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Human Rights as an Instrument of Social Cohesion in South Asia

Sev Ozdowski[1]

Abstract

The paper aims to link human rights international standards and institutions to grass-roots human rights culture and its impact on social cohesion in South Asia. It begins with the analysis of the linkage between the concepts of human rights and social cohesion and draws attention to some complementarity of both concepts. Then it analyses how the international human rights standards and associated implementation machinery could be used to advance social cohesion around the world. The paper reviews the contemporary social cohesion trends globally and in South Asia, and focuses on the role of National Human Rights Institutions (NHRIs) in advancing human rights culture. Attention is paid to the role of human rights education in advancing social cohesion.

HUMAN RIGHTS AS AN INSTRUMENT OF SOCIAL COHESION IN SOUTH ASIA

1. THE CONCEPT OF HUMAN RIGHTS

People differ in their understanding of where human rights have come from. Some of us point to religious origins, others to *'natural law'* as a source, and some see them simply as hard-won concessions from the State.

Looking back on a history of Western civilisation, one could conclude that human rights, particularly in respect of the 'individual' rights, are not a recent invention. In fact, ideas about individual human rights can be traced back thousands of years. Key milestones include:

- values developed by ancient civilizations and the teachings of the world's major religions;
- Ideas about justice, democracy and the individual citizen were very important in Greek and Roman societies;
- The *Magna Carta* (1215);
- The American *Declaration of Independence* (1776);
- The American *Bill of Rights* (1791);
- The French *Declaration of the Rights of Man and the Citizen* (1789);
- Tom Paine publishing (1791)'*The Rights of Man*';
- The *Geneva Conventions* (1864) governing the lawful treatment of civilians and enemy soldiers in war time or so-called humanitarian law.

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[1] Dr Seweryn (Sev) Ozdowski AM is Director, Equity and Diversity at the University of Western Sydney; Adjunct Professor in the Department of Peace and Conflict Studies at Sydney University; Chair, Australian Multicultural Council; and President of the Australian Council for Human Rights Education. He played a major role in the development of multicultural and human rights policies and institutions in Australia. As the Human Rights Commissioner (2000-05) he conducted the ground-breaking *'National Inquiry into Children in Immigration Detention: A last resort?'* and the *'National Inquiry into Mental Health Services: Not for Service'*.

The genesis of the contemporary international human rights protection system is firmly rooted in the human rights abuses of WWII in which tens of millions died across the world. Particularly abhorrent was the Nazi holocaust and the concentration camps which were, to put it simply, industrial slaughter houses for the efficient killing of human beings. The human rights violations of Imperial Japanese forces during WWII provide another example.

After WWII, the general feeling amongst the victorious coalition was 'never ever again' – let us build a new world order that would prevent all these atrocities from happening ever again. It was asserted that human rights were no longer just the private business of individual nations but were a matter of international concern.

The world-wide protection of human rights became one of key responsibilities of The United Nations (UN) when it was established in October 1945. The United Nations Charter '*reaffirmed faith in fundamental human rights, and dignity and worth of the human person*' and committed all member states to promote '*universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion*'. It also proclaimed that: '*inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world*' (United Nations, 1945).

In February 1947, the UN Commission on Human Rights was tasked to create an '*international bill of rights*' to apply to every human being regardless of such characteristics as sex, race and religion.

2. INTERNATIONAL HUMAN RIGHTS STANDARDS

2.1. The Universal Declaration of Human Rights

This year on 10 December we will celebrate the 70th anniversary of the adoption by the United Nations (UN) General Assembly of the Universal Declaration of Human Rights (UDHR).

Reaching agreement on the contents of the document was not easy. Member states voted more than 1,400 times on practically every word and clause of the text. The Soviet Union would not accept the inclusion of freedom of expression and other civil liberties; some Islamic states objected to the articles on equal marriage rights and on the right to change religious belief; and several Western countries criticised the commitment to economic, social and cultural rights seeing them as introduction of socialism by stealth. But the final vote on 10 December 1948 was 48 in favour, with 8 abstentions, for adoption of the Universal Declaration. In favour votes included Asian nations such as Afghanistan, Burma, India, the Philippines and Siam (as Thailand was then called).

The Declaration was a visionary document; a triumph of hope and optimism. It was the first global statement of universal human rights standards; of what we now take for granted – the inherent dignity and equality of all human beings. Article 1 proclaimed that '*All human beings are born free and equal in dignity and rights*' (United Nations, 1948).

This principle of universality of human rights is now the cornerstone of international human rights law. The principle simply asserts that the basic values and principles underlying the concept of human rights are universal across all humanity.

The 30 articles of the UDHR set out in unprecedented detail the standards of dignity, respect and justice to which everyone is entitled, simply because they are human. The Declaration focuses on individual rights ('Everyone has the right…','Every human being…') and lists such fundamental rights as:

- the right to life;
- freedom from slavery;
- freedom from torture and arbitrary arrest;
- freedom of thought, opinion and religion;
- the right to a fair trial and equality before the law;
- the right to work and education; and
- the right to participate in the social, political and cultural life of one's country.

Although the Declaration is not binding on states, its key importance is that it provides a generally-recognised common standard of achievement for all people and nations and for the states that represent them. In fact, this Universal Declaration continues to be one of the most important documents of the 20th century. It has become the inspiration for a global movement and it sets the benchmark for the whole world to attain and against which we can all be judged.

2.2. Development of International Human Rights Standards

Over the past 70 years, a great number of conventions, treaties and declarations have been adopted by the United Nations General Assembly and by other international institutions like the International Labour Organisation to create the body of international human rights law. Such laws created universal human rights standards dealing with:

- civil and political rights,
- genocide,
- economic, social and cultural rights, and
- rights of particular groups such as women, children, indigenous people, people with disabilities, refugees and others.

The principle of universality of human rights with its emphasis on individual rights was reiterated in each of the above international human rights instruments.

These internationally-recognized secular standards established an internationally-agreed, minimum standard of decent behaviour for member states. These standards define limits of government power, entrench dignity and empower individuals. They determine working relationships between individuals and their governments, and between different groups of people. They describe civil liberties and freedoms, economic and rights and prohibit discrimination.

International human rights instruments are subject to adoption and ratification by individual states. Upon ratification of relevant human rights instruments, the state, not its citizens, is responsible in international law for observance of its human rights obligations. It is further expected, that upon ratification of a human rights instrument, the ratifying state will incorporate the relevant provisions into its domestic statutes.

There have always been variations between states in both, which human rights treaties they ratified, and how those treaties were incorporated into their domestic law system. Such variations often reflected political objectives of individual states or, on occasion, local cultures and economies. For example, the former Soviet Bloc emphasised economic rights and neglected civil and political rights. On occasion, individual states have hidden behind specific cultural attributes to effectively undermine the universality of human rights; for example, provisions dealing with equality between the sexes was sometimes seen as undermining local culture.

