DEVELOPMENT AND TREATMENT
OF HUMAN RIGHTS IN CHINA

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INTRODUCTION

This thesis will deal with the issue of Human Rights and it will specifically focus on the treatment of these rights reserved by China and the two Special Administrative Regions, Hong Kong and Macao SAR.

The aim of this thesis is to look at the condition of human rights in these territories in both a theoretical and a practical perspective. From the theoretical point of view, the reasons that lead to human rights’ abuses will be highlighted with the purpose of identifying which are the principles guiding people and countries while violating these rights. Not only will these principles be evidenced, but also – more important – those that could improve the condition of human rights by giving them the correct ground to grow up. As instance, the concept of democratization will be stressed throughout this thesis in order to prove how the settlement of democracy could be a good starting point for the safeguard of human rights.

With regard to the practical perspective, it will be focused on the actual violations of some human rights in China, Hong Kong and Macao SAR – which will be indeed illustrated – and on the practical achievable solutions that could be adopted to ameliorate the condition of human rights and to improve their protection.

The thesis will be principally structured in order to answer three main questions that will include both the above-mentioned theoretical and practical perspectives. The questions to be properly answered are: What, Why and How. Here follows an initial brief analysis of each chapter in order to let the readers understand the meaning of the mentioned questions.

The first chapter – *Brief introduction to human rights’ history and theories* – will provide a definition of Human Rights and it will supply the whole context in which the issues of this thesis will take shape. In other words, it will start with a brief illustration of the most recent history of human rights, it will then go ahead
with the description of different points of view from which human rights have been considered through time – relativist and universalist perspectives – and it will end with some considerations on the paradox noticed in the Universal Declaration of Human Rights, which will turn out to be useful regarding the possible proposals to increment human rights’ protection (see chapter 5).

Given the definition of Human Rights contextualised in their historical development and provided to the readers the general framework in which the whole thesis will be developed, the second chapter – *WHAT: Major Human Rights’ issues in China* – will tackle the first question *What?*, that means which are the issues and problems that this thesis is going to deal with. The answer will only regard the first two generations of rights according to the Universal Declaration of Human Rights: political and civil rights – for the first generation – and economic, social and cultural rights – for the second generation.

Therefore, the second chapter will, in the first instance, give the definition of these rights in order to deal, in the second instance, with their violations in China. Indeed, it will provide examples of abuses of some of the rights belonging to each class of the two above-mentioned generations.

The third chapter – *On the situation of Human Rights in Hong Kong and Macao SAR* – will deal with, as suggested by the name itself, the condition of some human rights in these two special administrative regions. The special features of Hong Kong and Macao SAR have been considered, in this thesis, worthy an exclusive chapter – also in order to distinguish them from Mainland China. More precisely, this chapter will have the same structure of the previous one, but the investigation of human rights’ abuses will be focused on the regions of Hong Kong and Macao SAR.

At this stage, the focus will be moved on the investigation of the causes of these abuses, argument that will be explained in the fourth chapter – *WHY: Principal
causes of Human Rights’ issues in China. More precisely, this chapter will answer to the second question Why?, that is which events can be accounted as triggering for the human rights’ abuses described in the previous section.

To find these provoking factors out, the fourth chapter will explore how political and economic modernization have had an impact on human rights development and treatment and it will also report some reasons that East-Asian countries have brought forward to justify some of their human rights’ abuses. Moreover, regarding the relationship between the East and the West as far as human rights’ debate concerns, the last subsection of the fourth chapter will suggest a path that Western countries could start walking through in order to reach – if not a peaceful and absolute agreement – at least a shared interest.

The third and last engaged question is How?, that is which ways can be considered as the most suitable to face all the previously discussed problems and how to attempt to solve them. Indeed, the fifth chapter – HOW: How to deal with Human Rights’ issues – Proposals – will firstly show how political and economic modernizations could improve human rights’ situation; secondly, it will propose a strategy of dependent development between Eastern and Western countries that could lead to the achievement of common standards of behaviour with respect to human rights; thirdly it will recommend the adoption of some enforcement mechanisms, stressing their urgent need. This last task will be appointed to those actors that are endowed with a significant bargaining power.
1. Brief introduction to human rights’ history and theories

This chapter is aimed at providing the general context in which all the other issues will be placed. The paragraph 1.1. will convey a first analysis of the most recent history of human rights that will be necessary to understand the following steps in the development of human rights and history will also turn out to be fundamental to investigate the causes of some human rights’ abuses.

Secondly, the paragraph 1.2. will deal with the two opposed schools of thought with regard to human rights: Relativism and Universalism. The attentive analysis of these theories is essential to be conscious of the disagreement upon the real origin of human rights.

This latter consideration will be analysed in depth in the paragraph 1.2.1, which will propose an illustration of the Eastern antagonism against the Western origin of human rights.

Thirdly and finally, the paragraph 1.3. will deal with the so-called paradox of the Universal Declaration of Human Rights, which, in other words, means the controversial relationship between the as abstract as universally accepted concept of human rights, as it is established in the Declaration, and the difficulties the various international institutions ran into in protecting these rights. The topic of the enforcement mechanism will be briefly expanded in this paragraph but will be resumed throughout the thesis.
1.1. Recent history of human rights

For the purpose and the possibility of this thesis, it is fundamental to deal only with the recent and current history of human rights.

The practice of human rights as we consider it today has recent origin. However, the roots can be found, for example, in the works of the main philosophers of the seventeenth and eighteenth centuries: John Locke and Jean Jacques Rousseau. They stressed the idea of “natural rights”, antecedent to government, independent from laws of States and inalienable for all human beings.

The emergence of the contemporary definition of human rights is related to the World War II and the Holocaust phenomenon, from which the concept of “crimes against humanity” was introduced and put the basis for international protection of human rights. After the World War II human rights, in the words of Hayden, “came fully into their own as a primary international concern”. ¹

Accordingly, right after the end of the World War II, the United Nations were founded as an intergovernmental organization aimed at saving future generations from the devastation of international conflicts. The Charter of the United Nations gave birth to six principal bodies², including an Economic and Social Council (ECOSOC), which established the United Nations Human Rights Commission that eventually brought to the Universal Declaration of Human Rights (UDHR).

The UDHR represents the primary common standard for all people and all the nations to promote the observance of these rights. The United Nations managed to find a common ground in drafting the UDHR, which was concluded in

¹ See Patrick Hayden, The philosophy of human rights, 10.
² The six principal organs of the United Nations are the General Assembly, the Security Council, the Economic and Social Council, the Trusteehip Council, the International Court of Justice, and the Secretariat.
almost two years.
It was formally adopted by the United Nations on December 10, 1948. All members of United Nations ratified the Declaration.
The President of the U.S.A. Roosevelt referred to the Declaration as the International Magna Charta for all mankind.
In its preamble and in Article 1, the Declaration proclaims the inherent rights of all human beings: “Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people….All human beings are born free and equal in dignity and rights.”
Charles Beitz distinguishes two themes in the preamble which function as justifications of the UDHR itself: “that international recognition of human rights is necessary to protect the equal dignity of all persons and that respect for human rights is a condition of friendly relations among states.”

