant smuggling) was adopted in 2000. In 2001, the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, adopted a Declaration, referring to the necessity of eliminating racial discrimination against migrant workers⁵. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) 1990 (hereafter the UN Convention on Migrant Workers) entered into force in July 2003. The UN Convention on Migrant Workers elaborates on the human rights of all migrant workers and members of their families, including those in an irregular situation.

The purpose of the instruments is to ensure cooperation between member States to regulate international labour migration and to ensure equality of opportunity and treatment for workers working in countries other than their own. These rights include:

- the right to life (Article 9);
- protection against inhumane or degrading treatment (Article 10);
- freedom of thought and religion (Article 12(1));
- equal access to legal proceedings (Article 18(1));

⁵ See Declaration - <https://www.un.org/WCAR/durban.pdf>

- the principle of no less favourable treatment of migrant workers with nationals concerning remuneration (Article 25(1);

Furthermore, that States shall take appropriate measures to ensure that migrant workers enjoy any of the rights derived from this principle because of the irregularity of their stay and others. (Article 25 (3))⁶.

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), established according to the international Convention, includes the ILO in an official consultative capacity. In 2001 the “Berne Initiative”⁷, was launched with the International Organization for Migration (IOM) as secretariat. It was “a States’-owned consultative process of national migration authorities”; the resulting International Agenda for Migration Management (IAMM) included chapters on the human rights of migrants and labour migration. In the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW), only a few states have ratified the Convention. The obstacles for the low level of ratification include political will, legal barriers, economic obstacles, political obstacles, lack of awareness, public attitudes, and national sovereignty. Some states that have ratified the ICMW, such as Guatemala, Ecuador, Mexico, and Sri Lanka, do not fully conform to its obligations as there are still legal discrepancies, lack of awareness, corruption, and poor governance (Sookrajowa and Pécoud, 2019).

At the first UN General Assembly High-level Dialogue on International Migration and Development (HLD) held in 2006, its principal outcome was the Global Forum on Migration and Development (GFMD)⁸, established in 2007 as a voluntary, informal, non-binding and government-led process. The GFMD process includes government-only meetings, separate meetings for civil society, workers’, and employers’ organizations, “common

6 Full document available from - <https://www.unhcr.org/496323780.pdf>

7 See <https://www.iom.int/berne-initiative>

8 See <https://www.gfmd.org/>

space” sessions for governments and civil society, and a newly developing separate dialogue track between governments and the private sector. The GFMD recognizes the presence of private sector in the labour market and has included all the parties involved in the protection of rights of labourers (Cholewinski,2010).

The importance accorded to rights of migrant workers is seen in the inclusion of migrant workers in SGD-8 as part of Sustainable Development Goals (SDGs) of the United Nations 2030. The target 8.8 is on sustained, inclusive, and sustainable economic growth, full and productive employment and decent work for all, is concerned with the need to “protect labor rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment”⁹.

In 2008, on the eve of the 60th anniversary of the Universal Declaration of Human Rights (UDHR), the GMG prepared a report on international migration and human rights in which it underscores vital messages in several areas. Concerning the legal framework, the report contains five key messages:

- Migrants are human beings with rights protected by States as they exercise their sovereign right to determine who enters and remains in their territory.
- Migration, development, and human rights are intrinsically interconnected. Respect for the fundamental rights and freedoms of all migrants is essential for reaping the full benefits of international migration.
- The human rights of migrants are a shared responsibility. Governments of origin, transit, and destination each have an essential role to play in safeguarding the human rights of migrants.
- The ICMW offers States the most comprehensive framework for protecting the human rights of migrants. Concerns linked to its low level of ratification and efforts must be intensified better to articulate a human rights approach to migration, includ-

9 <https://www.sdg.gov.bd/page/indicator-wise/1/323/2/0#1>

ing through greater dissemination of tools to strengthen States' capacities in this regard. Good practices should be documented to serve as guidance to inform States' approaches.

- Intergovernmental organizations and civil society have vital roles in working with governments and migrants to protect their rights and respect their obligations. Intergovernmental organizations and civil society should be encouraged, and further cooperation developed (Cholewinski, 2010).

The United Nations Development Programme (UNDP) is interested in migration from the human development perspective, and its Human Development Report 2009 takes a "human (rights) approach to migration by exploring how improved migration policies can enhance human development. UNESCO's (United Nations Educational Scientific and Cultural Organisation) international migration program focuses on the promotion of migrants' human rights. UNESCO has campaigned for the ratification of the ICMW.

The New York Declaration for Refugees and Migrants adopted on September 19, 2016, the Global Compact for Safe, Orderly and Regular Migration (GCM) has set out a range of principles, commitments, and understandings among the Member States international migration in all its dimensions. The GCM should make an essential contribution to global governance and enhance coordination on international migration¹⁰.