The post-Cold War Vienna World Conference on Human Rights of 25 June 1993 reaffirmed the universality of human rights and made regional particularities (e.g. Asian or African Values) subservient to universal standards. Article 1 in Part I of the Vienna Declaration and Programme of Action adopted at this conference declared that '*The universal nature of these rights and freedoms is beyond question*', and Article 5 that '*All human rights are universal, indivisible and interdependent and interrelated*' (OHCHR, 1993).

The Vienna statement put an end to the debate between the former Soviet and Western block states about the relative importance of civil liberties and political rights versus economic and social rights. The Declaration also proclaimed that it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

The Vienna Declaration also rejected the radical cultural relativism doctrine which holds that culture, and not international law, '*is the sole source of the validity of a moral right or rule*' (Donnelly, 1984), and it did not go as far as accepting the view that there are 'Asian', 'African' or 'Islamic' human rights which take precedence over the principle of universality.[2]

However, Article 5, Part I, of the Vienna Declaration acknowledged that the universality of human rights must be seen in the context of '*the significance of national and regional particularities and various historical, cultural and religious backgrounds*'.[3] Thus a concession has been made that some cultural relativism may be justified in some circumstances.

More recently, the *'Asian values'* approach to the understanding of human rights has gained some ground. This approach argues that human rights are not necessarily a universal standard but may vary from country to country. A special case is advanced for Asian countries, some of which claim that individual states may define rights to suit their specific cultural needs and historical context. What follows is that human rights are seen as a sovereign state issue and as such are not subject to interference from foreign states or international organisations. This approach, alongside a policy of *'non-intervention'* in the affairs of member states, has often been criticised as being toothless in addressing individual human rights abuses and egregious legal breaches by governments.

There can be quite a significant disconnect in the relationship between international human rights standards and in the everyday cultural and social norms in South and South-East Asia, especially when focusing on such elements of human rights standards as the status of women and such civil liberties as freedom of expression and from corruption. But this disconnect is arguably emphasised when the state can be simultaneously positioned as upholder, abuser and arbiter of international human rights standards.

The discussion about the relative importance of civil liberties and economic rights continues at the UN Human Rights Council and in other fora. For example, on 23 March 2018, the UN HRC adopted a China-sponsored (and supported by Nepal, Pakistan and others, but opposed by the USA with 17 other countries abstaining) resolution titled '*Promoting mutually beneficial cooperation in the field of human rights*' (HRC, 2018A).

Although the resolution may advance economic, social and cultural rights, several human rights experts as well as Western officials have argued that the resolution has a state-centric approach which enhances privileges of the sovereign state over those of people and communities, and that it

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[2] For a good discussion of the concepts of cultural relativism and universality of human rights see: Donnelly (1984).
[3] There are also authors who argue that human rights are not universal in their nature. For example, some suggest that human rights serve to advance western domination (Douzinas, 2000; Hopgood, 2013). Others insist that, for human rights to apply in Islamic societies, Sharia law must also be reflected.

seeks to downplay Council's accountability for individual rights violations and justice for victims, and even entrench impunity for human rights violations (Kothari M., 2018). The resolution was also described as a tool to reshape international rights to make the world a safer place for autocrats. China's support of '*peace and security and development*' is not new – China has also previously asserted that the right to development is to be understood as the right to development for and by states, not for people and communities.

2.3. South Asia as Part of International Human Rights Law

South Asia actively participates in the work of the UN HRC, and international human rights standards apply to South Asia. Individual South Asian countries have incorporated a range of human rights provisions into their constitutions and relevant domestic legislation.

South Asian countries are also an integral part of the international human rights law system.

The 1948 Universal Declaration of Human Rights was signed by all South Asian member countries. The examination of the record of ratification of international human rights instruments suggests that South Asian countries are making solid progress in this area. The table below lists the record of signing by the South Asian countries of six key international human rights conventions, namely:
  ➢ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
  ➢ Convention on the Rights of the Child (CRC);
  ➢ International Covenant on Civil and Political Rights (ICCPR);
  ➢ International Covenant on Economic, Social and Cultural Rights (ICESCR);
  ➢ International Convention on the Elimination of All Forms of Racial Discrimination (CERD);
  ➢ Convention Relating to the Status of Refugees (RC).

Table 1. Ratification (R) or Accession (A) to UN Human Rights Conventions by South Asian Countries

	CEDAW	CRC	ICCPR	ICESCR	CERD	RC	All
Afghanistan	R	R	A	A	A	A	6
Bangladesh	A	R	A	A	A	N	5
Bhutan	R	R	N	N	N	N	2
India	R	A	A	A	R	N	5
Maldives	A	R	N	N	A	N	3
Nepal	R	R	A	A	A	N	5
Pakistan	A	R	N	R	N	N	3
Sri Lanka	R	R	A	A	A	N	5
All R&A	8	8	5	6	6	1	

Source: University of Minnesota (2008)

To sum up, CEDAW and CRC were ratified by all south Asian countries, while ICESR, CERD and CRC were ratified by a majority. The Convention Relating to the status of Refugees does not have support in South Asia. Bhutan and Pakistan are lagging behind in ratifications.

3. INTERNATIONAL HUMAN RIGHTS ENFORCEMENT STRUCTURES

The international human rights system also provides well-defined enforcement machinery to monitor the human rights performance of its member states.

To begin with, the United Nations Security Council has a major responsibility for advancing peace and stopping major human rights violations. Its impact, however, can be rather limited if there is no

agreement between Council members. The Security Council, for example, did not prevent the Cambodian genocide carried out between 1975 and 1979; or the 1994 Rwandan genocide in which up to one million people were killed in three months; or the current human rights violations during the war in Syria. In fact, the international response at the UN Security Council level is often limited to assigning blame, focussing on delivery of humanitarian aid and perhaps, years later, enabling delivery of justice to a few of those responsible.

The day-to-day responsibility for addressing human rights violations world-wide stays with the Human Rights Council (HRC), which consists of 47 member states, with Australia and Nepal being recently elected to the HRC. The Council functions are detailed in the 2006 United Nations General Assembly resolution establishing the Human Rights Council, and include: the promotion of universal respect for human rights and fundamental freedoms for all; addressing gross and systemic violations of human rights by member states; and the effective coordination of human rights within the UN system (United Nations, 2006).

The HRC employs a range of specific mechanisms to implement its mandate.

The HRC initiates and is responsible for the work undertaken under the UN '*special procedures*' mechanisms. It coordinates the work of any independent government human rights experts working either as Special Rapporteurs or in Working Groups appointed to examine thematic or country-specific human rights issues.