The right to life and security, freedom from slavery, torture, arbitrary imprisonment, freedom of opinion or association are “equal and inalienable rights for all members of human family”.
The UDHR is the first and single document aimed at promoting the protection of human rights and the surprising side of its birth is that it occurred in a perspective of a world that was still witnessing the Cold War between the West and the East. The news of this event was, in the words of Jacques Maritain in 1947, that: “Despite the antiquity and the broad acceptance of the conception of the rights of man, and despite the long evolution of devices to protect some human rights by legal systems, the systematic proclamation of declarations of human rights is recent.” Moreover he adds: “The history of declarations of human rights (...) is short and its beginnings are to be found in the West (...),

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4 See Jacques Maritain, “Introduction” from *Human Rights: Comments and Interpretations*
although the right of the people to revolt against political oppression was very earlier recognized and established in China.” This latter topic will be high lightened more specifically in the section 1.2.1.

### 1.2. Two different views concerning human rights: Relativism and Universalism

The aim of this section is to understand how to identify human rights, that means which rights can be considered as human rights and on which basis. Among scholars, there is still a heated debate upon the ground on which identification of human rights can take place and on the bases of their justifications. Actually, there is a sort of continuum whose end points are two different predominant views: the relativist and the universalist.

The former perspective, in its radical form, refuses to consider the existence of humanity common values; according to this perspective, culture is the only measure of morality. As Hayden⁵ tells us: “With regard to human rights, relativists contend that each society is the proper source of judgements about which rights and duties are legitimate. Thus, human rights may differ from one society to another.” Therefore, according to the radical relativists’ perspective a so-considered human rights’ abuse might be justified on the basis of, as an example, the traditional behaviour and culture of one specific population. Since there is no universally accepted technique to qualitatively evaluate various cultures, “the principle of respect for cultural variation must predominate over universal prescriptions”⁶.

Conversely, according to the universalist theory, cultural variation is irrelevant to establish human rights and its assumption is that some principles concern all

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⁵ See Patrick Hayden, The philosophy of human rights, 371
⁶ See Ted C. Lewellen, Dependency and Development: An Introduction to the Third World, 219
human beings, independently of the original culture. With regard to the
universalist theory, Hayden affirms: “In this view, human rights belong to all
persons, in all places, at all times. This position (…) endorses the universal
color of human rights norms”.

Different theories have been proposed to identify human rights’ justifications
and to solve this intellectual conflict between relativism and universalism.

As Alison Dundes Renteln affirms in her book *International Human Rights:
Universalism Versus Relativism*: “The content of the concept of human rights
depends on the basis of moral authority from which it derives legitimacy. There
tend to be four bases for human rights to which theorists refer: divine authority,
natural law, intuition (…), and ratification of international instruments. None of
the four provides a wholly satisfying justification for the existence and defense
of particular human rights”\(^7\). Therefore the author proposes a new method to
“validate international human rights”: she conducts a cross-cultural empirical
research, according to which she tries to discover values shared by all different
cultures.

Also for the anthropologist Donald Brown the right strategy – which is familiar
to the one proposed in the above-mentioned Renteln’s book – is to look for
commonalities of values through comparison of all the cultures along the world
thanks to which he derives that what is universal “is law in the sense of rules,
rights, obligations. Everywhere such law forbids violence, rape, and the
unjustified taking of human life”.\(^8\)

According to James Nickel, “if we think of human rights as justified moral
rights, they simply do not exist apart from their grounds”. Dealing with the
possible justifications for human rights, he therefore affirms that “If a human
rights declaration or treaty tells us that a right is important enough to be a
human right we will not believe it unless we think that suitably strong

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\(^7\) See Alison Dundes Renteln, *International Human Rights: Universalism Versus Relativism*, 9,11

\(^8\) See Ted C. Lewellen, *Dependency and Development: An Introduction to the Third World*, 219
supporting reasons for that rights are likely to be available”. In other words, in his view, we will consider a right as human right not only when we feel it as based on strong moral grounds, but also when it is supposed to bring us some certain benefits and when we feel that it is worthy to spend resources on it and to struggle for its protection.

Jack Donnelly suggests a multidimensional perspective:

“Rather than see a two-dimensional space of universality and relativity, I suggest that we think of a multidimensional space of different forms and mixtures of different types of universality and relativity. (...) The universality of human rights is relative to the contemporary world. The particularities of their implementation are relative to history, politics, culture and particular decisions. The formulation “relatively universal” is thus particularly apt. Relativity modifies the universality of the body of interdependent and indivisible internationally recognized human rights. But that universality is largely a universality of possession (...) rather than universality of enjoyment”.

In this view, human rights have to be considered universal but, at the same time, they are inevitably mixed with the cultures, the places and the traditions in which they are applied. In order to have a practical and not only ideal conception of human rights, considering them in all the possible situations of implementation and application is fundamental.

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9 See James W. Nickel, Making sense of Human Rights, 53.
1.2.1. Relativists’ criticism against the Western origin of Human Rights

The conflict between Universalism and Relativism on human rights issue also raises another question: are universal human rights truly universal, or do they only come from the West?

Actually, the origins of the Universal Declaration are rooted in political landmarks in Western history, as such as the Magna Charta of the United Kingdom (1215), the French Revolution (1789) and the American Bill of Rights (1791).

As far as the Third World concerns, as Lewellen reports: “Some Third World theoreticians see the Declaration as intrinsically flawed by its Western bias. (...) The document was created with virtually no Third World input and ratified at a time when colonialism was still dominant and most new independent states did not exist”. The claim here is whether it is possible to consider as universal a declaration that has been proposed and signed in a period of real evolution for the West (after the World War II), but of none evolution for those countries which were still under others’ dominance and, therefore, did not have actual bargaining power.

For some Asian theorists the claim is quite similar and a debate on ‘Asian values’ emerged, “a term devised by several Asian officials and their supporters for the purpose of challenging Western-style civil and political freedoms”. Bell in his book “East meets West. Human Rights and Democracy in East Asia” focuses on both sides of the coin: on the one side, he affirms that the reason why the debate on Asian values didn’t achieve much success “is that the debate has been led by Asian leaders who seem to be motivated primarily by political considerations, rather than by a sincere desire to make a constructive

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11 See Ted C. Lewellen, Dependency and Development: An Introduction to the Third World, 222
contribution to the cross-cultural dialogue on political values” and on the other side he also criticizes the West saying that: “West-centric outlooks pose serious obstacles to constructive cross-cultural dialogue. (...) they block the development of a truly international human rights regime that can fully accommodate the needs of non-Western peoples” – and – “they fail to allow for the possibility that there may be areas of justifiable difference between political values in the West and the ‘rest’.”

