

## Statement of Fact: China Upholds and Promotes Human Rights in Accord with Internationally Agreed Norms

Roland Boer

2019

Let me begin with two statements:

Statement 1: 'China does not uphold and promote human rights in accord with internationally agreed norms.'

This statement is nonsense. Although it is peddled in a few former colonising countries, it clearly goes against the facts.

Statement 2: 'China upholds and promotes human rights in accord with internationally agreed norms.'

This is a statement of fact. How so?

Earlier, I have pointed out how the Chinese Marxist approach to human rights, as a 'rooted universal', contributes to global understandings. And in relation to the regions of Xinjiang and Tibet – as examples – China fosters the fundamental right to socio-economic wellbeing in a way that is second to none. Further, if one takes time to study carefully the approach to religion, you will find the promotion and protection of freedom religious belief, in line with Chinese laws.

However, I am interested here in the phrase, 'internationally agreed norms'. The former colonisers who like to use such a phrase usually refer to the United Nations' *Universal Declaration of Human Rights* (1948), and perhaps the *International Covenant on Civil and Political Rights*, which was published in 1966 but came into effect in 1976. That China has signed but not ratified the second can give a superficial impression that it does not abide by 'international norms'.

But this is a very partial picture, which needs a full account of the facts. To begin with, the famous first article of the universal declaration reads: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'. The first sentence may be reasonably well known, but the second is often forgotten. This is a shame, since it the distinct contribution of Zhang Pengchun (P.C. Chang), who was vice-chair of the Commission on Human Rights that produced the document. After much debate, Zhang proposed the term 'conscience', which is a somewhat loose translation of the Confucian term *ren*. What does it mean? Zhang explained that a better translation of *ren* is 'two-person mindedness' (see further, Sun Pinghua, *Human Rights Protection System in China*, 2014).

This is only a beginning, for the *International Covenant on Civil and Political Rights* came into force at the same time as another, the *International Covenant on Economic, Social, and Cultural Rights* (published in 1966). I will quote from the second text in a moment, but it is worth noting that when the initial idea for such a covenant was proposed in the 1960s, it was seen as a unified document. But as differences arose between the proponents of the Western liberal tradition and proponents of a socialist and anti-colonial approach, the solution was two covenants, published separately but coming into force at the same time, in 1976.

As an aside, let me note the active role of the Soviet Union in the UN. It was the original sponsor of *Declaration on the Granting of Independence to Colonial Countries and Peoples* (1960), and was a strong supporter of the covenant on economic, social and cultural rights (1976). It is not often acknowledged that the Soviet Union also promoted anti-colonialism and anti-imperialism through the UN. For example, it was the 1960 declaration that forced the last remaining European colonisers to give up (most) of their colonies: UK, France, the Netherlands, Denmark and so on.

To return to the *International Covenant on Economic, Social, and Cultural Rights*. Let

me quote some of the more pertinent points. The preamble observes: 'in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights'. This is a crucial statement, since it identifies the right to socio-economic and cultural wellbeing as the core right on which others depend.

Article 1 reads: 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development'. Clearly, this article follows in the wake of the declaration on granting independence to colonial countries and peoples from 1960. Crucially, each can choose its political status and approach, in light of its history and culture. They certainly do not need the imposition of Western bourgeois democracy, which has been disastrous in other parts of the world (and is not particularly successful even in its place of origin). For example, China and Vietnam have chosen socialist democracy as systems better suited to their environments. It is also worth noting that a number of countries have clarified their interpretation of the clause in terms that self-determination refers to the country as an integral whole and not separatist groups within the borders.

Article 6:1 reads: 'The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right'. Part 2 is particularly interesting, since this is what the local government in Xinjiang is doing in order to de-radicalise Islamic militants and ensure stability and peace for all: '2. 'The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual'. Clearly, the highly

successful programs in Xinjiang accord with internationally agreed norms.

Further articles deal with social security, physical and mental health, education, culture, scientific progress, and so on. One need only look at Tibet to witness its progress on all of these fronts.

Yet, article 11 is perhaps the clearest statement of the core right to socio-economic wellbeing: ‘The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.’ Exactly.

Now, let us see which countries signed this covenant and ratified it. The initial signatories in the 1960s, even before it came into force, were mostly socialist countries in Eastern Europe and a good number of formerly colonised countries. In particular, the Soviet Union signed in 1968 and ratified the covenant in 1973 – among the first. China signed in 1997 and ratified the covenant in 2001. The delay is due to the wary engagement with international debates over human rights and the development of a robust Chinese Marxist tradition, marked by the inclusion of the phrase ‘the state respects and guarantees human rights’ in the 2004 amendments to the constitution. However, the United States has still not ratified the covenant. If one considers the text, you can see why: the regime fundamentally opposes most of its statements.

At the same time, by now the vast majority of countries in the world have both signed and ratified the covenant, making it a ‘universally agreed norm’.

For these reasons, the following is a statement of fact: China upholds and promotes human rights in accord with *internationally agreed norms*.