At the Regional level, various initiatives to protect and promote the rights of migrant workers; one was by the ASEAN in 1997, SAARC in 2014. For labour migration between Asia and the Gulf states, two inter-government regional consultative processes were in operation - the Colombo dialogue and the Abu Dhabi Dialogue. There are several bilateral agreements regarding the protection of migrant workers and various aspects related to the protection of migrant workers. Governments and Inter-

¹⁰ See IOM and UN Migration Agency report - https://www.iom.int/sites/default/files/our_work/ODG/GCM/IOM-Thematic-Paper-Protection-of-Human-Rights-and-Vulnerable-Migrants.pdf

national community at various levels recognizes the presence of the migrant workers and the need to protect the interest of the migrant workers. Initiatives to protect the migrant workers is in place at the sub-regional level, at the regional level as well as at the international level¹¹

Migration, Human Rights and Development Perspective

Development has two aspects - one, the economic aspect and the other, the human aspect. There exists a complementary relationship between Human Rights and development. Human Rights focus on equality and non-discrimination, whereas development focuses on more significant equity in the longer run, which underpins faster growth. The “push factor” for migration is unemployment and poverty. The “pull factor” is wage levels and employment opportunities in the country of destination. Both the country of origin and the host country benefit from the migrants. The country of origin receives remittances, skills, and knowledge from the migrants; with the newly acquired skills and knowledge, the migrants’ aid in the growth and development of their country of origin, resulting in poverty reduction. Remittances that migrants send to their home country funds better children’s education, better health, housing, and family welfare. Women who migrate can influence their societies of origin. They bring new perspectives and ideas into their society. Women who are left behind in their country while their husbands migrate also gain knowledge and skills as they must shoulder new responsibilities and roles in the absence of their husbands (Inter-parliamentary Union et al,2015).

The host country benefits from the work done by the migrants. Migrants fill the gaps in the labour market and bring social, cultural, and intellectual dynamism to the society that they have joined. As per World Bank, “There is considerable support

¹¹ For background information on social protection for migrant workers in ASEAN see - <https://www.social-protection.org/gimi/RessourcePDF.action?id=55654>

for the view that migrants create new business, jobs and fill labor market gaps, improving productivity and reducing inflationary pressures” (World Bank, 2017). Women in developed economies lead a professional life as migrant women act as caregivers for their children and the elderly.

The ICMW lists several rights which address the specific needs of migrant workers: information about their immigration status and employment, and rights and obligations – in a language they can understand; respect for their cultural identity; transfer of earnings and savings during and at the end of their stay. They typically have two complementary goals: on the one hand, they incorporate workers in the underground economy into the formal economy and so increase their contributions to national tax and social security revenues; on the other hand, they limit worker exploitation and abuse. This approach recognizes that migrants who do legal and decent work are likely to contribute more to development than socio-economically marginalized groups (Sookrajowa and Pecoud, 2019).

Various Human Rights instruments recognize migrants as individuals entitled to the full enjoyment of human rights. Apart from economics, the other factors for migration are lack of healthcare, food, education, inequality of opportunity, gender discrimination, environmental degradation, absence of peace and security, human rights violations. A multidimensional link exists between demand and human rights abuses; deficits in development and migration can be apparent in trafficking migrants and the migration of indigenous people. In South Africa, 30-50 percent of the South African health graduates leave for the UK and USA. In the migration of health workers, three clusters of Human Rights are involved: the freedom of movement; second, the labour rights - where poor terms and conditions of work are a primary cause for migration; the third, right of health is underdeveloped in poorer countries of origin and strengthened in more affluent countries of recruitment (Crush, 2019).

The migrants are vulnerable as they are physically away from their home country. As strangers to a society, regular migrants may

be unfamiliar with the national language, laws, and practice. The unknown territory may make them less able than others to know and assert their rights. They may face discrimination, unequal treatment, and unequal opportunities at work and in their daily lives. Irregular migrants may be reluctant to seek protection against rights abuse from police or employment authorities because they fear deportation. In some countries, national employment law does not protect migrant workers, and in any case, migrants are more likely to work in those parts of the informal employment sector where labour standards are not applied. During times of political tension, they may be the first to be suspected – or scape-goated – as security risks; by linking anti-terrorism and immigration control in the context of the ‘war on terror’, many governments have encouraged – however unintentionally – xenophobia against migrants from particular regions of the world (UNESCAP, 2012).

While the majority of the countries of origin in South and South-West Asia have enacted legislation and put in place mechanisms to protect migrant workers, exploitative practices in labour recruitment and employment in low-wage occupations remain. In addition, the importance of inter-state cooperation among countries of origin in the subregion and destination countries has been recognized but thus far only a few binding agreements have been signed (Executive Summar, UNESCAP, 2012:15)

Women Migrant workers are sometimes characterized as ‘double marginalization’ – female migrant workers are particularly vulnerable to exploitation and ill-treatment. Distinctions between trafficked women and voluntary women migrants may be challenging to make because both may end up in comparable situations of exploitation, violence, and abuse. As the UN Special Rapporteur on Violence against Women noted, “women and girls left their homes and were trafficked ‘in such large numbers’ in Asia because of lack of economic opportunities and social discrimination. Discrimination against women was present in inheritance laws, land laws and employment regimes, traditional practices whereby young girls were sold into concubinage for feudal lords,

or into prostitution, and the practice of polygamy. All these made women an easy prey for traffickers” (UNHCR, 2006:6). She reported that this growth in trafficking had been paralleled by an increase in undocumented migration in the region, encouraged by inequality, poverty and all forms of gender discrimination.

From its review of country situations, the Committee on the Elimination of Racial Discrimination (CERD) has noted that severe problems commonly faced by migrant domestic workers include debt bondage, passport retention, illegal confinement, rape, and physical assault. Reports by non-governmental organizations confirm that many women work without contracts, or if contracts exist, they are on unfavorable terms, are paid low salaries, have no insurance, and have no control over working hours. Employers may forbid domestic workers to leave the house, confining them for the period of their employment to the house or apartment building in which they work. (Inter-Parliamentary Union et al., 2015).