If the West decided to make a breakthrough in this concern, a sort of dependent development between the West and the East on human rights could take place. In other words, being more open minded to the needs of eastern people and starting to take into account the possibility of a real dialogue – with as little prejudices as possible – could pave the way to the beginning of a new development of human rights, which must include an increasing number of perspectives from both sides of the world.

However, aside from the critiques and the divergences over the legitimacy of the origin of human rights, the UDHR has acquired, through the time, a relevant authority. It is legally binding on member nations, therefore, in agreement or not on its origin, it has to be considered as compulsory and its official interpretation of human rights has to be respected as such.

1.3. Paradox of the Universal Declaration of Human Rights

With regard to the last consideration of the previous paragraph, this section focuses on a known problem that is witnessed in the development of human rights and of their protection: the evident lack of enforcement mechanisms.

The matter is quite simple to be understood and logically wrong: various countries which signed and ratified the UDHR have shown throughout time
indifference in respecting some fundamental rights, they violated them and they were able to do it repeatedly because no enforcement mechanism of protection of these rights took place.

The countries involved in this kind of violations always found some justifications behind which they could hide when their brutal actions have been unmasked to the world.

We can take as example the Third World, which was not involved in the drafting of the UDHR and ratified it when colonialism was still alive. Some scholars of the Third World feel that the document is too partial and influenced by its western origin. This is the reason sometimes supported to justify a heavy violation of some rights.

Essentially, governments of member nations (most of all Eastern countries) that do not provide the protection of some rights could justify their violation of Declaration’s principles, accusing the lack of universal meaning.

Thus, the paradox named in the title of this section is revealed: the legitimacy of the universal document is not supported by a real mechanism of enforcement and “Universal” Declaration could be considered not really universal. This thesis will deal with this problem again throughout it, trying to suggest some innovations in the system that should provide actual and universal protection of human rights.
2. WHAT:

**Major human rights’ issues in China**

This chapter will illustrate the major human rights’ issues dividing them into two categories: on the one side political and civil rights, on the other side economic, social and cultural rights. For each of these classes, it will provide examples of the treatment of these rights supplied by China and, in this way, it will identify its principal human rights violations.

Through this analysis and this identification of the problems, at a later stage – that is in the *why* section – it will be possible to look into their causes and to deal with the empirical consequences of the problems and their possible solutions – that is the *how* section.

The importance given to human rights could change according to the ideological and cultural position of a country.

We shall consider as central human rights, the right to life and security, the freedom from slavery, torture or arbitrary imprisonment, and the freedom of opinion or association.

In the UDHR, human rights are divided into three generations: the first one includes political and civil rights, the second one is composed of economic, social and cultural rights and, finally, the third one consists of those minor rights that are not included in the first two generations, for example the right to healthy environment, communication rights, the right to natural resources.

As far as this thesis concerns, it will deal only with the first two generations of rights. Therefore, here follows a deeper analysis of each of these classes of rights.
2.1. Political and civil rights

Political rights, together with civil rights, form the first generation of human rights of the UDHR and they are generally considered as negative rights: it means that, in order to be respected, the government does not have to enforce them.

“The 1966 International Human Rights Covenants – the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) – give the force of treaty law to the Universal Declaration (which as a resolution of the UN General Assembly is not in itself directly binding in international law)”.

These three documents give birth to the International Bill of Human Rights.

The ICCPR contains a list of accepted civil and political rights of both “individuals and nations. Among the rights of nation are: the right to self determination and the right to own, trade and dispose of their property freely, (...) Among the rights of individual are the right to legal resource when their rights are violated (...), the right to life, the right to liberty and freedom of movement, (...), freedom of thought, conscience and religion, freedom of opinion and expression, freedom of assembly and association”.

According to the legal definition of political rights, they “consist in the power to participate, directly or indirectly, in the establishment or management of government. These political rights are fixed by the constitution. Every citizen has the right of voting for public officers, and of being elected; these are the political rights which the humblest citizen possesses.”

The major political rights are procedural fairness in law – which includes the rights of the accused, as the right to a fair trial, due process, the right to seek

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16 See John Bouvier, *A Law Dictionary, Adapted to the Constitution and Laws of the United States of America, and of the Several States of the American Union*
redress or a legal remedy – the right of participation in civil society and politics such as freedom of association, the right to assemble, the right to petition, the right of self-defence, the right to free elections and the right to vote and to be elected.

A definition of civil rights can be the following: “Personal rights acquired by an individual by being a citizen or resident, or automatic entitlements to certain freedoms conferred by law or custom.”\textsuperscript{17} Important to be underlined is a qualitative distinction among civil rights: indeed, some of them “such as the right to equality, freedom (...) are inalienable like human rights” while others “such as the right to hold a public office” depend on our behaviour\textsuperscript{18}.

Both political and civil rights are to be respected universally, but, as usual, there is an evident distinction between theory and practice: the application of some human rights is different in various ways between countries. This evidence is especially noticed between Western and Eastern countries. This latter assertion will be justified in the next sections dealing with China’s treatment of some universally accepted human rights. The next two paragraphs will respectively describe the violation of one or some political and civil rights in China.

\textbf{2.1.1. Violation of one specific political right in China}

In order to deal with the protection of political rights in China, this paragraph will take as examples the right of free elections and the right to vote and to be elected.

The Article 21 of the UDHR affirms:

\\textsuperscript{17} See www.businessdictionary.com
\textsuperscript{18} Ivi
1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2) Everyone has the right of equal access to public service in his country.

3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

It does not openly confirm China’s violation of this right itself, but it strongly suggests, with the verb shall, a type of government that does not correspond to the Chinese one. Indeed, China is a non-democratic country and it is based on a one-party system, so that just one single political party has the right to form the government. Indeed, “The Communist Party is the sole party in power in China” and “The People’s Republic of China was founded by the Communist Party of China which is the leader of the Chinese people.”

Actually this means that, first of all, not exactly everyone has the right to take part in the government, as established in the above-mentioned Art. 21; secondly, since the Constitution of China states that the Communist Party is the leader of Chinese people, it is quite difficult to imagine that is the people choosing their leader, as supposed by the UDHR.

Moreover, periodic and genuine elections mean, among other factors, that no candidate can be allowed to obtain an unfair advantage in the elections themselves. Since the only party allowed to govern is the communist one, people have no choice between representatives of different parties and do not enjoy their freedom of political opinion and even their right to vote and to be elected.

These considerations have a direct consequence: there are not real free elections in this country.

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19 See www.china.org.cn
Considered all these factors, it is quite evident that China not only does not take into consideration the suggestions included in the third clause of Art. 21, but it also violate the first two clauses, which are peremptory.

