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Experimental analysis on the possible correlation between  
the implementation of the Universal Declaration of Human  
Rights and the Economic Development.

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## 1. Historical introduction to the Universal Declaration of Human rights

### *1.1 Historical background*

The Universal Declaration of Human Rights (UDHR) can be described as the first document in human history that created an international commitment to defend human rights. In general, the idea of rights and the protection of them has existed since laws have existed; but what we are interested in is to understand what led to the creation of the UDHR; we will therefore analyze its historical background.

One of the first attempts to legislate human rights was done with the Treaty of Versailles in 1919. It was the “declaration of peace” stipulated after the First World War and, its main importance was the creation of the League of Nation, this was the first intergovernmental organization created with the scope of increasing the welfare and the quality of life of human beings by reaching better conditions of labor, just treatment in front of the law and by keeping a state of peace solving disputes diplomatically and with the disarmament<sup>1</sup>. But, the League of nation was later considered a failure; it had many flaws in its establishment, such as, the necessity of a unanimous vote, the absence of many countries as members (for example the USA) and the absence of an army. All these flaws led to an incompetence in avoiding the Second World War and the idea of a global protection of the human rights was put aside for the next ten years.

The Second World War was without any doubt the deadliest conflict in human history; from 1939 to 1945 the total numbers are estimated to touch the 60 million deaths<sup>2</sup>; of which 11 million died in the concentration camps. The atrocities that happened during the war led the Allied forces to identify 4 basic liberties that should have not been violated: the freedom of speech, religion, a lack of want and an absence of fear. These four basic freedoms were supposed to put the Allies in a position of moral superiority against the fascist forces but at the same time Stalin’s regime remained oppressive, the British kept ruling over their colonies and in the USA the black segregation continued. At this point none of the above powers seemed too keen to adjust their policies to these basic principles and at the same time they feared that less important States would interfere into the decision-making process and in some way diminish their supremacy, all this made the human rights project, for the moment, secondary.

A turning point of this situation was the signature, in 1942, of Declaration of the United Nations (UN) that officially came into existence on 24 October 1945 with the ratification of the UN Charter by the 5 members of the security council and by the majority of the other 46 signatories. In the UN Charter was included

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<sup>1</sup> Paris Peace Conference, 28 June 1919, *The Covenant of the League of Nations*.

<sup>2</sup>D. SOMMERVILLE, I. WESTWELL, *The Complete Illustrated History of World War II: An Authoritative Account of One of the Deadliest Conflicts in Human History, with Analysis of Decisive Encounters and Landmark Engagements*, London, 2008, p.5.

as goal of the UN “promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”<sup>3</sup>, this subsequently led to the creation of the Commission on Human Rights that was the one with the goal of creating the Universal Declaration of Human Rights.

### *1.2 Drafting of the Universal Declaration of Human Rights*

The diplomatic process to reach the final draft of the UDHR began in 1946 in New York City, where the Economic and Social Council established the UN “nuclear” Commission on Human rights, that met for the first time in 1947 and set out the guidelines for the drafting of the Declaration<sup>4</sup>. There are many suppositions on what are the event in history that led to the drafting of the declaration. For sure the Second World War and the atrocities happened during it played a pivotal role into reaching awareness of the need for regulating Human Rights; although, there are some scholars that disagree with the idea that the UDHR was created in response to the action of Nazi Germany and the holocaust. They declare that the wave of ideology that led to the creation of a Charter that could protect human rights had begone way before the out brake of the Second World War, more precisely, at the beginning of the 20<sup>th</sup> century. These Scalars, in fact, affirm that in that period there was already a public conscience, both in eastern and western countries, of what human rights are and of the need to regulate them; although, due to the fac that that period many of the rights that should have been protected were violated, there was no country powerful enough that could detach itself from the atrocities that should have been denounced<sup>5</sup>.

The first meeting of the nine members of the “nuclear” Human Rights Commission was in May 1946, there was decided that it was fundamental to create a document that would enable the achievement of a minimum level of protection and respect of human rights within men kind. The initial draft of the declaration was delegated to John Humphrey which did a work of research to try to include all the fundamental rights, it resulted in a document composed by 48 articles and more than 400 pages long, where were explained and collected all the rights that should have been protected and respected<sup>6</sup>. During the first meeting Eleanor Roosevelt was appointed as Chair of the commission and one main issue came up; the problem was connected to Nuremberg and the Tokyo trials; the question was on the accountability for past war crimes and therefore the possible retroactivity of the document<sup>7</sup>. A solution was never totally reached both in the Nuremberg and

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<sup>3</sup>Art. 1, paragraph 3, Charter of the United Nations.

<sup>4</sup>M. E. MCGUINNESS, *Peace v. Justice: The Universal Declaration of Human Rights and the Modern Origins of the Debate*, in *Diplomatic History*, 2011, p. 749.

<sup>5</sup>S. WALTZ, *Reclaiming and rebuilding the history of the Universal Declaration of Human Rights*, in *Third world Quarterly*, 2002, p. 437-448.

<sup>6</sup> M. A. GLENDON, *A World Made New*, 2001, p. 58.

<sup>7</sup>M. E. MCGUINNESS, *Peace v. Justice: The Universal Declaration of Human Rights and the Modern Origins of the Debate*, in *Diplomatic History*, 2011, p. 753.

the Tokyo trials the defendants were accused and tried for crimes committed during war, comprising the atrocities of the Holocaust, but there are no other crimes committed previously the entry in force of the UDHR where judged according to the Declaration.

The drafting begun on the basis of the first proposal done by John Humphrey, but it was considerably shortened. During the drafting there were many disagreements between States one of the biggest was the definition of Human Rights: the Soviet delegate, Alexei Pavlov, thought that rights should be viewed instrumentally and that they should be in service of the world peace, instead the French delegate, René Cassin, thought that the world order should be based on human rights and that the absence of them is what led to the Second World War. The Soviets disagreed because defining the absence of human rights a “*casus belli*” would give to the declaration, and therefore to international law, the possibility of acting on internal State behavior and this was considered a violation of State’s sovereignty<sup>8</sup>. The disagreement was partially solved by changing the preamble so that it does not say that the absence of Human Rights has led to war but that the “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”<sup>9</sup>. The Soviets criticized the racial segregation in the USA affirming that it violated the principle of equality before the law stated by Art.7. In both cases the council has tried to reach compromises that would keep the core meaning of the articles unchanged although with the risk sometimes of reducing the strength of the text<sup>10</sup>.

The council reached the final proposal in 1948, it was composed by the Preamble that denounces the atrocities of the Second World War and in general the social and historical causes that have led to the war; Art. 1 and 2 describe the basic concepts of freedom and equality; Art 3 to 11 list the individual rights such as right to life, equality before the law and prohibition of slavery; Art 12 to 17 list the rights of the individual towards the community such as right to asylum from persecution and freedom of residence and movement; Art 18 to 21 list the fundamental freedoms such as freedom of speech, thought, religion, assembly and association; Art 22 to 27 defines social, cultural and economic rights such as right to work and education; and the last three articles (Art 28 to 30) describe the limitations of the declaration and how should this be applied such as the fact that “everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others”<sup>11</sup>

The Universal Declaration of Human Rights was adopted<sup>12</sup> on 10 December 1948 during the third session of the General assembly. It received 48 votes in favor, no votes against and 8 abstentions; the States that abstained were part of the Soviet Union block which due to their political principles and the fact that, even if the commission came to some compromises, generally they did not agree with some articles of the

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<sup>8</sup>M. E. MCGUINNESS, *Peace v. Justice: The Universal Declaration of Human Rights and the Modern Origins of the Debate*, in *Diplomatic History*, 2011, p. 753.

<sup>9</sup> Preamble, The Universal Declaration of Human Rights.

<sup>10</sup> The articles that were more subject to modification due to the reasons listed above were Art. 11, 13, 26, 27 and 29 of the Universal Declaration of Human Rights.

<sup>11</sup> Preamble, The Universal Declaration of Human Rights.

<sup>12</sup> The Universal Declaration of Human Rights, Resolution A/RES/217(III).

declaration, decided to not vote in favor. Although even if there was a general disagreement from the soviet block the declaration was drafted and ratified within two years by the majority of the Member States<sup>13</sup>.

## 2. Legal grounds and Legal effects of the Universal Declaration of Human Rights

### 2.1 Legal Grounds

As Legal Grounds of the UDHR we can for sure refer to passed jurisprudence, more specifically to the UN Charter. The UN Charter was signed the 26<sup>th</sup> of June 1945 and it was created with the scope of achieving higher welfare and with the idea of having a commitment to human rights of citizens, the Charter addresses to economic, social and health problems and proclaims an observance of fundamental freedoms without distinction of race, sex, language or religion<sup>14</sup> as cited in Art. 13 of the Charter of the United Nations:

“The General Assembly shall initiate studies and make recommendations for the purpose of:

- a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
- b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”.

The Charter being a constituent treaty binds to itself all the Member States that have signed it, this means that the global community as such agreed to put an effort in respecting human rights. The importance of the Charter in respect of the Declaration is that the UDHR is a direct derivate of it; in fact, in Art.68 is asked for the creation of the Economic and Social Council that is the one that subsequently will create the UDHR. This direct connection of the Declaration with the Charter brings with it self also the “tones” that were given to the goals in regards human rights; in fact, as later also happened into the Declaration, in the Charter often are used terms such as “promoting”, “encouraging” and “assisting in the realization of”, instead of tougher terms like “protecting”, “maintaining”, “safeguarding” or “guaranteeing” human rights and fundamental freedoms<sup>15</sup>. Moreover, the Charter did not delegate to the Economic and Social Council the power to create a list of norms to respect human rights, it instead suggested that the council “shall initiate studies” and “may make recommendations”<sup>16</sup> on the topic. This step back in the wording and in the definition of what States shall do in respect of human rights was done with the intention of not rising high expectations on the United Nations and

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<sup>13</sup>K. DRZEWICKI, *Human Rights in the United Nations Charter and the Universal Declaration of Human Rights*, in *The Polish Quarterly of International Affairs*, 1998.

<sup>14</sup>C. ROBERTS, *William H. Fitzpatrick's Editorials on Human Rights (1949)*, in *Quellen Zur Geschichte Der Menschenrechte*, 2017.

<sup>15</sup>L. GOODRICH, *The United Nations*, New York, 1959, p. 246.

<sup>16</sup> Articles 13 and 62 of the Charter of the United Nations.

its role in protecting and safeguarding human rights in the Member States<sup>17</sup>. Even though the Charter does not give the powers to any of the organs to impose human rights among the States members of the United Nations and the sovereignty of States remains untouchable together with the idea of non-interference with internal affairs, there are many provisions in the Charter that recognize the importance of international respect for human rights as a key principle of the UN, and this concept of international legal obligation will later be underlined also into the UDHR.

When the UDHR was created the main original idea was to create a document of “soft law” which would encourage and promote the respect in human rights but without being legally binding. The main structure of the document was compared by Cassin “to the portico of a Greek temple, with a foundation, steps, four columns, and a pediment. Articles 1 and 2 are the foundation blocks, with their principles of dignity, liberty, equality, and brotherhood. The seven paragraphs of the preamble - setting out the reasons for the Declaration - represent the steps. The main body of the Declaration forms the four columns. The first column (Art. 3–11) constitutes rights of the individual such as the right to life and the prohibition of slavery. Articles 6 through 11 refer to the fundamental legality of human rights with specific remedies cited for their defense when violated. The second column (Art. 12–17) constitutes the rights of the individual in civil and political society. The third column (Art. 18–21) is concerned with spiritual, public, and political freedoms such as freedom of association, thought, conscience, and religion. The fourth column (Art. 22–27) sets out social, economic, and cultural rights. In Cassin's model, the last three articles of the Declaration provide the pediment which binds the structure together. These articles are concerned with the duty of the individual to society and the prohibition of use of rights in contravention of the purposes of the United Nations Organization”<sup>18</sup>.

In the Assembly final vote Eleanor Roosevelt stated:

“In giving our approval to the declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty; it is not an international agreement. It is not and does not purport to be a statement of law or of legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by formal vote of its members, and to serve as a common standard of achievement for all peoples of all nations”<sup>19</sup>.

The document therefore shall be understood as a representation of common standards to which every human could rely on to measure the progresses of his State.

We shall give notice to the Resolution attached to the UDHR that is one of its fundamental legal grounds. The General Assembly as one of the main organs of the United nations has the power to give

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<sup>17</sup>L. DELBEZ, “*Les principes généraux du droit international public*”, Paris, 1964, p. 419.

<sup>18</sup> Structure of the UDHR, source *Responsive UDHR*, available at [www.responsiveudhrplaza.eu](http://www.responsiveudhrplaza.eu).

<sup>19</sup> Eleanor Roosevelt: Address to the United Nations General Assembly, Delivered 9 December 1948 in Paris, France.

“recommendations” that, given the importance of the organ, may produce a legal effect and also when the General Assembly creates an organ, under the authority to it conferred by the Charter, this decision for sure will produce a legal effect<sup>20</sup>. At the proclamation of the UDHR, the following resolution calling for the dissemination of this instrument was contemporaneously adopted:

*“The General Assembly,*

*Considering* that the adoption of the Universal Declaration of Human Rights is an historic act, destined to consolidate world peace through the contribution of the United Nations towards the liberation from the unjustified oppression and constraint to which they are too often subjected, considering that the text of the Declaration should be disseminated among all peoples throughout the world.

- 1. Recommends* Governments of Member States to show their adherence to Article 56 of the Charter by using every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories;
- 2. Requests* the Secretary-General to have this Declaration widely disseminated and, to that end, to publish and distribute texts, not only in the official languages, but also, using every means at his disposal, in all languages possible;
- 3. Invites* the specialized agencies and non-governmental organizations of the world to do their utmost to bring this Declaration to the attention of their members”<sup>21</sup>.

*Therefore*, as stated in the above resolution the General Assembly “recommends” the Member States to publicize the text of the Declaration and even though, as I have stated above, a “recommendation” it is not necessarily legally binding; this resolution by the General Assembly gives rightfulness to the Declaration. Although we have to admit that “no single conclusion can be made concerning the legal status or binding force of every resolution. On the contrary the effect of a resolution must vary with the circumstances peculiar to each resolution. Two major considerations are involved. The first concerns the authority or competence of the General Assembly in regard to the subject-matter, to the addressee, and to the contemplated action or decision. The second concerns the intention of the General Assembly in adopting a given resolution, for even where a body may be competent to make a binding decision it may voluntarily limit its action to something less”<sup>22</sup>.in the case of the UDHR it was clearly stated by the States that the document could have not been legally binding; although, as we will see in paragraph 3 Chapter 1, in the last seventy years the Declaration has obtained a high relevance into the scenery of customary international law and part of this achievement is thanks to the General Assembly’s Resolution.

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<sup>20</sup>H. LAUTERPACHT, *The Universal Declaration of Human Rights*, in *The British Year Book of International Law*, H. LAUTERPACHT (ed.), London, 1948, p. 365-370.

<sup>21</sup>*General Assembly resolution 217 D (III), 10 December 1948*

<sup>22</sup>F. B. SLOAN, *The Binding Force of a Recommendation of the General Assembly of the United Nations*, in *The British Year Book of International Law*, H. LAUTERPACHT (ed.), London, 1948



## 2.2 Legal Effects

The declaration was adopted in 1948 by the UN Resolution A/RES/217(III)[A] and is till now the most translated document in the world. As was stated in the above paragraph the UDHR, not being a treaty, it is not a legally binding document but this does not mean that it has no legal effect or that its legal significance can be undermined. It is therefore necessary to analyze if the Declaration may have an indirect legal effect. It was said that even though the Declaration has not a binding power it contains an authoritative interpretation of human rights and this could be considered, nonetheless imperfect, binding upon the members of the United Nations. The problem with this affirmation is that no tribunal would consider binding a document that is defined to not be legally binding but to have an authoritative interpretation of human rights. This problem could be solved by interpreting the concept of “authoritativeness” with the concept of “morality”; in fact as we can see in the preamble of the Declaration the United Nations wish for all Member States to promote and spread the words of the UDHR by teaching them and taking an “oath” to respect those rights and freedoms.

The Declaration puts in words principles that, after the adoption of the document, should have become principles of law accepted by the Members of the United Nations. Although during the drafting many delegates affirmed that some subjects treated into the Declaration would interfere with their domestic laws and that therefore they would not accept any legal obligation from it, let alone modify their national legislation around it. Even though it has been clarified that the UDHR is not binding upon the Members of the United Nations that voted for it, the Declaration, could be defined, in some way, legally binding upon the organs of the United Nations that are bound to some specific provisions of the Charter. Here the main problem is that; even if we were to define, for example, the Commission on Human Rights bound to the Declaration because stated in the Charter that this Commission had to create the Declaration; there would still be the issue that the Commission on Human Rights would not be in the right to take the Declaration as binding upon a State that has supposedly violated it. This happens because, even though the Declaration has in many ways incorporated obligations that were originally part of the Charter, it does not provide any authority to extensively interpret the obligations of the Charter. If the Declaration can be considered only morally binding than every State has the right to interpret its obligation in accordance with the State’s own ethical level<sup>23</sup>. But accepting the Declaration governments committed themselves to try to progress and promote the list of rights listed in the document.

There are many reasons for which the Declaration was adopted as a document and not a treaty; for example, Eleanor Roosevelt was between the once who supported the adoption of the Declaration as a declaration and not a treaty because, on her opinion, it would, as a Declaration, have a better influence on the

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<sup>23</sup>H. LAUTERPACHT, *The Universal Declaration of Human Rights*, in *The British Year Book of International Law*, H. LAUTERPACHT (ed.), London, 1948, p. 365-370

values of the Member States. In the subsequent years this was demonstrated to be true because of its not binding nature and its normative character that led to the integration of human rights in many constitutions and the future creation of international treaties such as the Treaty of Rome (4 November 1950) or the adoption by the UN of the treaty on civil and political rights (1966). Its character of general resolution, gave for the first time in history a unitary vision of human rights giving strength to the principle of unity and universality putting the world as a united front against the violation of the principle of equality and dignity<sup>24</sup>.

One of the critics done to the declaration was that the Declaration is too general and that its provisions will not be applied because of the lack of an actual obligation to follow them, and the lack of punishment in the case they are not followed, it was therefore proposed to create a set of international laws in the field of human rights. But if we take into account the variety of the laws present in the different Member States the Declaration is the only document that, with its not binding character, has the ability to create common standards and the warranty that the States would in their abilities guarantee and promote them. Moreover, even though the Declaration was not conceived as legally binding and we can affirm that this not legally binding character is what has permitted the promotion of human rights by many Member States we have to remember that two legally binding covenant were created from it. “The International Covenant on Civil and Political Rights, which came into force in 1976 and has been ratified by 168 nations; and the International Covenant on Economic, Social and Cultural Rights, which also came into force in 1976 and has been ratified by 164 nations”<sup>25</sup>. The International Covenant on Civil and Political Rights has the function of: safe guarding physical integrity (right to life, prohibition of torture, prohibition of genocide); prohibit discrimination on the grounds of race, color, gender, language, religion, political position, fortune, origins; prohibit slavery and forced labor, arbitrary detention, and protection of the dignity of people deprived of their liberty; safe guard procedural rights; safe guard freedom of thought, religion, movement and freedom of assembly and safe guard political rights such as right to vote and stand for election and equal access to public office. Instead the International Covenant on Economic, Social and Cultural Rights has the function to protect: economic rights (right to work, just and favorable conditions, right to strike and protection of property); social rights (right to social security, right of families, rights to mothers and children to special protection and assistance, right to an adequate standard of living and right to health) and cultural rights (right to education and right to take part in cultural life). These two covenants have the function of safeguarding human dignity which is one of the funding concepts of the Declaration, the respect for human dignity and fundamental freedoms implies the responsibility of a State towards its citizens and puts every individual in an equal status giving them a basis of fundamental rights that shall not be violated independently of their own actions.

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<sup>24</sup>G. ZACCARIA, *Dichiarazione Universale dei Diritti dell’Uomo*, in U. VINCENTI (ed.), *Codice dei Diritti Umani e Fondamentali*, Pisa, 2011, pp. 39-42.

<sup>25</sup>G. BROWN, *The Universal Declaration of Human rights in the 21<sup>st</sup> Century. A living document in a changing world*, Cambridge, 2016, p. 34.

The significance of the UDHR both on the political and legal points of view can be seen in the many developments and achievements that it has led to. Even if not legally binding the Declaration is by any means universally accepted and this has permitted it to influence many domestic legal systems with the incorporation of its norms into several national constitutions. Often it has become a reference for domestic courts in developing their case law on human rights issues and many non-governmental actors have used and applied it<sup>26</sup>. To these days, in fact, the Declaration can be considered a document that represents the will of the international community and the rights that shall be respected by it. The conclusion was that even the States that had doubts on the judicial strength of the declaration ended up using it when other States would not follow it and this led to the use of the declaration as a valid document in many international issues especially during the period of the cold war, to criticize the apartheid in South Africa and the treatment reserved to people with Indian and Pakistan origin in southwest Africa. The General Assembly has defined all the manifestations of racial, religious and social hate violations of the of the UN Charter and of the UDHR. In fact, in 1960 the General Assembly has declared fundamental not only the observation, by the Member States, of the norms in the UN Charter but also the once covered by the Declaration<sup>27</sup>.

### 3. Overlapping of the Universal Declaration of Human Rights with Customary law

The UDHR was adopted by the General Assembly with the UN Resolution A/RES/217(III)[A] and not being a treaty, it did not need the ratification of the Member States. There is although always the question whether or not the Declaration has become a legally binding document over the years. As I said in the above paragraph until now the UDHR cannot be considered a binding document although it has in its way a morally binding character and many of its provisions have been integrated in many of the constitutions of the UN Member States. Between the scholars there are the ones that disagree with the above statement which affirm that to make the UDHR customary international legal rule there must be a general and uniform practice of the document followed by an *opinion iuris* by the States, therefore making this practice obligatory. Following this statement, we could say that both before and after the adoption of the UDHR the global society has failed to reach this general and uniform practice by violating human rights, and to have the creation of a custom there is the need of an actual practice that cannot be represented by the only promise by governments to not violate the Declaration. Although we have to admit that the Declaration has proven its fundamental importance without having to necessarily be recognized as part of customary international law<sup>28</sup>. In the last seventy years the there have been many changes in domestic constitutional law due to the UDHR, the direct effect of

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<sup>26</sup>K. DRZEWICKI, *Human Rights in the United Nations Charter and the Universal Declaration of Human Rights*, in *The Polish Quarterly of International Affairs*, 1998, p. 21.

<sup>27</sup>L. B. SOHN, *The Human Rights Law of the Charter*, 1977, p. 132-133.

<sup>28</sup>K. DRZEWICKI, *Human Rights in the United Nations Charter and the Universal Declaration of Human Rights*, in *The Polish Quarterly of International Affairs*, 1998,p. 21.

customary international law is due to the fact that, even if different, many constitutional systems now share similarities under the umbrella of international and domestic law. As we saw above the UDHR was adopted in the period just after the Second World War; in this context states were both subjects and objects of the international legal system and instead what the Declaration aimed to do was to create obligations under customary law in favor of the individual and not the State<sup>29</sup>. By now we can affirm that the declaration has in many ways reached this goal by both influencing the creation of treaties and by opening the dialogue that was necessary to reach the recognition of it as customary international law. The Declaration it has been defined as primarily symbolic and that its moral weight was, at least at the beginning, more important than its legal significance; but in the last seventy years the declaration has reached a major legal significance due to two legal sources: the first is its state of international customary law and secondly following its incorporation in many national legislations. The UDHR was created as a following of the UN Charter and this strong connection with a document that has been ratified by the biggest part of the international community gives to the Declaration importance and legal value into customary international law<sup>30</sup>.

What we want to analyze in this paragraph is therefore the force of the norms reflected by the Universal Declaration of Human Rights into domestic law. The UDHR has profoundly changed international law in the fields of Human Rights both influencing many international treaties protecting human rights and many member states' legal system that even having a strong traditional dualist separation of international and domestic law were directly influenced by the rules of customary international law<sup>31</sup>. Even in cases where the national security and the military necessity are put in front of human rights the Declaration thanks to its role as international customary law and its incorporation into domestic legal practice has given legitimacy to the enforcement and importance of human rights<sup>32</sup>. Many states at different levels have implemented their constitutions and accepted many provisions, even if not implemented, under the concept of customary international law. The implementation process happened in many ways one of which is the affirmation by states that the customary international law shall be considered part of the country's domestic law, this happened in the case of the Serbian, Greek, Austrian and German constitutions. For example, the Greek Constitution affirms that "the generally recognized rules of international law (...) shall be an integral part of domestic Greek Law"<sup>33</sup>. Some other constitutions have recognized the legal value of the UDHR by directly giving it domestic law force as we can see in Section 10(2) of the Spanish Constitution of 1978 "Provisions relating to the fundamental rights and liberties recognized by the Constitution shall be construed in conformity with the Universal Declaration of Human Rights and international treaties and agreements there on ratified by

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<sup>29</sup>M. V. ALSTINE, *The Universal Declaration and Developments in the Enforcement of International Human Rights in Domestic Law*, in *Maryland Journal of International Law*, 2009, p. 65.

<sup>30</sup>J. P. HUMPHREY, *Human Rights and United Nations: A Great Adventure*, 1984, p. 65.

<sup>31</sup>M. V. ALSTINE, *The 7 Universal Declaration and Developments in the Enforcement of International Human Rights in Domestic Law*, in *Maryland Journal of International Law*, 2009, p. 68.

<sup>32</sup>E. SCHWELB, *The Influence of the Universal Declaration of Human Rights on International and National Law*, in *Proceedings of the American Society of International Law*, 1959, p. 229.

<sup>33</sup> Art.28, Syntagma tis Elladas.

Spain”<sup>34</sup>. There are also some states (Australia, Canada, India, UK), where Domestic and international laws are kept strictly separated and therefore where international treaties are kept outside of the State’s constitution, that recognized the direct customary international law effect of the UDHR. This recognition was done by eliminating the process in which the legislature needs to approve and implement the international treaty into domestic law in the case of the UDHR and therefore recognizing the direct effect of customary international law without the need of an endorsement by the legislature<sup>35</sup>. One of the main states where this approach of accepting the value and direct effect of customary international law is the USA, for example in the *Paquete Habana* case of 1900 was declared that "international law is part of our law"; but later this affirmation was not applied by the US Supreme Court.

As we might conclude the UDHR is a document that has kept high the concept of human dignity and that was created to create a moral obligation towards human rights trying to reach a point in which in the global community all persons are born in possession of inalienable human rights. The progression towards this point has not been linear neither uniform although we can affirm that, over time, the moral obligation to which are bound the United Nations’ Member States has led to the use of the UDHR in international cases, and this appeals to the Declaration have created towards it a “crystalized consensus of State practice” making it part of customary international law<sup>36</sup>. One of the problems in reaching the affirmation that the UDHR is in fact part of international customary law is the fact that customary international law many times can be considered the reflection of the industrialized western countries leaving out Asia, Africa and some countries in South America. At the same time there is the criticism towards the methods of creation and recognition of international human rights norms because the absence of a fully legitimized lawmaking process could lead to the abuse of such norms by tyrants that would justify their actions in the name of “false law” and could also lead to the recognition of non-conventional norms by the hands of unelected domestic judges. However, as I listed above in the last seventy years there has been an increasing awareness and respect towards customary international law both by directly recognizing its value into domestic constitutions or giving it power above domestic law leading to the direct enforcement of international customary law into both domestic institutions and domestic courts. All the above has given, the recognition of the UDHR as customary international law and therefore creating a mechanism that enables the single individual to have the possibility of appealing to human rights that are recognized on the international law level against their domestic law<sup>37</sup>.