For example, the HRC has established several investigations into war crimes, the risk of genocide, ethnic cleansing or crimes against humanity, as well as accountability for crimes committed. Countries investigated include: Burundi, the Democratic People's Republic of Korea, Eritrea, Gaza, Lebanon, Libya, Sri Lanka and Syria. The HRC has held Special Sessions to address particularly urgent situations and has adopted a significant number of resolutions resulting from such inquiries.

Currently, the HRC manages 43 thematic and 14 specific country mandates and there are at least 38 Special Rapporteurs, Special Representatives and Independent Experts who serve.

Some human right treaties also contain optional protocols whereby individual or group complaints about violations resulting from an act of a State Party can be investigated. Such protocols allow for inquiries relating to systemic or grave violations of rights by State Parties, and for making recommendations on how to address them.

In addition, on 15 March 2006, the UN General Assembly established the Universal Periodic Review (UPR). The UPR is an important universal monitoring and accountability measure requiring the Human Rights Council to undertake a review of each UN member state's fulfilment of its human rights obligations. To this end, the UPR reviews all international obligations held by a state, including those stemming from the UN Charter, the Universal Declaration of Human Rights, international human rights treaties, as well as voluntary pledges and commitments.

While the UPR system has a role in "naming and shaming" individual states, it offers no redress to individuals. UPR recommendations about states do not necessarily result in named governments adjusting and improving their human rights records. The impact of UPR processes on grass-roots human rights culture is quite intangible as UPR findings are not widely known. However, UPR participation by National Human Rights Institutions and civil society, means that UPR processes benefit from thoughtful, in-depth reviews, while also contributing to human rights education and awareness at home.

Nevertheless, UPR processes are not helped by the fact that some HRC members themselves have very doubtful human rights records, and that, on occasion, there is a lack of consistency in the standards applied to Western democracies and un-democratic non-Western countries. Additionally, UN HRC involvement comes with minimal human rights education; this could be partly related to inadequate resources being allocated for this purpose.

In other words, the UN HRC has a comprehensive machinery to monitor individual states' observances human rights law, and South Asia is a part of this system.

3.1. Regional Human Rights Protection Structures

In addition to the UN human rights protection system, there are also several regional human rights conventions and regional mechanisms for the protection of human rights. The best known of these are the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Court of Human Rights in Strasbourg. Under the European Convention, complaints could be brought against Contracting States by other Contracting States or by individuals, groups of individuals or non-governmental organisations (Council of Europe, 1950).

In comparison, the Asia-Pacific region has established a few inter-governmental bodies, but they are only marginally concerned with the protection of human rights and they do not handle individual complaints.

For example, the South Asian Association for Regional Cooperation (SAARC), which was established in 1985 mainly to promote the development of economic and regional integration, needs to be acknowledged for their human rights work, although this has been done mainly in the context of achieving peace and development in the region. In 2002, SAARC member states signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The SAARC Social Charter of 2004 further affirmed their purported belief in the importance of human dignity and human rights through the creation of an environment that enables the development and protection of all individuals, particularly the most vulnerable. It has also held various conferences that attempted to develop regional dialogues on human rights promotion and protection. The unifying element of SAARC is that all the South Asian states have a democratic form of government.

The Association of Southeast Asian Nations (ASEAN) Inter-Governmental Commission on Human Rights (AICHR) is another regional organisation. ASEAN is a group of ten Southeast Asian countries, including Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines , Thailand, Singapore and Vietnam, organised to promote intergovernmental cooperation and facilitate economic, political, security, military, educational and socio-cultural integration. Human rights are referenced in the ASEAN Charter (Articles 1.7, 2.2.i and 14) and other key ASEAN documents, including the ASEAN Human Rights Declaration adopted in 2012.

AICHR, the ASEAN Intergovernmental Commission on Human Rights, was inaugurated in October 2009 as a consultative body of ASEAN and meets at least twice per year. Its mandate is to promote and protect human rights and regional co-operation on human rights in its 10 member states. AICHR operates through consultation and consensus with each member state having veto power. The Commission also has responsibility for capacity building, advice and technical assistance, information gathering and engagement with national, regional, and international bodies.

These inter-governmental human rights bodies have been the subject to criticism, because they have limited mandates and also, because of allegations they are more concerned with the rights of the states rather than the rights of individual citizens or NGOs. AICHR has been criticized as

'toothless' and *'too soft in its approach to promoting human rights and democracy'* (Ganjanakhundee, S., 2016). The ASEAN chair at the time of AICHR's founding, Abhist Vejjajiva, said that *'...the commission's 'teeth' would be strengthened down the road'*, but six years after AICHR's founding, critics charge that *'...since it was launched ... [AICHR] has yet to take any action to safeguard the most basic freedoms of citizens it supposedly represents.'* During the recent summit of ASEAN countries in Sydney in April 2018, the Australian Prime Minister was challenged by human rights advocates to make human rights a central and public focus.

The difficulty for AICHR is that it includes both democratic and non-democratic states. It appears that the ASEAN emphasis on consultation, consensus, and non-interference, forces the organisation to adopt only those policies that satisfy the lowest common denominator. In particular, Myanmar, Cambodia, and Laos emphasise non-interference, while older member countries focus on co-operation and co-ordination. For example, during a United Nations vote against the ethnic cleansing of Rohingya people in Myanmar, the majority of Southeast Asian nations either abstained or voted against the condemnation. Only the Muslim-majority countries of Malaysia, Indonesia, and Brunei voted in favour of condemning the ethnic cleansing of the Muslim Rohingya in Myanmar.

The regional human rights mechanisms of South Asia have a more policy and educational orientation, and there is little impact on states violating human rights. They do not offer individual redress, and are too government- and consensus-focussed.

4. THE CONCEPT OF SOCIAL COHESION

A question one needs to ask is: what is the relevance of human rights to the maintenance of social cohesion? To be more specific, how relevant are the international human rights standards and associated implementation mechanisms for the advancement of human rights culture and social cohesion in the South Asia? Does international human rights system deliver higher awareness and acceptance of human rights at community level and, through it, contribute to social cohesion and peace in South Asia and elsewhere?

4.1. Background

The concept of social cohesion has grown in importance in social policy development and implementation since early 1970 as a concept aiming at the creation of a just and peaceful society that is inclusive of all. Although in the past some governments advanced utopian views of national unity that resulted in massive human rights violations, for example the Nazi government in Germany or the Khmer Rouge government in Cambodia.

According to some writers, the concept of social cohesion or *'asabiyah'* can be traced back to the writings of Ibn Khaldun, a Muslim scholar born in Tunis in the 15th century (World Bank 2013, p.128). The concept entered modern sociology through the writings of Emile Durhheim and Max Weber and in the 1990s, it was linked to the concept of social capital.