Some women can leave abusive employment. Many do not, and the reasons they give illustrate the helpless situation of many domestic migrant workers: a lack of alternative employment; ignorance of rights; financial obligations to family and the fact of their dependence on the worker’s income; lack of financial resources; fear of deportation; restrictions on movement; lack of identity papers; fear of arrest; fear of violence by agents/traffickers/employers; debt bondage; fear of retaliation against the family for unpaid debts; and a general fear of reprisals (UNESCAP, 2012).

There is a clear link between human rights, poverty and development, which is often not acknowledged:

Less attention has been paid to the role of human rights during the migration process or to the ways in which a lack of respect for human rights of migrants reduces their ability to contribute to development. Unless migration is also approached through this perspective, two difficulties arise: first – and self evidently – that the protection of migrants’ rights is not given priority; secondly, that where migration is seen only in economic

terms, migrants may come to be regarded as commodities, rather than as individuals entitled to the full enjoyment of their human rights. There has been relatively little research from a human rights perspective into the reasons why migrants (as opposed to refugees) move. There is a need to go beyond economic explanations of migration which focus on income poverty, and focus also on human poverty, which also takes into account – eg. a lack of health care, food, and education, and inequality of opportunity, including gender discrimination. Seen in this way, the link between poverty and human rights is clear (UNHCR, 2006:4).

Conditions Of Migrant Workers

Singapore

In Singapore, a large workforce for the construction sector comes from Bangladesh, India, China, and Myanmar. The migrant worker pays between US\$ 2400-4800 to the agent in his home country to get them employed in Singapore and to attend to travel arrangements. Many of them are deceived by the agents in the host country too. The agents take away a portion of their salary from them every month. When they want to return home after a few years of stay in Singapore, some cannot get the money they have deposited as savings every month. Their contracts are abruptly ended, and they are left with no money to return home. As the money transactions are undocumented, it becomes difficult for them to file a legal suit and recover their money. If they meet with an accident at the workplace, it results in immediate deportation. In case they protest, the employers abuse them with physical violence (Seneviratne, 2012). During the pandemic in Singapore, hundreds of workers infected with COVID-19 were locked up in dormitories. Wages were not paid for more than two months and unhygienic living conditions made them vulnerable to the virus. Under the Employment of Foreign Manpower Act, migrant workers with Work Permits are ineligible for government health care subsidies, and employers are required

to provide medical insurance. The high number of COVID-19 cases among Singapore's migrant workers highlights the vulnerabilities of migrants globally during this pandemic as they are often excluded from their host country's health programs, which may lead to delayed COVID-19 detection and care. This also increases the risk of outbreaks, as seen in the sudden surge of COVID-19 infections among migrant workers. The COVID-19 pandemic is not the first infectious disease outbreak to disproportionately affect dormitory residents in Singapore, as there have been previously documented outbreaks of dengue, typhus and tuberculosis. Thus the pandemic exposed Singapore government's inhuman accommodation of migrant workers in overcrowded dormitories and the need for civil planning in the treatment of migrant workers (Sun and Smith, 2020).

Middle East

Amnesty International, along with Human Rights Watch, Migrant-Rights.org, and Business and Human Rights Resource Centre (BHRRC) sent a letter to six Arab countries, including Saudi Arabia, Qatar, Bahrain, Kuwait, Oman and the UAE, raising their concerns and suggesting recommendations that aim to protect the rights of migrant workers during the COVID-19 pandemic¹². These six countries host the majority of the 23 million migrant workers living in Arab states, mainly from Asia and poorer Arab and African countries. In the Middle East, during the pandemic, unpaid construction workers were on the brink of starvation.

The labour systems operating in these countries – alongside dire living conditions, scarce legal protection, lack of information, and restricted access to preventive health care measures and treatments – make it extremely difficult for migrant workers to protect themselves during such a pandemic. “Gulf countries are highly dependent on migrant workers in almost every major sector to help grow their economies – and yet they have utterly failed to protect

migrant workers, and treat them with the dignity and respect they deserve”, said Lynn Maalouf, Amnesty International’s Middle East Research Director. “This pandemic has further exposed their extremely vulnerable position, with many cases of COVID-19 being reported amongst migrant worker communities.”

Speaking on Al Jazeera’s Inside Story, Thulsi Narayanasamy, head of labour rights at the Business & Human Rights Resource Centre (BHRRC) argued that the Covid-19 pandemic has exposed the structural inequalities that face migrant workers all over the world. She pointed out that workers such as in Qatar and Kuwait have been living in very unhygienic and cramped conditions that preceded the arrival of the virus. Rather than taking responsibility for improving the conditions of the workers’ living quarters, the onus is now put on sending countries to bring their people back home (Seneviratne, 2020).

European Union

Migrant workers from poorer Eastern European countries working in the EU are also facing similar conditions. A joint investigation by Ethical Consumer and The Observer, the British Retail Consortium, representing UK supermarkets, published in September 2020, found that migrant workers on vegetable farms in Almeria in Spain, supplying UK supermarkets, had been left unprotected in the face of a new wave of COVID-19 infections in the region..

Clare Carlile writing in the Ethical Consumer website, a UK campaign organization supporting better conditions for migrant workers in the EU, pointed out that the situation results from years of neglect of workers. “They got visited by the Spanish army on March 18 and told to stay put, even though in some places running water is several kilometers away.” With COVID-19 fears, a water truck comes twice a week. “If you are at work and miss it, you must walk several kilometres for water after a hard day,” she said. “Failure of employers to provide basic

rights has for years created dire circumstances for the inhabitants of the settlements. Now, the pandemic has pushed the situation to crisis point” (Carlile, 2020).