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<sup>34</sup> Part. 1 Section 10 par. 2, Spanish Constitution of 1978.

<sup>35</sup> M. V. ALSTINE, *The Universal Declaration and Developments in the Enforcement of International Human Rights in Domestic Law*, in *Maryland Journal of International Law*, 2009, p. 71.

<sup>36</sup> R. D. GLENSY, *The Right to Dignity*, in *Columbia Human Rights Law Review*, 2011, p. 103.

<sup>37</sup> M. V. ALSTINE, *The Universal Declaration and Developments in the Enforcement of International Human Rights in Domestic Law*, in *Maryland Journal of International Law*, 2009, p. 73.

## 1. Introduction to the Chapter

The following chapter analyzes the level of implementation of the UDHR and the economic development of seventeen countries; the first seven will be Argentina, South Africa, Ethiopia, Russian Federation, India, China and Republic of Korea, and these will be analyzed more in depth in respect of the other ten that will be analyzed more briefly. These seventeen countries have in common their economic development; they started developing in the last thirty years and have had an economic development based on useful economic policies which have not only led to the economic growth of the nation but also to a human development. The above characteristics are necessary so to obtain non-biased data; and to be able to compare them with each other.

The first part of the analysis, lists all the laws that have been implemented and ratified by the State to reach the standards of the UDHR; and to which level the Declaration has been violated. The second part of the analysis, studies their economic development, showing their GDP *per capita* from 1989 to 2017, the Unemployment Rate, the Human Development Index, the Civil Liberties Index and Political Rights Index.

## 2. Implementation of the Universal Declaration of Human Rights and Economic Development in the following states.

### 2.1 Argentina

In the following paragraph I will analyze at which level Argentina has implemented the Universal Declaration of Human Rights. In 1994 was passed the constitutional reform that established Chapter IV, section 75, paragraph 22. This paragraph comprehends a list of international treaties, between which there is the Universal Declaration of Human rights, that, for the wording of the paragraph, hold an equal status to the Constitution. “In order to attain constitutional hierarchy, the other treaties and conventions on human rights, [that have not been yet ratified], shall require the vote of two-thirds of all the members of each House, after their approval by Congress”<sup>38</sup>. With this modification of the constitution all the international treaties that have been ratified by Argentina acquire the same legal status of the constitution itself.

Argentina also ratified many treaties to be able to implement as much human rights as possible. In 1985 it ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>39</sup>. In 1986 it ratified respectively: On 8 Aug 1986 the International Covenant on Economic, Social and Cultural Rights (ICESCR). On 8 June 1986 the International Covenant on Civil and Political Rights

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<sup>38</sup> Chapter IV, Section 75, paragraph 22, Constitution of Argentina.

<sup>39</sup> With reservation to Art. 29.

(ICCPR) together only two months later its First Optional Protocol (ICCPR-OP). On 24 September 1966 the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) reservation Falk land. In 2004, on 15 November, Argentina ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT). In 2007 Argentina Ratified: on 23 February 2007 the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)<sup>40</sup>. On 20<sup>th</sup> March 2007 Argentina ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW). On 14<sup>th</sup> December 2007 Argentina ratified the Committee on Enforced Disappearance (CED). In 2011 Argentina ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).

Also, Argentina created many institutes and passed laws to implement as much human rights as possible. In 1995 was created the National Institute against Discrimination, Xenophobia and Racism (INADI) pursuant to Act No. 24,515,30 of Argentina's national law. The INADI began to work in 1997<sup>41</sup>. In 2002 it was adopted the Act No. 25,673 establishing the National Sexual Health and Responsible Procreation Program within the framework of the Ministry of Health, with regard to women's sexual and reproductive rights. This Act recognizes that the right to health; it includes sexual health and the autonomy of all persons to choose, individually and freely an appropriate and reversible method of contraception that will allow them to determine the number of children they wish to have, when they wish to have them and the spacing between births<sup>42</sup>. In 2006 Argentina ratified the new Refugee Recognition and Protection Act. In 2009 Argentina passed Act No. 26.485 which provides for comprehensive protection as a means of preventing and eradicating violence against women and of punishing the perpetrators of such violence, and its implementing regulations were promulgated in Decree No. 1011/10. In 2010 Argentina passed an amendment to the Civil Code (Act No. 26.618) that provides for the recognition of equality in marriage for all persons, regardless of their sexual orientation, that permits same-sex marriages and allows for the possibility of adoption in such cases. In 2012 was launched the Argentine Bicentennial Single-Family Housing Credit Program (PRO.CRE.AR).

In the following years Argentina kept implementing policies; and kept creating public organs to be able to reach a higher quality of life inside the country. It was also able to diminish discrimination and differences between men and women by inserting obligatory female quota into the list for public organs and investing on health and education systems. In general, in the last thirty years, Argentina has fully implemented the UDHR both by giving it the same hierarchical level of its National Constitution and by ratifying treaties that carry on the main cores of the Declaration. But even though the UDHR is at the law level completely implemented, the Human Rights Council is still concerned with some rights that have not been respected

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<sup>40</sup> With reservation for Art.92.

<sup>41</sup> National report of Argentina of 10 March 2008 submitted in accordance with paragraph 15(A) of the annex to Human Rights Council resolution 5/1, p 6, A/HRC/WG.6/1/ARG/1.

<sup>42</sup> National report of Argentina of 10 March 2008 submitted in accordance with paragraph 15(A) of the annex to Human Rights Council resolution 5/1, p 16, A/HRC/WG.6/1/ARG/1.

despite the implementation. In Argentina the definition of torture in the criminal code is still “not in conformity with the provision of Art. 1 of the Convention against Torture, since it did not attribute criminal responsibility for torture to a sufficiently wide range of perpetrators or include the purpose of the conduct in question in the basic definition of the offence. (...) The Committee was also concerned about reported patterns of violence and arbitrary behavior by the federal and provincial security forces in connection with police custody taking place without a court order, particularly in cases involving socially marginalized young people and children. Such abuses could include attempted murder, enforced disappearances and acts of torture”<sup>43</sup>. In Argentina in the last ten years there have been reported many cases of violence and hate crimes against “lesbian, bisexual, transgender and intersex persons, including reports of harassment by the police, murders of transgender women, and the killing of lesbian, bisexual, transgender and intersex activists”<sup>44</sup>. Last there was a concern from part of the Committee on the Rights of Persons with Disabilities to form a family; which the State neglected to persons who were declared “insane” and to persons “lacking legal capacity”. Therefor Argentina has partially neglected Art. 5 of the UDHR which affirms that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. Also, it has neglected Art. 3 by violating the right to life of people part of the LGBT community; it has violated Art. 16 by neglecting the right to marry to persons with disabilities; and lastly it has neglected Art 7 by not duly protect from discrimination persons of the LGBT community and persons with disabilities. The next table shows the Human rights and rule of law index<sup>45 46</sup> for Argentina from 2007 to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Argentina	2007	3.70
Argentina	2008	3.70
Argentina	2009	4.00
Argentina	2010	3.80
Argentina	2011	4.00
Argentina	2012	3.80
Argentina	2013	4.10
Argentina	2014	4.40
Argentina	2015	4.10
Argentina	2016	3.80
Argentina	2017	4.10

<sup>43</sup> Compilation on Argentina of 28 August 2017 Report of the Office of the United Nations High Commissioner for Human Rights, p. 3, A/HRC/WG.6/28/ARG/2.

<sup>44</sup> Compilation on Argentina of 28 August 2017 Report of the Office of the United Nations High Commissioner for Human Rights, p. 3, A/HRC/WG.6/28/ARG/2.

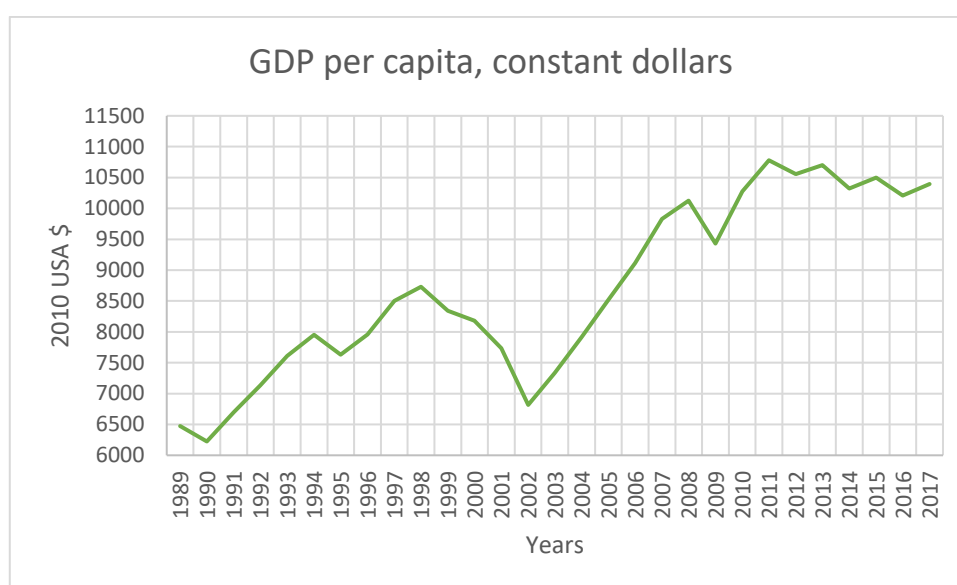
<sup>45</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>46</sup> The Human rights and rule of law indicator considers the relationship between the state and its population insofar as fundamental human rights are protected and freedoms are observed and respected. The higher the indicator's value, the less protected are the human rights and the rule of law in the country.



As it was described before Argentina has neglected some articles of the UDHR and therefore some fundamental rights, but in general its respect for human rights is generally high. In fact, its Human rights and rule of law index is positively lower than the world average (5.77) and even though there are still some efforts to put into the integration of human rights the level or respect are positive.

In the next part of the paragraph I will show you some data on the Economic, Civil and political development of Argentina in the last 30 years. The next graph represents the GDP *per capita* from 1989 to 2017, that is “the gross domestic product divided by midyear population. GDP is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. It is calculated without making deductions for depreciation of fabricated assets or for depletion and degradation of natural resources. Data are in 2010 constant U.S. dollars”<sup>47</sup>.



Argentina has had an overall economic growth in the last years but there have been some variations between periods of growth and recession. In the next table I will show the annual growth rate of the GDP *per capita* in Argentina making a distinction between periods of economic growth and recession. The data obtained show Annual percentage growth rate of GDP *per capita* at market prices based on constant local currency in the periods indicated in the first column of the table. Aggregates are based on constant 2010 U.S. dollars.

Periods	Growth / Recession	Annual Growth Rate
1990-94	Economic Growth	6.32 %
1994-95	Economic Recession	-4.06 %
1995-98	Economic Growth	4.59%
1998-02	Economic Recession	-5.99%
2002-08	Economic Growth	6.83%
2008-09	Economic Recession	-6.88%

<sup>47</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2009-11	Economic Growth	6.93%
2011-17	Economic Recession	-0.60%

To analyze the economic development of Argentina we must take into consideration the periods of recession that have been influenced by global crisis and by bad government policies and the periods of economic growth that have been caused by good governance and good economic policies. In the period between the 1980's and 90's the Government spending was growing, large wages raised and the inefficient production led to a chronic inflation; at the same time in 1988 the authorities launched an economic plan, called the Primavera Plan, which was supposed to bring back up the economy, but it was refused by the IMF. This refusal led to hyperinflation, riots and to a wave of privatization where many state-owned facilities passed in the hands of privates. The 80's were, therefore, a period of recession which ended at the beginning of the 1990's, where an economic growth started<sup>48</sup>. The government fixed the price of the peso to US dollars and the money supply was restricted to a level of hard currency reserves; leading to an increase in GDP and an increase in total employment. The period of economic growth lasted until 1994 where the inability to adjust to external factors, and the exit of foreign investors from Latin America due to the Mexican Banking Crisis, led to a collapse of banks and a recession that lasted a year with an increase in unemployment. This period of recession ended in 1996, when the government reinforced banks regulation and capital requirements, foreign banks were encouraged to take over the weaker local ones, at this point unemployment decreased and the economy recovered. The next period of recession started in 1998, the Brazilian currency had a strong depreciation, Argentina was unable to devalue its currency and national firms were unable to compete abroad. This, together with, the rise of the US dollar, to which the Argentina's peso was bound, led to a recession that lasted until 2002. In this period of recession there was a great political instability many governments fell and the first break through was when Eduardo Duhalde was appointed as president. To him it is attributed the restoration of Argentina's economy, managing to keep the value of currency low during the commodity price boom, that led to a growth of the 6.83% of the GDP. In 2008 there was a recession due to the global crisis and there was a soon recovery in 2010 that it is followed by a period of general instability, in fact, between 2011 and 2017 the economy had some ups and down with a result of a light recession<sup>49</sup>.

In the next table I will show in the second column "the Unemployment rate that refers to the share of the labor force that is without work but available for and seeking employment"<sup>50</sup>. In the third column the Human Development Index that "measures three basic dimensions of human development: long and healthy life, knowledge, and a decent standard of living. Four indicators are used to calculate the index: life expectancy at birth, mean years of schooling, expected years of schooling, and gross national income *per capita*"<sup>51</sup>. In the

<sup>48</sup>J. F. HORNBECK, *The Argentine Financial Crisis: A Chronology of Events*, 31 January 2002.

<sup>49</sup>M. HEDGES, *Argentina's Economy Why an economy with such potential is performing so poorly, and policy proposals for recovery*, 2002.

<sup>50</sup> Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>51</sup> Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

fourth column the Political Rights Index that “evaluate three categories: electoral process, political pluralism and participation, and the functioning of government. The index ranges from 1 (strong rights) to 7 (weak rights); [and in the fifth column] the Civil Liberties index (...) [that] evaluate the following: freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights. The rating ranges from 1 (strong liberties) to 7 (no liberties)”<sup>52</sup>.

Year	Unemployment rate	Human Development Index (0 – 1)	Political rights index, 7 (weak) – 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1989			1	2
1990		0.704	1	3
1991	5.44	0.713	1	3
1992	6.36	0.720	2	3
1993	10.10	0.725	2	3
1994	11.76	0.728	2	3
1995	18.80	0.728	2	3
1996	17.11	0.738	2	3
1997	14.82	0.746	2	3
1998	12.65	0.753	3	3
1999	14.05	0.753	2	3
2000	15.00	0.771	1	2
2001	17.32	0.776	3	3
2002	19.59	0.769	3	3
2003	15.36	0.769	2	2
2004	13.52	0.780	2	2
2005	11.51	0.782	2	2
2006	10.08	0.787	2	2
2007	8.47	0.792	2	2
2008	7.84	0.795	2	2
2009	8.65	0.799	2	2
2010	7.71	0.813	2	2
2011	7.18	0.819	2	2
2012	7.22	0.818	2	2
2013	7.10	0.820	2	2
2014	7.27	0.820	2	2
2015	7.15	0.822	2	2
2016	8.70	0.822	2	2

<sup>52</sup> Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2017	8.52	0.825	2	2
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Argentina has had in the last thirty years a general positive growth with an annual growth rate, of the GDP *per capita*, from 1989 to 2017 of 1.71%. It cannot be noticed a direct correlation between the periods of economic growth and the implementation of human rights, but there is to take into consideration the time that the implementation of any law takes to have a noticeable effect on society. After the restoration of democracy in 1983, Argentina has had a positive economic development; the Argentinian population has reached a higher level of Human Development; the Unemployment rate has had some ups and downs due to economic crisis, but it has reached lower levels in the last ten years; and as regards Political and Civil rights, from democracy on going Argentina has had pretty good standards that have gotten better with time.

## 2.2 South Africa

In the following paragraph I will analyze at which level South Africa has implemented the Universal Declaration of Human Rights and the Economic Development of the Nation.

In 1994 South Africa became a democratic State and in 1996it passed the amendment to the constitution, containing in the second chapter, the Bill of Rights which had the job of setting out human rights and a affirm the democratic values of human dignity, equality and freedom. The Bill of Rights comprehends from Art. 7 to Art. 37 of the South African constitution. Art. 7 describes the general set out of the Bill of Rights and the obligation for the State to protect and promote the rights comprehended in the constitution. Art. 8 regards the application of rights. Art 9 sets out the principle of equality. Art 10, 11, and 12 set out the right to human dignity, right to life and right to freedom and security of person. Art 13 states the illegality of slavery and forced labor. Art. 14 the right to privacy. Art 15 expresses the right to freedom of conscience, religion, thought, belief and opinion, and Art. 16 the freedom of expression. Art. 17 comprehends the right to assembly and public demonstration and Art. 18 of association. Art. 19 the freedom of political choice. Art 20 right to citizenship and Art. 21 freedom of movement. Art. 22 and 23freedom of trade, occupation and profession. Art 24 covers the environment, Art. 25 right of property and Art 26 of adequate housing. Art 27 right to have health care, food, water and social security. Art 28 and 29 comprehend the rights of children and education. Art 30 and 31 express the freedom of language, culture and to belong to cultural, religious and linguistic communities. Art. 32 is the right to access of information. Art. 33 and 34 are rights to Just administrative action and access to courts. Art 35 covers the rights of those whom are arrested, detained and accused of having committed a crime. Art. 36 and 36 list the cases in which these rights can be limited and the cases of state of emergency<sup>53</sup>.

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<sup>53</sup> Art. 7-37, Constitution of South Africa

Also, South Africa has in the years ratified many international treaties and passed modifications to its national law so to be able to better implement human rights inside of the nation.

In 1995 it ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In 1998 it ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)<sup>54</sup>.

In the year 2000 South Africa passed two acts, the Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000 and the Promotion of Access to Information Act of 2000. In 2002 South Africa ratified: on 28 August the first and second Optional Protocols of the International Covenant on Civil and Political Rights (ICCPR-OP1, ICCPR-OP2), then the Committee on Enforce Disappearance (CED) and the Immigration Act of 2002. In 2006 it was signed the Optional Protocol of CAT (OP-CAT). In 2007, on 30 November, South Africa Ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol (CPD, OP-CPD)<sup>55</sup>.

In 2008 it passed a list of regional Human Rights Instruments:

- The African Charter on Human and Peoples' Rights;
- The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa;
- The African Court on Human and Peoples Rights;
- Protocol to the African Charter on Human and Peoples Rights on the Establishment of an African Court on Human and Peoples Rights;
- Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa.

Also, in 2008 it passed: the Rental Housing Amendment Act; and the Refugees Amendment Act, 2008 (Act No. 33 of 2008): determining of refugee status, to provide for the obligations and rights of asylum seekers and the establishment for the Refugee Appeals Authority. In 2010 it passed the Social Assistance Amendment Act, 2010 (Act No. 5 of 2010) which provides for the right to administrative justice and the right of appeal against adverse decisions<sup>56</sup>. In 2013 South Africa passed: the Prevention and Combating of Torture of Persons Act, this Act was done to respect the obligations that south Africa had towards the United Nation Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment; the Prevention and Combating of Trafficking in Persons Act, the Act also affords victims the right to claim compensation from convicted traffickers for damages, physical injuries and psychological harm suffered; and the Protection of Personal Information Act. In 2014 was adopted the Labor Relations Amendment Act, which provided greater protection

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<sup>54</sup> With reservation on Art.30.

<sup>55</sup> South Africa's Country Report to The Human Rights Council's Universal Periodic Review Mechanism, 15 April 2008, A/HRC/WG6/1/ZAF/1.

<sup>56</sup> National report of South Africa submitted on 7 March 2012 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/13/ZAF/1.

for workers placed in temporary employment; and on 12 January 2015 South Africa ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>5758</sup>.

South Africa has implemented through treaties and acts many of the rights listed in the Universal Declaration of Human rights, but it has not respected some of them. The Human rights council has submitted a report with some of the rights that have not been implemented. “In 2016, the Secretary-General regretted the decision of the Government to withdraw from the Rome Statute of the International Criminal Court and expressed the hope that the country would reconsider its decision. (...) South Africa had been encouraged to become a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), the Convention relating to the United Nations Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.(...) The Committee on the Elimination of Racial Discrimination was concerned about discrimination, xenophobia and racism against non-citizens, including refugees, asylum seekers and migrants, which had resulted in numerous violent attacks leading to deaths and injuries. Violent attacks, notably in 2008 and 2015, had also led to the large-scale displacement of non-citizens and property damage. (...) The Human Rights Committee was concerned about reports of excessive and disproportionate use of force by law enforcement officials in the context of public protests that had resulted in the loss of lives. (...) It recommended that South Africa revise laws and policies regarding public order policing and the use of force, including lethal force by law enforcement officials, to ensure they were consistent with the International Covenant on Civil and Political Rights.(...) The Human Rights Committee was concerned about the number of reported cases of sexual violence, excessive use of force, torture and other forms of ill-treatment against detainees, as well as of deaths resulting from actions of the police and prison officials, (...) [and was also concerned] about reports of threats, intimidation, harassment, excessive use of force and physical attacks by private individuals and police forces against human rights defenders, in particular those working on corporate accountability, land rights and transparency issues, against lesbian, gay, bisexual, transgender and intersex persons and against HIV activists. (...) The country team reported that the Women’s Empowerment and Gender Equality Bill had not been enacted following a decision by Government to review the implementation of existing legislation. In addition, the restructuring of government departments in 2014 had resulted in the suspension of the National Council against Gender-based Violence and in a halt to the development of a multisectoral national strategic plan; (...)

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<sup>57</sup> National report of South Africa submitted on 11 April 2017 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/27/ZAF/1.

<sup>58</sup> Compilation of South Africa of 11 April 2008 prepared by the office of the high commissioner for human rights, in accordance with paragraph 15(b) of the annex to human rights council resolution 5/1, A/HRC/WG.6/1/ZAF/2.

also it was concerned that gender-based and domestic violence remained a serious problem and that the conviction rate for such acts was low”<sup>59</sup>.

South Africa has, on paper, implemented most of the rights listed in the declaration, but as it can be seen above the Human Rights Council has noticed that South Africa has not passed many of the Optional Protocols of many Human Rights Treaties. South Africa has also violated part of two articles of the Declaration; the first is Art. 5 which states “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” and as it was noticed from Human Rights committee excessive use of force, sexual violence and in some cases torture was inflicted from the police or prison officials to prisoners and detainees. The second is Art. 20 paragraph 1, which states “Everyone has the right to freedom of peaceful assembly and association” which was also violated from the police by using excessive force, threatening and intimidating human rights protectors and members of the LGBTI community during manifestations. Also, in South Africa there is still a high level of discrimination, xenophobia and racism against minorities and non-citizens and a high level of gender-based violence which lowers the level of implementation and respect of the UDHR, violating Art. 2, prohibition of discrimination, and Art. 7, jurisdictional protection from discrimination. The next table shows the Human rights and rule of law index<sup>60</sup> for South Africa from 2007 to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
South Africa	2007	4.10
South Africa	2008	4.20
South Africa	2009	4.50
South Africa	2010	4.70
South Africa	2011	4.60
South Africa	2012	4.50
South Africa	2013	4.20
South Africa	2014	4.30
South Africa	2015	4.30
South Africa	2016	4.40
South Africa	2017	4.20

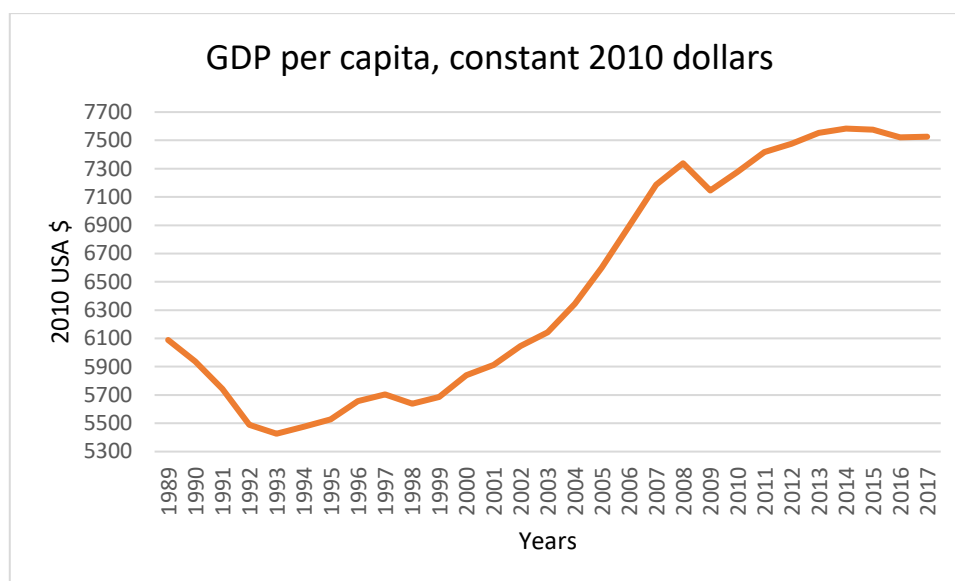
As for Argentina, also South Africa has violated some articles of the UDHR, but in general it is present an effort to respect and implement human rights into the nation; as it is shown also from its level of Human rights and rule of law index<sup>61</sup>.

<sup>59</sup> Compilation on South Africa Report of the Office of the United Nations High Commissioner for Human Rights, 17 March 2017, A/HRC/WG.6/27/ZAF/2.

<sup>60</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>61</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

In the next paragraph I will show you some data on the economic development of South Africa. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>62</sup>.



As we can notice there has been a general recession until 1993 and then a general economic growth with a temporary economic recession in 1997 and 2008. The next table shows the annual percentage growth rate of GDP *per capita* at market prices based on constant local currency in the periods indicated in the first column of the table. Aggregates are based on constant 2010 U.S. dollars.

Periods	Growth / Recession	Annual Growth Rate
1989-93	Economic Recession	-2.84%
1993-97	Economic Growth	1.25%
1997-98	Economic Recession	-1.12%
1998-08	Economic Growth	2.67%
2008-09	Economic Recession	-2.62%
2009-14	Economic Growth	1.19%
2014-17	Economic Recession	-0,26%

To better understand the economic development of South Africa here is an analysis of the economic history of South Africa in the last thirty years. Until 1993 there was a period of severe economic depression from which South Africa got out with the election of Nelson Mandela as South African President. During his period of leadership many foreign investors started to invest in South Africa mostly thanks to the end of the Apartheid, which ended the foreigner economic sanctions, making it possible for foreigner investors to invest in the country. There was a year of recession between 1997 and 1998 but it was promptly recovered. In 1999 the president Thabo Mbeki was elected, he ruled until 2008 and with him South Africa had a period of grate

<sup>62</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



economic growth, in that period the demand for South African commodities was really high and its price grew exponentially leading to a ten years positive economic growth. In 2008 there was the grate recession due to the global financial crises; since South Africa based most of its economy on trading this did made it impossible to the State to be able to counter balance the crisis. From 2009 to 2019 there was a general economic growth; but this growth has not been really high due to the inability of the South African government to differentiate the industry from the solo export of mineral resources<sup>63</sup>.

In the next table, I will show you, in the second column the Unemployment rate<sup>64</sup>, in the third column the Human Development Index<sup>65</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>66</sup>.