### 2.1.2. Violation of one specific civil right in China

As far as the violation of civil rights in China concerns, this paragraph deals with censorship as example of the violation of the freedom of speech and expression and the freedom of press.

According to the Country Summary released by Human Rights Watch in January 2010 “Citizens face significant limits on freedom of expression, association, and religion. (…) While China’s international profile and economic clout continue to grow, it is also drawing increasing international scrutiny for a foreign policy that fails to prioritize civil and political rights”. Already by 2010, as this report documents, at least 28 Chinese journalists were in prison on charges as such as “inciting subversion” and “revealing state secrets”.

According to the updated version of January 2012 of the same document, “Physical violence against journalists who report on “sensitive” topics remained a problem in 2011”.

The last version of the Country Summary on China released by Human Rights Watch in January 2014, affirms that “The government censors the press, the Internet, print publications, and academic research, and justifies human rights abuses as necessary to preserve ‘social stability’” and it also tells us that throughout 2013 the situation of freedom of expression in China

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deteriorated. It documents that in 2013 “The authorities have detained hundreds of Internet users for days, closed down over 100 “illegal” news websites run by citizen journalists, and detained well-known liberal online commentator Charles Xue”. Four existing criminal provisions to Internet expressions have been applied, “providing a more explicit legal basis for charging Internet users”.

It is definitely proved that China does not respect the Article 19 of the UDHR, which states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

2.2. Economic, social and cultural rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) shapes the specific area of these rights. Dealing with economic rights, they include “rights of access to resources – such as land, labor, physical, and financial capital – that are essential for the creation, legal appropriation, and market exchange of goods and services.”

According to Nickel, “these basic economic liberties enable a person to be an economic agent, to have and lead an economic life as a consumer, house-holder, producer, business person, investor and property holder”\textsuperscript{24}. Economic rights are self-evident, but to be respected, they usually need government intervention, in the form of specific legislation, policies or programmes aimed at realising those rights.

The main economic rights are labour rights, which are the right to work and to just and favourable conditions at work, the right to form and join trade unions

\textsuperscript{23} See Carmine Gorga, Toward the definition of Economic Rights, pg. 89
\textsuperscript{24} See James W. Nickel, Making Sense of Human Rights, pg. 125
and the right to strike.

25 Among social and cultural rights, we can find the rights to health, to education, to family life, to an adequate standard of living, to social security, to housing.

26 Cultural rights refer to a community’s cultural standard of living and they include the right to participate freely in the cultural life of the community and also the right to education, right to non-discrimination, right to equal protection of the law.

Eventually, they are considered as positive rights: it means that the government’s intervention is necessary for their fulfilment.

2.2.1. Violation of some of these rights in China

As it has been done with political rights, this section has chosen some economic, social and cultural rights in order to highlight their violations by China.

In China, one of the most evident violations of economic rights is that of the right to work and to just and favourable conditions of work, brought by the exploitation of labour force. The right to work guarantees the opportunity to have a dignified work under safe and healthy conditions with fair wages that make a decent living for oneself and one's family affordable. It also provides for freedom from unemployment and the right to organize. In China, there are numerous evidences of the abuse of this right.

27 As an instance, the International Labor Rights Fund, in October 2006, released a report in which it furnished proof of minimum wage violations, long work hours, inappropriate actions towards workers by management.

25 See Homepage of www.nesri.org (National economic and social rights initiative)
26 See Compass, Manual for human rights education with young people
27 Information retrieved from www.laborrights.org
In order to better explain this argument, an article wrote by the researcher Anita Chan, called *Exploitation of Migrant Workers in China's Export Manufacturing Sector*, turned out to be very useful. Throughout the article, she writes: “Although (…) minimum wages have been increasing every year, adjusting for price changes reveals that these wage gains have almost exactly kept pace with inflation. In other words, even though the Chinese economy is rapidly developing, in real terms the minimum wages have remained flat throughout the 1990s”; again, “(…) in the face of intensified competition with Southeast Asian labor, which had become much cheaper (…), China remains attractive to foreign investors in industry partly because it turns a blind eye to labor violations.”

Discrimination of migrant workers in China is another topic of great interest. Exploitation of migrant workers is aid by the *hukou* system, that is the household registration system. “Each person has a *hukou* (registration status), classified as rural or urban”\(^\text{29}\). Thanks to this system, it is possible to let in more migrant workers when needed, and to “push” them out, without any protection or guarantee, when this action could benefit the local economic system. Referring to “non-*hukou* migrants” – that means those who have not the label of urban workers, but are only endowed with rural *hukou* – K. Chan writes “They are not eligible for regular urban welfare benefits (access to local schools, urban pension plans, public housing, etc.) and other rights that are available to those with urban *hukou*. (…)These workers have no entitlement to urban unemployment relief or to ‘minimum protection’ benefits.”\(^\text{30}\)

Again, the above-mentioned article by Anita Chan can help: “Migrant workers generate tax revenue by attracting companies that want cheap labor. At the same time, these localities have no responsibility for the welfare of the migrants, who are not eligible for any of the medical, housing or unemployment

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\(^\text{28}\) See Anita Chan, *Exploitation of Migrant Workers in China's Export Manufacturing Sector*, from www.lera.uiuc.edu

\(^\text{29}\) See Kam Wing Chan, *The Household Registration System and Migrant Labor in China: Notes on a Debate*, retrieved from faculty.washington.edu

\(^\text{30}\) Ivi.
benefits available to local residents.”  

Essentially, they bring no cost for the government while increasing its revenue; therefore, the government is tempted to be regardless to human rights protection, to increase its gain coming from unprotected workers.

This part will now focus its attention on the situation of the protection of one social right: the right of housing in China.

The right to housing is part of the right to an adequate standard of living and it is explicitly stated in Art. 25 of the UDHR: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services (…)”. The right to housing includes security of tenure, without being afraid to be removed or to be subject to unexpected threads, access to public services and infrastructure, such as education, health, transportation, electricity, potable water, adequate sewage and garbage disposal systems and, with the same importance, affordability, with costs compatible with the income levels or housing with subsides.

To deal with the state of protection of this right in China, the Annual Report of 2013 on China released by the Amnesty International of the USA is here taken into consideration. While documenting upon the right to housing in China, it states that: “Sudden and violent evictions were widespread, and were typically preceded by threats and harassment. Consultation with affected residents was rare. Compensation, adequate alternative housing and the ability to access legal remedies were severely limited. (…) Those who peacefully resisted forced eviction or sought to protect their rights through legal channels risked detention, imprisonment and RTL”.