The extensive examination of relevant literature points out that although there are many definitions of social cohesion, there is no single agreed definition. Most definitions involve notions of solidarity, willingness to participate and togetherness. For example, the Organisation for Economic Co-operation and Development describes a cohesive society as one that '*works for the well-being of all its members*' (OECD 2011, 17). The United Nations defines socially cohesive societies as those where all groups have a sense of belonging, participation, inclusion, recognition and legitimacy. Nat Colletta in his book on social cohesion and conflict prevention in Asia defines social *cohesion 'as the glue that bonds society together, promoting harmony, a sense of community and a degree of commitment to promoting the common good'* (Colletta, N. et al., 1999).

To sum up, the notion of 'social cohesion' focusses on the ability of different communities to cooperate with each other and form a united whole.

4.2. Western World Interest in Social Cohesion

The European model of social cohesion derives from a homogenous nation ideal and it is now advanced in the context of societies that have already embraced the concept of liberal democracy, usually grounded in:

➢ a secular Constitution preferably including a charter of citizens' rights;
➢ robust parliamentary institutions and separation of the executive, the parliament and the judiciary;
➢ freely-contested elections with universal adult suffrage;
➢ an independent and honest judicial system based on the 'rule of law';
➢ an independent, diverse and questioning media;
➢ a civil service, especially the policing function, that is merit-based and not prone to systemic corruption;
➢ defence forces that are subordinate to and yet uninvolved with the democratic process;
➢ the existence of independent watchdog bodies such as ombudsmen in the areas of 'corruption', 'finance' and 'consumer protection';
➢ a robust civil society that on one hand follows the laws, but on the other is willing to challenge authorities;
➢ a level of community prosperity that facilitates adequate health and education access and appropriate 'safety nets' for the disadvantaged and infirm; and over and above all these
➢ a human rights culture that includes some knowledge and commitment to the internationally enshrined human rights instruments and standards.

Initially, in post-World War II years, the concept of social cohesion in Western countries was narrowly defined to include economically disadvantaged, low-status minorities and other vulnerable groups into broader community through government welfare measures. More recently, the concept has been primarily being used to guide government policies and programs aiming at the integration of culturally, linguistically and religiously diverse groups that immigrated to host countries and also, to a lesser extent, LGBITQ communities. Most Western contemporary governments focus on policies of integration and/or inclusive outcomes for all and reject both, 'assimilationists' and 'separatists' models of managing social diversity.

For example, a definition developed by Professor Ted Cantle of the Interculturalism and Community Cohesion Foundation in London, has been widely applied by government agencies and NGOs in the United Kingdom to guide work with diverse ethnic, cultural and religious communities.

Professor Cantle writes*: 'By community cohesion, we mean working towards a society in which there is a common vision and sense of belonging by all communities; a society in which the diversity of people's backgrounds and circumstances is appreciated and valued; a society in which similar life opportunities are available to all; and a society in which strong and positive relationships exist and continue to be developed in the workplace, in schools and in the wider community'* (Cantle, 2006).

In Australia, the usage of the term social cohesion directly refers to cultural, linguistic and religious diversity. A definition developed by Professor Andrew Markus and the Scanlon Foundation utilises five indices to inform the Index of Social Cohesion, namely*: 'Belonging; Social justice and equity; Participation; Acceptance and rejection, Legitimacy; Worth*' (Scanlon Foundation, 2016).

Most recently, the Australian Minister for Citizenship and Multicultural Affairs in his speech to the Menzies Research Centre on 7 March 2018, reinforced the Australian government's commitment to social cohesion and proposed a range of new policies aiming at the *'integration'* of a diverse range of ethnic, cultural and religious groups into the broader community (Tudge, A., 2018).

4.3. Asian Perspective on Social Cohesion

The literature focussing on South and South East Asia indicates that most Asian governments view social cohesion as a positive objective and take a range of actions to advance it. Some authors even claim that in the post-economic crisis of the 1990s social cohesion had become *'the paramount policy priority for the region, even at the expense of a rapid return to economic growth. The trade-offs between political and social stability and economic efficiency have never been more prominent'* (Colletta N. et al., 1999, p. 10). In contemporary Nepal, the focus on addressing the impunity of past human rights violations constitutes an integral part of building social cohesion for the future.

Asian understandings of social cohesion, however, appear to be broader and clearly differ from Western notions. Although there are significant differences between individual nations, in general terms, the South and South-East Asian perspective is more oriented towards economic development and nation-building and does not necessarily see individual freedoms as the foundation stone on which social cohesion should be built. The role of the state is paramount, and the state is responsible for the design and implementation of macro-economic and bureaucratic solutions to satisfy local conditions. Government initiatives may include measures to build democratic institutions, extend individual freedoms and civic engagement, but the main focus is economic development.

A brief review of research assessing the levels of social cohesion of different South and South East Asian societies suggests that researchers focus on the following factors:

➤ Common vision, defined by a shared sense of belonging by all communities; identification with a state of residence and trust in civic institutions.
➤ Equality of all communities, not only in terms of similar life opportunities available to all but also in terms of equitable outcomes.
➤ Participation, of diverse communities in decision making both at national and local levels and in voluntary work.
➤ Integration, where people of different backgrounds mix together in a wider community through intermarriage, diversified workplaces, education systems and are included in media and culture.
➤ Peaceful Conflict Resolution, an agreement of the measures and processes to be used to resolve social conflicts. This may include elections, justice systems, negotiations and other measures.
➤ Valuing diversity, including possible expression by government leadership in support of diversity, non-discriminatory measures and, on a community level, the respect for others and positive attitudes towards minorities.

4.4. Where the West and South Asia meet

When comparing the Western and Asian perspectives on social cohesion, both concepts are about the local sets of beliefs about how a just society should be organised. Both are grounded in dominant social values and express national aspirations for peace and development.

Western countries strive to achieve social cohesion but considering that they already have well performing economies and stable democratic governments, the inclusion of marginalised minorities is the key focus of government social cohesion programs. Also, the bulk of current social cohesion research in the West focuses on the disadvantage and discrimination associated with race, ethnicity,

migrant or refugee status and religion and is likely to advocate for governments to adopt a range of measures to ensure that the host population 'includes' the newcomers.

The South Asian concepts are much broader and focus on whole of society through government-initiated solutions. Economic, political and social development are the drivers. On occasion, this may create a dissonance between universal human rights standards and local aspirations.

Both the West and South Asia are working to achieve the highest possible levels of social cohesion in their states and are aware that achieving social cohesion is always a work-in-progress phenomenon which requires constant vigilance and support.

It is well-documented that, if appropriate action is not taken, social cohesion, peace, democratic institutions and community harmony may quickly disintegrate. There are many examples of societies that were seen as exemplary in terms of their community cohesion in the past but which disintegrated almost overnight - Khmer Rouge Cambodia or Lebanon in 1975 comes to mind.