Year	Unemployment rate	Human Development Index (0 - 1)	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1989			6	5
1990		0.618	5	4
1991	20.12	0.626	5	4
1992	20.01	0.635	5	4
1993	20.02	0.641	5	4
1994	20.00	0.645	2	3
1995	16.90	0.645	1	2
1996	21.00	0.647	1	2
1997	22.90	0.644	1	2
1998	25.00	0.639	1	2
1999	25.37	0.639	1	2
2000	23.27	0.630	1	2
2001	25.37	0.610	1	2
2002	27.18	0.617	1	2
2003	27.12	0.617	1	2
2004	24.67	0.613	1	2
2005	23.84	0.614	1	2
2006	22.62	0.616	2	2
2007	22.33	0.621	2	2
2008	22.43	0.633	2	2
2009	23.54	0.642	2	2

<sup>63</sup>South Africa's Economic History, source *South African Market Insights*, available at [www.southafricanmi.com](http://www.southafricanmi.com).

<sup>64</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>65</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>66</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2010	24.69	0.649	2	2
2011	24.65	0.657	2	2
2012	24.73	0.664	2	2
2013	24.57	0.675	2	2
2014	24.90	0.685	2	2
2015	25.16	0.692	2	2
2016	26.55	0.696	2	2
2017	27.33	0.699	2	2

The Unemployment rate has been really high in South Africa and no government has been able to apply a correct policy to try to reduce the problem. Instead, both the Political Rights Index and the Civil Rights Index have followed the path of democracy by getting way better from 1994 on. The Human development index is average.

### *2.3 Ethiopia*

On 23 June 1976 Ethiopia ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). On 10 September 1981 Ethiopia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). On 11 June 1993 Ethiopia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR); and the International Covenant on Civil and Political Rights (ICCPR). On 14 March 1994 Ethiopia ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). On 7 July 2010 Ethiopia has ratified the International Convention of the Rights of Persons with Disabilities.

In 1994 was adopted the constitution of the Federal Democratic Republic of Ethiopia in December in which are listed some fundamental rights; Art. 10 declares that human rights and freedoms are inviolable and inalienable. In the Third Chapter are listed the following rights: Art 13 specifies that the fundamental rights, listed in the third chapter, shall be interpreted conforming to the principles listed in the UDHR. The first part of the third chapter describes all the human rights listed in the constitution such as; rights to life, security of person and liberty; prohibition against inhuman treatment; rights of persons accused of a crime; rights of persons held in custody and convicted prisoners; the non-retroactivity of criminal law and the prohibition of a double judgment for the same crime; right to human dignity, equality and privacy; freedom of belief, religion and opinion; and the conviction of crimes against humanity. In the second part of the third chapter are instead listed democratic rights such as; right of thought, opinion and expression; right of assembly, demonstration and petition; freedom of association; freedom of movement, rights of nationality; marital, personal and family rights; rights of women and children; right of access to justice; the right to vote and to be elected; right to self-

determination; right to property; economic, social and cultural rights; rights of workers; right to development and environmental rights<sup>67</sup>.

In addition to the ratification of human rights treaties and the constitution, “between 1991 and 2009 Ethiopia has passed many domestic laws in the name of the protection and promotion of human rights:

- Peaceful Demonstration and Public Political Meeting Procedure Proclamation No. 391/1991;
- Political Parties Registration Proclamation (as amended) No. 46/1993;
- Federal Civil Service Agency Establishment Proclamation (as amended) No. 8/1995;
- Ethiopian Environmental Protection Authority Establishment Proclamation No. Proc 9/1995;
- The Public Health Proclamation No. 200/2000;
- Ethiopian Human Rights Commission Establishment Proclamation No. 210/2000;
- Institution of the Ombudsman Establishment Proclamation No. 211/2000;
- Revised Family Code Proclamation No. 213/2000;
- Public Servants Pension Proclamation No.345/2003;
- Federal Prisons Commission Proclamation No. 365/2003;
- Labor Proclamation No.377/2003;
- Criminal Procedure Code, 2004;
- Electoral Law of Ethiopia Amendment Proclamation No. 532/2007;
- Broadcasting Service Proclamation No. 533/2007;
- Federal Civil Servants Proclamation No. 515/2007;
- The Freedom of the Mass Media and Access to Information Proclamation No. 590/2008;
- Proclamation for Registration and Regulation of Charities and Societies Proclamation No.12/2009”<sup>68</sup>.

“By 2008 Ethiopia had also passed the following list of domestic policies:

- The Plan for Accelerated and Sustainable Development to End Poverty (PASDEP);
- The Cultural Policy;
- The Environmental Protection Policy;
- The Social Development and Welfare Policy;
- The National Water Resources Management Policy;
- The National Urban Development Policy;
- The National Health Policy;
- The Education and Training Policy;
- The Science, Technology and Innovation policy;
- The National Policy on Ethiopian Women;
- The National Population Policy;

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<sup>67</sup> Chapter 3, Constitution of Ethiopia.

<sup>68</sup> Ethiopia’s National Report Under the Universal Periodic Review Mechanism, 4 August 2009, A/HRC/WG.6/6/ETH/1.

- The Urban Development Policy”<sup>69</sup>.

“In the period between 2009 and 2012 Ethiopia has passed the following domestic laws:

- A Proclamation to Provide for the Electoral Code of Conduct for Political Parties No. 662/2009);
- Proclamation to Ratify the Convention on the Rights of Persons with Disability No. 676/2010;
- Federal Judicial Administration Council Establishment Proclamation (as Amended) No. 684/2010;
- Social Health Insurance: Proclamation No. 690/2010;
- Proclamation to Ratify Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Ratification No. 737/2012;
- Registration of Vital Events and National Identity Card Proclamation: No. 760/2012;
- Proclamation to Ratify International Development Association Financing Agreement for Financing Women Entrepreneurship Development Project Ratification: No. 764/2012;
- Proclamation to Ratify International Development Association Amended and Restated Financing Agreement to Provide Additional Finance to Urban Water Supply and Sanitation Project Ratification No. 765/2012”<sup>70</sup>.

In 2014 Ethiopia passed the National Social Protection Policy, which targets the promotion of women’s socio-economic rights through the promotion of employment and income generating opportunities. Also, in 2014 Ethiopia has launched its National Social Protection Policy. “The Policy focuses on the vulnerable, which includes children, women, people with disabilities, elderly people, the underemployed and those at risk because of social and natural problems and others. The focus areas of the Policy are social safety nets, livelihoods and employment support, social insurance, access to health, education and other social services as well as addressing violence, abuse and exploitation”<sup>71</sup>. From 2016 was implemented the National Human Rights Action Plan, which identifies challenges and opportunities related to the implementation of rights and incorporates a number of measures to improve their promotion, protection and fulfillment<sup>72</sup>. In February 2018 Ethiopia ratified the Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa. In January 2019, Ethiopia adopted the Refugee Proclamation, “which allows refugees to obtain work permits, access primary education, obtain driver’s licenses, legally register life events such as births and marriages and access national financial services such as banking. The new law has been recognized as one of the most progressive in Africa”<sup>73</sup>.

Ethiopia has implemented many laws and ratified many treaties regarding the human rights listed in the UDHR, but, in the last report of the Human Rights Committee there are many critics to Ethiopia in regard of missing regulation on many fundamental rights. First, the right to education was not recognized in the

<sup>69</sup> Ethiopia’s National Report Under the Universal Periodic Review Mechanism, 4 August 2009, p. 8, A/HRC/WG.6/6/ETH/1.

<sup>70</sup>, National report of Ethiopia of 30 January 2014 submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 Ethiopia, p. 3, A/HRC/WG.6/19/ETH/1.

<sup>71</sup> Ethiopia’s National Report Under the Universal Periodic Review Mechanism, 25 January 2019, p. 11, A/HRC/WG.6/6/ETH/1.

<sup>72</sup> Ethiopia’s National Report Under the Universal Periodic Review Mechanism, 25 January 2019, p. 4, A/HRC/WG.6/6/ETH/1.

<sup>73</sup> Ethiopia’s National Report Under the Universal Periodic Review Mechanism, 25 January 2019, p. 15, A/HRC/WG.6/6/ETH/1.

Constitution of the Federal Democratic Republic of Ethiopia. “the United Nations country team expressed concern about reports that people participating in nationwide protests and demonstrations had been injured or killed by law enforcement and security forces. It was concerned by the lack of concrete measures to hold law enforcement and security forces accountable for those acts”<sup>74</sup>. It was also expressed a concern on the ineffective protection of the right to life of persons with disabilities in the specific of albinos and children with intellectual disabilities and it was violated the ban on torture by the use of coercive measures towards persons with disabilities. Also, it was noticed that in the criminal code it is not comprehended a full definition of torture in line with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, “in addition, no concrete measures had been taken to prevent the occurrence of torture, inhuman and degrading treatment in detention facilities”<sup>75</sup>. “It was noticed that harmful traditional practices were being carried out in both refugee and Ethiopian communities, with early and forced marriage and female genital mutilation being the most prevalent forms of violence in refugee communities. (...) The Committee on the Rights of the Child expressed concern that the relevant legal provisions prohibiting and criminalizing harmful traditional practices were not adequately enforced, as shown by the very high number of children, particularly girls, subjected to female genital mutilation and cutting in all its forms (clitoridectomy, excision, infibulation, cauterization or scraping), as well as forced, early and promissory marriages”<sup>76</sup>. There is a legal hole regarding the sale of children, child prostitution and child pornography; which is neither criminalized under the criminal code; and at the same time the only provision present on the trafficking of persons does not comply with the international standards established under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially women and children. “The Committee on the Rights of the Child expressed concern that the *per capita* spending on basic health care was well below the internationally accepted levels”<sup>77</sup>. At the same time Ethiopia had one of the highest maternal mortality rates in the world and in regard of health many of the persons working with persons with disabilities do not have the adequate training to treat them especially the right to free, prior and informed consent<sup>78</sup>.

Therefore, Ethiopia has violated and missed to implement many of the articles of the UDHR; it has violated part of Art. 3 “Everyone has the right to life, liberty and security of person” by not respecting the right to life of persons with disabilities and it has missed to implement Art 4 “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms” by not regulating into criminal law any laws to prohibit or criminalize the sale of children. Also, it has missed to implement Art 5

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<sup>74</sup> Compilation on Ethiopia of 1 March 2019 Report of the Office of the United Nations High Commissioner for Human Rights, p. 3, A/HRC/WG.6/33/ETH/1.

<sup>75</sup> Compilation on Ethiopia of 1 March 2019 Report of the Office of the United Nations High Commissioner for Human Rights, p. 3, A/HRC/WG.6/33/ETH/1.

<sup>76</sup> Compilation on Ethiopia of 1 March 2019 Report of the Office of the United Nations High Commissioner for Human Rights, p. 3, A/HRC/WG.6/33/ETH/1.

<sup>77</sup> Compilation on Ethiopia of 1 March 2019 Report of the Office of the United Nations High Commissioner for Human Rights, p. 6, A/HRC/WG.6/33/ETH/1.

<sup>78</sup> Compilation on Ethiopia of 1 March 2019 Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/33/ETH/1.

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” by neglecting to define torture in the criminal law, at the same time there have been many acts of torture against prisoners and disabled persons. By not prohibiting forced, early and promissory marriages it has violated Art. 16, paragraph 2. Also, it has not implemented Art 25 and 26 (right to education, right to health); it has violated Art 20, “Everyone has the right to freedom of peaceful assembly and association”, with the repression of peaceful protests by the police, and finally it has violated Art. 7 by not duly protecting from discrimination of persons with disabilities. The next table shows the Human rights and rule of law index<sup>79</sup> for Ethiopia from 2007 to 2017.

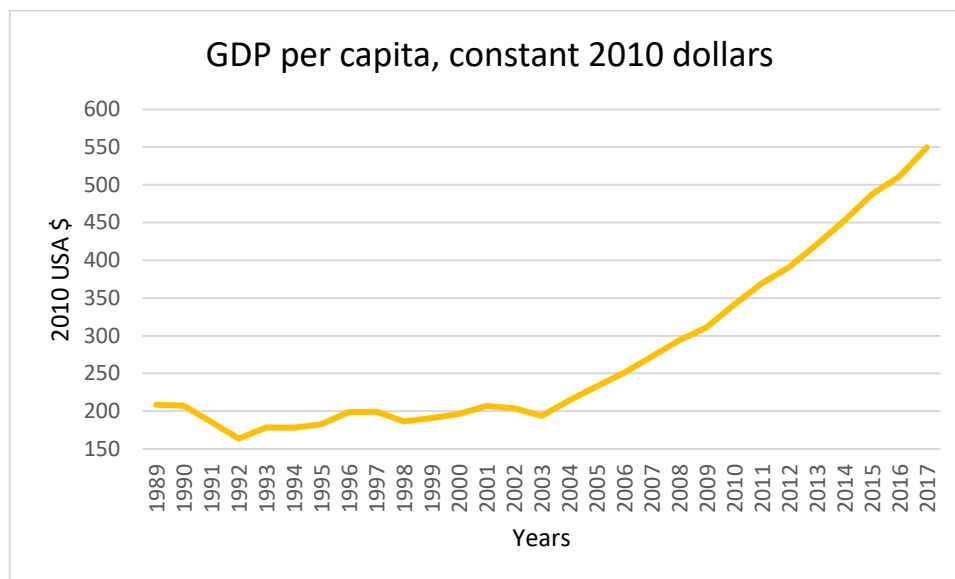
Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Ethiopia	2007	8.50
Ethiopia	2008	8.50
Ethiopia	2009	8.50
Ethiopia	2010	8.70
Ethiopia	2011	8.50
Ethiopia	2012	8.60
Ethiopia	2013	8.70
Ethiopia	2014	8.00
Ethiopia	2015	8.50
Ethiopia	2016	8.50
Ethiopia	2017	9.00

Ethiopia has violated many fundamental rights in fact its Human rights and rule of law index is high. In fact, Ethiopia is the ninetieth worst country for human rights in over the 176 countries analyzed by the Global Economy. Also, as it can be seen from the above table, the level of respect of fundamental rights, in Ethiopia, has lowered down in time instead of being improved.

In the next part of the paragraph I will show you some data on the economic development of Ethiopia. The next graph shows the GDP *per capita* of Ethiopia, expressed in constant 2010 US dollars, from 1989 to 2017<sup>80</sup>.

<sup>79</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>80</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



In the above graph we can notice a general economic recession until 1992; then a general economic growth with a lower annual growth rate for the period between 1992 and 2003 and instead a pretty high growth rate in the last fourteen years. The next table shows the annual percentage growth rate of GDP *per capita* at market prices based on constant local currency in the periods indicated in the first column of the table. Aggregates are based on constant 2010 U.S. dollars.

Periods	Growth / Recession	Annual Growth Rate
1989-92	Economic Recession	-7,80%
1992-03	Slow Economic Growth	1,55%
2003-17	Fast Economic Growth	7.73%

Generally speaking, Ethiopian economic development has been based on the ability to use agriculture. Until 1992 there was an economic recession due to a civil war and famine; than thanks to the process of privatization of private undertakings, and the ability to attract some investors from abroad, there was a positive economic development; maintaining agriculture as the main economic resource. The government has affirmed that “the stable macroeconomic environment in the country and the double-digit growth has contributed to the advancement of human rights in the country”<sup>81</sup>.

In the next table instead, I will show you, in the second column the Unemployment rate<sup>82</sup>, in the third column the Human Development Index<sup>83</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>84</sup>.

<sup>81</sup>National report of Ethiopia submitted in 30 January 2014in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, p. 3, A/HRC/WG.6/19/ETH/1.

<sup>82</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>83</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>84</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

Year	Unemployment rate	Human Development Index (0 - 1)	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1989			7	7
1990			7	7
1991	3.08		6	5
1992	3.08		6	4
1993	3.12	0.362	6	5
1994	3.10		6	5
1995	4.20		4	5
1996	5.34		4	5
1997	6.43		4	5
1998	7.55		4	4
1999	8.71		5	5
2000	8.19	0.283	5	5
2001	7.63	0.298	5	5
2002	7.05	0.306	5	5
2003	6.49	0.306	5	5
2004	5.99	0.325	5	5
2005	5.38	0.346	5	5
2006	5.34	0.362	5	5
2007	5.31	0.378	5	5
2008	5.27	0.394	5	5
2009	5.23	0.401	5	5
2010	5.20	0.412	6	6
2011	5.18	0.423	6	6
2012	5.14	0.430	6	6
2013	4.98	0.438	6	6
2014	4.98	0.445	6	6
2015	4.97	0.451	7	6
2016	5.09	0.457	7	6
2017	5.20	0.463	7	6

Both levels of Political and Civil Rights Indexes in the last ten years are as low as possible; also, the Human Development index is really low and in general Ethiopia is still far away from reaching acceptable levels of human rights. The Unemployment rate has had a low average in the last 10 years.



## *2.4 Russian Federation*

In the following paragraph I will analyze at which level Russia has implemented the Universal Declaration of Human Rights. On 4 February 1969 Russia ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) with reservation on Art. 17 paragraph 1. On 16 October 1973 Russia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) with reservation on Art. 26 paragraph 1; and the International Covenant on Civil and Political Rights (ICCPR) with reservation on Art. 48 paragraph 1. On 23 January 1981 Russia ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). On 3 March 1987 Russia Ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). On 16 August 1990 Russia ratified the Convention on the Rights of the Child (CRC). On 11 October 1991 Russia ratified the ICCPR Optional Protocol (ICCPR-OP) with reservation on Art 1. On 28 July 2004 Russia ratified the CEDAW Optional Protocol (OP-CEDAW)<sup>85</sup>.

The Russian Federation Constitution entered in force in 1993 and it comprehends the following list of human rights: Art 17 affirms that human and civil rights shall be recognized and guaranteed under the principles and norms of international law, also that this constitution and this rights are guaranteed to everyone from birth and that the exercise of this rights shall not violate the freedom of other people. Art 18 affirms that these rights shall have direct force and shall be guaranteed by law. Art. 19 describes the general guarantee of equality; equality regardless of gender, financial status, nationality, origin, race, language and religion. Art 20 describes the right to life and the limitation of capital punishment only to cases of grave crimes against life. Art 21 describes the principle of human dignity and the prohibition of corporal punishment, of cruel treatment and of torture. Art 22 protects form unjust restrain. Art 23, and 24 define the right to privacy and the right to information. Art 25 prohibits the violation of residence without a warrant. Art 26 describes the right to nationality and language. Art 27 to 31 describe the fundamental freedoms; freedom of movement; of religion; of opinion, thought and conscience; of expression; of press and of association. Art 32 describe the right to participation into the political life but also the restrictions on voting. Art 33 affirms the right to petition. Art. 34 expresses the right to establish a business and the right to competitive market. Art 35 and 36 express the right to property. Art 37 affirms the right to work. Art 38 affirms the rights of the children. Art 39 and 40 guarantee social security to the elderly, the unemployed and the disabled; and the right to shelter. Art. 41 and 42 affirm the right to health care. Art 43 covers the right to education. Art. 44 covers the right to academic freedom, the reference to art, provisions for intellectual property and right to culture. Art. 46 guarantees the right to be protected in court under the law of the international treaties. Art. 47, 48 and 49 offer protection from unjustified restraint; right to counsel and presumption of innocence in trials. Art 50 and 51 regulate the

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<sup>85</sup> Compilation Prepared by The Office of The High Commissioner for Human Rights, In Accordance with Paragraph 15(B) of The Annex to Human Rights Council Resolution 5/1 Russian Federation, 22 December 2008, A/HRC/WG.6/4/RUS/2.

evidence collection, affirm the right to appeal judicial decision and offer the protection from self-incrimination. Art. 52 covers the protection of victim's rights. Art 53 gives the rights to the citizens to have State compensation for unlawful actions. Art 54 protects from *ex post facto* laws. Art 55 prohibits the abolition of human and civil rights and freedoms and Art. 56 is the emergency provision which states the cases of emergency in which the above rights can be restricted<sup>86</sup>.

In the Russian Federation is guaranteed for free the access to preschool, basic general and secondary vocational education at State and municipal educational institutions and basic and general education is compulsory<sup>87</sup>. "Under Russian criminal law, conduct such as the infliction of suffering and torture is a punishable offence. Article 117 of the Criminal Code gives a legal definition of torture that is precisely characterized, thus enabling the offence to be properly identified; in substance it corresponds to article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment"<sup>88</sup>.

"In 2009, Russia ratified the European Social Charter; in 2010 it ratified Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, the purpose of which is to reform the European Court of Human Rights. In 2011, Russia acceded to the Hague Convention on the Civil Aspects of International Child Abduction. In 2012, Russia ratified the Convention on the Rights of Persons with Disabilities. Also, in 2012, Russia acceded to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children"<sup>89</sup>.

"In 2013, the Russian Federation ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. In 2013, the Russian Federation ratified the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse. In 2014, the Russian Federation signed the Council of Europe Convention against the manipulation of sports competitions. In 2015, the Russian Federation signed the Council of Europe Convention against trafficking in human organs. In 2017, the Russian Federation ratified the Convention of the Council of Europe on a unified approach to security, protection and care during sports events and in particular at football matches. In 2017, the Russian Federation ratified Protocol No. 15 amending the European Convention for the Protection of Human Rights and Fundamental Freedoms. In 2017, the Russian Federation ratified the Fourth Additional Protocol to the European Convention on Extradition. In 2017, the Russian Federation acceded to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise

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<sup>86</sup> Russian Federation's Constitution of 1993 with Amendments through 2008.

<sup>87</sup> National Report of Russian Federation submitted in 10 November 2008 in Accordance with Paragraph 15 (A) of The Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/4/RUS/1.

<sup>88</sup> National Report of Russian Federation submitted in 10 November 2008 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, p. 6, A/HRC/WG.6/16/RUS/1.

<sup>89</sup> National Report of Russian Federation submitted in 10 November 2008 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, p. 3, A/HRC/WG.6/16/RUS/1.

Print Disabled. In 2017, the Russian Federation signed the Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters”<sup>90</sup>.

Russia has done a lot of work to implement the rights expressed in the Universal Declaration of Human Rights; but in the compilations drafted by the Human Rights Council there are many concerns that have been expressed from the various human rights committees. It was criticized the absence of comprehensive anti-discrimination legislation from the legal order, and it was suggested to modify the definition of discrimination into the criminal code so to respect the one in the ICERD; also, are still reported many cases of hate speeches and dissemination of stereotypes by officials, politicians and some media outlets. The practice of profiling persons originating from the Caucasus, Central Asia, Africa and Roma is used from many officers although a violation of the UDHR. “United Nations experts urged the authorities to end the persecution of people perceived to be gay or bisexual who were living in a climate of fear fueled by homophobic speeches (...), and to investigate abductions, unlawful detentions, torture, beatings and killings in that connection”<sup>91</sup>; also in Russia are still present laws that prohibit any type of homosexual propaganda, therefore violating the rights of the LGBT community to freedom of expression and assembly. The Human Rights Committee noted that torture and ill-treatment were still used on prisoners to obtain confessions and on children into juvenile detention. “The United Nations High Commissioner for Human Rights was concerned that the Federal Law on Combatting Extremist Activity might have been arbitrarily used to curb freedom of expression, including political dissent, as well as freedom of religion, due to a vague and open-ended definition of extremist activity”<sup>92</sup>. In the Russian Federation have been reported many cases of repression of the freedom of speech and expression of dissenting political opinions, and also many people were charged or sentenced for expressing critical or dissenting views on political events. There have been many cases of legal restrictions on the right to strike of workers; also, on many NGOs were applied legal provisions that unduly restricted their activities. Russia still misses the implementation of specific laws and measure to avoid and repress the trafficking of persons, in specific women and children. “The Committee on the Elimination of Discrimination against Women was concerned at the regulation of family relations in the northern Caucasus, where the concept of “ownership” of the father over his children continues to reign”<sup>93</sup>. It was recommended to the Russian Federation to criminalize the acts of violence inside the nuclear family, to criminalize the “honor killings” and the “bride kidnappings”<sup>94</sup>.

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<sup>90</sup> National Report of Russian Federation submitted in 1 March 2018 in accordance with paragraph 5 of the annex to resolution 16/21 of the Human Rights Council Russian Federation, p. 2, A/HRC/WG.6/30/RUS/1.

<sup>91</sup> Compilation on the Russian Federation, 19 March 2018, Report of the Office of the United Nations High Commissioner for Human Rights, p. 2, A/HRC/WG.6/30/RUS/2.

<sup>92</sup> Compilation on the Russian Federation, 19 March 2018, Report of the Office of the United Nations High Commissioner for Human Rights, p. 4, A/HRC/WG.6/30/RUS/2.

<sup>93</sup> Compilation on the Russian Federation, 19 March 2018, Report of the Office of the United Nations High Commissioner for Human Rights, p. 5, A/HRC/WG.6/30/RUS/2.

<sup>94</sup> Compilation on the Russian Federation, 19 March 2018, Report of the Office of the United Nations High Commissioner for Human Rights, A/HRC/WG.6/30/RUS/2.

Analyzing the above paragraph, it can be affirmed that the Russian Federation has failed to implement and violated many of the articles of the UDHR. Russia has violated Art. 1 and 2 because in Russia there have been discriminations on the base of gender, sexual orientation, race and religion. It violated the following rights of the LGBT community; Art. 3 right to life, Art. 5 prohibition of torture, Art. 7 protection from discrimination, Art. 9 prohibition of arbitrary arrest and unlawful detention, Art 19 freedom of expression and Art. 20 paragraph 1 freedom of assembly. It has generally violated the following articles: Art. 5, prohibition of torture, was violated by public officials against people in detention, both prisons and juvenile detention; Art. 9 by unlawfully detaining people who expressed a different political opinion; Art.18, freedom of thought and religion, by interpreting in a broad way the Federal Law on Combatting Extremist Activity; and Art. 19 by repressing the freedom of speech, opinion and expression. Also, it has failed to implement: Art. 4, by not implementing any specific laws to prohibit and punish the trafficking of persons; Art. 7, by not giving a specific definition of discrimination and not creating laws on anti-discrimination; and Art 16 paragraph 2, by not implementing any specific laws against the “bride kidnapping” and the “ownership” of the father over his children. The next table shows the Human rights and rule of law index<sup>95</sup> for Russia from 2007 to 2017.

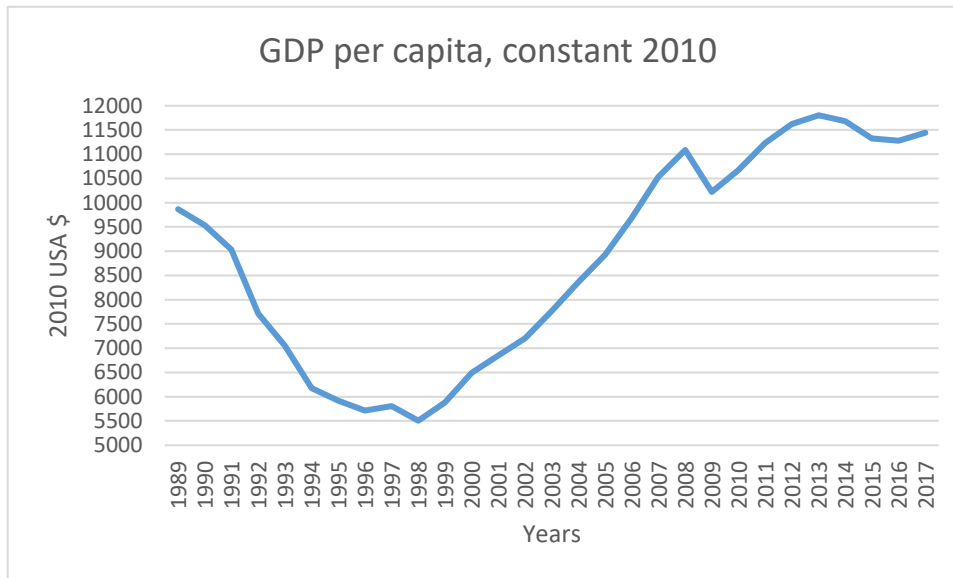
Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Russia	2007	8.50
Russia	2008	8.70
Russia	2009	8.30
Russia	2010	8.00
Russia	2011	8.10
Russia	2012	8.10
Russia	2013	8.60
Russia	2014	8.70
Russia	2015	8.90
Russia	2016	9.40
Russia	2017	9.20

As for Ethiopia, also Russia has violated many human rights. In fact, its Human rights and rule of law index is one of the higher; placing Russia as the twelfth worst country for respect of human rights in the world. Also in Russia the neglect for human rights has worsen up in time.