Asian Countries

BHRRRC says that the world’s biggest manufacturer of rubber gloves Malaysia has seen a surge in orders from the EU and US since these regions became the epicentre of Covid-19. The orders have been flowing to companies that have earlier been blacklisted for the exploitation of migrant labour. One such company is WRP Asia Pacific, which the US says no longer use forced labour. The UK’s National Health Service (NHS) has recently bought 88.5 million medical gloves from Supermax, a Malaysian company that was blacklisted in 2019 for recruiting migrant workers that were reportedly exploited, such as by paying excessive recruitment fees to agents, passport confiscations, working 12 hours per day for up to 30 days without rest, poor working and hostel conditions, and wage deductions for speaking out against working conditions (Seneviratne, 2020).

Thailand is home to more than 4 million migrant workers, most of whom are from Myanmar, Cambodia, and Laos. Amid the COVID-19 pandemic, they have urged migrant workers to stay put and avoid travelling back to their countries of origin. However, many migrants returned as no job means no food and a real risk of homelessness.

The Mekong Migration Network (MMN)¹³ urged relevant authorities in countries of origin and destination to take immediate action to protect and support the welfare of migrants and their families. Many migrant workers are left to their own means because most of those in Thailand are either undocumented or are ineligible for government assistance because they are in the informal sector. During the pandemic, the focus must shift from remittances to the welfare of the migrant workers. People are concerned about

their personal safety and about their family members.

Sending countries like India must put enough pressure on host governments to ensure the safety and health of the workers and their wages paid. “We have seen the situation in Singapore where the migrant workers are being infected and that should be of serious concerns for their families,” she says. “If you can’t speak to your children to say how you are going, I think concerns about those remittances and the impact on the economy should be secondary.” (Seneviratne, 2020)

Migrant workers have, on some occasions, found themselves stranded as they become displaced by enterprise closure but unable to move across closed borders, and others are the victims of infection because of the living accommodation available to them.

The pandemic has hurt the most vulnerable and disadvantaged, has wedged open still further the fracture lines of structural inequality and injustice which disfigure our labour markets and societies. The low paid, the unskilled, the least protected, women, the young, and migrants have borne the brunt of the economic and social crisis. Less developed countries have suffered more than advanced economies. The pandemic is deepening inequality to unacceptable levels, both within and between countries.

The ILO estimates that the number of workers living in moderate or extreme poverty increased by 108 million in 2020, reversing five years of continuous progress. The closure of borders has had a serious impact on the practice and management of migration, which is the most direct response to mismatches in demand and supply for labour and skills, but without materially changing the task of ensuring safe, orderly, and regular migration for all. Migration issues need urgent attention as and when human mobility resumes. Similarly, how the pandemic has highlighted the fundamental importance of social protection to all societies adds compelling reasons to ensure complete, adequate, and sustainable protection systems everywhere, whatever the prevailing demographic dynamics may be (ILO,2021).

Conclusion

The governance of migrant workers is under criticism as the approach is of 'migration management' rather than a rights-based migration (Hujo and Piper, 2015). The rights-based approach to migration is based on international human rights law and form the basis for all migration policies. Under international human rights law, all migrants are entitled to respect, protection, and full enjoyment of their human rights, regardless of their migration status. The migration management approach has a neutral or depoliticized way to 'tackle' migration,, firmly grounded in a neoliberal market ideology.

In recent debates, one of the key achievements is overcoming dichotomies between rights approaches and development approaches to migration and recognizing the complex nature of migration, which requires integrated policies, coherence between different policy areas and decision-making levels, and more robust bottom-up participation and migrant agency. Implementing the 2030 SDG Agenda, including the Paris Agreement (on climatic change) and the Sendai Framework (for disaster risk reduction), successfully, would go a long way in reducing push factors for migration. Indeed, the importance of addressing the root causes of migration is now part of the political mainstream discourse in Western countries or the Global North. It needs recognition that migration is here to stay, has multiple benefits, and is a fundamental human right to work and move in freedom and security. Civil society and critical actors should hold governments accountable for implementing the Sustainable Development Goals (SDGs) and the GCM (Global Compact for Migration)¹⁴. For example, by analyzing and monitoring whether development, security and migration policies are transformative and empowering, redistributing and sharing resources and power (Hujo,2019).

Rights violations against migrants are pervasive, as evidenced in the increasing number of reports published by migrant

¹⁴ <https://www.iom.int/global-compact-migration>

and human rights NGOs in recent years. Progress in protecting migrants remains slow, and such violations are being exacerbated by the present global economic crisis. Migrants are less likely to be viewed as beneficial to the economy and more as taking away the jobs of natives and draining national welfare systems. Many challenges remain in protecting migrants in an irregular situation, temporary workers in low-skilled jobs, and migrant women in domestic work. Challenges also exist in ensuring that unjustifiable distinctions regarding access to fundamental rights are not arbitrarily introduced between specific categories of migrant workers, such as temporary and long-term workers and low-skilled and skilled workers.

Social rights are recognized as being of universal application, in conformity with the fundamental principle of non-discrimination. These challenges can only be addressed by applying the rights' construct to the entire migration life-cycle. Destination countries clearly have the primary obligation to safeguard the rights of all persons on their territories. Countries of origin have a role to play as abuses start, particularly in the process of migrant worker recruitment. Protecting migrants' rights as human and labour rights is also a shared responsibility of countries of origin, transit and destination, and the international community.