Having examined both, the concept of international human rights and the concept of social cohesion, a conclusion could be drawn that although they are different in their nature – international human rights are a set of universal legal standards and cohesion is a social phenomenon based in local culture and beliefs – both concepts are complementary and serve the same goal of delivering a peaceful and just society. On the other hand, human rights violations undermine social cohesion and suggest that the concept of social cohesion cannot replace the human rights values that underpin a given society.

5. CONTEMPORARY CHALLENGES TO SOCIAL COHESION

5.1. In the Contemporary World

Human rights practices often fall well behind the agreed standards in some states. For example, Article 7 of the UDHR declares that everyone must be *'equal before the law',* but we know that at least 23 countries have laws discriminating against women. Article 19 acknowledges *'freedom of opinion and expression'*. Sadly, Amnesty International is aware of 77 countries in which this peaceful expression of views would bring the threat of repression and even death. Article 25 stresses that '*Everyone has the right to a standard of living adequate for their health and well-being'*. But 8 out of 10 people around the world still live in poverty. The death penalty, for example, is commonly-used in such countries as China, Iran or USA.

This paper does not aim to deal with all human rights violations worldwide, but it will mention two key contemporary human rights challenges that are judged to be of importance to maintaining social cohesion.

First, the recent rise in racism and xenophobia especially, but not only, in the West must be one of the biggest threats to any multi-ethnic society and to its cohesion, as it slows integration and may create a permanent under-class. Recently, on the 2018 International Day for the Elimination of Racial Discrimination, several human rights experts[4] issued a statement to alert States, civil society organisations and activists to the problem.

[4] The UN experts include: Ms. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Mr. Michal Balcerzak, Chairperson of the Working Group of Experts on People of African Descent; Mr. Jose Francisco Cali Tzai, Acting Chairperson of the Committee for the Elimination of Racial Discrimination; Mr. Felipe González Morales, Special Rapporteur on the human rights of migrants; Mr. Fernand de Varennes, Special Rapporteur on minority issues; Mr. Victor Madrigal-Borloz, Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; Ms. Alda Facio, Chairperson of the Working Group on the issue of discrimination against women in law and in practice; Ms. Urmila Bhoola, Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Ms. Agnes Callamard, Special Rapporteur on extrajudicial, summary or arbitrary executions. Inter-American Commission on Human Rights expert: Ms. Margarette May Macaulay, Rapporteur on the rights of Afro-descendants and against racial discrimination.

The experts stated that '*Racial, ethnic and religious bigotry fuels human rights violations, including extreme violence against minorities, and against refugees, migrants, stateless persons, and internally displaced, including people of African descent, with a particularly acute effect on women, and sexual and gender diverse populations. This bigotry is unashamed*' (OHCHR, 2018). The experts also argued that more attention must be paid to the structural economic, political and legal conditions which stoke racism and xenophobia among populations who perceive minorities and non-nationals as threats.

Or as Kofi Annan: warned '*...the perception of diversity as a threat is the very seed of war*'. It is important to create respect for other cultures and tolerance of religious differences.

For example, Australia is not immune to the recent rise in racism and xenophobia, although many commentators would agree that today's Australia is a relatively cohesive society.[5] Scanlon and other research suggest there is an increasing experience of discrimination and racist behaviour, especially among visibly different migrant groups. The proportion of respondents indicating experiencing discrimination based on skin colour, ethnicity or religion increased from 9% in 2007 to 15% in 2015 and to 20% in 2016 – the highest level recorded in the Scanlon Foundation surveys (Markus, A., 2017).

The 2017 Scanlon survey notes that '*the relatively high level of negative feeling towards Muslims is a factor that enters into evaluation of future risk*'. The survey indicated that 41 percent of respondents were negative towards Muslims compared with 6 percent being negative towards Buddhists.

This could be the key by-product of countering violent extremism measures that appear to be contributing to the stigmatisation of Muslim communities. According to Markus, this negativity could also be '*in part fed by the reality – and the heightened perception of radical rejectionism of Australia's secular democratic values and institutions within segments of Muslim population, which in 2016 was the largest of the non-Christian faith groups*' (Markus, A., 2017).

A most disturbing current example of racism and xenophobia in the Asia-Pacific region is Myanmar's persecution of the minority Muslim Rohingya. Since August 2017, the Rohingya community of more than a million people living in western Rakhine State, have been the subject of a violent campaign of arson, rape, and murder by Myanmar military personnel, with tacit support of the Buddhist Myanmar population. The violence has resulted in some 700,000 Rohingya seeking refuge in neighboring Bangladesh. Professor Yanghee Lee**,** the UN HRC Special Rapporteur on the Situation of Human Rights in Myanmar has described it as ethnic cleansing (Human Rights Council, 2018).

The second major threat to social cohesion is the delegitimization of democratic processes and institutions and downgrading of important of civil liberties and freedoms by governments. This trend will have an impact that is more negative on the developing world and possibly on South Asia. For example, the Freedom House 2018 survey reported that democracy faced its most serious crisis in decades as its basic tenets – including guarantees of free and fair elections, the rights of minorities, freedom of the press, and the rule of law – came under attack around the world. '*Political rights and civil liberties around the world deteriorated to their lowest point in more than a decade in 2017, extending a period characterized by emboldened autocrats, beleaguered democracies, and the United States' withdrawal from its leadership role in the global struggle for human freedom*' (Freedom House 2018). Seventy-one countries suffered net declines in political rights and civil

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[5] There are also some other significant challenges emerging to social cohesion in Australia. See: Ozdowski, S. (2016 and 2017). See also: Dunn et al. (2009).

liberties, with only 35 registering gains. This marked the 12th consecutive year of decline in global freedom.

In fact, we are witnessing a proverbial tightening of the human rights belt in the countries where democracy, at least until recently, was taken for granted. It looks as though leading democracies in the Western world are mired in seemingly intractable problems at home, such as terrorist attacks, social and economic disparities, partisan fragmentation, and an influx of refugees that has strained alliances and increased fears of the 'other'. This human rights belt-tightening is particularly noticeable in relation to the reduction in civil liberties through, for example, restrictions on freedom of expression and freedom of press, mandatory detention of asylum seekers or creation of new offences to protect national security. This haphazard attitude to democracy is certainly impacting developing countries where democratic institutions are relatively recent or are exploring the possibility of reforms.

Below I focus on challenges to social cohesion in the South Asian region, including Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka.

5.2. Challenges to Social Cohesion in South Asia

The South Asian region has made enormous progress since WWII. There has been a shift of power downwards toward the people and there has been democratisation of economies and of culture. I agree however, that much more needs to be done to achieve better alignment among South Asian countries with international human rights standards. Convenors of the international conference, *Identifying Challenges, Assessing Progress, Moving Forward: Addressing Impunity and Realizing Human Rights in South Asia*, held in Kathmandu, Nepal in April 2018, noted that *'Despite of active work of human rights defenders and the energetic participation of human rights institutions across South Asia, achieving human rights objectives, particularly in the post-conflict setting remains a daunting task'*. Such failures in advancement of human rights objectives must certainly impact on social cohesion in South Asian countries.