In the next paragraph I will show you some data on the economic development of the Russian Federation. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>96</sup>.

<sup>95</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>96</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



In the above graph we can notice a general economic recession until 1998; then a general economic growth in the period between 1998 and 2008, another recession between 2008 and 2009, then a slow economic growth between 2009 and 2013 and a small recession from 2013 that although led to a general growth from 2016 till now. The next table shows the annual percentage growth rate of GDP *per capita* at market prices based on constant local currency in the periods indicated in the first column of the table. Aggregates are based on constant 2010 U.S. dollars.

Periods	Growth / Recession	Annual Growth Rate
1989-98	Economic Recession	-7.03%
1998-08	Economic Growth	7.25%
2008-09	Economic Recession	-7.85%
2009-13	Economic Growth	3.67%
2013-17	Economic Recession	-0.78%

To be able to understand the above data, there is the need to talk in broad terms about the Russian economic history from 1991 until now. After the fall of the Soviet Union in 1991, and the following creation of the Russian Federation and all the other states of the ex-USSR, there was the sudden need to create a market economy in what used to be a closed market based on the communist ideology. The two main obstacles to overcome were the privatization of State-owned industries and to open a market that had been closed until then. The process of privatization was the most difficult mainly due to the miss-conception of the value of the vouchers that were given to people to buy shares of public undertaking; also, the high level of corruption that had been installed in the all process. The difficulties listed above led to a devaluation of the ruble and therefore to economic recession that lasted until 1998. The progresses started to be seen by 1999, in that period inflation was brought under control and the ruble stabilized, the privatization program started to show results despite

the corruption, and the legislative organs had passed many laws to regulate an open market economy. Between the 2000 and 2007 the economy had a grate growth, under the presidency of Vladimir Putin, industry grew by 75%, investments increased by 125%, and agricultural production and construction increased as well<sup>97</sup>; in that period the annual growth rate was estimated at a 7.25%. Russia together with many other states in the world also suffered the world crisis of 2008. The biggest issue for the Russian Federation was the inability of differentiating the market by investing in new technologies and different type of industries, and therefore the complete dependence on the oil, gas and mineral industry. What made Russia fall together with USA and Western Europe in 2008 was the grate investment that the Russian Federation had made on US dollars and Euros; and since the world crisis had its main impact on the US dollars and the Euro this brought down Russia too. In that year Russia's economy contracted by the 7.85%. In the period between 2010 and 2014 there was another economic growth with the annual growth rate of the GDP per capita of 3.67%, but this economic growth didn't last long because Russia had another crisis in 2014 due to two main reasons: the first was the fall in the price of oil, and the second the decision by Vladimir Putin to annex Crimea to the Russian territory, violating many international laws and therefore leading to trade sanction from both the European Union and the USA. This recession had a step back in 2017, even though the sanctions were renewed and the political relations of the Russian Federation with the western block are still uncertain.

In the next table, I will show you, in the second column the Unemployment rate<sup>98</sup>, in the third column the Human Development Index<sup>99</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>100</sup>.

Year	Unemployment rate	Human Development Index (0 - 1)	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1990		0.734		
1991	5.69	0.729	3	3
1992	5.31	0.718	3	4
1993	5.91	0.710	3	4
1994	8.08	0.702	3	4
1995	9.66	0.702	3	4
1996	9.86	0.701	3	4
1997	11.81	0.704	3	4
1998	13.39	0.703	4	4
1999	13.53	0.703	4	5
2000	10.58	0.720	5	5
2001	8.98	0.727	5	5
2002	7.92	0.732	5	5

<sup>97</sup>R. NOVOSTI, *Russia's economy under Vladimir Putin: achievements and failures Retrieved*, 1 May 2008.

<sup>98</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>99</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>100</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2003	8.23	0.732	5	5
2004	7.78	0.746	6	5
2005	7.17	0.752	6	5
2006	7.16	0.759	6	5
2007	6.10	0.767	6	5
2008	6.32	0.774	6	5
2009	8.42	0.771	6	5
2010	7.37	0.780	6	5
2011	6.54	0.789	6	5
2012	5.44	0.798	6	5
2013	5.46	0.804	6	5
2014	5.16	0.807	6	6
2015	5.57	0.813	6	6
2016	5.54	0.815	7	6
2017	5.20	0.816	7	6

In the case of the Russian Federation we can notice an evidence of absence of correlation between the implementation of human rights and the economic development. Russia is one of the cases in which the levels of both political and civil rights lowered down with the years; in fact in the 1990's the index was around 3-4 that is in general considered a good level of civil and political liberties; instead in 2017 we can notice a 6-7 index that is the lower level possible in the scale. In the Russian Federation, therefore, the level of implementation of human rights and respect of the Declaration has gotten lower in time. Instead both Unemployment rate and the Human Development Index have gotten better with time; the unemployment decreased and the human development increased.

### *2.5 Indian*

India passed its constitution on 26 January 1950 and in the Arts 12 to 35 Part III of the Indian constitution are listed all the fundamental rights respected in India. Arts. 12 and 13 contain the definition of the Part III of the constitution and the obligations of the State towards it. Arts. 14 to 18 comprehend the right to equality: right before the law; prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, equality of opportunity in matters of public employment, abolition of Untouchability and abolition of titles. Arts. 19 to 22 express the right to freedom: protection of certain rights regarding freedom of speech, expression, assembly, association, movement and residence; protection in respect of conviction for offences; protection of life and personal liberty; right to education; and protection against arrest and detention in specific cases. Arts. 23 and express the right against exploitation: prohibition of traffic in human beings and forced labor; and prohibition of employment of children in factories, mines or any hazardous employment. Arts. 25 to 28 express the right to freedom of religion: freedom of conscience and free profession, practice and

propagation of religion; freedom to manage religious affairs; freedom to payment of taxes for promotion of any particular religion; freedom to attendance at religious instruction or religious worshipping certain educational institutions. Arts 29 to 30 express the cultural and educational rights: protection of interests of minorities; right of minorities to establish and administer educational institutions. Art 31 paragraph A to D comprehends cases in which art 13 is not considered to be valid. In the Arts 32 to 35 are listed the conditions for the application of this rights and the possible restrictions<sup>101</sup>.

On 3 December 1968 India ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) with reservation on Art. 22. On 10 April 1979 India ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) with reservation on Arts. 1, 4, 7 (c) and 8. Also ratified the International Covenant on Civil and Political Rights (ICCPR) with reservation on Arts. 1, 9, 12, 13, 19 (3), 21 and 22. On 11 December 1992 India ratified the Convention on the Rights of the Child (CRC) with reservation on Art. 32 (2) (a). On 9 September 1993 India ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) with reservation on Arts. 5 (a), 16 (1) and (2) and 29 (1). In 2005 India ratified both the Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC) with reservation on Art. 3 (2); and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC)<sup>102</sup>. In 2005 India passed the Right to information Act giving to citizens access to information with some exemptions<sup>103</sup>.

“In 2010, in a unique development and to ensure citizens their right to live with dignity in a healthy environment, the National Green Tribunal Act was enacted providing for effective legal protection for environment, forests and other natural resources. In the same year, the Government introduced in Parliament the Protection of Women against Sexual Harassment at Workplace Bill covering both organized and unorganized sectors. In 2009, the Right to Education Act was enacted, which introduced a new fundamental right for free and compulsory education of children in a neighborhood school. In 2008, a Constitutional amendment bill was introduced in Parliament to reserve for women nearly one-third of seats in the Lok Sabha (Lower House of Parliament) and the state legislative assemblies for a period of 15 years. The Rajya Sabha (Upper House of Parliament) passed this bill in 2010. It is currently in the Lok Sabha. In 2007, the National Commission for the Protection of Child Rights (NCPCR) was established to ensure that all legislative and administrative measures are in consonance with the Child Rights perspective as enshrined in the Constitution of India and the Convention on the Rights of the Child. The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 rests forest rights and occupation with forest dwelling tribal and other forest dwellers. In 2005, the landmark Mahatma Gandhi National Rural Employment Guarantee Act was passed and the program launched in 2006 to confer livelihood right on the poor. The Protection of Women

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<sup>101</sup> Art. 12 to 35, The Constitution of India, 1950.

<sup>102</sup> Compilation on India of 27 March 2008 Prepared by The Office of The High Commissioner for Human Rights, In Accordance with Paragraph 15(B) of The Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/1/IND/2.

<sup>103</sup> National Report of India submitted in 6 March 2008 in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/1/IND/1.



from Domestic Violence Act 2005 came into force in 2006. During 2005, the historic Right to Information Act (RTI) was enacted<sup>104</sup>. (...) The right to education is now guaranteed under Article 21-A as a part of the right to live with dignity. The Right of Children to Free and Compulsory Education (RTE) Act, 2009 came into effect from April 1, 2010. It makes it mandatory for every child between the ages of 6-14 to be provided free and compulsory education by the State. It is a justiciable right up to 8 years of elementary education in an age appropriate classroom in the vicinity of his/her neighborhood”<sup>105</sup>.

Regardless all the improvements done by India in the last 30 years, the Human Rights Council has expressed some concerns about violations of the UDHR and some miss-implementations. The Special Rapporteur on housing express his concern about the still existing discrimination against the lower castes and tribes, that should have been eliminated. Also, it was noted the excessive use of force by the security officers and it was criticized section 46 of the Criminal Procedure Code that authorizes law enforcement officials to use “all means necessary” to perform an arrest that was forcibly resisted; violating Art 5 of the UDHR<sup>106</sup>. The Committee on the Elimination of Discrimination against Women was concerned with the barbaric practices that are still imposed on women such as combined marriages, “honor killings”, sex selection abortion and convictions for witchcraft. India has therefore violated, Art 5 of the UDHR, prohibition of torture; it has missed to implement Art 2, prohibition of discrimination, and Art. 16 by obligating young girls to get married. The next table shows the Human rights and rule of law index<sup>107</sup> for India from 2007 to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
India	2007	5.40
India	2008	6.00
India	2009	6.00
India	2010	6.10
India	2011	5.90
India	2012	5.80
India	2013	5.90
India	2014	5.60
India	2015	5.90
India	2016	6.20
India	2017	6.00

<sup>104</sup> National report of India submitted in 8 March 2012 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 p. 3, A/HRC/WG.6/13/IND/1.

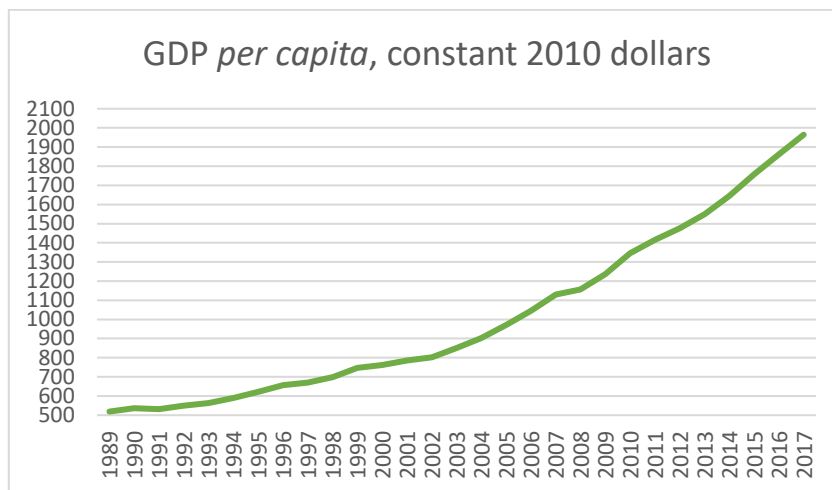
<sup>105</sup> National report of India submitted in 8 March 2012 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 p. 9, A/HRC/WG.6/13/IND/1.

<sup>106</sup> Compilation on India Report of the Office of the United Nations High Commissioner for Human Rights, 22 February 2017, A/HRC/WG.6/27/IND/2.

<sup>107</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

India has violated some human rights; its Human rights and rule of law index is higher than the world average (5.77). Generally India has kept its index between 5 and 6 but, even though it is just over the world average, India’s government must improve its level of respect and implementation of the UDHR.

In the next paragraph I will analyze the economic development of India from 1989 to 2017. The next graph shows the *GDP per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>108</sup>.



As we can see in the above graph India, unlike the other countries analyzed above, has had a constant growth with no period of economic recessions; in fact the average annual growth rate of *GDP per capita* in India in the period between 1989 to 2017 was of 4.87%, that can be considered a good overall growth rate for a developing country such as India. India has been one of the largest economies in the world for the last 20 years it “has recorded growth of around 9% (...) now has the fourth largest GDP in the world in terms of purchasing power. There is a confident, competitive private sector, endowed with remarkable entrepreneurial energy. The infrastructure of law and commercial accounting is conducive to modern business, and there is dynamism in many areas of advanced technology”<sup>109</sup>.

In the next table, I will show you, in the second column the Unemployment rate<sup>110</sup>, in the third column the Human Development Index<sup>111</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>112</sup>.

Year	Unemployment rate	Human Development Index (0 - 1)	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1989			2	3

<sup>108</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>109</sup> National Report of India Submitted in 6 March 2008 in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1, p. 9, A/HRC/WG.6/1/IND/1.

<sup>110</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>111</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>112</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

1990		0.427	2	3
1991	3.83	0.432	3	4
1992	3.72	0.438	3	4
1993	3.74	0.445	4	4
1994	3.65	0.452	4	4
1995	3.72	0.452	4	4
1996	3.81	0.467	2	4
1997	4.06	0.473	2	4
1998	4.06	0.480	2	3
1999	4.06	0.480	2	3
2000	4.32	0.493	2	3
2001	4.33	0.498	2	3
2002	4.43	0.504	2	3
2003	4.31	0.504	2	3
2004	4.37	0.526	2	3
2005	4.40	0.535	2	3
2006	4.24	0.545	2	3
2007	4.06	0.556	2	3
2008	4.12	0.564	2	3
2009	3.75	0.570	2	3
2010	3.54	0.581	2	3
2011	3.53	0.591	2	3
2012	3.62	0.600	2	3
2013	3.46	0.607	2	3
2014	3.41	0.618	2	3
2015	3.49	0.627	2	3
2016	3.51	0.636	2	3
2017	3.52	0.640	2	3

Taking into consideration the above data it can be noticed that India has had a an overall economic growth and that also the political and civil rights index are generally really good, it has kept for the political rights index a 2 for the overall period with a minor step back at the beginning of the 90's where it reached a 4; and as it regards the civil rights index a 3 with a step back in the 90's where it kept a 4 for the all decade. Also, the unemployment rate has been pretty stable and low and the human development index has kept a constant growth. India has there for been a grate developing country both in the economic point of view and the human rights implementation one.

## 2.6 China

China has implemented, as the other nations did, the UDHR in its national law in many ways; it in 1982 was passed The Constitution law of People's Republic which in Chapter Two, Arts. 33 to 48 lists the

fundamental rights of citizens of the People's Republic of China. In Art 33 are described the citizenship rights and the right to equality before the law. Art. 34 describes the electoral rights. Art. 35 states the freedom of speech, of the press, of assembly, of association, of procession, and of demonstration. Art. 36 states the freedom of religion. Art. 37 describes the citizen's personal freedoms. Art. 38 sets the inviolable status of personal dignity. Arts. 39 and 40 describe the right to privacy. Art. 41 describes the freedom of speech. Art. 32 describes the right and duty to work. Art. 43 states the right to rest. Art. 44 sets the laws for retirement. Art. 45 describes the social security system. Art. 46 describes the right to education. Art. 47 states the freedom to engage in scientific research, literary and artistic creation, and other cultural pursuits. Art. 48 describes gender equality<sup>113</sup>.

Also, between 1980 and 2008 China has ratified the following international treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and its two Optional Protocols, the Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC), and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC)<sup>114</sup>.

China has modified and built its criminal code so that "[t]he Criminal Law, the Criminal Procedure Law, the Judges Law, the Public Procurators Law and the People's Police Law explicitly prohibit the extortion of confessions by torture or the illegal collection of evidence. The Criminal Law establishes as a punishable criminal offence the extortion of a confession by torture, the collection of evidence by force and the ill-treatment of detainees. Anyone who perpetrates such acts will be held criminally responsible"<sup>115</sup>. A fair trial is guaranteed under the law thanks to open trials, the guarantee of a defense to anybody, and impartial judges; in fact, if one of the litigants believes that the judicial officer might be impartial has the right to request another one<sup>116</sup>.

As the other countries China has implemented and ratified many laws and treaties to be able to guarantee and protect human rights; although the Human Rights Council has noted some misimplementations into the Chinese national law. In China is not present an anti-discrimination law to protect minorities and to guarantee their economic, social and cultural rights. The Committee on the Elimination of Discrimination against Women noted the presence of barbaric practices such as sex-selective abortion, forced abortion, sterilization and the infanticide of girls. It was criticized the absence of a specific definition of torture

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<sup>113</sup>Arts. 33 to 48, The Constitution law of People's Republic, 1982.

<sup>114</sup> Compilation of China of 16 December 2008 Prepared by The Office of The High Commissioner for Human Rights, In Accordance with Paragraph 15(B) of The Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/4/CHN/2.

<sup>115</sup>National Report of China Submitted on 10 November 2008 in Accordance with Paragraph 15 (A) of The Annex to Human Rights Council Resolution 5/1, p. 13, A/HRC/WG.6/4/CHN/1.

<sup>116</sup>National Report of China Submitted on 10 November 2008 in Accordance with Paragraph 15 (A) of The Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/4/CHN/1.

that must be in conformity with the CAT and is still present the concern on the use of force and the inhuman conditions of prisoners during detention. Are still present restrictions on freedom of expression and information, and the persons which are under its jurisdiction for this reasons are not free “to take part in cultural life, enjoy the benefits of scientific progress and its applications, and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which they were the authors”<sup>117</sup>. Together with the absence of a definition of torture is also absent any specific legislation against the trafficking of persons; including trafficking for the purpose of sexual exploitation, forced labor, forced marriage and illegal adoption and many cases, of the just listed, have been denounced, but there were practically non convictions for the above crimes. In the state are still practiced “gay conversions therapies”, including tortures in the name of such therapies. China has therefore violated Art. 2 of the UDHR by not implementing any anti-discrimination law. It has violated Art.3, the right to life; Art. 4, prohibition of slavery, servitude and trade of persons; Art. 5, prohibition of torture; Art. 19 freedom of speech and expression; Art 27 right to take part into cultural life and right of recognition of your own scientific and cultural productions; it also violated Art. 8 by not guaranteeing an effective remedy to people whose human rights were violated, and Art 7 by not giving due protection to people which were discriminated. The next table shows the Human rights and rule of law index<sup>118</sup> for China from 2007 to 2017.

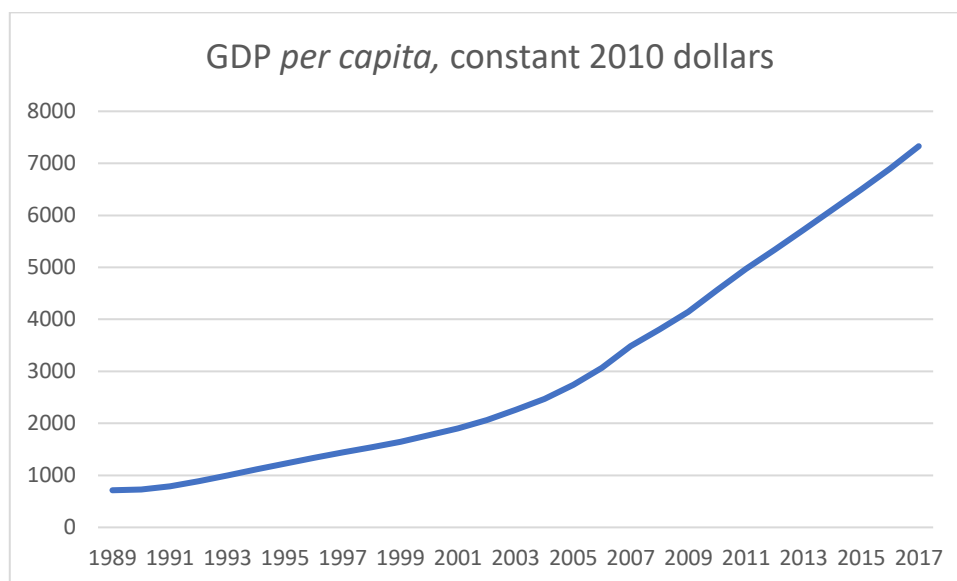
Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
China	2007	9.00
China	2008	8.90
China	2009	8.90
China	2010	9.00
China	2011	8.80
China	2012	8.60
China	2013	9.40
China	2014	9.10
China	2015	9.20
China	2016	8.70
China	2017	8.50

China reports a high value of the Human rights and rule of law index; this means that, in China, there is a definitely low level of respect for the UDHR, and this place China as 29<sup>th</sup> worst country, for the implementation and respect of human rights, in the world.

<sup>117</sup> Compilation on China Report of the Office of the United Nations High Commissioner for Human Rights China, 27 August 2018, p. 4, A/HRC/WG.6/31/CHN/2.

<sup>118</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

In the next paragraph I will show some economic data about the economic situation in China from 1989 to 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>119</sup>.



As it happened with India also China has had no periods of recession in the last 30 years. China’s annual growth rate of the GDP *per capita* between 1989 and 2017 has been of 8.67%, that is an outrageous number for a developing economy such as China. “Since 1953, the Chinese Government has formulated and implemented [many] five-year national economic and social development plans. These plans have been essential in raising the Chinese people’s living standards and promoting social progress. With the introduction of the policy of reform and opening up in 1978, the Chinese economy has registered an average annual growth of 9.8 per cent and a tenfold real growth in per capita gross domestic product (GDP). Since 1986, the Chinese Government has implemented a development-oriented poverty alleviation strategy [largely decreasing the number of people in extreme poverty living in rural areas]”<sup>120</sup>. “China has mounted a highly effective response to the severe impact of the international financial crisis, maintaining an average GDP growth of 9.3 per cent per *annum* from 2008 to 2012. Its GDP reached 51.9 trillion yuan renminbi in 2012, vaulting to the second highest rank in the world. Rural and urban residents’ incomes maintained average annual growth rates of 9.9 per cent and 8.8 per cent respectively”<sup>121</sup>. “Since 2013, the economy and society of China have maintained stable and health development. Gross domestic product increased from 54 trillion to 82.7 trillion yuan, with an average annual growth of 7.1 per cent; the country’s share of the world economy grew from 11.4 per cent to about 15 per cent, with its contribution to world economic growth surpassing 30 per cent. Urban and rural

<sup>119</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>120</sup> National Report of China Submitted on 10 November 2008 in Accordance with Paragraph 15 (A) of The Annex to Human Rights Council Resolution 5/1, p. 8, A/HRC/WG.6/4/CHN/1.

<sup>121</sup> National Report China Submitted of 5 August 2013 in Accordance with Paragraph 5 of The Annex to Human Rights Council Resolution 5/1, p. 13, A/HRC/WG.6/17/CHN/1.

per capita disposable income maintained average annual growth of 6.5 per cent and 7.9 per cent respectively, creating the world’s largest middle-income group. Consumer prices rose by 1.9 per cent annually, remaining relatively low. In 2016, China issued the 13th Five-Year Plan for Economic and Social Development of the People’s Republic of China, which outlines a grand blueprint for economic and social development from 2016 to 2020. Concrete implementation of the 13th Five-Year Plan is playing, and will continue to play, an important role in guaranteeing the people’s economic, social and cultural rights and improving the living standards of the people”<sup>122</sup>.

In the next table instead, I will show you, in the second column the Unemployment rate<sup>123</sup>, in the third column the Human Development Index<sup>124</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>125</sup>.

Year	Unemployment rate	Human Development Index (0 - 1)	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1989			7	7
1990		0.502	7	7
1991	4.89	0.510	7	7
1992	4.39	0.521	7	7
1993	4.33	0.531	7	7
1994	4.34	0.541	7	7
1995	4.55	0.541	7	7
1996	4.59	0.559	7	7
1997	4.60	0.568	7	7
1998	4.73	0.576	7	6
1999	4.70	0.576	7	6
2000	4.53	0.594	7	6
2001	4.53	0.602	7	6
2002	4.41	0.611	7	6
2003	4.30	0.611	7	6
2004	4.30	0.635	7	6
2005	4.14	0.647	7	6
2006	4.00	0.661	7	6
2007	3.76	0.675	7	6
2008	4.36	0.685	7	6
2009	4.29	0.694	7	6
2010	4.20	0.706	7	6
2011	4.34	0.714	7	6

<sup>122</sup> National Report of China Submitted on 20 August 2018 in Accordance with Paragraph 5 of The Annex to Human Rights Council Resolution 5/1, p. 7, A/HRC/WG.6/31/CHN/1.

<sup>123</sup> Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>124</sup> Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>125</sup> Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2012	4.47	0.722	7	6
2013	4.54	0.729	7	6
2014	4.59	0.738	7	6
2015	4.61	0.743	7	6
2016	4.65	0.748	7	6
2017	4.68	0.752	7	6

To reach a conclusion about what stated above, the economic development of China in the last 30 years has produced impressive numbers leading China to become the biggest economy in the world. But it cannot be made the same affirmation in regard of its respect and implementation of human rights, as stated above China has miss-implemented many articles of the UDHR and observing the above table it can be noticed that both the political rights index and the human rights index have been as low as possible from 1989 till 2017. Instead both Unemployment rate and the Human Development Index have gotten better with time; the unemployment decreased and the human development increased.

## *2.7 South Korea*

The Republic of Korea is a democratic state with the government divided into three branches legislative, executive and judiciary. South Korea passed its constitution in 1987 and in its second chapter are listed all the human rights protected in the Republic of Korea. Art. 10 guarantees human dignity to all citizens and expresses the duty of the State to protect all fundamental and inviolable rights. Art. 11 expresses equality before the law and prohibits discrimination. Art. 12 describes the right to personal liberty, prohibition of torture and the right to have a defendant in case of arrest. Art. 13 states the non-retroactivity of criminal law and that nobody can be judged twice for the same crime. Arts. 14 and 15 state the freedoms of residence and of occupation. Arts. 16, 17 and 18 describe the right to privacy. Art. 19 states the freedom of conscience. Art. 20 states the freedom of religion. Art. 21 describes the freedom of speech and the press, and freedom of assembly and association. Art. 22 states the freedom of learning and the arts and the rights to your own production. Art. 23 states the right to property. Arts. 24, 25 and 26 state the right to vote, the right to hold public office and the right to petition. Art. 27 describe the right to fair trial. Arts. 28, 29 and 30 describe the rights of prisoners. Art. 31 right to education. Art. 32 describes the right to work. Art. 33 the right of workers to independent association, collective bargaining and collective action. Art. 34 lists the duties of the State towards human rights. Art. 35 states the right to a healthy and pleasant environment.

