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In defence of universal rights

Emily Lau is a prominent politician in Hong Kong and spokesperson of The Frontier, a Hong Kong pro-democracy group formed in August 1996.

December 1998 marks the 50th anniversary of the Universal Declaration of Human Rights (UDHR), a resolution of the United Nations (UN) which was the first major codification of international human rights standards.

The need to give legal expression to the assertions in the UDHR has spawned two international treaties: the International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Looking at the history of the UDHR, one must conclude that human rights development in Asia is particularly disappointing. Economic advancement in many Asian countries has not resulted in corresponding advances in human rights. Some authoritarian regimes have used the need to maintain economic prosperity and social stability as an excuse for violating human rights.

The rise of "Asian values" as a concept to counter the universality of human rights is frustrating and infuriating. I have often been asked by westerners about whether Asians actually have a culturally and racially different view of human rights. This shows how persuasive the propaganda is.

Many Hong Kong people first heard about the ICCPR and ICESCR in September 1984, when the Sino-British Joint Declaration on the future of Hong Kong was unveiled after two years of secret negotiations in which the people played no part. Although the two covenants were extended to Hong Kong by the British Government in 1976, the colonial government made no attempt to inform the people of their existence, let alone educate the people about their rights.

Since 1984 the Hong Kong people have learned more about human rights but we still have a long way to go. The change of sovereignty on 1 July 1997 has heightened many people's concern about possible erosion of human rights and the rule of law.

In August 1997 the Chief Executive of the Hong Kong Special Administrative Region, Tung Chee-hwa, said he agreed with the Prime Minister of Malaysia, Mahathir Mohamad, that the UDHR should be reviewed. It is not clear what he meant. In his first policy address delivered on 8 October 1997, Tung Chee-hwa made no reference to human rights.

Further, Tung Chee-hwa has repeatedly talked about the need to return to traditional Chinese and Confucian values which emphasized a hierarchical society in which everyone had his or her place and where individual rights were quite irrelevant. Although Hong Kong has no democracy, the people cherish their freedoms, and that is one thing many fear would disappear under Chinese rule.

The Chinese Constitution contains a long list of standard human rights guarantees, but with few provisions for enforcement. Not only does the Chinese Government give higher priority to the rights and interests of the state and society, it insists human rights are an "internal affair" and condemns any criticisms of China's human rights record as "interference".

In spite of the fact that Hong Kong is now part of China, the pro-democracy lobby continues to advocate international standards of human rights enshrined in the UDHR. Some people dare not speak out on this sensitive topic because they are afraid of commercial or political reprisals.

On 22 November 1977, the Chinese Government made the surprise announcement that it will submit reports to the UN regarding Hong Kong's implementation of the ICCPR and ICESCR. The breakthrough came after years of lobbying by Hong Kong and international human rights groups. China has repeatedly said she was not a party to the two treaties and thus had no obligation to submit reports to the UN.

The about-face came one week after the release of political dissident Wei Jingsheng, who has been flown to the USA. Shortly before the historic meeting between Chinese President Jiang Zemin and US President Bill Clinton in October, the Chinese acceded to the ICESCR.

Two or three swallows do not make a summer. But it is obvious the Chinese authorities want to impress the international community and are responding to pressure from abroad, particularly from the USA.

China is an important member of the Asia Pacific region and an emerging world power. If she can be persuaded to make concerted efforts to improve her appalling human rights record on the eve of the 50th anniversary of the UDHR, that may be a glimmer of hope for more positive developments in Asia.

This article is one of a series of opinion pieces written for Amnesty International's campaign to celebrate the 50th anniversary of the UDHR. The views expressed do not necessarily represent Amnesty International's position.

Find out more about Amnesty International's campaign to mark the 50th anniversary of the Universal Declaration of Human Rights — visit www.amnesty.excite.com

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