I do not examine human rights and social cohesion records in every South Asian country individually, but rather to look at three indicators illustrating relative progress in the region.

Firstly, the Global Peace Index 2017 (GPI) uses 23 indicators, including ongoing domestic and international conflict, evaluation of the level of harmony or discord within a nation and militarisation, to provide a comprehensive analysis on the state of world peace (Institute for Economics and Peace, 2017). It is possibly the best available index of social cohesion currently available.

The overall 2017 GPI finding is that the world slightly improved in peace last year with 93 countries improving and 68 deteriorating. Iceland remains the most peaceful country in the world, a position it has held since 2008. Syria remains the least peaceful country in the world, followed by Afghanistan, Iraq, South Sudan, and Yemen.

Looking at different world regions, overall, South Asia and the Asia Pacific as well as Europe, South America, Russia and Eurasia became more peaceful last year. North America, Sub-Saharan Africa, the Middle East and North Africa also became less peaceful.

When comparing the individual South Asian countries' overall score ranking on the GPI, a significant difference emerged. Bhutan ranked the highest on the overall rank of peace followed by Sri Lanka and Bangladesh. On the other hand, Afghanistan followed by Pakistan were named as the least

peaceful countries. Looking at the change in score between 2016 and 2017, Bhutan, Nepal and Afghanistan improved, while the scores of Sri Lanka, Bangladesh, India and Pakistan went down slightly.
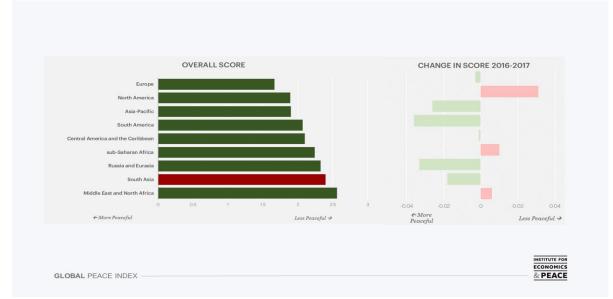
Table 2. Peace in South Asia, 2017

Source: Institute for Economics and Peace (2017)

Table 3. Global Peace Index, South Asia – Overall Scores*

REGIONAL RANK	COUNTRY	OVERALL SCORE	CHANGE IN SCORE 2016-2017	OVERALL RANK
1	Bhutan	1.474	0.029	13
2	Sri Lanka	2.019	–0.116	80
3	Bangladesh	2.035	–0.012	84
4	Nepal	2.08	0.052	93
5	India	2.541	–0.024	137
6	Pakistan	3.058	–0.085	152
7	Afghanistan	3.567	0.029	162
REGIONAL AVERAGE		**2.201**	**–0.026**	

Source: Institute for Economics and Peace (2017)

*The Overall World Peace Index Score ranges from 1 (most peaceful) to 4 (least peaceful). Overall country rankings were given where 1 = Most Peaceful and 163 = Least Peaceful

The Institute for Economics and Peace analysis demonstrated that building high levels of *Positive Peace* is an effective way to reduce the potential for violence and that '*Nepal was one of the five countries with the greatest improvements in Positive Peace Index from 2005 to 2015*.' (Institute for Economics and Peace, 2017, p.69) In particular, since the 2006 Peace agreement Nepal was able to improve its score for *Free Flow of Information* by 30 percent and made significant gains in *Acceptance of the Rights of Others* and *Equitable Distribution of Resources*.

Comparable results for South Asia were recorded on the 2017 Political Terror Scale, which is based on qualitative assessment of Amnesty International and US State Department yearly reports. Sri Lanka and Pakistan were named as countries which have slightly improved since 2016 while Nepal, Bhutan and Bangladesh as countries in which the situation has somewhat deteriorated.

Table 4. South Asia, Political Terror Scale, 2017*

REGIONAL RANK	COUNTRY	OVERALL SCORE	CHANGE IN SCORE 2016-2017	OVERALL RANK
1	Bhutan	2	1	44
2	Sri Lanka	3	–1	94
3	Bangladesh	3	0.5	94
4	Nepal	4	0	138
5	India	4	0	138
6	Pakistan	4	–0.5	138
7	Afghanistan	4.5	0	152
REGIONAL AVERAGE		3.333	0	

Source: Institute for Economics and Peace (2017)

*The Political Terror Scale overall score ranges from 1 (low incidence of terror) to 5 (high). Overall rankings were given where 1 = No Terror and 163 = High Incidence of Terror

Another important index is the Freedom in the World annual report produced by Freedom House in the USA since 1973. In comparison with the Global Peace Index, it is narrower as it focusses on political rights and civil liberties only. It uses external experts to collect and assess information about 209 countries and territories. The experts use a combination of on-the-ground research, consultations with local contacts, and information from news articles, nongovernmental organizations, governments, and a variety of other sources (Freedom House, 2018).

The Freedom House report suggests that the South Asian countries, except for Afghanistan, rank in the middle of political liberties and civil liberties scales. The analysis of scores between 2013-2017

suggests that the Freedom Status in South Asia has been relatively stable with slight improvements being made in Maldives, Sri Lanka and, in 2017 in Afghanistan.

Also, the Freedom House 2018 report acknowledged that in Nepal, the first national, regional, and local elections were held under a new constitution, with higher voter turnout despite some reports of violence.

The outcomes of the 2017 survey for the South Asian countries are produced below.

Table 5. South Asia Country Scores from the Freedom in the World 2017 Survey*

Country	Freedom Status	Political Rights	Civil Liberties	Aggregate Score
Afghanistan	Not free	4	5	26
Bangladesh	Partly free	4	4	45
Bhutan	Partly free	3	4	55
India	Free	2	3	77
Maldives	Partly free	5	5	35
Nepal	Partly free	3	4	55
Pakistan	Partly free	4	5	43
Sri Lanka	Partly free	3	4	55

Source: Freedom House (2018)

* Where Political Rights, Civil Liberties were ranked from 1 = most free to 7 = least free. The Aggregate Score was ranked from 0 = least free, 100 = most free

Finally, an index which deals with governance is the Corruption Perceptions Index. This index, which ranks 180 countries by their perceived levels of public sector corruption according to experts and business people, uses a scale of 0 to 100, where 0 is highly corrupt and 100 is very clean. This year, the index found that more than two-thirds of countries score below 50, with an average score of 43. New Zealand and Denmark rank highest with scores of 89 and 88 respectively and Syria, South Sudan and Somalia rank lowest with scores of 14, 12 and 9 respectively (Transparency International, 2018). For South Asia in 2017, the outcomes were:

Table 6. South Asia Country Scores at the Corruption Perceptions Index 2017

Country	Score*
Afghanistan	15
Bangladesh	28
Bhutan	67
India	40
Maldives	33
Nepal	31
Pakistan	32
Sri Lanka	38

Source: Transparency International (2018)

*Where 1= Maximum corruption and 100 = Minimum corruption

The examination of the South Asia Country Scores in the Index indicated that the corruption in many South Asian countries is still very strong. All countries but Bhutan scored below the world average score. While Afghanistan rates very low on the index, its score increased by seven points in the last six years, moving from 8 in 2012 to 15 in 2016 and 2017. Police and elected officials were most often named as most corrupt (Transparency International, 2018).