Also the Republic of Korea has ratified between 1978 and 2004 the following treaties to respect and protect human rights: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Optional Protocol to ICCPR (ICCPR-OP 1), the



Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Optional Protocol to CEDAW (OP-CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and its two Optional Protocols, the Optional Protocol to CRC on the involvement of children in armed conflict (OP-CRC-AC), and the Optional Protocol to CRC on the sale of children, child prostitution and child pornography (OP-CRC-SC)<sup>126</sup>.

In the three national reports sent to the Human Rights Council, South Korea has listed the many acts and laws that it has implemented in the last 10 years to reach as much as possible the human rights standards requested. It was passed in 2007 the Criminal Administration and Treatment of Prisoners Act in which it was changed the term “restraining devices” with “protective equipment” so to avoid that public officers to use them as attacking devices. It was added the possibility to videotape the process of interviewing of suspects. To protect women from acts of violence and exploitation the Republic of Korea passed the Act on the Punishment of Procuring Prostitution and Associated Acts, the Act on the Prevention of Prostitution and Protection of Victims (2004), and the Comprehensive Action Plan to Prevent Prostitution (2004). In 1998 was established the Charter of Human Rights for Persons with Disabilities also in 2007 was enacted the Act on Special Education for Persons with Disabilities. South Korea also implemented the following “pledges for the enhancement of human rights at the national level:

- Accession to the Optional Protocol to the Convention on the Elimination all Forms of Discrimination Against Women on 18 October 2006;
- Withdrawal of the reservation made to Article 14.5 of the International Covenant on Civil and Political Rights on 2 April 2007;
- Declaration of acceptance of Articles 21 and 22 of the Convention Against Torture on 9 November 2007;
- Adoption of the NAP on Human Rights on 22 May 2007;
- Strengthening of human rights education to raise public awareness for the mainstreaming of human rights;
- Strengthening partnership and cooperation with civil society in the process of developing, implementing, and evaluating public policy”<sup>127</sup>.

In June 2008 came into effect the Habeas Corpus Act<sup>128</sup>. In September 2011, the Comprehensive Policy for Non-regular Workers was passed. “In 2008, the Special Act on the Preferential Purchase of Products Manufactured by Persons with Severe Disabilities was enacted to promote sale of goods produced by

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<sup>126</sup> Compilation of Republic of Korea Prepared in 9 April 2008 by The Office of The High Commissioner for Human Rights, in Accordance with Paragraph 15(B) of The Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/2/KOR/2.

<sup>127</sup>, National Report of Republic of Korea Submitted on 9 April 2008 in Accordance with Paragraph 15 (A) of The Annex to Human Rights Council Resolution 5/1, A/HRC/WG.6/2/KOR/1.

<sup>128</sup>The Act lays out general procedures for requesting remedy to courts directly or via legal representatives for the violation of physical freedom with institutionalization by an illegal administrative disposition or by a third party.

rehabilitation facilities for people with disabilities for the growth of their income. In 2010, the Disability Pension Act was enacted to support people with severe disabilities who are unable to support themselves financially. It offers subsidies for the minimum cost of living as well as financial aid for other expenses associated with their disabilities. In 2011, the Act on the Promotion of Activities of Persons with Disabilities was enacted to provide mobility assistance service. With the Act, home-visit bathing or care services are also provided. In 2011, the Act on Welfare Support for Children with Disabilities was enacted as a legal framework for comprehensive support for children with disabilities. To enable children with disabilities to lead an independent life within their communities, a variety of support measures are provided by the Act, including support for their care and medical expenses”<sup>129</sup>. Also, in 2013 the Republic of Korea signed the Hague Convention on the Protection of Children and Co-operation in Respect of Inter country Adoption.

South Korea has implemented many human rights but there are still many critics on the mis- implementations and violations of the UDHR. Still now are denounced many cases of discrimination, violence and hate speeches against lesbian, gay, bisexual, transgender and intersex persons; which violate Art. 2 of the UDHR. There are cases in which in exceptional circumstances torture is still allowed and corporal punishment on children is still allowed in the home in schools and in alternative care and day-care settings, violating therefore Art. 5 of the UDHR. “UNESCO reported that article 7 of the National Security Act prescribed imprisonment for praising, inciting or propagating the activities of an anti-government organization, a member thereof or a person who had received an order from it or who had acted in concert with it. The Human Rights Committee was concerned that prosecutions continued to be brought under the Act, that the vague wording of article 7 could have a chilling effect on public dialogue and was reported to have unnecessarily and disproportionately interfered with freedom of expression in a number of cases and that the Act was used for censorship purposes”<sup>130</sup> which puts a clear restriction on the freedom of speech that shall be respected under Art. 19 of the UDHR. Also, under the Telecommunications Business Act private conversations between individuals using electronic devices can be asked without the need of a proper warrant, violating the right to privacy stated under Art. 12 of the UDHR<sup>131</sup>. The next table shows the Human rights and rule of law index<sup>132</sup> for South Korea from 2007 to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
South Korea	2007	2.70
South Korea	2008	2.70
South Korea	2009	2.70

<sup>129</sup>, National report on Republic of Korea submitted on 13 August 2012 in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, A/HRC/WG.6/14/KOR/1.

<sup>130</sup> Compilation on the Republic of Korea Report of the Office of the United Nations High Commissioner for Human Rights, 31 August 2017, p. 5, A/HRC/WG.6/28/KOR/2.

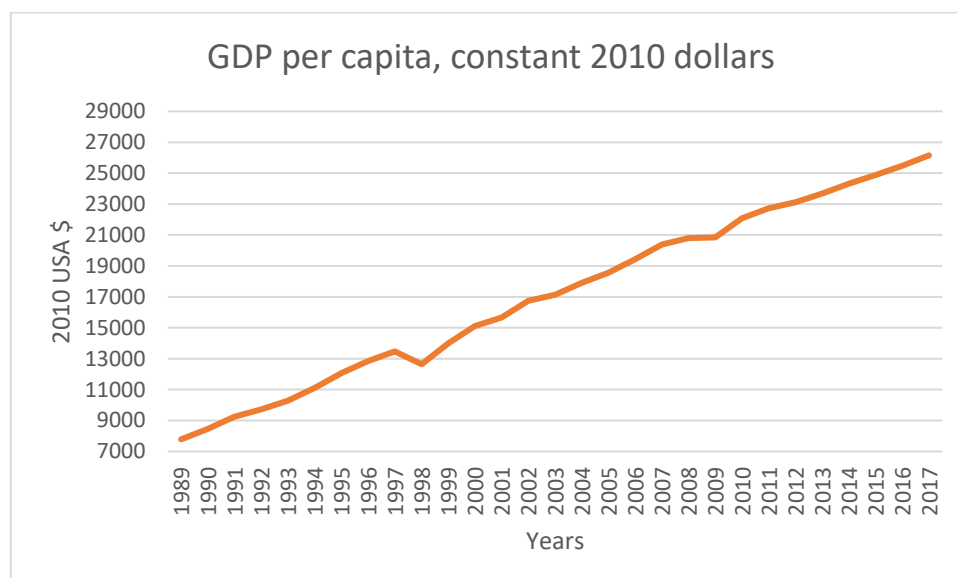
<sup>131</sup> Compilation on the Republic of Korea Report of the Office of the United Nations High Commissioner for Human Rights, 31 August 2017, A/HRC/WG.6/28/KOR/2.

<sup>132</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

South Korea	2010	2.80
South Korea	2011	2.60
South Korea	2012	2.80
South Korea	2013	2.60
South Korea	2014	2.90
South Korea	2015	2.60
South Korea	2016	2.90
South Korea	2017	2.90

South Korea has implemented most of the articles of the UDHR and, as the table above shows, its Human rights and rule of law index is really low, in fact South Korea is the 28<sup>th</sup> best country for respect and implementation of fundamental rights, therefore of the UDHR, in the world.

In the next paragraph I will show you some data on the Economic development of the Republic of Korea in the period between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>133</sup>.



Generally speaking, such as India and China, also South Korea has had a pretty stable economic growth in the last thirty years with only one serious step back in 1997. The next table shows the average annual growth rate of the GDP *per capita* in South Korea in the periods of growth and recession.

Periods	Growth / Recession	Annual Growth Rate
1989-97	Economic Recession	7.11%
1997-98	Economic Growth	-6.15%
1998-17	Economic Recession	4.36%

<sup>133</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

As we can see above in the first half of the 1990's South Korea kept a pretty stable economy with a continuous growth in GDP. This until 1997 when started the Asian Financial Crisis, the depreciation of many of the Asian currencies and the loss of trust by the investors, led to a depreciation of the Korean won. To try to keep up the Korean economy the IMF decided to establish a relief loan, which although it helped a did not avoid the period of recession that lasted all 1998 with an annual growth rate of -6.15%. With labor adjustment and alternative funding sources the Korean government was able to bring South Korea out of the crisis, and led to a future annual economic growth to more than 4% making the Republic of Korea the 13<sup>th</sup> largest economy in the world and the 4<sup>th</sup> in Asia.

In the next table instead, I will show you, in the second column the Unemployment rate<sup>134</sup>, in the third column the Human Development Index<sup>135</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>136</sup>.

Year	Unemployment rate	Human Development Index (0 - 1)	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)
1989			2	3
1990		0.728	2	3
1991	2.41	0.739	2	3
1992	2.51	0.746	2	3
1993	2.88	0.756	2	2
1994	2.48	0.767	2	2
1995	2.06	0.767	2	2
1996	2.05	0.789	2	2
1997	2.61	0.800	2	2
1998	6.96	0.797	2	2
1999	6.34	0.797	2	2
2000	4.42	0.817	2	2
2001	4.00	0.824	2	2
2002	3.28	0.832	2	2
2003	3.56	0.832	2	2
2004	3.67	0.847	1	2
2005	3.73	0.855	1	2
2006	3.45	0.862	1	2
2007	3.23	0.869	1	2
2008	3.16	0.874	1	2
2009	3.64	0.869	1	2
2010	3.72	0.884	1	2

<sup>134</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>135</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>136</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2011	3.41	0.888	1	2
2012	3.22	0.890	1	2
2013	3.12	0.893	2	2
2014	3.53	0.896	2	2
2015	3.63	0.898	2	2
2016	3.71	0.900	2	2
2017	3.73	0.903	2	2

Even though the Republic of Korea has miss-implemented some of the rights listed in the UDHR, it still must be noted the fact that it has managed to keep a really low level of unemployment rate, with the exception of the period of the financial crisis. Also, the human development index has kept growing in the last thirty years; and the Republic of Korea has always had really good standards of both the political and civil rights indexes.

### 3. Analysis of other countries

In the next paragraph, following the same approach on the research for the above countries, I will do the analysis for other 8 countries; but for a matter of efficiency I will not list all the laws that have been approved but I will do only an analysis of the violations or miss implementations of the UDHR, also I will just list the data for the economic development. All the data can be obtained and looked into in the sources following cited.

#### 3.1 Brazil

The Human Rights Council in the Universal Periodic Review of 2017 has reported the violation of the following rights. In Brazil is still present a high level of “discrimination against indigenous and Afro-Brazilian children, children with disabilities, lesbian, gay, bisexual, transgender and intersex children, children in street situations and children living in rural and marginalized urban areas, including favelas”<sup>137</sup>. In regard of the right to life, liberty and security of person; there is still the presence of many cases of violence from part of the military police on civilians; there have been cases of racial profiling by the police also racial violence against indigenous people and people of the LGBT community; it was recorded violence against journalists and social protesters; there have been various cases of “torture and ill-treatment in the context of arrest and interrogation by military and civil police and treatment by prison personnel”<sup>138</sup> and the level of basic sanitation access to

<sup>137</sup> Compilation on Brazil Report of the Office of the United Nations High Commissioner for Human Rights, 24 February 2017, p. 3, A/HRC/WG.6/27/BRA/2.

<sup>138</sup> Compilation on Brazil Report of the Office of the United Nations High Commissioner for Human Rights, 24 February 2017, p. 5, A/HRC/WG.6/27/BRA/2.

drinkable water into, edible food, medical and psychological care in prisons are under the standards requested to the point in which is impossible to prevent diseases and epidemics. In regard of the administration of justice are still used in judicial proceedings confessions obtained by torture. “The Special Rapporteur on minority issues was concerned by reports of harassment, intimidation, hate speech and even acts of violence against individual members of Afro religions, including vandalism of places of worship, burning of temples and the desecration of Afro-religious symbols”<sup>139</sup>. To persons with disabilities is refused admission to schools or the families must pay extra fees and they often face employment discrimination. “Millions of people continued to live in unhealthy environments without access to water and sanitation. People living in favelas were often deprived of access to water and sanitation because public authorities and service providers avoided installing water and sanitation networks, fearing that using public resources for such works in those areas would be considered illegal”<sup>140</sup>. Brazil still misses to respect many of the fundamental human rights listed in the UDHR; in the following table is shown the Human rights and rule of law index<sup>141</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Brazil	2007	5.30
Brazil	2008	5.60
Brazil	2009	5.60
Brazil	2010	5.40
Brazil	2011	5.10
Brazil	2012	5.00
Brazil	2013	5.30
Brazil	2014	5.60
Brazil	2015	5.80
Brazil	2016	6.10
Brazil	2017	6.40

As we can notice unfortunately the respect for human rights, in Brazil, has lowered down from 2007 on; and now the level of the index is lower than the world average in 2017 (5.77).

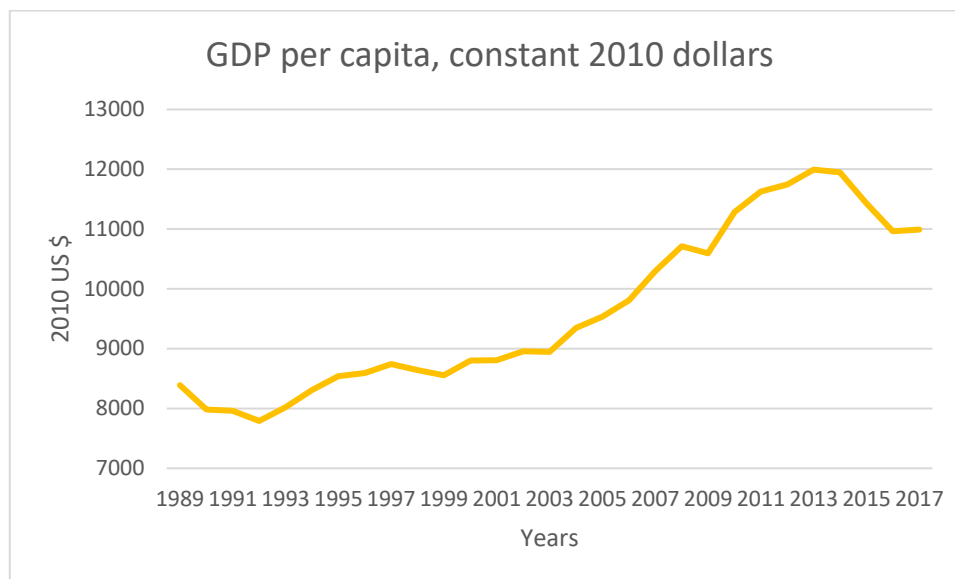
In the next paragraph I will show some data on the economic development of Brazil between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>142</sup>.

<sup>139</sup> Compilation on Brazil Report of the Office of the United Nations High Commissioner for Human Rights, 24 February 2017, p. 6, A/HRC/WG.6/27/BRA/2.

<sup>140</sup> Compilation on Brazil Report of the Office of the United Nations High Commissioner for Human Rights, 24 February 2017, p. 8, A/HRC/WG.6/27/BRA/2.

<sup>141</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>142</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



The graph shows the growth and recession of the GDP per capita in the period above described. It can be seen that there was a recession until 1992; it follows an overall economic growth until 2013, with the exception for the world crisis in 2008. The following period is characterized by a recession that reached a stabilization point in 2016. In the next table instead, I will show you, in the second column the Unemployment rate<sup>143</sup>, in the third column the Human Development Index<sup>144</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>145</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		2	2	
1990		2	3	0.611
1991	6.26	2	3	0.615
1992	6.42	2	3	0.622
1993	6.03	3	4	0.630
1994	6.10	2	4	0.640
1995	6.42	2	4	0.640
1996	7.25	2	4	0.656
1997	8.16	3	4	0.664
1998	9.42	3	4	0.670
1999	10.21	3	4	0.670
2000	9.89	3	3	0.684
2001	9.61	3	3	0.691
2002	9.37	2	3	0.698
2003	9.99	2	3	0.698
2004	9.10	2	3	0.698
2005	9.57	2	2	0.700

<sup>143</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>144</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>145</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2006	8.64	2	2	0.702
2007	8.33	2	2	0.705
2008	7.34	2	2	0.716
2009	8.52	2	2	0.718
2010	7.73	2	2	0.727
2011	6.92	2	2	0.731
2012	7.19	2	2	0.736
2013	6.99	2	2	0.748
2014	6.67	2	2	0.752
2015	8.44	2	2	0.757
2016	11.61	2	2	0.758
2017	12.83	2	2	0.759

Looking at the above table we can conclude that Brazil has had in the last thirty years stable but relatively high Unemployment rate; both Political and Civil rights index instead are at a good rate and have gotten better with time; the Human development index has had an overall growth and the last data are high.

### 3.2 Chile

The Human rights council in 2018 submitted the compilation for Chile and it resulted that Chile has violated or miss-implemented the following human rights. “The Committee on Economic, Social and Cultural Rights was concerned at the persistent discrimination against indigenous peoples, lesbian, gay, bisexual and transgender persons, migrants, asylum seekers and refugees, particularly in the areas of employment, education and health services”<sup>146</sup>. It was also reported the brutality and excessive use of force used by the police and by security forces against peaceful demonstrators and against members of the Mapuche people. Also were noted both cases of sexual violence against women and students during student protests, cases of ill treatment against detained demonstrators<sup>147</sup>, and use of violence against lesbian, bisexual and transgender women. “The Committee against Torture was concerned at reports that persons with disabilities and older persons placed in residential institutions were subjected to degrading treatment, including the frequent use of restraints, forced medication and sexual abuse”<sup>148</sup>. The United Nations country team recommended speeding up passage of the bills to declare genocide, crimes against humanity and war crimes not subject to the statute of limitations. Chile has not implemented an effective law, in conformity with the international human rights standards, that criminalizes all forms of slavery and trafficking of persons. Chile has not yet implemented an effective plan to take away people from situations of extreme poverty and drinkable water is not available for

<sup>146</sup> Compilation on Chile Report of the Office of the United Nations High Commissioner for Human Rights, 16 November 2018, p. 2, A/HRC/WG.6/32/CHL/2.

<sup>147</sup> Compilation on Chile Report of the Office of the United Nations High Commissioner for Human Rights, 16 November 2018, p. 4, A/HRC/WG.6/32/CHL/2.

<sup>148</sup> Compilation on Chile Report of the Office of the United Nations High Commissioner for Human Rights, 16 November 2018, p. 5, A/HRC/WG.6/32/CHL/2.

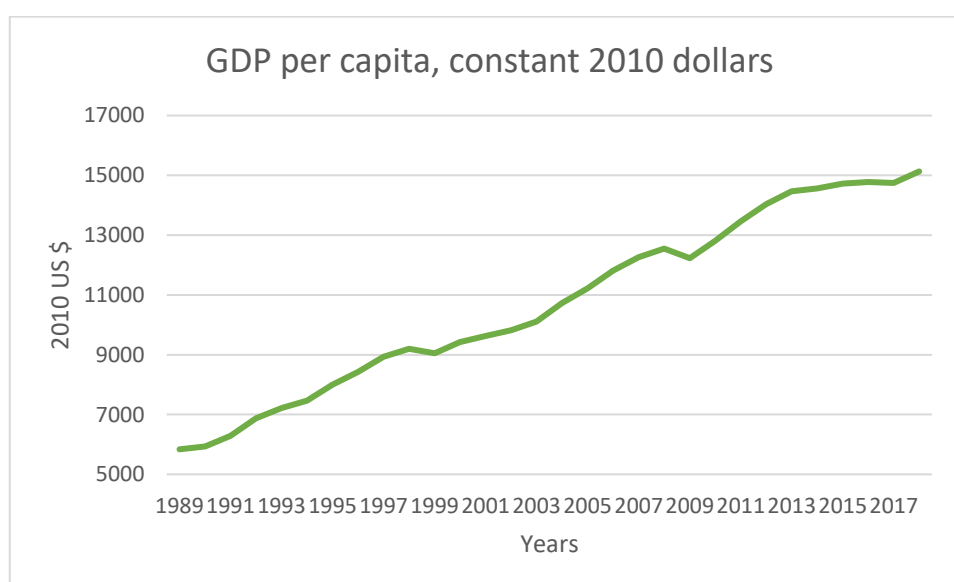


a large part of the population. It is still present in Chile a high level of discrimination into schools since both public and private institutions continued to select their students on arbitrary criteria or based on their socioeconomic background, discriminating the rest of the population<sup>149</sup>. The following table shows the Human rights and rule of law index<sup>150</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Chile	2007	3.70
Chile	2008	3.90
Chile	2009	3.60
Chile	2010	3.40
Chile	2011	3.30
Chile	2012	3.20
Chile	2013	3.50
Chile	2014	3.70
Chile	2015	3.40
Chile	2016	3.20
Chile	2017	3.00

As we can see even though Chile has violated some human rights its final Human rights and rule of law index is generally good; the index is above the world average (5.77) and in the last 10 years it has positively decreased.

In the next paragraph I will show some data on the economic development of Chile between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>151</sup>.



<sup>149</sup>Compilation on Chile Report of the Office of the United Nations High Commissioner for Human Rights, 16 November 2018, p. 8, A/HRC/WG.6/32/CHL/2.

<sup>150</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>151</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

The above graph shows the economic growth of Chile in the last thirty years; Chile's economic growth is positive and as we can see it had only two short economic recessions. The first in 1998 due to the Mexican economic crisis, but it soon recovered thanks to good economic policies; and the second in 2008 due to world crisis, but, always thanks to good economic policies, it fast recovered also from this crisis. The Average annual growth rate of Chile in the period between 1989 and 2017 is 3.37%. In the next table instead, I will show you, in the second column the Unemployment rate<sup>152</sup>, in the third column the Human Development Index<sup>153</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>154</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		4	3	
1990		2	2	0.701
1991	5.23	2	2	0.711
1992	4.35	2	2	0.719
1993	4.49	2	2	0.713
1994	5.87	2	2	0.718
1995	4.70	2	2	0.718
1996	7.41	2	2	0.734
1997	7.14	2	2	0.741
1998	7.31	3	2	0.747
1999	11.16	2	2	0.747
2000	10.49	2	2	0.759
2001	10.39	2	2	0.766
2002	10.17	2	1	0.768
2003	9.77	1	1	0.768
2004	10.16	1	1	0.783
2005	9.34	1	1	0.788
2006	9.02	1	1	0.788
2007	8.43	1	1	0.795
2008	9.28	1	1	0.806
2009	11.31	1	1	0.804
2010	8.42	1	1	0.808
2011	7.34	1	1	0.814
2012	6.66	1	1	0.819
2013	6.21	1	1	0.828
2014	6.66	1	1	0.833
2015	6.51	1	1	0.840
2016	6.74	1	1	0.842
2017	6.96	1	1	0.843

<sup>152</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>153</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>154</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

Generally speaking, the Unemployment rate in Chile was low until 1996 than it had a period, until 2010, where the rate was higher, and then it stabilized until today. Both Political and Civil right indexes are really good and have been stable for the last fifteen years. The Human development index shoes an implementation in the development of the country and at the same time the index in the last period has been over the world average (0.711).

### *3.3 Mexico*

In 2018 the Human Rights Council has redacted the compilation where are also listed the human rights that have been violated or not implemented in Mexico. There has been discrimination against indigenous, Afro-Mexican and migrant, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, children in street situations and children living in poverty and in rural areas. It was noted the extra use and the abuse of force and extrajudicial killings by the army and the police. “The Committee on Enforced Disappearances noted that disappearances were widespread in much of the territory of Mexico. The enforced disappearance in 2014 of 43 students in the State of Guerrero attested to the serious challenges the country faced in the prevention, investigation and punishment of enforced disappearances”<sup>155</sup>. Were reported many cases of torture and ill-treatment, mostly used during detention or in the preliminary part of detention to obtain confessions before bringing the accused before the judicial authority. “In March 2018, OHCHR published a report (...) in which (...) there were strong grounds to believe that at least 34 people detained during the early stages of the investigation into the disappearance of 43 students had been tortured and many of them arbitrarily detained”<sup>156</sup>. There are restrictions placed on the public access to records on the dirty war. There have been many cases of violence and ill-treatment against human rights defenders, cases of persecution and threats against the relatives of the victims of enforced disappearance and cases of assault against journalists. It was “also noted the dismissal of critical journalists by media outlets at the demand of the authorities, and the lack of pluralism in the property and the editorial line of the media system. (...) [Were also] condemned acts of digital espionage and harassment targeting journalists, anti-corruption activists and human rights defenders, and members of their families”<sup>157</sup>. There are still many cases of trafficking of children for sexual exploitation and forced labor. There have been many cases of discrimination against woman when trying to find a job due like being forced to take pregnancy tests before getting hired and the wage gap in all occupational groups between man and women has reached between 15 and 20%. There are problems with the access to quality drinking water and adequate sanitation service. In Mexico there are millions of children between 3 and 17

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<sup>155</sup> Compilation on Mexico Report of the Office of the United Nations High Commissioner for Human Rights, 3 September 2018, p. 4, A/HRC/WG.6/31/MEX/2.

<sup>156</sup> Compilation on Mexico Report of the Office of the United Nations High Commissioner for Human Rights, 3 September 2018, p. 4, A/HRC/WG.6/31/MEX/2.

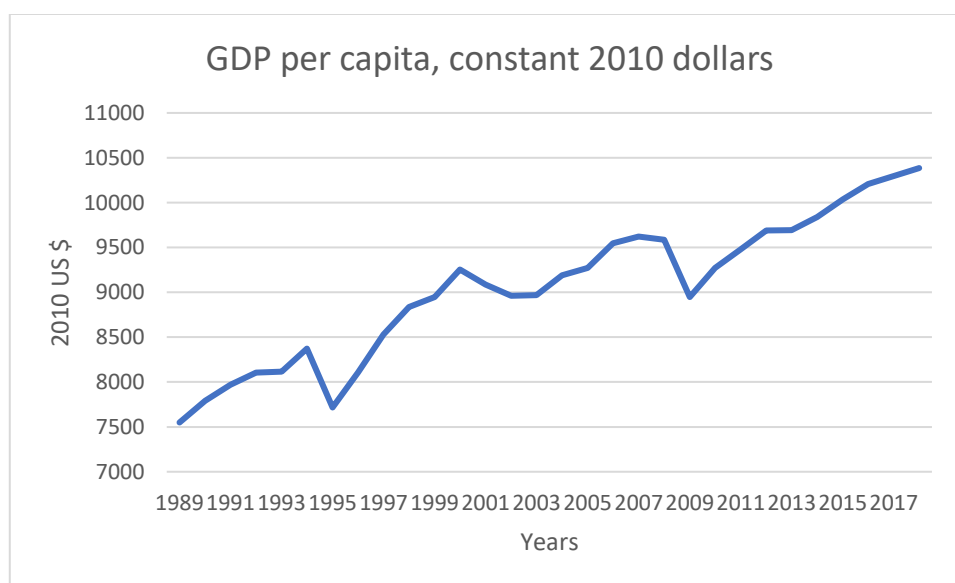
<sup>157</sup> Compilation on Mexico Report of the Office of the United Nations High Commissioner for Human Rights, 3 September 2018, p. 6, A/HRC/WG.6/31/MEX/2.

years of age that have not attended school<sup>158</sup>. Looking at the above data it can be affirmed that Mexico has still a lot to do to reach a good level of implementation and respect of the UDHR. The following table shows the Human rights and rule of law index<sup>159</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Mexico	2007	5.10
Mexico	2008	5.10
Mexico	2009	5.50
Mexico	2010	5.80
Mexico	2011	5.90
Mexico	2012	6.20
Mexico	2013	6.30
Mexico	2014	6.00
Mexico	2015	6.50
Mexico	2016	6.20
Mexico	2017	6.50

The index for Mexico is high is almost one point under the world average and instead of lowering, in time, it has become higher; meaning that in Mexico the respect for human rights has decreased in time and the government is apparently not doing enough to overcome the problem.