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The COVID-19 Pandemic and Human Rights Limitation: The Role of Trust and Communication in Vietnam

Van Thanh Vu

ABSTRACT— The COVID-19 pandemic is an unprecedented health crisis in modern history, causing disruption and chaos to the usual way of life, and requiring radical measures. This study investigates how willingly Vietnamese people cooperate with their government's anti-pandemic measures, which limit their right to assembly, privacy and freedom of movement during the COVID-19 pandemic. The findings show that the region of residence of the respondents influences their cooperation with government's measures. It has also been found that the more the respondents have trust in the government as an important agency in pandemic management, the more they cooperate with the government's measures.

Keywords: : human rights, limitation, the COVID-19 pandemic, trust, communication

Introduction

The COVID-19 pandemic is an unprecedented and unparalleled health crisis in modern times, which has totally disrupted the usual way of life and has taken its toll on millions of people. In controlling the pandemic, governments in the world have had to resort to coercion and punishment, including ban on public gatherings, limitation of crowded meetings, closure of non-essential service providers, restriction of movement and even lockdown. These measures have resulted in the limitation or derogation of fundamental rights of their citizens.

It seems that if the citizens are willing to sacrifice their human rights and cooperate with their government's measures, the pandemic can better be controlled, with less infection and mortality. If governments were hesitant or unable to restrict human rights and people were over concerned with their personal freedom, the consequences of the pandemic could be devastating. Fearing public rage, several governments have only taken radical measures when the infections get out of control. This is the case in western and American societies, where human rights are a very sensitive issue and the citizens strongly value individualism.

The equilibrium between a government's measures and citizen's rights is a worthy issue to explore. When the vaccines have not been widely distributed to the population and herd immunity has not been achieved, governments will still have to resort to restriction measures, which compromise the rights of their citizens. Which rights can be limited or derogated by governments? In which situations and with which conditions, can they do so? These questions can have different answers, depending on economic, political, social and cultural contexts.

Unless the citizens are willing to sacrifice their rights for the sake of the community, the battle against the COVID-19 pandemic may not be won. In Vietnam, the COVID-19 pandemic has become more and more complicated since its first outbreak in January 2020, requiring the government to make difficult

decisions and take tough measures. The citizens' right to life and health has been the utmost priority, while other rights have been subjected to some restriction, which is justified by the greater good of the society. Since the beginning of the pandemic in late 2019 and early 2020, Vietnam's government vowed to sacrifice economic growth to protect people's life and health.

This research aims to answer the following questions:

- How willingly Vietnamese citizens cooperate with their government's anti-pandemic measures, which may limit their human rights?
- Is this limitation communicated and justified by the law?
- Which variables affect their willingness to do so?

The findings of this study can provide important lessons for if, when and how the government can limit human rights during the COVID-19 pandemic for the greater good of the society.

Literature Review

The restriction of human rights during the COVID-19 pandemic has been a burning topic for research since its very first outbreak in Wuhan, China in 2019 (Mingazov and Sinyavskiy, 2020; Jovicic, 2021). It also received special attention from international organizations, whose mission is to safeguard human rights (UN, 2020; UNAIDS, 2020; ILO, 2020; Vardanyan, 2020). The restriction of human rights during the COVID-19 pandemic is examined against international, regional or national bills of rights to see whether such restriction is legal and proportional. Richardson and Devine (2020) rightly stated that the COVID-19 pandemic sparked critical issues about the protection of human rights against the International Covenant on Civil and Political Rights.

The pandemic presents a war-like situation for governments in the world and coronavirus is seen as an invisible enemy (Sowden, et al. 2021; Patki, et al. 2020; Reuters, 2020). The magnitude and complexity of the COVID-19 pandemic requires governments to take immediate and difficult actions, which may interfere with human rights. Several authors argue that human rights can be restricted under certain circumstances with reasonable conditions (Collazzo and Tyan, 2020; UNHRC, 2020; Mesquita, et al, 2021). One of the conditions to justify the restriction is that they are temporary, lasting a limited duration and being lifted once the necessity for such measures expires. Therefore, Casey, et al (2021) recommended that all regulations, which restrict human rights during the pandemic, should have a “sunset clause”.

While it is deemed necessary to restrict human rights during the COVID-19 pandemic, a distinction must be made between its limitation and derogation. Limitation is exercised to restrict non-essential human rights whereas derogation is temporary suspension of human rights in a defined duration (Rusi and Shqarri, 2020; Radjenovic and Eckert, 2020). Spadaro (2020) argued that “limitations and derogations can be seen as a continuum” in the sense that governments can only resort to derogation if the limitation of human rights is not effective enough in controlling the pandemic.

The ban on public gatherings, restriction of movement, compulsory health declaration and surveillance measures strongly affect the enjoyment of human rights such as the right to assembly, privacy and freedom of movement. However, the right to life and the right to health supercede them. Though interrelated and interdependent, the protection of the right to life and health is the priority, as they are the foundation for the actualization of other rights (Rusi and Shqarri, 2020; Lebret, 2020). Guterres (2020) pointed out that the restriction of movement imposed by governments is the “practical and necessary method” to save life and to break “the chain of infection”.

Freedom of movement is one of the fundamental human rights, which is strongly affected by the COVID-19 pandemic.

