

UNIVERSITÀ DEGLI STUDI DI PADOVA

DEPARTMENT OF POLITICAL SCIENCE, LAW,
AND INTERNATIONAL STUDIES

**Master's degree in
Human Rights and Multi-level Governance**



**ARE THE OLYMPIC GAMES AN EFFICIENT VEHICLE
FOR HUMAN RIGHTS REFORMS? The case of China**

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Matriculation No. 1203068

A.Y. 2019/2020

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Introduction

In the most positive and modern view, we might give for granted that today there is enough space for human rights in every aspect of every day's life, even in the sport environment. Being more rationalists, human rights abuses still represent a huge problem of our society where autocrats and dictators, legitimized by a silencing accomplice of other countries, continue to threaten citizens everywhere in the world.

From its origin, the field of sport and human rights examined the definition of sport as the right to participate and compete in sport inherent to all human beings. Whether in the traditional dialogue about human rights, sport has been traditionally left out from conversation, nowadays the idea whereby is possible to use mega sport events (MSE) as a vehicle to promote human rights is becoming more and more concrete. Individual athletes, sport administrators, and more recently, researchers, have used the platform of sport to educate people about human rights. Developing and analyzing this intersection is essential to furthering a global awareness of social justice in, and through, sport¹.

The aim of this thesis goes around the question whether a sport event may serve as the platform to advance human rights reforms. Trying to answer to the research question, we begin by taking a closer look on the relationship between sport and human rights. This framework serves as reference to denote the main actors involved in the process and what are the initiatives taken in the lights of the most recent development.

In the first chapter, overviewing the literature on the correlation between human rights and sport we will take into account the organization of mega sport events as the scenario to evaluate the impact, both positive and negative, of sport toward human rights.

Forward, illustrating the United Nations' commitment and the example of the Olympic Games as a mega sport event, it will be possible to observe how this relationship evolved and what are the recent human rights initiatives promoted by the International Olympic Committee (IOC). This is necessary if we consider that, at the beginning, the IOC apparently did not take into consideration the correlation between the host country and its human rights standards; oppositely, its positions changed as the result of its new human rights' initiatives.

¹ HUMS H. and WOLFF E.A., *Sport and Human Rights in Directory of Sport Science*, 2013, p. 277

As illustrated below, mega sport events can be hosted by countries with low human rights records or may be the stage where people's human rights are threatened. In this regard, to respond to our research question, it is necessary to evaluate the concreteness of the IOC's initiatives taking into consideration editions of the Olympic Games hosted in a country with a low human rights score. On this purpose the case study of the People's Republic of China (PRC) might be the appropriate example to firstly understand the possibility to have human rights reforms but also evaluate the IOC's commitment.

In the second chapter, a literature review will better explain China's behavior toward the international human rights regime while a descriptive methodology will be used to focus on the relationship between human rights and China. In this regard, thanks to data provided by relevant stakeholders, such as human rights NGOs' reports and public statements, it will possible to evaluate China's behavior toward such rights and the implications that the Olympic Games had on human rights.

On the basis of the information about China's human rights performance and in line with the idea to use MSE as a driver for human rights reform, in the third chapter will be assessed both the 2008 Beijing Summer Games and the 2022 Beijing Winter Games. To do so, consulting the relevant literature on the matter and acceding to reports and documents issued in that period, it will possible to observe the 2008 Beijing Olympic Games and its impact on human rights before, during and after the Games. In addition, with regard to the recent International Olympic Committee's initiatives, we will notice whether this new commitment toward human rights can be concrete in the light of the 2022 Beijing Winter Games and human rights violations perpetrated by the Chinese government. Comparing the 2008 Olympiad with the upcoming 2022 Winter Olympic Games, we can observe what has changed between the two major events and evaluate China and IOC's behavior.

It will finally move towards conclusion where a final analysis will consider the information discussed below.

CHAPTER I

SPORT AND HUMAN RIGHTS

This chapter aims to examine the relationship between sport and human rights with a focus on the Olympic Games as one of the main international sport event whereby human rights are becoming central to the organizations of such events. The chapter is divided in three sections.