In the next paragraph I will show some data on the economic development of Mexico between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>160</sup>.



<sup>158</sup> Compilation on Mexico Report of the Office of the United Nations High Commissioner for Human Rights, 3 September 2018, A/HRC/WG.6/31/MEX/2.

<sup>159</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>160</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

The above graph shows the economic growth of Mexico in the period between 1989 and 2017. As the other countries previously analyzed Mexico has had an overall positive growth. In this period of twenty-eight years it had an average annual growth rate of 1.12%. This low average growth is due to the mayor economic crisis that Mexico went through. The first was in 1994 with the collapse of the new peso the crisis was solved with good economic policies and foreign investment. The second was a recession that started in the 2000 as a response to the 1998 Mexican crisis. The third was in 2008 due to world crisis; the Mexican economy recovered by 2009 and from that point has had a stable growth.

In the next table instead, I will show you, in the second column the Unemployment rate<sup>161</sup>, in the third column the Human Development Index<sup>162</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>163</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		4	3	
1990		4	4	0.650
1991	3.05	4	4	0.654
1992	3.10	4	3	0.658
1993	3.21	4	4	0.663
1994	4.25	4	4	0.670
1995	6.89	4	4	0.670
1996	5.25	4	3	0.677
1997	4.05	3	4	0.683
1998	3.57	3	4	0.690
1999	2.49	3	4	0.690
2000	2.56	2	3	0.702
2001	2.54	2	3	0.705
2002	3.00	2	2	0.710
2003	3.45	2	2	0.710
2004	3.94	2	2	0.724
2005	3.56	2	2	0.728
2006	3.57	2	3	0.736
2007	3.63	2	3	0.739
2008	3.87	2	3	0.742
2009	5.36	2	3	0.743
2010	5.30	3	3	0.743
2011	5.17	3	3	0.751
2012	4.89	3	3	0.757
2013	4.91	3	3	0.756
2014	4.81	3	3	0.761
2015	4.31	3	3	0.767

<sup>161</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>162</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>163</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2016	3.86	3	3	0.772
2017	3.42	3	3	0.774

The Unemployment rate has fluctuated between 7% and 3% but it has never grown higher than 7% and in the last period has lowered down to 3%. The Political rights and Civil liberties indexes are both in the world average (3) although they had gotten better until 10 years ago and then negatively grew again. The Human development index is in the world average.

### 3.4 Nigeria

Until 2018 the state of Nigeria has violated and miss implemented the following human rights. In the Nigerian constitution there is no comprehensive definition of discrimination. There have been many oil spills that resulted in water and soil pollution destroying the live hood of many communities at that point in need of health care and education facilities. “Government forces, during counter-insurgency operations, (...) [have committed] extrajudicial killings, enforced disappearances, arbitrary arrests and detention, and ill-treatment”<sup>164</sup>. The conditions of inmates into prisons are harsh and life threatening with cases of overcrowding and low levels of sanitation and health care. There have been many cases of insurgencies in Nigeria mostly caused by the terrorist group Boko Haram, when victims of this insurgencies would ask and demand for an effective legal remedy against these groups including against sexual violence, these remedies were almost non-existing; also the state was unable to provide free legal representation to those in need due to deficiencies in the staff members. It was noted that minorities and their issues were not duly represented in politics at all level. Nigeria is still now a source for the international trafficking of persons for purposes of sexual and labor exploitation. “Under section 26 (2) (a) of the Constitution, Nigerian women married to foreign men could not transmit their nationality to their husbands, unlike Nigerian men married to foreign women. Also (...) section 29 (4) (b) on citizenship renunciation legitimized child marriage, as it recognized any woman who was married to be of full age for the purposes of renunciation of citizenship. [There was also a] concerne about discriminatory provisions in the Labour Act (1990), the Factories Act (1987) and the Police Regulations (1968), which prohibited the employment of women in night work and the recruitment of married women to the police and required women police officers to make a written request for permission to marry”<sup>165</sup>. The health care especially for women is really low, resulting high pregnancy mortality rate and also many cases of illegal abortions, that lead to death. Also, Nigeria has one of the highest rates of HIV in the world. Nigeria still does not possess a free access for everybody to compulsory primary education; the once which are more

<sup>164</sup> Compilation on Nigeria Report of the Office of the United Nations High Commissioner for Human Rights, 27 August 2018, p. 4, A/HRC/WG.6/31/NGA/2.

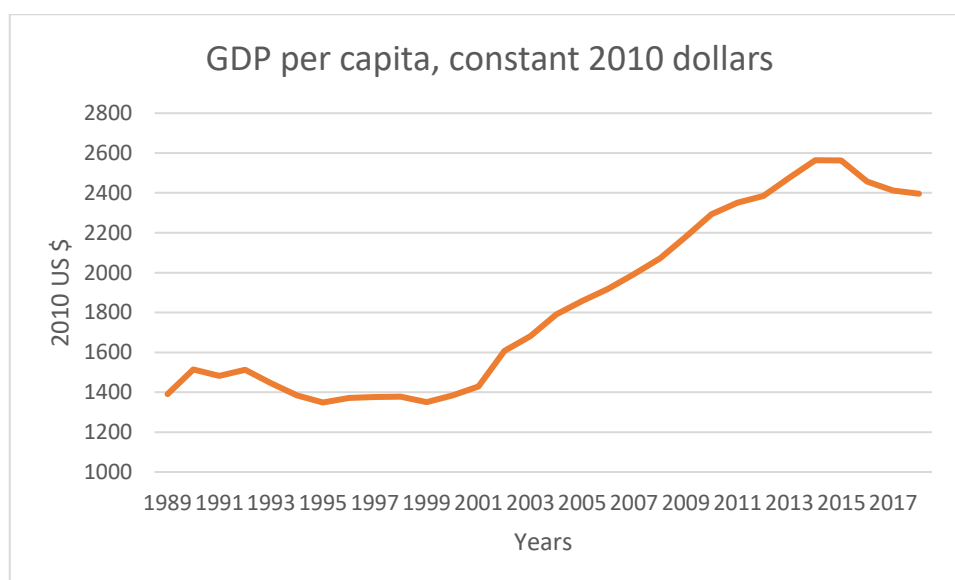
<sup>165</sup> Compilation on Nigeria Report of the Office of the United Nations High Commissioner for Human Rights, 27 August 2018, p. 7, A/HRC/WG.6/31/NGA/2.

discriminated are girls and young women<sup>166</sup>. The respect for human rights in Nigeria is really low as it also demonstrates the following table, that shows the Human rights and rule of law index<sup>167</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Nigeria	2007	7.10
Nigeria	2008	7.50
Nigeria	2009	8.60
Nigeria	2010	8.80
Nigeria	2011	8.60
Nigeria	2012	8.60
Nigeria	2013	8.60
Nigeria	2014	8.70
Nigeria	2015	8.80
Nigeria	2016	9.10
Nigeria	2017	8.90

Nigeria has one of the lowest Human rights & rule of law indexes in the world. It is the twenty-first worst index over 176 countries analyze and as we can see from the above analysis it has violated many articles of the UDHR.

In the next paragraph I will show some data on the economic development of Nigeria between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>168</sup>.



<sup>166</sup> Compilation on Nigeria Report of the Office of the United Nations High Commissioner for Human Rights, 27 August 2018, A/HRC/WG.6/31/NGA/2.

<sup>167</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>168</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

The graph shows the economic growth of Nigeria in the last thirty years and looking at the graph it can be said that it had a recession between 1992 and 1999 but from there on it had a positive economic growth. Even though there was an economic growth Nigeria still had many problems such as high unemployment and poor standards of living for big part of the population. These conditions led to the creation of a terrorist group called the Boko Haram. They are the cause of the many violations of human rights above listed, in the name of the Islamic religion. This situation of fear and uncertainty led to the economic recession in 2015, that is still going on. In the next table instead, I will show you, in the second column the Unemployment rate<sup>169</sup>, in the third column the Human Development Index<sup>170</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>171</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		6	5	
1990		5	5	
1991	3.56	5	4	
1992	3.56	5	4	
1993	3.83	7	5	0.475
1994	4.02	7	6	
1995	3.95	7	7	
1996	3.95	7	6	
1997	3.97	7	6	
1998	3.99	6	4	
1999	4.01	4	3	
2000	3.95	4	4	
2001	4.03	4	5	
2002	4.11	4	5	
2003	4.06	4	4	0.443
2004	3.98	4	4	0.462
2005	3.87	4	4	0.465
2006	3.67	4	4	0.475
2007	3.44	4	4	0.479
2008	3.42	5	4	0.485
2009	3.76	5	4	0.490
2010	3.77	4	4	0.484
2011	3.70	4	4	0.494
2012	3.69	4	5	0.512
2013	3.70	4	5	0.519
2014	4.44	4	5	0.524
2015	5.31	4	5	0.527

<sup>169</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>170</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>171</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



2016	6.24	3	5	0.530
2017	6.01	3	5	0.532

As I said above the unemployment rate in Nigeria is pretty high, but, is still under the world average. The Political rights index is at the same level of the world average and it positively decreased in the last thirty years. Instead the Civil liberties index together with the Human development index are way lower than the world average.

### 3.5 Kenya

The last compilation redacted on Kenya was redacted by the Human Rights Council in 2014 and the following are the human rights violated from Kenya until then. Kenyan that were not considered Kenyans because of their appetite to an ethnic minority were discriminated in the proceedings to obtain legal documents of identification, and the constitution of Kenya contains the possibility of revoking the nationality to any citizen. “UNCT indicated that the enjoyment of the right to life, liberty and security of the person continued to be curtailed in Kenya by, inter alia, the existing security risks and threats of violent armed conflicts within the country”<sup>172</sup>. There are still many cases of trafficking of girls and women for sexual exploitation and the law criminalizes only prostitutes and not the demand side. Also, there are many cases still present of prostitution and trafficking of children, mostly children living in the streets. Many times, it happens that access to justice is neglected to women and they have not the possibility of obtaining free legal aid. During the post-election there were many cases of excessive use of force, torture and extrajudicial killings by the police and the military.

In Kenya there are still many cases of hate speeches, religious intolerance, negative ethnicity and stereotyping reported in the media reducing the freedom of expression and religion. Also, due to the criminalization of defamation, journalists are not able to express any opinion that criticizes or expresses an opposing idea towards who is in power at the moment. Human rights defenders reported intimidation, harassment and ill-treatment by the police<sup>173</sup>. There is an “persistent discrimination against women in the labour market; a wide wage gap between women and men; occupational segregation; and concentration of women in the informal sector without social security”<sup>174</sup>. The access to water in rural areas is practically inexistent and the prices of water are way higher in the rural areas than in the urban area. There have been many cases of forced and coerced

<sup>172</sup> Compilation on Kenya of 12 November 2014 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 8, A/HRC/WG.6/21/KEN/2.

<sup>173</sup> Compilation on Kenya of 12 November 2014 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 10, A/HRC/WG.6/21/KEN/2.

<sup>174</sup> Compilation on Kenya of 12 November 2014 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 11, A/HRC/WG.6/21/KEN/2.

sterilization of women with disabilities or positive to HIV. The right to education is neglected to people part of marginalized communities<sup>175</sup>. As evicted from the latter analysis we can affirm that Kenya has miss implemented many of the articles of the UDHR and is respected in the following table shows the Human rights and rule of law index<sup>176</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Kenya	2007	7.00
Kenya	2008	7.20
Kenya	2009	8.20
Kenya	2010	8.00
Kenya	2011	7.70
Kenya	2012	7.40
Kenya	2013	7.10
Kenya	2014	6.80
Kenya	2015	6.50
Kenya	2016	7.20
Kenya	2017	7.00

As stated above Kenya has violate many fundamental human rights and its Human rights and rule of law index is two points over the world average (5.77). the other negative part is that in the last ten years the index has not gotten better and this shows a neglect from part of the State towards fundamental human rights.

In the next paragraph I will show some data on the economic development of Kenya between 1989 and 2017. The next graph shows the *GDP per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>177</sup>.



<sup>175</sup> Compilation on Kenya of 12 November 2014 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, A/HRC/WG.6/21/KEN/2.

<sup>176</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>177</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

As it regards Kenia's economic growth, the graph shows that the Kenya had a long period of economic recession between 1990 and 2003. From 2003, thanks to the election of a new state administration, were done many correct economic policies that led to a period of grate economic growth, with a sole economic recession in 2008 due to world crisis. In fact, the annual average growth rate for the period between 1998 and 2017 is of 0.86% instead for the period from 2003 to 2017 is of 2.85%.

In the next table instead, I will show you, in the second column the Unemployment rate<sup>178</sup>, in the third column the Human Development Index<sup>179</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>180</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		6	6	
1990		6	6	0.468
1991	8.90	6	6	0.466
1992	9.15	4	5	0.463
1993	9.44	5	6	0.458
1994	9.63	6	6	0.457
1995	9.77	7	6	0.457
1996	9.92	7	6	0.455
1997	9.89	6	6	0.453
1998	9.92	6	5	0.452
1999	10.00	6	5	0.452
2000	9.90	6	5	0.451
2001	9.90	6	5	0.456
2002	10.09	4	4	0.456
2003	10.10	3	3	0.456
2004	9.97	3	3	0.480
2005	9.78	3	3	0.490
2006	9.44	3	3	0.505
2007	9.06	4	3	0.514
2008	8.93	4	3	0.523
2009	9.60	4	4	0.533
2010	9.73	4	3	0.543
2011	9.68	4	3	0.552
2012	9.66	4	4	0.559
2013	9.79	4	4	0.566
2014	9.59	4	4	0.572
2015	9.68	4	4	0.578
2016	9.63	4	4	0.585

<sup>178</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>179</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>180</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2017	9.29	4	4	0.590
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All four the above indexes are negative in respect to the world average. The first three are at bad levels and in all three there is no demonstration of a possible improvement. Instead the Human development index even though is low in respect of the world average it has shown some kind of improvement in the last thirty years.

### 3.6 Indonesia

In 2017 the Human Rights Council has redacted the compilation for Indonesia in which are listed the following violations and miss-implementation of human rights. Indonesia has still not implemented a law that criminalizes any sort of discrimination and that gives a definition of discrimination in line with the international treaties. In Indonesia are still present by-laws that restrict women’s freedom imposing dress codes, restricting freedom of movement and severely prohibiting “immoral relationships”; also, this laws, discriminate individuals such as sex workers and members of the LGBTI community. In Indonesia is still present the death penalty for minor crimes. There has been an abuse of power by the police and the military by repressing, with an excessive use of force and extrajudicial killings, peaceful protests; and is still in use corporal punishment in the penal system<sup>181</sup>. “The Committee was concerned at reports of overcrowding and deaths of prisoners relating to poor sanitation and lack of adequate health care. (...) [There is a concern] about reports of sexual abuse of women in police detention, the absence of provisions in the Criminal Procedure Code providing women in custody with protection (...), the difficulties they faced in lodging complaints about police misconduct, and about the lack of progress in providing women victims of sexual violence with justice, truth, reparation and rehabilitation”<sup>182</sup>. In Indonesia there are restrictions on the freedom of religion and expression of religious minorities, and using blasphemy as a crime people part of a religious minority can be prosecuted. “The Human Rights Committee was concerned at reports suggesting failure on the part of State authorities to protect victims of violent attacks motivated by religious hatred, and about the lenient penalties imposed on the perpetrators of such attacks”<sup>183</sup>. Indonesia has used the public security system to punish political opposers and human rights defenders; and it put restrictions on the freedom of expression and assemble by prohibiting peaceful protests. There are still many cases of trafficking of children to use them as sex workers; also, child marriage is still practiced. There is discrimination for women of different religious believes because Muslim women fall under a different law than everyone else therefore to them is prohibited the divorce. Two thirds of the workforce lack of just and favorable working conditions and one quarter of the

<sup>181</sup> Compilation on Indonesia Report of the Office of the United Nations High Commissioner for Human Rights, 17 February 2017, A/HRC/WG.6/27/IDN/2.

<sup>182</sup> Compilation on Indonesia Report of the Office of the United Nations High Commissioner for Human Rights, 17 February 2017, p. 5, A/HRC/WG.6/27/IDN/2.

<sup>183</sup> Compilation on Indonesia Report of the Office of the United Nations High Commissioner for Human Rights, 17 February 2017, p. 7, A/HRC/WG.6/27/IDN/2.

population does not have access to safe drinkable water. The percentage of maternal mortality and mortality of infants is still really high and there is a rise in HIV positive individuals. In Indonesia there is “lack of education services and poor quality in some areas left Indonesia with a large number of illiterate persons (...) and that the deployment of less qualified teachers to remote areas perpetuated the discriminatory situation. The Committee on the Rights of the Child was concerned at the high occurrence of violence in schools, including on the part of teachers.”<sup>184</sup>. Indonesia has violated some of the articles of the UDHR and the level of respect of fundamental rights in the country is pretty low. The following table shows the Human rights and rule of law index<sup>185</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Indonesia	2007	7.00
Indonesia	2008	6.80
Indonesia	2009	6.70
Indonesia	2010	6.50
Indonesia	2011	6.30
Indonesia	2012	6.80
Indonesia	2013	6.50
Indonesia	2014	6.20
Indonesia	2015	6.80
Indonesia	2016	7.40
Indonesia	2017	7.20

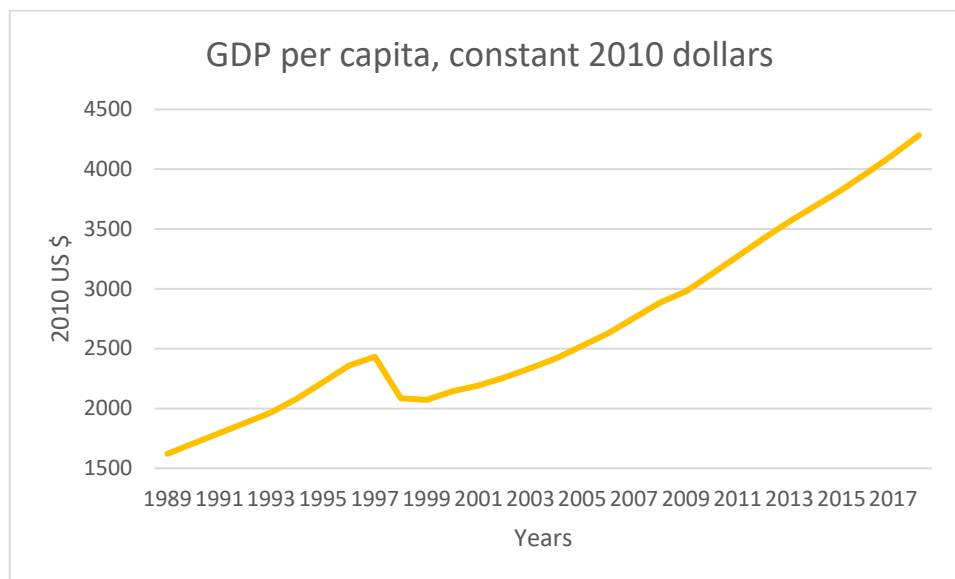
The Human rights and rule of law index in Indonesia is still high the major problem is that there was a step back from 2011 where the index started to get worst that shows a decreasing interest from part of the State on the problem.

In the next paragraph I will show some data on the economic development of Indonesia between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>186</sup>.

<sup>184</sup> Compilation on Indonesia Report of the Office of the United Nations High Commissioner for Human Rights, 17 February 2017, p. 10, A/HRC/WG.6/27/IDN/2.

<sup>185</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>186</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



Indonesia has had a high economic growth in the last thirty years with only one period of recession in 1997 due to the Asian economic crisis but thanks to the funds of the IMF and later to good adjustments done by the State the period of recession was soon recovered.

In the next table instead, I will show you, in the second column the Unemployment rate<sup>187</sup>, in the third column the Human Development Index<sup>188</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>189</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		5	5	
1990		6	5	0.528
1991	2.54	6	5	0.533
1992	2.67	6	5	0.539
1993	3.28	7	6	0.545
1994	3.63	7	6	0.555
1995	3.99	7	6	0.555
1996	4.37	7	5	0.577
1997	4.68	7	5	0.590
1998	5.46	6	4	0.590
1999	6.30	4	4	0.590
2000	6.08	3	4	0.606
2001	6.08	3	4	0.612
2002	6.60	3	4	0.618
2003	6.66	3	4	0.618
2004	7.30	3	4	0.629
2005	7.95	2	3	0.632

<sup>187</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>188</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>189</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

2006	7.55	2	3	0.641
2007	8.06	2	3	0.642
2008	7.21	2	3	0.646
2009	6.11	2	3	0.656
2010	5.61	2	3	0.661
2011	5.15	2	3	0.669
2012	4.47	2	3	0.675
2013	4.34	2	4	0.681
2014	4.05	2	4	0.683
2015	4.51	2	4	0.686
2016	4.30	2	4	0.691
2017	4.18	2	4	0.694

The level of Unemployment rate to date is good, it is lower than the world average (7.36) and in the last thirty years it was higher in the period just after the Asian economic crisis, but it decreased with time. The Political rights index is under the world average and it had a major improvement during the last thirty years; instead the Civil liberties index is still under the world average (3) and it has not shown major improvements in the analyzed period. The Human development index is still lower than the world average (0.771) but is increasing in time.

### *3.7 Malaysia*

In 2018 the Human Rights Council has redacted the compilation for Malaysia where it lists the human rights that Malaysia has either violated or miss-implemented. In the constitution of Malaysia are present provisions that deny women equal rights such as the transmission of nationality to their children or foreign spouse. People of the LGBT community are still stigmatized both by the civil society and by law; same sex relationships and gender inconformity are both criminalized. The use of violence as punishment is still permitted in some courts of Malaysia. The freedom of expression is still largely neglected; and there are many bans on various artistic and cultural practices, and on some authors, publishers, film makers and artists. There is not the possibility of freedom of religion or belief. The expression of an opposing opinion against the winning party and the government is punished. “Malaysia remains a destination country for trafficking of women and girls, including asylum-seeking and refugee women and girls, for purposes of sexual exploitation, begging, forced labour or forced marriage. (...) Migrant women employed as domestic workers, (...) do not enjoy the same legal guarantees as other migrant workers, including in relation to minimum wages, working hours, rest days, leave, freedom of association and social security coverage”<sup>190</sup>. Therefore, in Malaysia many

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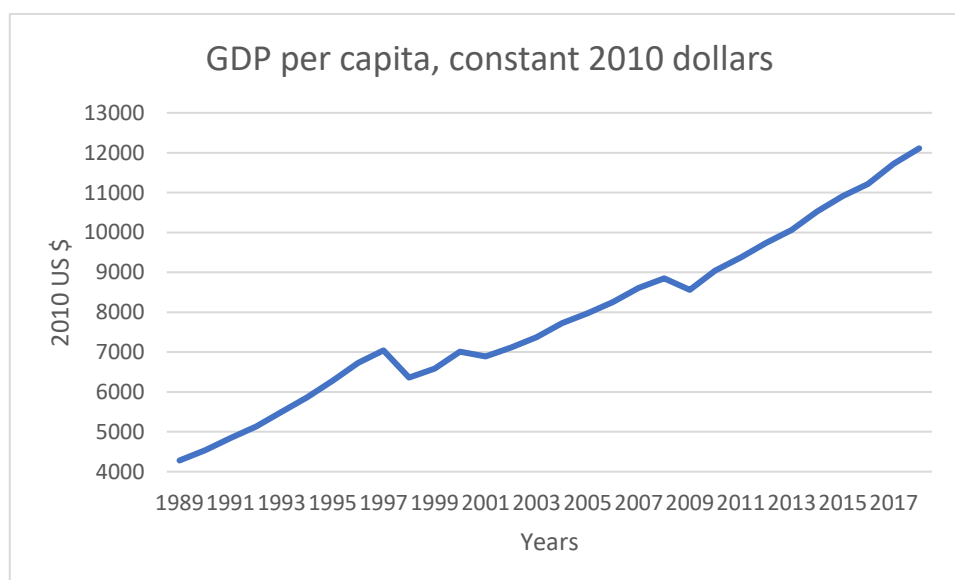
<sup>190</sup> Compilation on Malaysia Report of the Office of the United Nations High Commissioner for Human Rights, 3 September 2018, p. 6, A/HRC/WG.6/31/MYS/2.

fundamental rights are not respected and the UDHR has been not duly implemented. The following table shows the Human rights and rule of law index<sup>191</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Malaysia	2007	6.50
Malaysia	2008	6.50
Malaysia	2009	6.50
Malaysia	2010	6.80
Malaysia	2011	6.90
Malaysia	2012	7.40
Malaysia	2013	7.10
Malaysia	2014	6.90
Malaysia	2015	7.20
Malaysia	2016	7.70
Malaysia	2017	8.00

As we can see the Human rights and rule of law index is really high, considering that the world average is 5.77 and also there has been an increase of the index, so a decrease of implementation and respect of human rights, in the last period.

In the next paragraph I will show some data on the economic development of Malaysia between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>192</sup>.



Analyzing the graph, it can be deduced that Malaysia has had a positive economic growth in the last thirty years. There was a recession in 1997 due to the Asian economic crisis and then another in 2008 due to the

<sup>191</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>192</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



world crisis; but both recessions lasted less than two years and the average annual growth rate for the analyzed period is of 3.66%. In the next table instead, I will show you, in the second column the Unemployment rate<sup>193</sup>, in the third column the Human Development Index<sup>194</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>195</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		5	4	
1990		5	4	0.643
1991	3.59	5	4	0.652
1992	3.71	5	4	0.660
1993	4.11	4	5	0.668
1994	3.66	4	5	0.675
1995	3.15	4	5	0.675
1996	2.52	4	5	0.695
1997	2.45	4	5	0.706
1998	3.20	5	5	0.710
1999	3.43	5	5	0.710
2000	3.00	5	5	0.725
2001	3.53	5	5	0.723
2002	3.48	5	5	0.725
2003	3.61	5	4	0.725
2004	3.54	4	4	0.734
2005	3.53	4	4	0.731
2006	3.32	4	4	0.737
2007	3.23	4	4	0.750
2008	3.34	4	4	0.761
2009	3.69	4	4	0.765
2010	3.25	4	4	0.772
2011	3.05	4	4	0.778
2012	3.04	4	4	0.781
2013	3.11	4	4	0.785
2014	2.88	4	4	0.790
2015	3.10	4	4	0.795
2016	3.44	4	4	0.799
2017	3.41	4	4	0.802

The Unemployment rate is low and it has been stable. Instead both the Political rights and the Civil liberties indexes are higher than the world average; and in the analyzed period have not had many variations. The Human development index is higher than the world average and in the last thirty years it has improved.