Lastly, to deal with cultural rights, the attention is focused here on the right

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31 See Anita Chan, Exploitation of Migrant Workers in China’s Export Manufacturing Sector, from www.lera.uiuc.edu
32 Information retrieved from www.righttohousing.org
to non-discrimination. As far as the right to non-discrimination on the basis of religion concerns, the International Religious Freedom Report of 2013 states that: “All around the world, individuals were subjected to discrimination, violence and abuse, perpetrated and sanctioned violence for simply exercising their faith, identifying with a certain religion, or choosing not to believe in a higher deity at all”. Dealing specifically with the case of China, it tells us that “In China, police detained students, monks, laypersons, and others in many Tibetan areas who called for freedom, human rights, including respect for freedom of religion (...). China criminalized various activities associated with self-immolation, and prosecuted family members and colleagues of self-immolators on charges of “intentional homicide.”

According to the Congressional-Executive Commission on China, in 2013 the Chinese government, breaking the Article 18 both of the UDHR and the ICCPR, has carried out continuous violations of the protections for freedom of religion. Moreover, the Commission reported: “The government has created a regulatory framework that recognizes only five religions — Buddhism, Catholicism, Taoism, Islam, and Protestantism — for limited state protections for religious activity, and the government has continued to outlaw some belief systems, thereby denying members of these communities the right to practice their faith openly and without fear of government reprisal”.

The positive side of these abuses – if it can be considered like this –is that some Chinese religious people are reacting in a way that could be finally constructive: “Tibetan Buddhists, Christian churchgoers, and members of the Falun Gong” are becoming “sympathizers and supporters of China’s human rights and pro-democracy movement”.

In other words, the continuous repression of rights is, hopefully, modifying

35 See Congressional-Executive Commission on China, Annual Report 2013
36 Ivi.
37 See Li Xiaorong, article What I told Obama About Beijing’s Human Rights Problems, The New York Review of Books,
the spirit of the victims increasing their anger. If this feeling of rebellion was peaceful and armless, the result of these violations could finally turn out to be the union of voices that are willing to be listened to.

To give a general description of the resentment of Chinese people brought by the abuses of their rights, Li Xiaorong says: “Despite the country’s impressive GDP and growing prosperity, popular discontent in China is deep and widespread. Millions of people have been flooding to government offices to complain about injustices. (…) There have been protests by ethnic and religious minorities about discrimination and cultural destruction.”

Now the right to non-discrimination on the basis of disabilities is taken into consideration. In China disabled people face serious difficulties in their integration in the society. The World Report 2014 by Human Rights Watch tells us that: “protections of the rights of persons with disabilities remain inadequate. These individuals face serious discrimination in employment and education, and some government policies institutionalize discrimination.” It also affirms that children with disabilities are rarely able to have access in regular schools. According to an article of Human Rights Watch, this association advised China to respect the Convention on the Rights of Persons with Disabilities, adopted by China in 2008. It also says that the “regulations should: state clearly that the Chinese government is committed to “the goal of full inclusion;” (…) remove provisions that allow schools to discriminate against potential students on the basis of their disabilities.”

Actually, the government has not yet provided to the improvement of the situation of disabled, even if “mainstreaming children with disabilities into regular schools” is “required by international law.”

To sum up, this last section has tried to answer the question What. It has

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38 Ivi.
40 See Article China revise disability regulations for education, Human Rights Watch
41 Ivi.
given a brief general description of the major human rights issues and then it has proposed, for each of the first two classes of rights of the UDHR, a brief analysis of its contents. Eventually, it has looked into some examples of human rights’ violation in China.

Given this deeper analysis of human rights’ types and dealt with the situation in China, now this thesis can investigate human rights’ abuses in the two Special Administrative Regions, namely Hong Kong and Macao SAR.

3. On the situation of Human Rights in Hong Kong and Macao SAR

This chapter deals with the situation of human rights’ protection in Hong Kong and Macao SAR. These two special administrative regions “may exercise social, economic, political and cultural systems different from those on the mainland regions of the People’s Republic of China.”

This is the reason why this thesis is giving space of debate also on these two regions and not only on Mainland China.

This chapter will assume the same structure of the Chapter 2, providing – in this case not regarding Mainland China but Hong Kong and Macao SAR – examples of human rights’ abuses, very often the same provided for Mainland China.

As far as political rights concern, Hong Kong and Macao SAR face a common problem regarding their citizens’ right to elect and to be elected. Dealing with the situation in Macao SAR, its citizens do not have the right to vote for their chief executive, but only for some of the council members. More specifically, the government is led by a chief executive, chosen by a 300-member election

42 See http://www.china.org.cn/english/Political/26312.htm
committee, which, in turn, is chosen by a preparatory committee composed of 60 SAR and 40 mainland representatives appointed by the NPC (National People’s Congress).

In Hong Kong the situation regarding this right has recently degenerated and the – so-called by the journalists – “umbrella revolution” has taken place. Indeed, as an Article of The Guardian, dated 30/09/2014, tells us: “Tens of thousands of Hong Kong residents (...) have peacefully occupied major thoroughfares across the city, shuttering businesses and bringing traffic to a halt. They claim that Beijing reneged on an agreement to grant them open elections by 2017, and demand “true universal suffrage”.⁴³ This latter has been promised to Hong Kong by Beijing, when it regained the region under its control in 1997. However, Beijing has decided to change the made agreements and: “According to the Chinese legislature’s proposal, the leader would be chosen by popular vote starting in 2017, as promised, but candidates would first have to win an endorsement from at least half the members of a nominating committee. The composition of that committee would be based on that of the current Election Committee, according to the decision, announced at Beijing’s Great Hall of the People.”⁴⁴

In other words, this decision makes the probability of a democratic or hostile candidate to Beijing to be elected almost vane, because “Candidates have to win only one-eighth of the support of the current committee, but would have to win 50% under the new guidelines.”⁴⁵

Pro-democracy activists – as it could have been foretold – have exploded into a pacific riot demanding for democratic elections, which will probably not be conceded by Beijing.

The result of the revolt is still unknown, but whatever the final outcome, for sure it can be asserted that this protest can be considered as the proof of the

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⁴⁵ Ivi.
evolution that is taking place in these citizens’ souls, who are looking for more freedom, democratic rights and liberal values. They are no longer willing to accept the so-called “one country-two systems” framework, since it is not following the lines that Beijing and Hong Kong have agreed on at the time of this system’s birth.

As far as **economic rights** concern, both in Hong Kong and Macao SAR the condition of migrant workers – that, as above explained, is difficult in Mainland China – is as hard as the one of migrant workers in China.

In Macao SAR, migrant workers, especially if coming from Mainland China, are paid less than Macao SAR’s citizens even if they perform the same working task (information retrieved on-the-spot). Moreover, migrant workers in Macao SAR do not enjoy collective bargaining power and, differently from what is valid for Macao SAR’s citizens, they have no legal recourse right in case of unfair dismissal.