This report reinforces the findings of the 2010-11 survey on corruption levels in six South Asian countries – Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka (Hardoon D. & Heinrich F., 2011). Key findings of that survey were that 39% of respondents paid a bribe in the past year. The result was startlingly high in Bangladesh at 66 per cent, followed by India and Pakistan, with 54 per cent and 49 per cent respectively reporting to have paid a bribe. An average across all six of the South Asian countries corruption levels were found to be highest in political parties and the police, followed closely by the parliament and public officials. Religious bodies were perceived to be the least corrupt institution.

Further analysis of the 2017 results by the Transparency International team indicate that countries with the worst rates of corruption also tend to have the least protection for press and non-governmental organisations. It was reported by Transparency International that '*In some countries across the region, journalists, activists, opposition leaders and even staff of law enforcement or watchdog agencies are threatened, and in the worst cases, even murdered*'.

According to the Committee to Protect Journalists (2018), Pakistan, India and Bangladesh are among the worst regional offenders in this respect. These countries score high for corruption and have fewer press freedoms and high numbers of journalist deaths. Last year, Yameen Rasheed, an outspoken critic of the Maldives government was murdered for his efforts to uncover the truth about the disappearance of journalist Ahmed Rilwan.

Although significant progress has been made to advance development and social cohesion in South Asia, almost all the countries in the South Asian region face common challenges in realizing their human rights goals. These challenges are further aggravated by the high prevalence of poverty, political instabilities, slow economic growth rates, low literacy, widespread corruption, and rampant cases of gender-based violence along with discrimination in education, nutrition, health and employment.

To further advance development and social cohesion in South Asia, priority must be given to further advancement of democratic institutions and equality of opportunity to all, as well as to effective preventions of corrupt practices in government, police and economy.

6. ADVANCING HUMAN RIGHTS IN SOUTH ASIA

So, let us ask the question what we could do to advance acceptance of international human rights standards in South Asian societies that would lead to greater social and economic development, better government and more equality.

6.1. National Human Rights Institutions in South Asia

To start with I wish to acknowledge the important role of National Human Rights Institutions (NHRIs) in South Asia. They are the key mechanism responsible for the advancement of human rights observance in the region and, through this advancement, of social cohesion.

The Asia-Pacific region has witnessed a remarkable increase in National Human Rights Institutions through the 1990s into the early years of the 21st century. By NHRIs, I mean independent institutions established and resourced by national governments, compliant with the United Nations standards set out in the 1993 Paris Principles, to protect, monitor and promote human rights in a given

country. In most countries, a constitution, a human rights act or institution-specific legislation will provide for the establishment of a NHRI.[6]

Today, all but one of the South Asian region countries have National Human Rights Institutions and the majority of these countries with NHRIs are members of the Asia-Pacific Forum of National Human Rights Institutions (Bhutan and Pakistan are the exceptions).

Although the priorities and structure of the South Asian NHRIs differ from country to country, their responsibilities include:

- investigation of complaints from individuals (and occasionally, from groups) alleging human rights abuses committed in violation of existing national law;
- policy research and analysis that may involve reviewing national legislation's compliance with international law; examining acts or practices of the government which may involve breaches of human rights - this may include holding major public inquiries and/or consultations; reporting or making recommendations to governments or parliaments on legal changes or policy issues; and promoting the ratification of appropriate or relevant international instruments;
- human rights education; and
- participation in the international human rights protection system.

I especially value the NHRIs' ability to create an effective human rights culture both at community and government levels. There is concern, for example, about the potential dual role of the state in on the one hand, ratifying international human rights treaties and overseeing their incorporation into domestic law, while on the other hand, not enforcing or even being a potential abuser of them (Tibbitts, F. & Katz, S. R., 2018; Russell, S. & Suàrez, D., 2017). NHRIs are definitively distanced from the apparatus of the state and instead connect with a wide range of stakeholders. They have some standing with government officials, they maintain close links with civil society – especially human rights NGOs and advocates, and they are an integral part of the international human rights system. Furthermore, the fact that NHRIs protect the rights of vulnerable groups such as religious or ethnic minorities, persons with disabilities or women and freedoms of those who challenge the majority's view, gives them additional legitimacy and standing with all actors.

In fact, all the above enumerated NHRIs responsibilities could be used by them to win hearts and minds and to develop an effective human rights culture at the everyday, grass-roots level. For example, NHRIs can use their investigative, policy and international work to stimulate community discussion about the universality of human rights and about limits on state power. NHRIs can effectively work with educational institutions and the broad community to popularise human rights standards, to advance principles of good governance and democracy, to secure respect for and protection of human rights and fundamental freedoms, and to reduce the disconnect between state-filtered human rights standards and norms and on-the-ground individual understandings of human rights. Such actions result in better understanding of universal human rights standards and advance social cohesion.

6.2. Work as Australian Human Rights Commissioner

I held the position of the Australian Human Rights Commissioner from 2000-2005. As one of its responsibilities, the Australian Human Rights Commission (AHRC) has a mandate to conduct public inquiries into topical human rights issues. For example, in 1997, it conducted the ground-breaking

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[6] For discussion of NHRI characteristics see: Ozdowski, S. (2003)

National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families and produced a report entitled '*Bringing them home'.*

When I was appointed to the position of Australian Human Rights Commissioner, there was a range of identified major human rights violations resulting from the Australian mandatory immigration detention system.

I was not sure how to tackle the issue. There was already a report by the former Australian Human Rights Commissioner documenting in detail why Australian immigration laws are in breach of the International Covenant on Civil and Political Rights. The report was tabled in Parliament and no relevant changes to the mandatory detention policy were made. So, soon after I took the position, I visited several immigration detention centres, documented further breaches of international human rights specified in ICCPR and reported to parliament. Again, the government did not change the system of mandatory detention.

After some further thinking, I decided to change my approach. I understood that, to change the Government's approach, I needed not only to be able to demonstrate breaches of international human rights law, I also needed to win the battle for the minds and hearts of the Australian public.