<sup>193</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>194</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>195</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

### 3.8 Viet Nam

In 2018 the Human Rights Council has redacted the compilation for Viet Nam on the Human Rights that it has violated or miss implemented. Viet Nam still applies the death penalty also on minor crimes. There have been cases of arbitrary arrest of human rights defenders and journalists that had been expressing their ideas peacefully and it was neglected to them the possibility of having a fair trial. There are no effective remedies for victims of violations of economic, social and cultural rights; and have been reported cases of intimidation towards the once who wanted to press charges against these violations. Vietnamese authorities have committed “persecution and harassment, including criminalization, of religious leaders, human rights defenders, women’s rights defenders and members of their families. (...) [and it was] expressed concern about a growing trend in arbitrary arrests and detentions, intimidation, harassment and attacks against human rights defenders”<sup>196</sup>. There also is the prohibition to the civil society to create and establish associations or organizations to provide protection against the arbitrary arrest, harassment, detention and ill-treatment of human rights defenders. There is the practice of censorship of cultural activities and restrictions to the freedom of information and expression. “Viet Nam remained a source country for internal and cross-border trafficking in women and children for purposes of sexual and labour exploitation”<sup>197</sup>. In Viet Nam is neglected to workers; “gender equality, non-discrimination, freedom of association, the right to organize and collective bargaining rights, (...) expanded legal protections for informal workers”<sup>198</sup> and they have to work in neglected and dangerous working conditions. It was noted a high difference of standard of living between urban and rural areas; whereas in rural areas the sanitation conditions, the quality of water and access to health care are way lower than the minimum standards requested. “The Committee on the Elimination of Discrimination against Women noted with concern that discriminatory gender biases and stereotypes were perpetuated in education materials, girls were segregated in traditional fields of study and girls belonging to ethnic minorities had limited access to all levels of education”<sup>199</sup>. The following table shows the Human rights and rule of law index<sup>200</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Vietnam	2007	6.90
Vietnam	2008	7.00
Vietnam	2009	7.20

<sup>196</sup> Compilation on Viet Nam Report of the Office of the United Nations High Commissioner for Human Rights, 15 November 2018, A/HRC/WG.6/32/VNM/2.

<sup>197</sup> Compilation on Viet Nam Report of the Office of the United Nations High Commissioner for Human Rights, 15 November 2018, p. 7, A/HRC/WG.6/32/VNM/2.

<sup>198</sup> Compilation on Viet Nam Report of the Office of the United Nations High Commissioner for Human Rights, 15 November 2018, p. 7, A/HRC/WG.6/32/VNM/2.

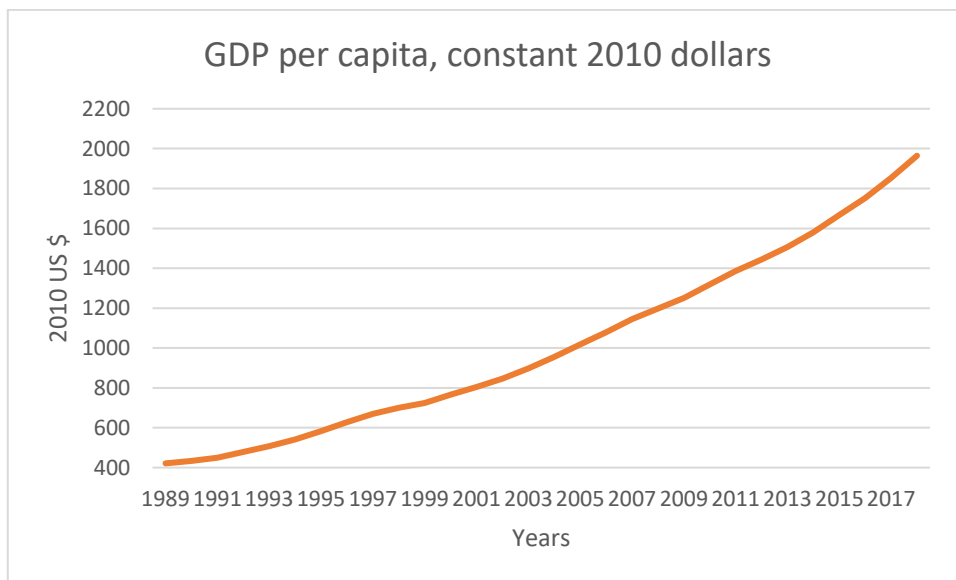
<sup>199</sup> Compilation on Viet Nam Report of the Office of the United Nations High Commissioner for Human Rights, 15 November 2018, p. 9, A/HRC/WG.6/32/VNM/2.

<sup>200</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

Vietnam	2010	7.30
Vietnam	2011	7.70
Vietnam	2012	7.40
Vietnam	2013	7.50
Vietnam	2014	7.60
Vietnam	2015	7.80
Vietnam	2016	7.50
Vietnam	2017	7.40

As the countries above analyzed, also Viet Nam as neglected to respect and implement many rights protected by the UDHR, in fact, its Human rights and rule of law index is almost two points under the world average.

In the next paragraph I will show some data on the economic development of Viet Nam between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>201</sup>.



The economic growth of Vietnam, as well as the one of India and China, has been positive and with no recession for the last thirty years. Viet Nam average annual growth rate for the above period is of 5.43%. In the next table instead, I will show you, in the second column the Unemployment rate<sup>202</sup>, in the third column the Human Development Index<sup>203</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>204</sup>.

<sup>201</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>202</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>203</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>204</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		7	7	
1990		7	7	0.475
1991	1.96	7	7	0.484
1992	1.96	7	7	0.496
1993	1.88	7	7	0.506
1994	1.93	7	7	0.517
1995	1.94	7	7	0.517
1996	1.93	7	7	0.540
1997	2.87	7	7	0.539
1998	2.29	7	7	0.559
1999	2.33	7	7	0.559
2000	2.26	7	6	0.579
2001	2.76	7	6	0.587
2002	2.12	7	6	0.595
2003	2.25	7	6	0.595
2004	2.14	7	6	0.612
2005	2.22	7	5	0.616
2006	2.17	7	5	0.624
2007	2.03	7	5	0.632
2008	2.38	7	5	0.640
2009	1.74	7	5	0.656
2010	1.11	7	5	0.654
2011	1.00	7	5	0.664
2012	1.03	7	5	0.670
2013	1.25	7	5	0.675
2014	1.26	7	5	0.678
2015	1.86	7	5	0.684
2016	1.85	7	5	0.689
2017	1.89	7	5	0.694

While the Unemployment rate is really low, both Political rights and Civil liberties indexes are high; and, when for the Civil liberties index there are signs of improvement, for the Political rights index there are none. The Human development index is under the world average but it has shown grate improvements.

### *3.9 Thailand*

The Human Rights Council has redacted in 2016 the compilation for Thailand where it specifies the human rights that Thailand has violated or miss-implemented. The definition of racial discrimination and its introduction into the criminal code are still missing. There have been many cases of racial discrimination mostly in the implementation of laws such as reports of identities, arrests based on racial profiling and also some cases of torture and enforced disappearance. Death penalty has been expanded also for crimes as economic crimes and corruption. There is no definition of enforced disappearance and no recognition of

enforced disappearance as an offence in the domestic legislation. There have been many cases of enforced disappearance, in particular against human rights, anti-corruption and environmental activists, as well as witnesses of human rights violations<sup>205</sup>. It has been violated the right to access to land to poor communities and most of the time to those communities have been neglected the right to a defense repressing it with intimidation and violence. Thailand has not adopted a rightful definition of torture, and it has not been introduced as a crime into the criminal code; also, have been reported the use of torture and ill-treatment by the police and the military forces with the scope of obtaining confessions. In the southern provinces is still applied the martial law, that has been in force for ten years. “Those laws had negative implications on the rule of law, including due process guarantees. They also significantly curtailed citizens’ fundamental freedoms, put them at risk of intimidation and harassment by authorities and created an environment of impunity whereby security forces were systematically not held accountable for human rights abuses, including torture, extrajudicial killing, and other violations. Insurgent groups routinely targeted civilians, either for targeted assassination or as collateral damage”<sup>206</sup>. There have been many attacks to human rights defenders, journalists and community leaders. In Thailand domestic violence is still seen as a private matter not punished under the criminal code, and corporal punishment in the household is rightful by law. Child labor is still diffused in many fields and many children are obliged to work as sex workers. Even though the age limit for marriage is 17 years for both boys and girls, “the Committee on the Rights of Child expressed concern that the age limit could be lowered to 13 years in cases where children were sexually abused and could consequently marry the perpetrators, who in turn avoided any criminal prosecution for the crime”<sup>207</sup>. There are continuous restrictions on the freedom of expression (such as the shutdown of websites and blogs that express a contrary opinion to the one of government, banning of books and arbitrary arrests based solely on the expression of opinions), freedom of assembly and association. Have been reported many cases of jobs without legal and social protection, presence of forced labor, and the employer committing the above crimes have not been persecuted. The standards of living conditions are under decency and there is a persistent wage gap between man and women. “The universal health care scheme did not adequately cover disadvantaged and marginalized individuals and groups, including persons with disabilities and persons living in remote rural areas, and that stateless persons, migrants, asylum seekers and refugees still faced obstacles in accessing basic health-care

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<sup>205</sup> Compilation of Thailand of 7 March 2016 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 8, A/HRC/WG.6/25/THA/2.

<sup>206</sup> Compilation of Thailand of 7 March 2016 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 9, A/HRC/WG.6/25/THA/2.

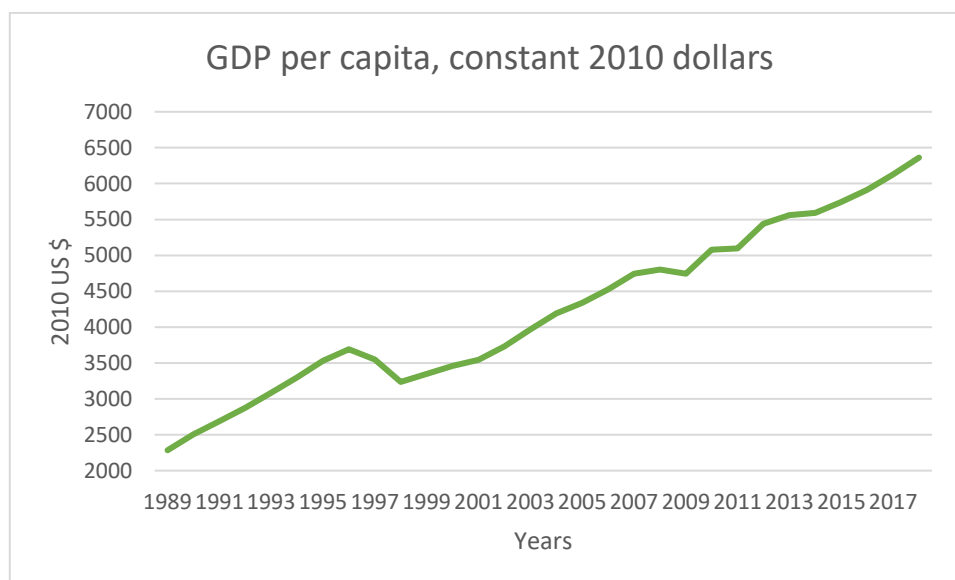
<sup>207</sup> Compilation of Thailand of 7 March 2016 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 11, A/HRC/WG.6/25/THA/2.

services”<sup>208</sup>. Also, primary education it is not guaranteed freely and to everybody throughout the state. The following table shows the Human rights and rule of law index<sup>209</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Thailand	2007	6.30
Thailand	2008	6.20
Thailand	2009	6.90
Thailand	2010	7.00
Thailand	2011	7.30
Thailand	2012	7.20
Thailand	2013	7.30
Thailand	2014	7.40
Thailand	2015	7.70
Thailand	2016	8.20
Thailand	2017	8.00

Thailand has violated many articles of the UDHR, violating and to respecting, therefore, many fundamental rights and this is shown also in its Human right and rule of law index that is really high.

In the next paragraph I will show some data on the economic development of Thailand between 1989 and 2017. The next graph shows the GDP *per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>210</sup>.



<sup>208</sup> Compilation of Thailand of 7 March 2016 prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p. 13, A/HRC/WG.6/25/THA/2.

<sup>209</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>210</sup> GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

Thailand has had a positive economic growth, but it had two major recessions. The first in 1997 with the Asian economic crisis that led to a major setback in the economy; in fact, even with the help by the IMF the period to come out of recession and restart to have the same growth rate of before was lower than the other Asian countries affected from the crisis. The second was in 2008 due to the world crisis. In the next table instead, I will show you, in the second column the Unemployment rate<sup>211</sup>, in the third column the Human Development Index<sup>212</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>213</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		2	3	
1990		2	3	0.574
1991	2.63	6	4	0.583
1992	1.35	3	4	0.589
1993	1.49	3	5	0.597
1994	1.35	3	5	0.604
1995	1.10	3	4	0.604
1996	1.07	3	3	0.619
1997	0.87	3	3	0.625
1998	3.40	2	3	0.630
1999	2.97	2	3	0.630
2000	2.39	2	3	0.649
2001	2.60	2	3	0.657
2002	1.82	2	3	0.666
2003	1.54	2	3	0.666
2004	1.51	2	3	0.683
2005	1.35	3	3	0.693
2006	1.22	7	4	0.699
2007	1.18	6	4	0.710
2008	1.18	5	4	0.714
2009	1.04	5	4	0.718
2010	0.62	5	4	0.724
2011	0.66	4	4	0.727
2012	0.58	4	4	0.731
2013	0.49	4	4	0.728
2014	0.58	6	5	0.735
2015	0.60	6	5	0.741
2016	0.69	6	5	0.748
2017	0.63	6	5	0.755

<sup>211</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>212</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>213</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

Thailand has the 4<sup>th</sup> lowest unemployment rate in the world. Both Political rights and Civil liberties indexes are high, and they started to be higher from the dictatorship on. The Human development index is steadily growing.

### 3.10 Poland

The Human Rights Council has redacted, in 2017, the compilation for Poland where it states the human rights that have been violated or miss implemented. In Poland in the last years there has been an increasing wave of xenophobia and racism that the government has not stopped. Poland has not still implemented a rightful definition of discrimination. There have been hate crimes such as violence, hate speech and discrimination based on race, nationality, gender and sexual orientation; and there was no response from the authorities. Also, were created many filo-fascist organizations that bring on of xenophobic ideas, hate and anti-Semitism. Poland has discriminated asylum seekers neglecting to give them the possibility of entering the country, and discrimination against different ethnicities has been committed also by the authorities<sup>214</sup>. Many cases of torture and ill-treatment were reported against supposes terrorist and these investigations were kept secret and most of the times there was lack of proof. Poland has not integrated into the criminal code ha definition of torture and no investigations were done for cases of torture or ill-treatment. Poland has done some legislative reforms that gave less independence to the judicial bodies and there was the refusal from the government to publish some tribunal's judgments. All the meetings between detainees and their defense were monitored and the calls and correspondence reviewed and analyzed violating their right to privacy. In Poland is not present free legal assistance for asylum seekers, detainees and juvenile detainees<sup>215</sup>. The following table shows the Human rights and rule of law index<sup>216</sup> from the earliest available data to 2017.

Country	Year	Human rights and rule of law index, 0 (high) - 10 (low)
Poland	2007	3.50
Poland	2008	3.80
Poland	2009	4.00
Poland	2010	3.80
Poland	2011	3.50
Poland	2012	3.20
Poland	2013	2.90
Poland	2014	2.80
Poland	2015	2.50
Poland	2016	2.90

<sup>214</sup> Compilation on Poland Report of the Office of the United Nations High Commissioner for Human Rights, 22 February 2017, p. 4, A/HRC/WG.6/27/POL/2.

<sup>215</sup> Compilation on Poland Report of the Office of the United Nations High Commissioner for Human Rights, 22 February 2017, p. 4, A/HRC/WG.6/27/POL/2

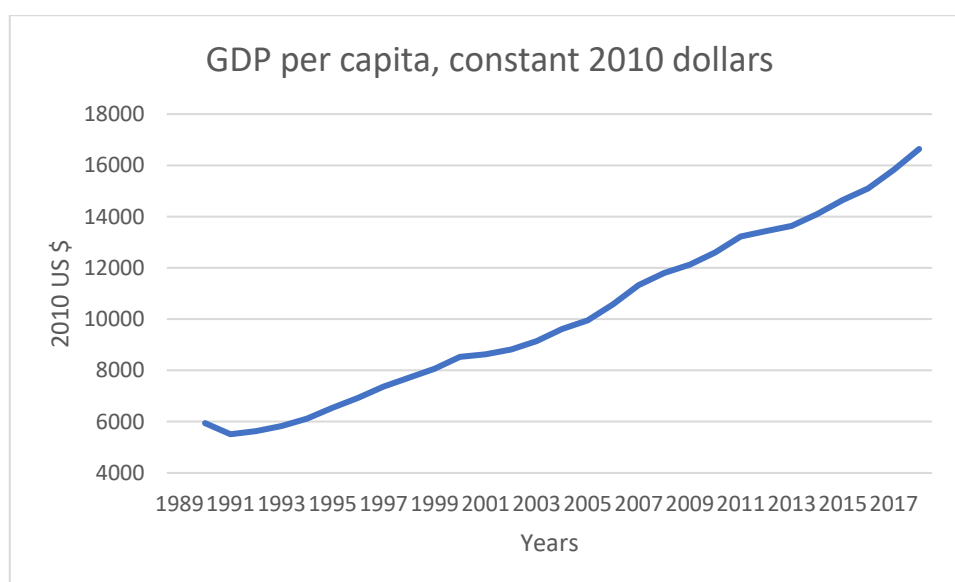
<sup>216</sup> Human rights and rule of law index, source *Fund for Peace*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).



Poland	2017	3.20
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Poland has tendentially respected the UDHR; it has done some violations but generally it has respected most of the articles, and its Human rights and rule of law index is positively lower than the world average.

In the next paragraph I will show some data on the economic development of Poland between 1989 and 2017. The next graph shows the *GDP per capita*, expressed in constant 2010 US dollars, from 1989 to 2017<sup>217</sup>.



From 1991 on Poland has had a positive growth in its economy and the average annual growth rate, for the analyzed period is of 3.56%. In the next table instead, I will show you, in the second column the Unemployment rate<sup>218</sup>, in the third column the Human Development Index<sup>219</sup>, in the fourth column the Political Rights Index and in the fifth column the Civil Liberties index<sup>220</sup>.

Year	Unemployment rate	Political rights index, 7 (weak) - 1 (strong)	Civil liberties index, 7 (weak) - 1 (strong)	Human Development Index (0 - 1)
1989		4	3	
1990		2	2	0.712
1991	13.06	2	2	0.711
1992	13.32	2	2	0.714
1993	14.00	2	2	0.725
1994	14.44	2	2	0.734
1995	13.34	1	2	0.734
1996	12.35	1	2	0.748
1997	10.96	1	2	0.759
1998	9.94	1	2	0.769

<sup>217</sup>GDP per capita, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>218</sup>Unemployment rate, source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>219</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>220</sup>Human development index, source *The Freedom House*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

1999	12.29	1	2	0.769
2000	16.31	1	2	0.785
2001	18.37	1	2	0.791
2002	19.90	1	2	0.799
2003	19.37	1	2	0.799
2004	19.07	1	1	0.802
2005	17.75	1	1	0.808
2006	13.84	1	1	0.814
2007	9.60	1	1	0.819
2008	7.12	1	1	0.824
2009	8.17	1	1	0.828
2010	9.64	1	1	0.835
2011	9.63	1	1	0.839
2012	10.09	1	1	0.836
2013	10.33	1	1	0.850
2014	8.99	1	1	0.842
2015	7.50	1	1	0.855
2016	6.16	1	2	0.860
2017	4.89	1	2	0.865

Poland has had a high Unemployment rate but, thanks to national politics and the economic development, it has decreased in the last years. Instead the last three indexes are really good; Both Political rights and Civil liberties indexes are positively low, and the Human development index is one point higher than the world average.

## CHAPTER 3

### 1. Introduction to the chapter

In this last chapter I will do an experimental analysis to understand if there is a correlation between the implementation of the Universal Declaration of Human Rights and economic development. As sample I will use the states above analyzed (Argentina, Brazil, Chile, China, Ethiopia, India, Indonesia, Kenya, Malaysia, Mexico, Nigeria, Poland, Russia, South Africa, South Korea, Thailand and Vietnam). The variables that I will compare are the following listed:

- The Human rights and rule of law index (1 high implementation - 10 low implementation): “it considers the relationship between the state and its population insofar as fundamental human rights are protected and freedoms are observed and respected. The higher the indicator's value, the less protected are the human rights and the rule of law in the country”<sup>221</sup>. I chose this this index to represent

<sup>221</sup> Human rights and rule of law index, source Fund for Peace, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

the level of implementation of the UDHR in each state. The index is based on the protection of fundamental rights and freedoms and takes into account all the articles under the UDHR. This index will be on the X axis and in the following analysis will be compared to following listed variables to see if exists a correlation.

- The first variable is the Average annual growth rate of GDP *per capita* from 1989 to 2017: to calculate this variable the aggregates are based on constant 2010 US \$ in which it is expressed the GDP *per capita*, that is the gross domestic product divided by midyear population. This rate will tell us the annual average percentage growth of the GDP *per capita* in a given period (the period analyzed from 1989 to 2017); that results in the growth of the economy in that specific time frame.
- The second variable will be the Human Development Index in 2017 (0 low- 1 high): it “measures three basic dimensions of human development: long and healthy life, knowledge, and a decent standard of living. Four indicators are used to calculate the index: life expectancy at birth, mean years of schooling, expected years of schooling, and gross national income per capita”<sup>222</sup>. This index shows the economic development of a State. It takes into consideration not only the growth of the economy but also the growth of the quality of life of people; by indirectly analyzing also the investments that the state does on health and schooling and all the services need to be considered a developed nation.
- The third and last variable is the GDP per capita based on Purchasing Power Parity (PPP) in 2017: “PPP GDP is gross domestic product converted to international dollars using purchasing power parity rates. An international dollar has the same purchasing power over GDP as the U.S. dollar has in the United States. GDP at purchaser's prices is the sum of gross value added by all resident producers in the economy plus any product taxes and minus any subsidies not included in the value of the products. It is calculated without making deductions for depreciation of fabricated assets or for depletion and degradation of natural resources. Data are in constant 2011 international dollars”<sup>223</sup>. This variable, unlike GDP calculated on constant 2010 US \$, puts all the countries at the same level, it takes into consideration the purchasing power of the people living in a given nation, and it represents the level of the economy of any given nation by creating an equal starting point for everyone.

The analysis will be done graphically and the graph will show whether is present or not a correlation between the Human rights and rule of law index and the other three variables. The possible correlation is explained by a regression line which will represent the “best fit” for the graph. Since the Human rights and rule of law index is a negative index, the higher the index the less human rights have been implemented, I have inverted the value on the X axis. Visually, if there is a negative slope the line will be increasing; instead, if the slope is positive, it will be decreasing. This is done so that conceptually we are studying the level of implementation of human rights and not the level of violations but the equation instead will represent the level of violation of

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<sup>222</sup>Political rights index and Civil liberties index, source *The United Nation*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

<sup>223</sup> GDP per capita based on purchasing power parity (PPP), source *The World Bank*, available at [www.theglobaleconomy.com](http://www.theglobaleconomy.com).

human rights compared to the variables. I will use a linear regression line, and we will look at  $R^2$  to understand if there is a correlation and how strong this correlation is. The  $R^2$  “is a statistical measure that represents the proportion of the variance for a dependent variable that is explained by an independent variable or variables in a regression model. Whereas correlation explains the strength of the relationship between an independent and dependent variable, R-squared explains to what extent the variance of one variable explains the variance of the second variable”<sup>224</sup>. So,  $R^2$  represents to which percentage the regression line represents the data points present on the graph; the more the  $R^2$  is near to 1 the more representative is the correlation. The graph will report both the expression of the regression line and the  $R^2$ . The analysis that I have developed is a correlation analysis; so, the analysis does not represent relationship of causality. The analysis does not study if the implementation of the UDHR leads to an economic development, but just if the two variables are in correlation with each other and if a correlation is present if this correlation is negative or positive.

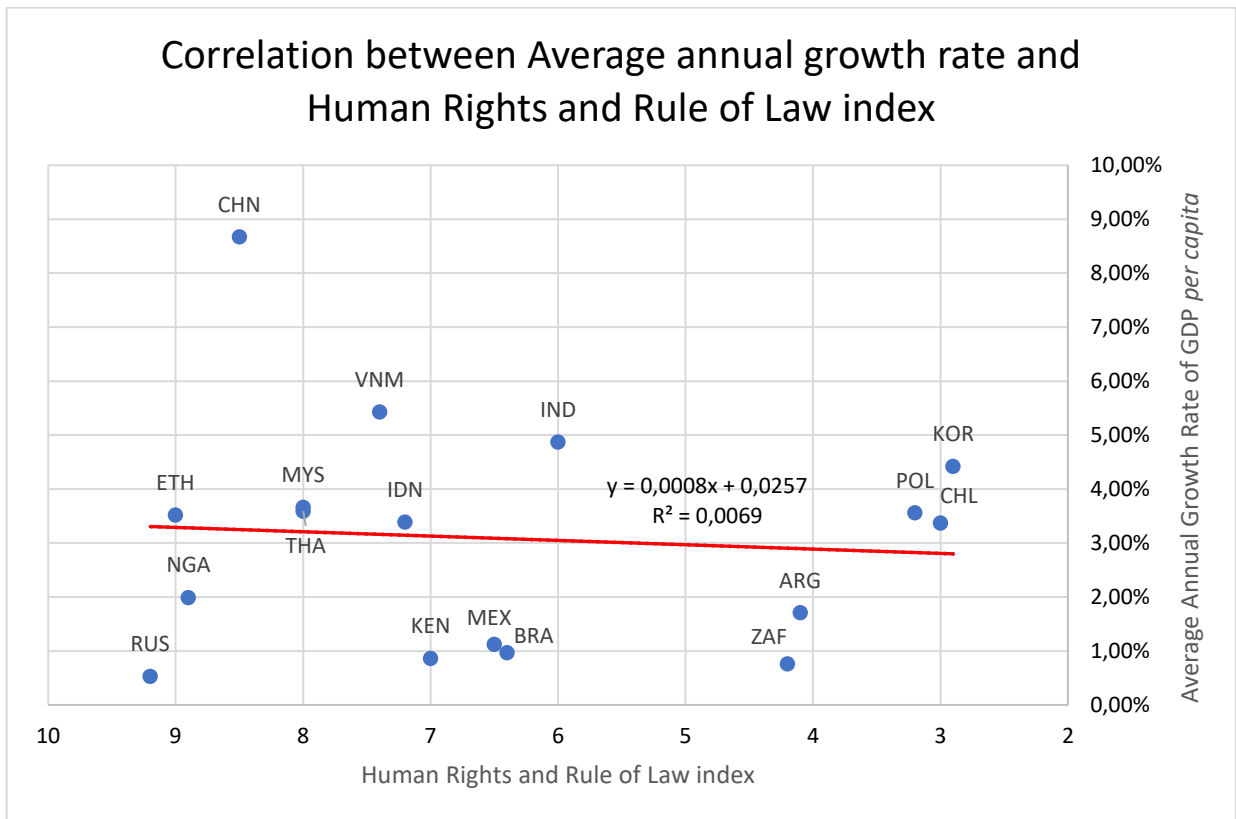
## 2. Is there a correlation between the Universal Declaration of Human Rights and the Economic Development?

My first analysis compares the Human rights and rule of law index of 2017 with the Average annual growth rate for the analyzed period (1989-2017) of each country. The next table shows, for each country, the Human rights and rule of law index in 2017 and its correspondent Average annual growth rate of GDP per capita (1989-2017).