In Hong Kong, as the Annual Report (2013) on China of Amnesty International USA explains: “There were approximately 300,000 migrant domestic workers in Hong Kong, all of whom were excluded from the minimum wage law. Migrant domestic workers regularly paid the equivalent of three to six months of their salary in fees to recruitment agencies, despite Hong Kong law limiting the amount an agency can charge to 10 per cent of the workers’ first month’s salary.”\(^{46}\)

Therefore, it can be asserted that even in these two Special Administrative Regions, improvement in the respect of migrant workers’ rights must take place, even more if these two territories yearn for the achievement of more democratic systems.

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Eventually, this chapter focuses its attention on the right to housing in Hong Kong and Macao SAR. In Hong Kong the reality of cage homes is still alive. A cage home is a “type of residence that is only large enough for one bunk bed surrounded by a metal cage”\textsuperscript{47}. Many poor people, included migrant workers who do not benefit of the Hong Kong ID, make use of these sort of houses in which there are terrible conditions of living. An article dated 08/02/2013 of the New York Daily News tells us that more or less 100,000 people in Hong Kong live in “metal sleeping compartments, apartments subdivided into tiny cubicles or other forms of 'inadequate housing,' according to a social welfare group”, which is the Society for Community Organization. The article also affirms that nowadays the problem of cage homes is reducing, but it is leaving space to “other types of substandard housing such as cubicle apartments (…) as more families are pushed into poverty”. \textsuperscript{48}

In Macao SAR, there are no cage homes but the situation of housing is in any case quite complicated. The main problem of housing in Macao SAR concerns the difficulty in affording a house. Macao SAR recently witnessed a heavy housing bubble that led to a likewise increase in prices of houses. The wages were not adjusted to these prices, therefore it became difficult for Macao SAR’s citizens to purchase or rent a house adequate to their income. A New York Times’ article (April 9, 2014) affirms: An average apartment costs more than $500,000 in Macau (…) that has emerged as gambling leader and as one of the world’s costliest places to buy property. Its property prices exceed even those in nearby Hong Kong, where prices are among the highest in the world”\textsuperscript{49}. Most of the Macao SAR territory is devoted to the increasingly construction of casinos that grant to the city its major incomes. It is fundamental that the Government provides a long-term housing plan with the aim of guaranteeing to Macao

\textsuperscript{47}\textsuperscript{ See Hong Kong People's Council on Housing Policy. Step Forward Multi Media, 2000, pg.23
\textsuperscript{48} See the Article (08/02/2013) In wealthy Hong Kong, the poorest residents live in metal cages, in http://www.nydailynews.com/news/national/wealthy-hong-kong-poorest-live-metal-cages-article-1.1258661
\textsuperscript{49} See the Article (09/04/2014) Housing Squeeze Leaves Out the Locals in Macau, in http://www.nytimes.com/2014/04/08/business/international/housing-squeeze-leaves-out-the-locals-in-macau.html?_r=0
SAR’s citizens an affordable price category of houses in order to respect their right to an adequate standard of living, which includes the right to housing.

To conclude, the aim of this chapter was that of illustrating the as wider perspective as possible through dealing not only with the situation of human rights in Mainland China, but also with that of its two Special Administrative Regions, namely Hong Kong and Macao SAR.

Therefore, it will now be possible to tackle the question Why in the following chapter, which will try investigate the reasons of such violations, both in China and in its two Special Administrative Regions.

4. WHY:

Principal causes of Human Rights’ issues in China

This chapter will provide an analysis of the main causes of human rights’ abuses or limitation. It will scrutinize the plausible interconnections between some types of development – specifically economic and political – and human rights violations. It will find out that, throughout time, specific kinds of evolutions have had a significant impact on the evolution of human rights too.

On the one hand, the section 4.1. will refer to the consequences of economic modernization and development on human rights and it will also show how democratization, instead of economic development, can be supposed to represent the right way to achieve a wider human rights’ protection.

On the other hand, the section 4.2 will focus its attention on the implications of political modernization and development on human rights’ development. Moreover, it will briefly analyse – since it has been done yet – how the political system of China represents a difficult ground on which human rights should
grow and develop.

Lastly, the section 4.3. is going to deal with some justifications of East-Asian countries for their human rights’ abuses. Some writings of Daniel Bell turned out to be extremely useful for this section. Subsequently, this paragraph will debate on the model of behaviour that Western human rights’ promoters should adopt in order to open a pacific, productive and efficient dialogue on human rights with East Asians.

4.1. Economic Modernization and Development

In order to define the concept of economic modernization and development, which are considered strictly related, it has been stated that “The scope of economic development includes the process and policies by which a nation improves the economic, political, and social well-being of its people.” 50

This thesis will refer to economic modernization and development to understand its consequences on the development of our issue of interest: human rights.

Throughout subsequent historical periods, economic development has had enormous effects over human beings and, therefore, over their rights and every single period here taken into consideration has led not only to the passage from one era to another one, but also to either a specific violation or a development of some existing human rights.

To justify this latter assumption, thinking either about slavery throughout the colonization period, or about the pollution brought by economic development starting from the Industrial Revolution with its technological innovation and its consequent effects on health, turn out to be sufficient; moreover, it can also be useful to think about the division of labour, which according to some theories

50 See Arthur O’Sullivan and Steven M. Sheffrin, Economics: Principles in action.
led to what Marx called alienation and to exploitation of workers.

To bring this topic in the specific situation of China, the previous sections have already explained how exploitation of workers takes place and it is evident that the reasons for this behaviour are purely economic. Basically, in China the mechanism is that in order to increase the GDP, in some cases, an abuse of human rights can result useful.

This last consideration goes against Lipset Theory. According to Lipset’s research, economic development is always higher in democratic countries than for other types of political systems, and, more important for what concerns this thesis, it also states that poor countries are characterized by a lower extension of human rights, while wealthy countries provide wider human rights protection. “In wealthy countries, where there are enough resources for some redistribution to take place, it is easier for the upper class to extend some rights to the lower class”

China is one of the most economically developed countries worldwide, but it is not exactly – as it is attested in the previous chapters with several examples – a promoter of human rights’ protection.

Regarding this last consideration, my thesis is that economic development cannot be considered as the precondition for human rights’ protection, otherwise China should be one of the best places as far as human rights concern.

A fundamental assumption in this thesis is that democracy can be considered as a precondition for human rights’ protection and, in the words of Donnelly: “Most obviously, international human rights norms require democratic government. As Article 21 of the UDHR puts it, ‘The will of the people shall be the basis of the authority of government’”.