To prevent the spread of the coronavirus, several governments imposed unprecedented local, national and international travel restrictions. Australia's decision to refrain its citizens from returning from India in May 2021 provoked controversy about its legitimacy and morality (Pillai, 2021). France's measure to ban UK travellers to prevent the spread of the Indian coronavirus variant raised similar questions (Campbell, 2021). Closing borders and restricting domestic travel have been extreme measures across countries amid concern about increasing infection with new variants of coronavirus.

During the COVID-19 pandemic, the limitation of human rights is ubiquitous but the degree of acceptance among people varies from country to country. Lebreton (2020) argued that the COVID-19 pandemic caused "exceptional circumstances", which justify the limitation of human rights compared to normal times. Governments can take necessary measures if they are meant for public good. Sekalala et al. (2020) pointed out the "inextricable linkage" between health and human rights. Emergency laws allow governments to take unusual measures, which prioritize the right to life over others.

Theoretical Framework

The central aim of this paper is to prove the view that the more willingly people cooperate with a government's measures, the more they accept their rights to be limited and vice versa. There is a "social contract" between the citizens and their government that the citizens accept their rights to be limited for the sake of the community and the government will use the vested power to protect their citizens' life and health.

Several research studies have pointed out that public trust is a very important factor, which determines people's cooperation with a government's measures and regulations against the COVID-19 pandemic. Bavel, et al., (2020) stated that the more the public trust the government, the more they cooperate with the

government's health policies such as ban on public gatherings. By considering the trust people have in the government as a factor, which influences their willingness to cooperate with government's measures and sacrifice their rights, hypothesis 1 was developed.

Hypothesis 1: The more the people consider public trust in government is important to the pandemic management, the more they cooperate with the government's measures.

The paper also aims to investigate, whether the restriction of human rights in Vietnam during the COVID-19 pandemic, is justified by the 2013 Constitution, and the 2007 Law on Prevention and Control of Infectious Diseases. For any restriction measures to be acceptable and effective in the rule of law of a society, it must have strong legal foundation and should not contradict with existing legal frameworks while it is clearly communicated from the government to the people.

Hypothesis 2: The more people cooperate with the government's measures, the more they expect the government to increase the level of pandemic management.

Methodology and Data

The research was conducted with an online survey on Survey Monkey, which was released to the target respondents by email, Facebook, and personal networks, and 360 responses were received in total. Respondents included staff in international organizations in Vietnam, employees in private enterprises, and freelancers. These respondents were in a good position to provide objective feedback about the government's anti-pandemic measures. For this reason, officials in government and state organizations were not included in the survey. The number of respondents by workplace and education is included in Table 1.

To make sure that the respondents were comfortable to provide their own opinion without hesitancy and fear, a consent form was presented to them before taking the survey. They were

informed of the research objectives, methodology, instruction and researcher's contact. They were assured that their data was collected and analyzed confidentially and anonymously to protect their identity. The data was then imported from Survey Monkey into SPSS 26 for analysis. 38.6 percent of the respondents were male and 61.4 percent were female. 45 out of 360 respondents (12.5 percent) reported to have background diseases. The youngest respondent was 18 years old while the oldest was 71

Table 1 Respondents by their workplaces and education

Education	Foreign or- ganizations	Private enterprises	Freelancers	Total
Under tertiary education	1	5	0	6
High school graduate	2	6	5	13
University graduate	42	157	26	225
Postgraduate	30	72	9	111
Others	0	4	1	5
Total	75	244	41	360

To test the hypotheses, the survey included mostly questions, requiring the respondents to identify their willingness to cooperate with government's anti-pandemic measures on a Likert scale of 1 to 5, with 1 as totally unwilling and 5 as totally willing. The respondents were asked to identify their willingness to declare their health condition, provide information about their personal itinerary, stay in quarantine, wear facemasks in public spaces and install contact-tracing apps on their smartphones, etc. These measures affect their right to assembly, privacy and freedom of movement.

Respondents' Willingness to Cooperate with Anti-pandemic

The findings show that the respondents are more than willing to cooperate with the government's anti-pandemic measures, which compromise their human rights (refer Table 2, $M = 4.5583$, $SD = .47896$). The variable of respondents' overall willingness to cooperate with government's measures was computed by taking the average from the nine measures. Their willingness to adhere to government's anti-pandemic measures is illustrated in Table 2. The most supported measure is wearing facemasks in public spaces ($M = 4.7472$, $SD = .48371$), followed by declaring health conditions ($M = 4.6417$, $SD = .56048$) and providing information about personal itinerary if tested positive with COVID-19 ($M = 4.6083$, $SD = .59659$).

Installing contact-tracing apps on smartphones is the least supported measures ($M = 4.2750$, $SD = .90152$). The smartphone users were recommended to install contact-tracing apps such as Bluezone and NCOVI, which were developed by the Ministry of Information and Communications and the Ministry of Health. Using short-distance Bluetooth signals, the apps can send alerts to the smartphone users if they have been exposed to an infected person or potentially infected person. However, the installation of contact-tracing apps on smartphones is sensitive with citizens' right to privacy and as of June 2021, Vietnam's government encouraged, rather than mandating their citizens to install it.

Taking a persuasive approach to this measure, Vietnam's government communicated the necessity of installing contact-tracing apps on smartphone in several ways. For example, a specialized website was developed to give Vietnamese people all the information about the Bluezone - at <https://bluezone.gov.vn>. The White Paper published by the developers specified four principles of data security, no location data collection, anonym-

ity and transparency (Ministry of Information and Communications, 2020). Investigating the contact-tracing practice in Asia and Europe with human rights perspective, Sacco, et al. (2020) argued that the use of contact-tracing apps is necessary to control the pandemic while the vaccines are not widely available. However, this measure must be justified by the legality, necessity and proportionality.