Therefore, I decided that I would not focus on asylum seekers from predominantly Muslim countries but on children who, in the public's mind, are innocent and not associated with any religion or culture. I also decided that the inquiry would not focus on legal issues, but on real people and the suffering and injustices that the mandatory detention system creates.

My national inquiry into the children in immigration detention started in 2002 and took over two years to complete. Its methodology was very comprehensive and included visits to all immigration detention centres, written and oral submissions, public hearings, subpoenas of Department of Immigration, Multiculturalism and Indigenous Affairs (DIMIA) documents and focus group discussions.

It resulted in a detailed report entitled '*A last resort?'* (Ozdowski, S. 2004) that was tabled in Parliament. The report found that the mandatory immigration detention of children was fundamentally inconsistent with Australia's international human rights obligations and that detention for long periods created a high risk of serious mental harm.[7]

What is of particular importance is that the Inquiry was conducted in the public domain. This alerted the Australian public to the fate of children in long-term detention. It raised awareness in the wider Australian community, and aimed to win their hearts and minds and secure the children's release. With the explanation of the extent of the mental health damage suffered by children in immigration detention, Australians changed their minds and stopped supporting the government policy of indefinite mandatory detention of children.

In fact, public opinion shifted dramatically during the Inquiry from about 65 percent of Australians supporting government mandatory detention policies, to 65 percent opposing children being kept in immigration detention because of human rights violations. There were clear electoral consequences to follow after such a significant change in public opinion. Following the tabling of the report, within a month or so, the Government released all children with their families from mandatory detention.

In 2005 I used the same technique to produce a report '*Not for Service - Experiences of Injustice and Despair in Mental Health Care in Australia'.* Again, the report had a major impact on public opinion and brought major human rights issues into the public domain, enabling major government reform and the allocation of major financial resources to address the problems (Ozdowski, S. 2007).

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[7] See also: Ozdowski, S (2009)

Although the educational activities of the Australian Human Rights Commission are multipronged[8], I have found that engagement with the public through a public inquiry on a topical issue was a very effective mechanism of education.

7. HUMAN RIGHTS EDUCATION

This brings us to human rights education whereby international human rights standards can be used as important mechanisms to advance social cohesion. To enhance human rights culture and impact on government human rights practices, we need to win the hearts and minds of our fellow citizens. Human rights standards must not only be a letter of law, but an expected standard of behaviour. When international human rights standards are known to, and internalised by, local communities, they can become effective agents of change. Education about international human rights standards is thus an important mechanism to advance human rights culture and deliver greater social cohesiveness.

7.1. UN focus on Human Rights Education

Human rights education is a high priority for the United Nations (UN) and many governments world-wide. It is based on the premise that human rights are universal and indivisible, and it aims to build an understanding and appreciation for learning about rights and learning through rights. The UN Decade on Human Rights Education (1995–2004) provided a global human rights education implementation framework through its Plan of Action.

It was followed by the 2004 UN World Human Rights Education Programme. The 1st Phase (2005–2009) of the Programme emphasized the primary and secondary school curricula and formal education, while the 2nd Phase (2010–2014) focused on those who further mentor tomorrow's citizens and leaders, such as: higher education institutions, government officials and the military. The 3rd Phase (2015–2019) is currently being implemented with initial focus on media professionals and journalists, and will have an emphasis on education and training in equality and non-discrimination.

One important result of this emphasis on human rights education was the formulation of the UN Declaration on Human Rights Education and Training which was adopted by the UN General Assembly in December 2011. The Declaration asserts that everyone has the right to know, seek and receive information about their human rights and fundamental freedoms and recognizes that human rights education and training is a lifelong process that includes all parts of society (Tibbitts, F. & Fernekes, W.R., 2011).

This non-binding Declaration also defines human rights education and training as comprising '*all education, training, information, awareness-raising and learning activities aimed at promoting universal respect for and observance of human rights and fundamental freedoms*' and calls on all to intensify efforts to promote the universal respect and understanding of human rights education and training (United Nations General Assembly Resolution, 2011).

Since early 2010, a grass-roots movement has developed around the world to advance human rights education, as evidenced by the establishment of popular annual International Conferences on Human Rights Education.[9] The movement recognizes that a respect for human rights is key to a well-

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8 For discussion about human rights education in Australia see: Ozdowski S (2015) There is also a range of good human rights education materials available elsewhere, see for example Council of Europe (2010) or European Commission (2012).
9 The first ICHRE was convened in 2010 in Sydney and since then the Conference has been held in: Durban, South Africa; Cracow, Poland; Taipei, Taiwan; Washington DC, USA; Middleburg, the Netherlands; Santiago, Chile; and Montreal, Canada.

functioning, efficient, cohesive and transparent state, socio-economic system based on equality of distribution and well-functioning justice, and of democratic institutions. Furthermore, it is acknowledged that a respect for human rights is likely to mitigate emerging conflicts.

Human Rights Education focuses on fundamentally reducing the disconnect between the abstract ideals of human rights treaties and principles so often lodged (and locked) at the level of the state, and applying those ideals to everyday life, everyday learning and everyday bodies. That is, Human Rights Education seeks to embed knowledge and awareness at the level of individuals in civil society.

Thus, awareness of human rights standards in South Asian societies is the first step to achieve that:

- ➢ citizens of South Asian states consider themselves to be full stakeholders in their societies and not feeling alienated, disfranchised or stake-less;
- ➢ high-income economies are created where labour markets are unconstrained, people have access to land, full employment and education;
- ➢ peaceful and productive relations between different ethnic, cultural and religious groups; and
- ➢ inclusive social policies and social justice are permanent features of government agendas.

If social cohesion is to be advanced further, there needs to be a high degree of social acceptance of key human rights tenets. To achieve this, a widespread promotion of human rights is needed. A promotion that would stress human rights as values that benefit all groups within society as well as protect individuals. In my view, this is the key responsibility of NHRIs in the South Asia region.

8. CONCLUSIONS

Human rights are not only legal pronouncements in international or domestic law books. Human rights set up important universal standards that should guide our governments and communities.

Human rights are not a luxury to be given only after countries develop economically. Human rights deliver social cohesion. Without cohesion, there is no economic development.

Human rights are also about values. Better understanding of human rights by ordinary people – winning their minds and hearts – limits governments' human rights transgressions, demands greater government accountability, and delivers a more just and cohesive society.

Allow me to finish with a quotation from Nelson Mandela: '*No one is born hating another person because of the colour of his skin, or his background, or his religion. People must learn to hate, and if they can learn to hate, they can be taught to love, for love comes more naturally to the human heart than its opposite.*'

Let us work together to win hearts and minds in our communities for a cohesive and fair society through human rights. Let us replace the culture of impunity in Nepal with a culture of human rights.

For more see the 9th ICHRE website: http://ichre2018.com.au; see also: www.westernsydney.edu.au/equity_diversity/equity_and_diversity/conferences

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