Moreover, according to Donnelly, not only is democracy the basis for human

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51 See Alvin Y. So, Social change and development: modernization, dependency, and world-systems theories, pgs. 48-52
52 Ivi, pg. 51
53 See Jack Donnelly, Universal Human Rights in Theory and Practice, pg. 218
rights, but it can also be considered a fruitful ground for economic development. 54 Indeed he affirms:

“Democracy, although not necessary for development (...), may restrict some predatory misrule that undermines development. Civil and political provide accountability and transparency that can help to channel economic growth into national development rather than private enrichment. The redistributions required by economic and social rights similarly seek to assure that prosperity is diffused throughout society.”55

According to this perspective – which is supported in this thesis – there are affinities among development, human rights and democracy and the hypothetical settlement of democracy has positive effects both on economic and human rights’ development.

The assumption that democracy is the requirement for human rights could sound logically impossible, because at the basis of democratization we find elections, “checks and balances” and civil liberties, so the question that could be arisen is how can human rights need democratization if democratization itself needs human rights to exist.

Nevertheless, regarding Donnelly once again: “international human rights norms (...) require democratic government. The link, however, need not run in the other direction. Democracy contributes only contingently to the realization of most human rights. Even where democracy and human rights are not in direct conflict, they often point in significantly different directions”56.

To ease the understanding, democratization could be considered as the political system or process, while human rights are the concept, the idea. If the system exists, the concept can materialize, otherwise, without the political system, which in this case is democratization, the idea cannot be safely

54 Ivi.
55 See Jack Donnelly, Universal Human Rights in Theory and Practice, pg.218
56 Ivi, pg. 223
It is fundamental to give evidence to the fact that the process of democratization is able to guarantee more human rights’ protection if only it is not forced, if only it is oriented to the settlement of democracy but without forcing the hand of it. In other words, democracy’s promoters – even more because they are so – must walk through a peaceful way in order to reach their scope. At the very beginning they should promote not so much democracy, but rather an open-minded dialogue with those countries that, still, do not intend to adopt a democratic system.

It should result now logically possible to say that democratization – and its effect, which is the settlement of democracy – is to be considered as the condition for human rights development.

4.2. Political Modernization and Development

If, with regard to economic development, the economic evolutions brought by subsequent historical periods matter, in the context of political development it is the various settlements of organization of power in the states and the relative passages from traditional societies to mass-consumption ones who play an important role.

In order to clarify this assumption, it is reasonable to bring as examples some either existed or still existing systems of power and their influence upon human rights.

Military dictatorships, for instance, “in terms of human rights, (...) have appalling records. (...) military governments were three times more likely than their civilian counterparts to indulge in the “frequent” use of official violence against citizens, including torture, brutality, disappearances, and political
killings”\textsuperscript{57}. Regarding the same reference, Sri Lanka, which is pervaded by clientelism and by a personalistic system, witnesses several human rights violations, “including political killing and torture”.

As affirmed in the previous paragraph (4.1.), democracy can be seen as a precondition for human rights’ protection: logically it also means that to achieve a complete political development – which includes a wide protection of human rights – a country should reach a suitable level of democratization.

Hence, it can be affirmed that the settlement of democracy should start to be the main goal of those countries that still adopt anachronistic systems of power in order to guarantee a wide protection of their own citizens, and, therefore, of human rights.

As far as China concerns, as above-mentioned, it has a non-democratic system and comprehends some semi-democratic regions. Here only some examples of political practices in China that go against human rights follow, since some human rights’ violations in China have already been examined in depth. Among these examples, there are: one-party system, problem of judge’s dependency, censorship, one-child policy, exploitation of labour force, discrimination of migrant workers.

In conclusion, this section wanted to stress the fact that political development could be a source of human rights’ enrichment if its direction is democracy, but also that protection of human rights must be one of the most compelling political goals not only of politically developed countries, but also of political developing ones.

\textsuperscript{57} See Ted C. Lewellen, \textit{Dependency and Development: An Introduction to the Third World}
4.3. East-Asian reasons for Human Rights’ Abuses

This paragraph will deal with the several reasons asserted by East-Asian regimes to justify some human rights’ abuses.

The paper “The East Asian Challenge to Human Rights: Reflections on an East West Dialogue” and the book “East Meets West: Human Rights and Democracy in East Asia”, both by Daniel A. Bell, turned out to be very useful for the purpose of this paragraph.

As Bell affirms: “Not all human rights values and practices typically endorsed in Western countries are automatically accepted elsewhere, and dialogue between interested parties may well help to identify areas of commonality and difference”. 58 Bell throughout his work suggests that, broadly speaking, the West starts to seriously consider the East Asian perspectives on human values and rights, especially because Asian power has notably increased and this does not have to be undervalued.

Often Asian regimes justify human rights’ violations or restrictions in order to improve economic development, for example, or to overcome a socio-economic crisis. The annual World Report on Human Rights of 2014 issued by the Human Rights Watch affirms that: “The government censors the press, the Internet, print publications, and academic research, and justifies human rights abuses as necessary to preserve “social stability.(...) The government obstructs domestic and international scrutiny of its human rights record, insisting it is an attempt to destabilize the country.” 59

Bell insists upon different ways through which the West should start dealing with China and East-Asia over human rights’ issue. According to Bell, starting to listen to Asian voices is what western human rights’ promoters should do. In Bell’s words: “If the ultimate aim of human

58 See Daniel A. Bell, The East Asian Challenge to Human Rights: Reflections on an East West Dialogue, pg. 642
rights diplomacy is to persuade others of the value of human rights, it is more likely that the struggle to promote human rights can be won if it is fought in ways that build on, rather than challenge, local cultural traditions.”60

He suggests, in the above-mentioned book, not to “make sound moral judgements concerning the desirability of Western-style democratic rights without taking into account the local context”61; indeed, he sustains that local knowledge is absolutely fundamental “for determining the right time and place to promote democracy”62 and, in a broader sense, human rights.

5. HOW:

*How to deal with Human Rights’ issues – Proposals*

This chapter wants to deal with the reality of human rights’ problems in order to provide possible solutions aimed at guaranteeing a broader human rights’ protection, both in geographical and qualitative terms. The question that this section is taking on is: how can we deal with human rights’ abuses and which is the correct approach to be assumed for the purpose of avoiding or defeating them?

This part will try to tackle these problems in a constructive way: it will look for achievable practical – not theoretical – answers to the request of human rights’ protection.

Firstly, with regard to political modernization, as above-mentioned, if it is oriented to the settlement of democracy, it should also help to pave the way for human rights’ enrichment and protection, since democracy can be considered as the precondition for these themselves (see section 4.1).

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60 Ivi, pg. 652
61 See Daniel A. Bell, *East meets West. Human Rights and Democracy in East Asia*, pg. 170
62 Ivi.
Secondly, as far as economic modernization concerns, it should start focusing not only on material development, which mainly brings to a higher GDP, but also on environmental conditions and workers rights.