Table 2 Respondents' willingness to adhere to anti-pandemic measures

Government's measures	N	Min	Max	Mean	SD
Declare health condition	360	1.00	5.00	4.6417	.56048
Practise social distancing	360	2.00	5.00	4.5556	.55074
Install contact-tracing apps on smartphones	360	1.00	5.00	4.2750	.90152
Wear facemasks in public spaces	360	1.00	5.00	4.7472	.48371
Refrain from going to crowded places	360	2.00	5.00	4.6083	.55297
Contact the authority when developing COVID-19 related symptoms	360	1.00	5.00	4.5583	.60355
Take the COVID-19 test to verify health condition	360	1.00	5.00	4.4667	.67918
Provide information about personal itinerary if tested positive with COVID	360	1.00	5.00	4.6083	.59659
Stay in quarantine if required by the Ministry of Health	360	1.00	5.00	4.5639	.62566
Overall willingness to cooperate with government's anti-pandemic measures	360	2.33	5.00	4.5583	.47896

The respondents were then requested to identify whether they expected the government to intensify or alleviate the anti-pandemic measures in the coming time. Only 8.1 percent of the respondents expected the government to ease the measures while the majority expected the government to maintain (48.6 percent) and intensify the measures (43.3 percent). These numbers implied that they were comfortable with the current anti-pandemic measures, which aimed to protect the greater good of the society. If they supported the maintenance and intensification of these measures, they would accept that their rights would be limited.

Table 3 Respondents' expectation about the degree of anti-pandemic measures

Degree of measures	Frequency	Percent
Alleviate the anti-pandemic measures	29	8.1
Maintain the anti-pandemic measures	175	48.6
Intensify the anti-pandemic measures	156	43.3
Total	360	100.0

The respondents were also asked to evaluate how important people's trust in the government is to the success of the pandemic management on the scale of 1 to 5 with 1 as totally unimportant and 5 as totally important. None of the respondents evaluated trust in the government as totally unimportant and only two out of 360 respondents (0.6 percent) thought it was unimportant. 44.2 percent and 49.7 percent of the respondents evaluated trust in the government as important and totally important to the pandemic management, respectively. Overall, the respondents highly evaluated the importance of trust to the success of pandemic management ($M = 4.4306$, $SD = .62507$).

In addition, 160 out of 360 respondents provided an ex-

planation for why they thought public trust in government is important to control the pandemic in an optional open-ended question “Why do you think public trust in government is important to successful pandemic management?” One respondent wrote “When people trust the government, they will cooperate with government’s instructions and regulations voluntarily and willingly”, which represents the typical opinion of many others even though their expressions were worded differently.

Table 4 Respondents’ evaluation about the importance of trust to pandemic management

Importance of trust	Frequency	Percent
Very unimportant	0	0
Unimportant	2	0.6
Neutral	20	5.6
Important	159	44.2
Very important	179	49.7
Total	360	100.0

The one-way analysis of variance (ANOVA) in SPSS 26 was used to explore whether respondents’ demographics influence their willingness to cooperate with the government’s anti-pandemic measures. The nine measures were tested for reliability with Cronbach’s Alpha at .911 and how they corresponded to one another. The results of the ANOVA were presented in Table 5. At the significance level of 10 percent ($p\text{-value} < .1$), there was no statistically significant differences between group means of different workplaces, genders, age groups, education levels and background diseases. In other words, these demographic factors did not have any influence on the respondents’ cooperation with the government’s anti-pandemic measures.

Table 5 Respondents' willingness to adhere to anti-pandemic measures by demographics

Variable	Demographics	N	M	SD	p-value
Region	The North	186	4.5992	.43903	.080
	The Middle	57	4.4366	.50564	
	The South	117	4.5527	.51880	
Workplace	Foreign organizations	75	4.5289	.48633	.637
	Private enterprises	244	4.5747	.46635	
	Freelancers	41	4.5149	.54306	
Gender	Male	139	4.5612	.51099	.930
	Female	221	4.5566	.45886	
Age group	18-30	137	4.5418	.51174	.181
	31-40	139	4.6019	.45986	
	41-50	57	4.4659	.46597	
	51-60	20	4.5278	.44133	
	>61	7	4.8571	.20998	
Education	Under tertiary education	6	4.8704	.26682	.227
	High school graduate	13	4.3761	.77319	
	Undergraduate	225	4.5709	.47471	
	Postgraduate	111	4.5295	.45020	
	Others	5	4.7333	.43461	
Background disease	Yes	45	4.5827	.47090	.716
	No	315	4.5549	.48074	

However, there was a statistically significant difference between group means of different residence regions (p -value = .080). Respondents from the North of Vietnam were most willing to cooperate with government's anti-pandemic measures ($M = 4.5992$, $SD = .43903$), followed by respondents in the South ($M = 4.5527$, $SD = .51880$) while respondents from the Middle of the country were the least willing to cooperate with govern-

ment's measures ($M = 4.4366$, $SD = .50564$). Figure 1 shows the degree of cooperation with government's measures against the COVID-19 pandemic by regions.