Country	Code	Human rights and rule of law index, 0 (high) - 10 (low) in 2017	Average annual growth rate of GDP <i>per capita</i> (1989-2017)
Argentina	ARG	4,1	1,71%
Brazil	BRA	6,4	0,97%
Chile	CHL	3	3,37%
China	CHN	8,5	8,67%
Ethiopia	ETH	9	3,52%
India	IND	6	4,87%
Indonesia	IDN	7,2	3,39%
Kenya	KEN	7	0,86%
Malaysia	MYS	8	3,66%
Mexico	MEX	6,5	1,12%
Nigeria	NGA	8,9	1,99%
Poland	POL	3,2	3,56%
Russia	RUS	9,2	0,53%
South Africa	ZAF	4,2	0,76%
South Korea	KOR	2,9	4,42%
Thailand	THA	8	3,59%

<sup>224</sup> R-Squared Definition, source *Investopedia*, available at [www.investopedia.com](http://www.investopedia.com).

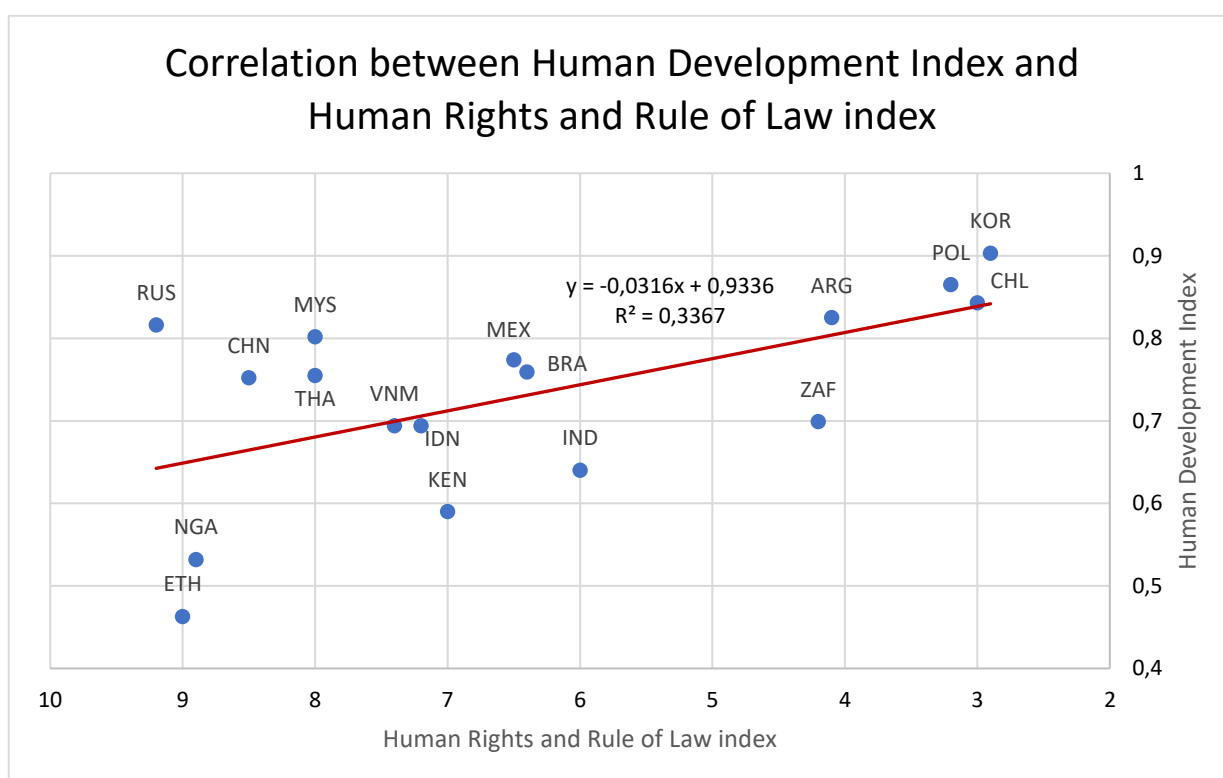
Vietnam	VNM	7,4	5,43%
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The graph represents for each data point a given country and the point is placed in the intersection between the Human rights and rule of law index of the country and its correspondent Average annual growth rate. As I have explained above the graph has a positive slope which it means that the higher is the violation of human rights the higher the economic growth. Although, analyzing the graph, we can evince that there is no actual correlation between the two variables; the  $R^2$  approximate to 0, so the regression line that we drew does not represents the data points expressed in the graph; and also, the slope almost represents a parallel line with the x axis so the slope is near to 0. This means that the level of respect of the fundamental rights protected by the UDHR is not correlated with the economic growth rate of the country and vice versa. The absence of a correlation is also intensified by the fact that just eliminating one country such as China, the slope of the regression line becomes negative; showing that by eliminating just one country the result of the line is completely different. But it is confirmed that the correlation is not present because also by removing a country that could be an outlier the  $R^2$  remains tending to 0. In conclusion there is no correlation between the implementation of human rights and the growth of the economy.

This second analysis compares the Human rights and rule of law index of 2017 with the Human development index of 2017. The following table shows, for each country, the Human rights and rule of law index of 2017 and its correspondent Human development index of 2017

Country	Code	Human rights and rule of law index, 0 (high) - 10 (low) in 2017	Human Development Index (0 - 1) in 2017
Argentina	ARG	4,1	0,825
Brazil	BRA	6,4	0,759
Chile	CHL	3	0,843
China	CHN	8,5	0,752
Ethiopia	ETH	9	0,463
India	IND	6	0,64
Indonesia	IDN	7,2	0,694
Kenya	KEN	7	0,59
Malaysia	MYS	8	0,802
Mexico	MEX	6,5	0,774
Nigeria	NGA	8,9	0,532
Poland	POL	3,2	0,865
Russia	RUS	9,2	0,816
South Africa	ZAF	4,2	0,699
South Korea	KOR	2,9	0,903
Thailand	THA	8	0,755
Vietnam	VNM	7,4	0,694



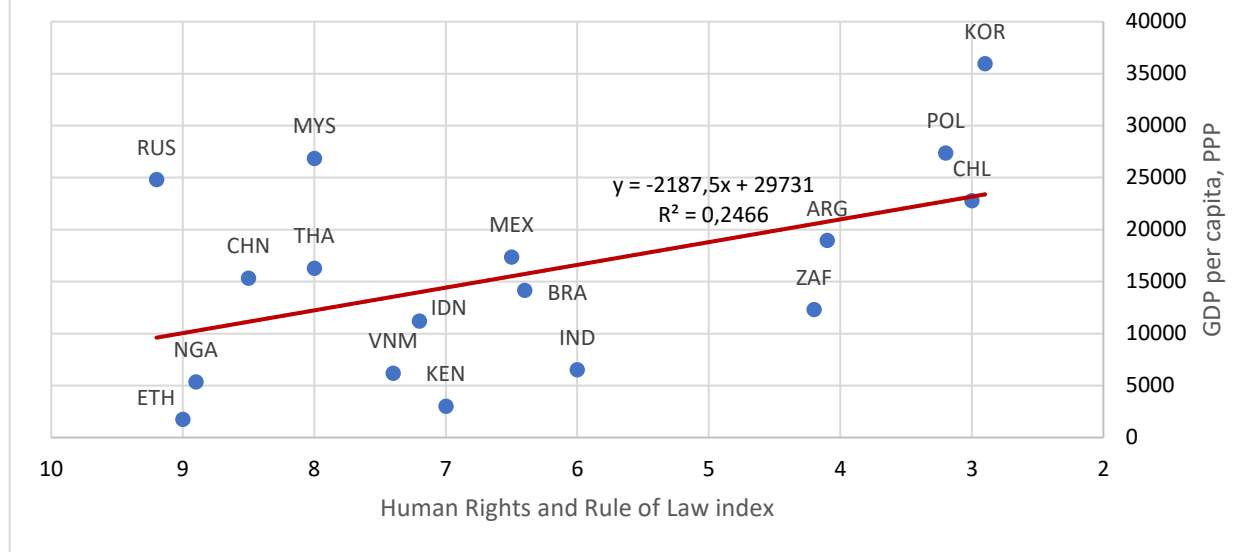
Differently from the first analysis in this graph we can notice a correlation. The graph represents for each data point a given country and the point is placed in the intersection between the Human rights and rule of law index of the country and its correspondent Human development index. This graph has a negative slope, meaning that the more human rights are violated the less the economy will be developed. The graph shows a positive correlation between the two variables (more implementation of human rights, higher economic

development). In the graph the  $R^2$  is 0.3367, which means that, the regression line represents at the 33.67% the data points that is a good value for the index of representation and we, also, have to take into consideration the sample size that is of only seventeen countries if the sample was higher probably the  $R^2$  would have been stronger. The graph shows a positive correlation; this means that the Human development index, which represents the economic development of a state including, will be higher when there is a higher implementation and respect of human rights and *vice versa*.

The third and last analysis compares the Human rights and rule of law index of 2017 with the GDP per capita, Purchasing Power Parity of 2017 for each country. And the table shows the two indexes for any given country.

Country	Code	Human rights and rule of law index, 0 (high) - 10 (low) in 2017	GDP per capita, Purchasing Power Parity in 2017
Argentina	ARG	4,1	18932,17
Brazil	BRA	6,4	14137,08
Chile	CHL	3	22767,04
China	CHN	8,5	15308,71
Ethiopia	ETH	9	1729,93
India	IND	6	6513,64
Indonesia	IDN	7,2	11188,69
Kenya	KEN	7	2992,59
Malaysia	MYS	8	26824,09
Mexico	MEX	6,5	17330,73
Nigeria	NGA	8,9	5351,08
Poland	POL	3,2	27344,09
Russia	RUS	9,2	24790,37
South Africa	ZAF	4,2	12294,47
South Korea	KOR	2,9	35938,38
Thailand	THA	8	16279,22
Vietnam	VNM	7,4	6171,88

## Correlation between GDP *per capita*, Purchasing Power Parity and Human Rights and Rule of Law index



As for the second analysis, this graph shows a positive correlation and a negative slope. The graph represents for each data point a given country and the point is placed in the intersection between the Human rights and rule of law index of the country, and its correspondent GDP per capita Purchasing Power Parity (PPP). As I have stated above the GDP per capita PPP puts all the countries at the same level by taking into consideration the cost of life in each country; therefore using this index even if two countries have different the cost of life but they have and equal GDP per capita PPP it will mean that proportionally two citizens with the same salary expressed in PPP will be able to by the same amount of goods, with the same amount of US \$ PPP, each one in their respective country. The positive correlation therefore means that if in two paces the cost of life is proportionally the same and they both have a high GDP *per capita* the implementation and respect of human rights will be higher. The correlation is represented by the  $R^2$ , that in this graph is 0.2466 so the regression line for the graph represents the 24.66% of the data points present on the graph. This correlation does not analyze the economic growth but instead it analyzes the final economic level of the country, meaning that at a specific point in time we have a certain level of human rights and this specific level is correspondent to a specific level of GDP *per capita* at the same exact time. So, finding a positive correlation, means that the more human rights are implemented the more the GDP *per capita* will result higher and vice versa.

From what we have evinced above there are some data that show a correlation with the implementation of the UDHR and others that do not; but, before displaying any conclusion I want to clarify the difference between growth and development. Economic growth is the increase of goods and services in a given period of a given economy. It is the increase of a country's output of goods and services, that can be obtain with economic policies that aim at investing in new technologies, labor productivity, schooling or also due to the discovery of new minerals and new good or services that was not present before in the market of a given



country. The economic growth is measured by the percentage increase in GDP; which was calculated using the percentage annual growth of *GDP per capita*, so to have a less biased index<sup>225</sup>. To eliminate the influence of inflation in the market, this index, is usually calculated in real terms using constant US \$ of a given year; in this case I use constant 2010 US \$. The economic development, instead, focuses on both qualitative and quantitative growth of the economy. Since it also measures the qualitative part of the economy it also takes into consideration the quality of life of people: the health system, education, access to housing and all the services that allow to reach a higher level of wealth. Therefore, it comprehends increase of job opportunities; services such as public transportation, public access to the health system, public education, safe drinking water and improvement of education and medical facilities. The level of the development is indicated by the Human development index which is measured with the level of education the wealth of the nation and the GDP per capita. Therefore, a higher development is needed to obtain the status of Developed nation<sup>226</sup>.

Above, I have compared the level of implementation of the UDHR indicated by the Human rights and rule of law index with three different data. The first, Average annual growth rate for the period from 1989 to 2017, that represents the economic growth of the analyzed countries; the second, the Human development index, that represents the economic development of the analyzed countries; and third the *GDP per capita* PPP which, since it takes into consideration the cost of life in each country, represents the final outcome of both economic growth and development. The above analysis shows no correlation between the implementation of the UDHR and economic growth. Therefore, neither implementing human rights influences the economic growth neither the growth of the economy influences human rights and these two indexes have resulted completely independent from each other. Instead, from the second analysis we evince a positive correlation between the implementation of the UDHR and the economic development, meaning that if one of the two grows than the other also grows. The economic development is, so, effectively connected to the respect for human rights; a fully developed nation will have higher respect for human rights and a developing nation will have a growing implementation of human rights. It is fundamental to remember that the above correlation is not a relationship of causality; so, I am not implying that if the economy develops than human rights will be more respected; but just that where there is a more developed country there is a higher respect for human rights and vice versa. The more interesting result, on my point of view, is definitely obtained from the third analysis. This finds a positive correlation between the implementation of the UDHR and the *GDP per capita* PPP. This correlation is interesting because it means that even though it is not present a correlation with the economic growth it is present a correlation with the result of this growth. The respect of the UDHR is, therefore, correlated to the result of the economic growth and to the economic development. This thesis shows that the implementation of the UDHR has a positive correlation with its economic development.

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<sup>225</sup> Economic Growth vs Economic Development, source *EDUCBA*, available at [www.educba.com](http://www.educba.com).

<sup>226</sup> Economic Growth vs Economic Development, source *EDUCBA*, available at [www.educba.com](http://www.educba.com).

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#### Riassunto Elaborato Finale

L'elaborato analizza la possibile correlazione tra l'implementazione della Dichiarazione Universale dei Diritti Umani (DUDU) e lo Sviluppo Economico di un determinato pool di paesi. Essendo svolta nei campi giuridico ed economico, il primo capitolo verte intorno all'analisi della valenza giuridica della Dichiarazione. Il secondo capitolo è incentrato sull'analisi dell'implementazione dei diritti protetti dalla Dichiarazione in diciassette paesi in via di sviluppo; inoltre, per ogni paese è stata svolta un'analisi aggiuntiva sulla crescita economica relativa ad uno specifico periodo di tempo (1989-2017). Nel terzo ed ultimo capitolo sono stati messi a confronto tutti i paesi sulla base dei dati ottenuti, per capire se sia o meno presente una correlazione tra l'implementazione dei diritti umani e lo sviluppo economico degli stessi.

Come anticipato, il primo capitolo tratta dell'analisi giuridica della Dichiarazione. Quest'ultima è stata creata conseguentemente alla Seconda Guerra Mondiale, pertanto nel corso di un periodo storico di grande incertezza. Nata pochi anni dopo la ratificazione della Carta delle Nazioni Unite, la Dichiarazione Universale dei Diritti Umani è con tutta probabilità il documento tenuto più in considerazione nel campo dei diritti umani. La strada per arrivare alla stesura finale non è stata sicuramente semplice: inizia a New York nel 1946, dove venne deciso che il documento finale avrebbe funto da garante di un livello minimo di protezione e rispetto dei diritti umani fondamentali. La prima bozza della Dichiarazione fu stilata da John Humphrey, allora noto esperto di diritti umani, al quale venne affidato il compito di stilare una relazione sull'argomento dalla commissione, a capo della quale c'era Eleanor Roosevelt. La proposta finale, la cui base era una versione accorciata della relazione di Humphrey, fu approvata nel 1948 e denominata Dichiarazione Universale dei Diritti Umani. Questa è composta da un Preambolo che denuncia le cause e le atrocità della Seconda Guerra

Mondiale, seguito da 30 articoli: gli articoli 1 e 2 descrivono i concetti base di libertà ed uguaglianza; dall'articolo 3 all'11 vengono elencati i diritti individuali fondamentali come il diritto alla vita e il divieto di schiavitù; gli articoli dal 12 al 17 elencano i diritti di cui l'individuo gode all'interno della propria comunità (diritto di asilo, residenza e libertà di movimento); dal 18 al 21 vengono elencati i diritti come quelli relativi alla libertà di religione, parola ed espressione; gli articoli dal 22 al 27 definiscono i diritti sociali come il diritto al lavoro, alla libera istruzione e alla sanità; ed, infine, gli Articoli 28, 29 e 30 descrivono le limitazioni della Dichiarazione e come questa dovrebbe essere applicata.

La Dichiarazione ha come principale base giuridica la Carta delle Nazioni Unite. Infatti, quest'ultima fu il primo documento ufficiale a trattare il tema dei diritti umani a livello internazionale e, nell'articolo 68, assegna al Consiglio Economico e Sociale il compito di creare una commissione per la promozione dei diritti umani; ciò diede impulso alla nascita della Dichiarazione Universale dei Diritti Umani. Questa, pur non essendo un documento giuridicamente vincolante, ottenne la sua valenza giuridica grazie ad una raccomandazione dell'Assemblea Generale dell'ONU, la quale invita gli Stati Membri a pubblicare la Dichiarazione nei loro territori e ad implementarne le disposizioni. Infatti, negli ultimi settant'anni, il documento ha influenzato molti sistemi giuridici, che hanno conseguentemente inserito i diritti da lei protetti all'interno delle relative costituzioni; inoltre, è stata spesso utilizzata come punto di riferimento nei tribunali nazionali ed internazionali per la risoluzione di casi riguardanti i diritti umani e, dal 1960, l'Assemblea Generale ne ha dichiarato imprescindibile il rispetto. La Dichiarazione è dunque un atto che valorizza la dignità umana, che crea un obbligo morale nei confronti di essa ed ha come scopo la creazione di una comunità globale dove tutti gli individui nascano protetti da diritti umani inalienabili; ciò ha fatto sì che il documento entrasse a far parte gradualmente del diritto consuetudinario internazionale, dando vita ad un meccanismo che consente al singolo individuo di appellarsi ai diritti umani riconosciuti globalmente.

Il secondo capitolo tratta l'analisi individuale di diciassette paesi, la quale si focalizza sul grado di implementazione della Dichiarazione (usando anche documenti e trattati da essa derivati) portata avanti dai relativi governi e sul loro sviluppo economico. I paesi analizzati sono i seguenti: Argentina, Brasile, Cile e Messico in Sud America ed in America Centrale; Russia e Polonia in Europa; Sud Africa, Kenya, Nigeria ed Etiopia in Africa; India, China, Sud Korea, Indonesia, Tailandia, Malesia e Vietnam in Asia. Per l'analisi di ognuno di questi Stati, sono stati utilizzati i seguenti indici di riferimento: l'indice di Diritti Umani (Human Rights and Rule of Law index), il quale rappresenta, su una scala da 10 ad 1 (dove 10 è il livello più basso di rispetto ed implementazione dei diritti umani ed 1 è quello più alto), il grado di implementazione dei diritti umani; il PIL *pro capite* per quanto riguarda la crescita economica nel periodo compreso tra il 1989 ed il 2017; quindi, il tasso di disoccupazione, l'indice di Sviluppo Umano (Human Development index) e gli Indici di Libertà Civili e di Diritti Politici. Argentina e Cile sono tra i paesi con il più alto livello di implementazione della Dichiarazione, che è stata anche inserita all'interno delle relative costituzioni. D'altro canto, la crescita economica dell'Argentina è tra le più basse di quelle analizzate, il che è dovuto allo scoppio di tre crisi

economiche (1994, 1998 e 2008), mentre il Cile risulta appena sopra la media. Argentina e Cile hanno un alto indice di Sviluppo Umano ed entrambi gli indici di Libertà Civili e Diritti Politici molto buoni. Lo stesso non si può dire per Messico e Brasile, i quali hanno ripetutamente violato gli articoli della Dichiarazione, superando di un punto la media mondiale dell'indice dei Diritti Umani. Anche questi paesi hanno registrato una crescita economica abbastanza bassa, dovuta a ripetute crisi come quella messicana del 1998 e quella mondiale del 2008; tuttavia, presentano un indice di Sviluppo Economico abbastanza alto. Per quanto riguarda il continente africano, si riscontrano molte differenze tra i paesi: il Sud Africa ha un livello di implementazione dei diritti umani alto e dunque positivo; quanto al Kenya, esso si trova ad un punto sotto la media mondiale; Etiopia e Nigeria, invece, sono tra i paesi con il livello di rispetto dei diritti umani più basso al mondo. Relativamente alla crescita economica, l'Etiopia si trova appena sopra la media dei paesi analizzati, il Kenya ha registrato una crescita economica relativamente bassa, la Nigeria e il Sud Africa sono i paesi con la crescita economica minore. Per quanto concerne l'indice di Sviluppo Umano, Etiopia, Kenya e Nigeria sono le nazioni con l'indice più basso, mentre il Sud Africa occupa la posizione più bassa nel tasso di disoccupazione con una percentuale del 27.33%. In Europa, l'analisi si è concentrata sulla Russia e la Polonia, le quali hanno dato risultati molto diversi: la Russia, differentemente dalla Polonia, è uno dei paesi al mondo con il livello più basso di rispetto di diritti umani. La crescita economica annuale della Polonia non ha registrato periodi di recessione dal 1989 in poi, presentando quindi un indice molto positivo. Invece, la Russia, in seguito alla caduta dell'Unione Sovietica, ha avuto quasi 10 anni di recessione, ed una volta portata la crescita in positivo sono passati altri 10 anni prima di raggiungere nuovamente il livello economico del 1989; per questo motivo la Russia ha il più basso livello di crescita economica annuale tra tutti i paesi analizzati. Entrambe la Russia e la Polonia hanno degli indici di Sviluppo Umano sopra la media mondiale; tuttavia, laddove la Polonia ha dei buoni indici di Libertà Civili e Diritti Politici, quelli della Russia sono tra i più bassi al mondo. L'Asia è sicuramente il continente che rappresenta più diversità all'interno dello studio: per quanto riguarda il livello di implementazione di diritti umani, risulta evidente un'altissima disparità tra il Sud Korea, il quale ha il livello di violazione dei diritti umani più basso tra i paesi analizzati, e gli altri stati, che invece hanno tutti indici di violazione molto alti. Infatti, l'India ha un indice di violazione di poco più alto rispetto alla media mondiale, mentre Indonesia, Vietnam, Malesia, Tailandia and Cina sono tra i peggiori paesi per implementazione. La situazione è simile per quanto concerne l'indice di Sviluppo Umano: il Sud Korea è il paese con l'indice più alto, la Malesia ha un indice buono e le restanti nazioni hanno un indice medio-basso. Nel caso della crescita economica, i paesi asiatici hanno tutti livelli altissimi e, addirittura, la Cina potrebbe quasi essere considerata un'anomalia visto che il suo livello di crescita percentuale è di quasi 4 punti percentuali più alto di tutti gli altri paesi. Infine, Sud Korea, Indonesia, Malesia, ed India hanno livelli alti di Libertà Civili e Diritti Politici; invece Cina, Vietnam and Tailandia hanno dei livelli molto bassi che sono persino peggiorati nel tempo.

Nel terzo capitolo, la cui introduzione si focalizza sui dati di analisi, viene trattata la possibile correlazione tra implementazione dei diritti umani e sviluppo economico. L'indice dei Diritti Umani (Human



Rights and Rule of Law index), che rappresenta il livello di implementazione della Dichiarazione Universale dei Diritti Umani, si basa sulla protezione dei diritti e delle libertà fondamentali da lei previsti; questo considera le relazioni tra lo stato e la sua popolazione nella misura in cui i diritti umani fondamentali sono protetti e le libertà sono rispettate, e verrà confrontato con le seguenti variabili per vedere se è presente o meno una correlazione. Tra queste, la prima riguarda il tasso di crescita medio annuo del PIL *pro capite* dal 1989 al 2017, che dunque rappresenta la crescita dell'economia in quel periodo di tempo specifico. La seconda variabile utilizzata è l'indice di Sviluppo Umano nel 2017, che mostra lo sviluppo economico di uno Stato prendendo in considerazione non solo la crescita dell'economia ma anche la crescita della qualità della vita delle persone; quindi, analizza indirettamente gli investimenti che lo stato fa per sanità, istruzione e tutti i servizi implementati da quella che può essere definita una nazione sviluppata. La terza ed ultima variabile è il PIL pro capite basato sulla parità di potere d'acquisto (PPP) nel 2017, che, a differenza del PIL calcolato su una valuta costante (nel caso specifico 2010 US \$), mette tutti i paesi allo stesso livello. Il PIL (PPP) prende in considerazione il potere d'acquisto delle persone che vivono in una determinata nazione e rappresenta il livello dell'economia della stessa creando un punto di partenza uguale per tutti. Queste tre variabili verranno comparate graficamente con l'indice dei Diritti Umani, ed il grafico mostra se è presente o meno una correlazione tra queste variabili.

Per comprendere il risultato dell'analisi, viene spiegata la differenza tra crescita economica e sviluppo economico. La crescita economica è l'aumento di beni e servizi in un determinato periodo di una determinata economia, ed è misurata dall'aumento percentuale del PIL, che viene calcolato con la crescita percentuale annua del PIL pro capite, così da ottenere un indice meno distorto. Lo sviluppo economico, invece, si concentra sulla crescita sia qualitativa che quantitativa dell'economia, prendendo dunque in considerazione anche la qualità della vita delle persone: il sistema sanitario, l'istruzione, l'accesso alle abitazioni e tutti i servizi che consentono di raggiungere un livello più elevato di ricchezza. Il livello di sviluppo è indicato dall'indice di Sviluppo Umano che viene misurato utilizzando il livello di istruzione del paese, il livello della sanità ed il PIL pro capite. Pertanto, per ottenere lo status di "nazione sviluppata" è necessario un grado di sviluppo più elevato.

L'analisi compara l'implementazione della Dichiarazione Universale dei Diritti Umani, indicata dall'indice dei Diritti Umani, con le tre variabili sopra elencate. Dall'analisi non è risultata alcuna correlazione tra l'implementazione della Dichiarazione Universale dei Diritti Umani e la crescita economica; ciò significa che i due dati non si influenzano a vicenda, con risultati completamente indipendenti l'uno dall'altro. D'altro canto, la seconda analisi risulta in una correlazione positiva tra l'implementazione della Dichiarazione Universale dei Diritti Umani e lo sviluppo economico, il che equivale a dire che se uno dei due subisce una variazione positiva allora anche l'altro mostrerà una crescita. Pertanto, lo sviluppo economico è effettivamente collegato al rispetto dei diritti umani: in una nazione pienamente sviluppata vi sarà un maggiore rispetto per i diritti umani da parte delle istituzioni, mentre una nazione in via di sviluppo registrerà una crescita generale

nell'implementazione dei diritti umani. Il risultato più interessante, dal mio punto di vista, viene ottenuto nella terza analisi: questa trova una correlazione tra l'implementazione della Dichiarazione Universale dei Diritti Umani ed il PIL PPP *pro capite*. Infatti, sebbene i diritti umani e la crescita economica non risultino collegati tra loro, è invece presente una correlazione positiva tra le variabili prese in esame nella terza analisi, dimostrando come i diritti umani e la situazione economica del paese abbiano un'effettiva correlazione.