Thirdly, as mentioned before, we already know that human rights are often considered as a Western idea, not always shared among Eastern countries. Perhaps, it could be possible to imagine a sort of dependent development of the Eastern countries on the Western ones. In other words, the reality is that some Eastern countries are already dependent on Western countries, and vice versa, for example in an economic or political relationship; what should be suggested is a dependent development even of those Eastern countries that do not rely on some Western resources. Subsequently, Western countries – which are known to be the most attentive promoters of human rights – should promote a dependent development between themselves and the Eastern ones. At a certain point, it could occur that those Eastern countries involved in this sort of strategy will be obliged to deal with human rights’ problems and to provide their protection if, for example, they want to keep on receiving some gains from their relationships with Western countries.

Therefore, Western countries should trigger some mechanism of enforcement of human rights’ protection by obliging other states, with which they have interrelations and, especially, a relationship of interdependence, to provide the same level of protection in their own countries if they intend to keep those relationships alive.

It is here reported an extract of a Roundtable, held on April 23, 2013, entitled “China in the World: Human Rights Challenges and Opportunities” in which Felice D. Gaer – Director of AJC’s Jacob Blaustein Institute for the Advancement of Human Rights – said:

“What we aren’t seeing is public opposition to rights abuses, and to weakening the human rights system, by rights-supporting governments in quite the way we would
hope. The result, it seems to me, is that rights-supporting countries look weak, and China feels safe. It enables them to ignore human rights issues, ignore important cases (...). I think we are seeing a long-term strategy on the Chinese side of cherishing obscurity, but using visibility to weaken or limit the UN’s human rights bodies whenever needed. And we are seeing no strategy, or no visible strategy, on the other side.”

This kind of complaint is quite common regarding this area of interest, and this thesis agrees with it in the sense of the expressed need of a real enforcement mechanism able to punish human rights’ violators.

Going back to the previously mentioned concept of the lack of enforcement mechanism (see subchapter 1.3.), which could really make the UDHR universal, it can be said that as long as this mechanism will not be provided, we cannot even talk about universal protection of human rights: if even countries that ratified the UDHR can violate fundamental human rights drafted in it – besides avoiding serious consequences – no other country will feel obliged to respect them.

Moreover, also those countries that usually respect them can be led to the belief that it is senseless to give up on the possibility of economic gains that could be reached through some abuses of human rights and, therefore, to make efforts to protect them.

What, in practice, could be suggested, is an actual mechanism of enforcement: as instance, the WTO, which is endowed with an enormous bargaining power, could decide to threaten countries responsible for human rights’ violations establishing that, as long as they perpetuate this behaviour, they will have trade restrictions over the treaties they signed with other countries or international organizations.

The United Nations could adopt a similar strategy too, but in this case the

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threat could be identified by heavy penalties on the violating countries. The main reason why the UN has not provided such a mechanism yet is that those strategies should be proposed and adopted by the UN Security Council, but among its members there is strong disagreement over the concept of human rights and they are not able to reach a common point of view and, perhaps, they do not even make enough efforts to reach it.

As long as there will be disagreement upon this issue, achieving a political measure aimed at the safeguard of human rights will turn out to be extremely hard.

As this section has tried to prove, there are several ways to deal with human rights’ violations and limitations, and the most stands upon the capabilities of those states, institutions and international organizations, that are endowed with a marked bargaining power and that could and should use it to improve the conditions of humanity.
CONCLUSIONS

This last chapter will deal with the findings of this thesis and it will conclude the whole work stressing again its main assumptions. Moreover, in these conclusions, the strong and weak points of the thesis itself will be highlighted.

The first part of the work was aimed at contextualising the issue of human rights in time and space (historical context) and in the different perspectives on human rights’ origin – universalist, relativist and the school of thought asserting and, in some way, accusing the Western origin of human rights. This first analysis also brought to light a fundamental problem in the Universal Declaration of Human Rights, which is the lack of an effective enforcement mechanism.

The principal body of this thesis regards the problems related to human rights, as such as their abuses and lack of protection, in Mainland China and in the two Special Administrative Regions – namely Hong Kong and Macao. The careful presentation of these abuses is not an end in itself; indeed it is used in this work to support the idea that specific types of development, such as the economic and the political ones, can lead either to more or less human rights’ abuses.

Given the illustration of the main causes of these abuses, the question that this thesis has tried to answer is whether a particular and new kind of development might change China’s treatment of these rights.

The point that has been sought to prove is that a process of democratization might bring to a system that is more likely to afford the as wider as possible protection of human rights.

This work’s belief is that, nowadays, the need of human rights’ protection should be clear to every country, independently from its geographical position and its cultural traditions, yet more if these elements are merely used to account for unjustifiable behaviour.
The above-mentioned process of democratization should not be imposed to a country as ancient and vast as China. Indeed, international actors endowed with a marked bargaining power – who must consider human rights’ protection as a priority in the fulfilling of their tasks – should really start considering as one of their duties that of promoting a real and open-minded dialogue and debate with China on human rights’ issues.

Human rights’ safeguard is undoubtedly a difficult goal to be reached, especially in some specific countries, as China for example. Both this high complexity and the hypothetical fear of damaging relationships with such an economic colossus should not prevent international actors’ intervention.

Here follows an illustration of the plausible strengths and weaknesses of this academic thesis, with the purpose of analysing this work in an as much as possible objective perspective.

The strengths of this work could be, firstly, the fact that the study’s research question can be considered relevant in this historical period and, especially, since it is discussed in the context of an increasingly globalized world, which is in need of certainties above the human rights’ issue.

Secondly, the main topic not only is developed in a general view, as many of the research papers do, but also with a more attentive lens referring to the situation of human rights in China and Macao SAR.

Another point of strength could be that the author has lived for some months in Macao SAR, spending much time also in Hong Kong and Mainland China. This fact could have influenced its way of viewing the whole situation: it has opened perspectives that were previously covered by the ignorance regarding the territory and its traditions.

As far as the weaknesses of this thesis concern, it is undoubtedly limited to only some considerations on a wide subject as that of human rights is. Moreover, in some cases, it resulted difficult to deal with such a heated discussed issue, firstly because of the heightened sensibility of the issue itself.
and, secondly, because of the worldwide disagreement on the legitimacy of the definition of human rights and on their supposed extent of protection. Lastly, it shall be taken into consideration that this research thesis has been written by a Western author, who, of course, feels Western values as its own. Therefore, this point of view upon human rights can be influenced by lifetime education over this issue, which has always been addressed to the belief that human rights’ protection should be at the top of priorities.

In conclusion, I report an extract of the Four Freedom speech of 1941 made in front of the Congress of the United States by Franklin D. Roosevelt, who said: “Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights and keep them. Our strength is our unity of purpose. To that high concept there can be no end save victory”\(^{64}\). More than 70 years later, I still feel that those words need to be listened to. Human rights must become a “must”.

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\(^{64}\) Discourse retrieved from http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=4061
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