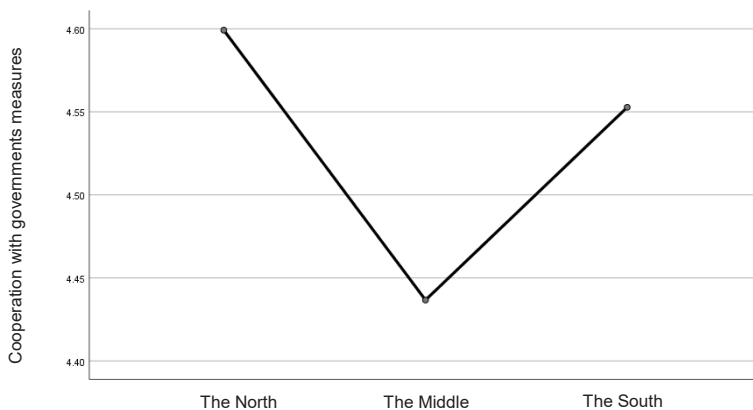


Fig 1 Respondents' cooperation with government's measures by regions

Test of Hypotheses and Discussion

The "Bivariate" function in SPSS 26 was run to test the correlation between respondents' evaluation of trust in government to pandemic management and their cooperation with government's anti-pandemic measures, and the correlation between their cooperation with government's measures and their expectation about the degree of measures. If the correlation coefficient is below 0.3, the correlation is considered weak; from 0.3 to 0.7, it is considered moderate; and higher than 0.7, it is considered strong (Cohen, 1988). In this research, the correlation level is significant at 10 percent.

It was predicted that the more the respondents consider public trust in government important to the pandemic management,

the more they cooperate with the government's anti-pandemic measures. A product-moment Pearson correlation coefficient was computed to assess the relationship between respondents' evaluation of trust and their cooperation with the government's measures. There was a moderate, positive relationship between these two variables ($r = .509$, $N = 360$) and the relationship was significant ($p < .001$). The more the respondents consider public trust in government important to the pandemic management, the more they cooperate with the government's measures. Thus, hypothesis 1 is supported.

It was also predicted that the more people cooperate with the government's measures, the more they expect the government to increase the level of pandemic management. A product-moment Pearson correlation coefficient was computed to evaluate the relationship between these two variables. There was a weak, positive relationship between these two variables ($r = .223$, $N = 360$) and this relationship was significant ($p < .001$). The more people cooperate with the government's measures, the more they expect the government to increase the level of pandemic management. Thus, hypothesis 2 is supported.

The government's nine anti-pandemic measures have to do with three groups of human rights, including the right to health (mandatory face mask in public spaces, required COVID-19 test), privacy (provision of personal itinerancy, health declaration, installation of contact-tracing apps), and freedom of movement (social distancing, required stay in quarantine and ban on public gatherings). These are justified in the 2013 Constitution of Vietnam. Human rights are clearly stipulated in Chapter 2 of the Constitution with the right to life in Article 19, right to privacy in Article 21, freedom of movement in Article 23 and right to assembly in Article 25, etc.

The second clause of Article 14 in the 2013 Constitution clearly identifies that "Human rights and citizen's rights may not be limited unless prescribed by a law solely in case of necessity for reasons of national defence, national security, social order and safety, social morality and community well-being" (National

Assembly, 2013). The 2007 Law on Prevention and Control of Infectious Diseases further provides a specific foundation for these measures. For example, it specifies the forbidden acts of false health declaration in Article 8; the right to access vaccines in Article 29; the isolation of persons who carry infectious diseases in Article 31; the required health declaration in Article 47; the required quarantine in Article 49; and emergency measures in Article 54.

During the first three waves of infections from early 2020 to 25th March 2021, Vietnam's government implemented nine different measures among others, which either limit human rights or cause inconveniences for the citizens. These measures have strong legal foundation in the 2013 Constitution and the 2007 Law on Prevention and Control of Infectious Diseases, which allow the government to take tough actions for the greater good of society. The findings of this study show that the respondents are willing to cooperate with the government's measures, even if they have to sacrifice their rights. This willingness is closely related to the trust they placed in the government's response to the COVID-19 pandemic.

Even when the anti-pandemic measures are legal and proportional, it is important for the government to communicate and persuade people to cooperate with them instead of taking a coercive approach. Measures meant for public good should be clearly explained and evaluated so their consequences do not surpass their benefits. Bohler-Muller, et al. (2021) proposed that "openness, transparency and inclusive forms of decision making, effective communication" are essential to persuade people to cooperate with regulations, which require the sacrifice of their human rights.

The respondents' cooperation with government's measures may also be connected to Vietnamese collective culture, which is deeply rooted in the society, requiring one to sacrifice personal benefits for the sake of their community. It will be interesting to conduct further research to explore how Vietnamese collective culture influences the country's strategy to fight against the COVID-19 pandemic. It is important to note that a limitation

of this research lies in the significance level of 10 percent, instead of 5 percent

Conclusion

The COVID-19 pandemic is the worst and the most fatal one in the modern history of mankind, causing health and humanitarian crises in several countries. Facing this invisible but deadly enemy, governments have had no choice but to resort to measures, which limit and derogate human rights. While these measures have been necessary, they must be legal, effective, proportional and temporary. A measure, which may aim for good purpose but is not legally prescribed, should not be adopted in a rule of law state. A thorough check against national and international bills of rights is vital to ensure a legal foundation for any measures.

The findings of this study show that the more importance the respondents attached to the public trust in government in the response to the COVID-19 pandemic, the more willing they were to cooperate with their government's anti-pandemic measures. The COVID-19 pandemic has resulted in the limitation and derogation of human rights, while at the same time it has emphasized the need to respect them. Therefore, the current limitation of human rights is necessary for a more meaningful appreciation of human rights in the future, once the pandemic is over.

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