In the first referring to the relevant literature argumentation, we briefly define what a mega sport event is. The section is then divided in two subsections: the first exposes what are the human rights correlated positive-negative impacts of the organization of these events. Then we move examining the work at the United Nations and the instruments adopted throughout the years in the field of sport and human rights.

The second section focuses on the Olympic Games and their environment and is divided into two sub-sections. The first part provides a briefly description of the structure of the Olympic Movement and the Charter while in the second highlights the Olympic path toward human rights.

Finally, in the third section with the support of the academic world and expert in the field, we provide examples of proposals advanced for a better and concrete human right based organizations of the games.

1. SPORT, HUMAN RIGHTS AND MEGA SPORT EVENTS

The questions whether is possible to talk about the relationship between sport and human rights has been analyzed by experts for some time.

When we deal with the term human rights, we generally refer to those rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination². Hence, the

² UNITED NATIONS, *Human Rights*, available at: <https://www.un.org/en/sections/issues-depth/human-rights/> [Accessed 14 March 2020].

International human rights law lays down the obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups³.

As concerns the sport, in the contemporary view is usually associated with luxury, money and beautiful cars due the public imagine of today's sport idols. While trying to give a definition of sport we can generally define it as all types of physical activity that people do to keep healthy or for enjoyment. At the United Nations, "sport is first and foremost a fundamental right for all people, referring to all forms of physical activity that contribute to physical fitness, mental well-being, and social interaction. These include play, recreation, organized, casual, or competitive sport, and indigenous sports and/or games. Access to and participation in sport and physical activity are human rights and are essential for individuals of all ages to lead healthy and fulfilling lives⁴".

For the purpose of this research we are considering the organization of what is known today as a mega sport event as described by the historian John Horne. The historian highlights two features of contemporary MSE by affirming that first, these events are supposed to have highly significant social, political, economic and ideological consequences for the host city, region or nation in which they occur; second, they will attract considerable media coverage⁵. The possibility to become a trend city, by hosting these events, may have an high impact on the economic asset of the host city and the 1984 Los Angeles Olympics are an example if we consider that the event made surpluses of £215 million into the coffers of the city of Los Angeles⁶.

³ Ibidem

⁴ UNITED NATIONS, *Achieving the objectives of the united nations through sport*. Available at: https://unipd-centrodirittiumani.it/public/docs/UN_and_sport_in_brief.pdf [accessed 14 March 2020]

⁵ HORNE J. *Sports mega-events – three sites of contemporary political contestation*, 2015, p.4.

⁶ BLAKE A., *The Economic Impact of the London 2012 Olympics*. Available at: https://opus.lib.uts.edu.au/bitstream/10453/19780/1/Impact%202005_5.pdf [accessed 15 March 2020]

Horne affirms that for the past fifty mega sport events, has born a sort of symbolic politics that takes two main forms.

Firstly, there is a promotional opportunity offered to these actors to enhance their reputations. This is possible in by competing with other cities and nations, winning the right to stage them and actually hosting them. This form of politics is sometimes referred to as the exercise of ‘soft power’ or public diplomacy, as nations, and increasingly cities, have sought to develop their place in the modern world and establish what has been referred to as brand identity. Second, there is the opportunity for non-state actors and social movements to protest about a perceived social injustice by seizing the platform offered by MSEs watched by hundreds of millions of people and reported on by most of the world’s media⁷.

The chance to gain international attention by hosting these events attract several countries to emerge or affirm themselves as a “trend city”. But, the ambition to be seen as attractive through the use of global sport does not automatically lead to one becoming so in the minds of others⁸. This happens because the factors that may lead to the success, such as the high media coverage, may have the opposite effect. Indeed, States seeking to improve their international image through MSEs, due the permanent mass-media exposure, may be subject of what Brannagan defines as “soft disempowerment” referring to those occasions in which you may upset, offend or alienate others, leading to a loss of attractiveness or influence⁹. For instance, in the context of the upcoming 2022 Qatar FIFA World Cup finals, Brannagan has identified four levels of the Qatar’s soft disempowerment:

- 1) the first level is represented by the continuous allegations of bribery and corruption surrounding the acquirement of the 2022 Football World Cup itself;

⁷ Ivi p. 3

⁸ BRANNAGAN P.M., ROOKWOOD J., in *Sports mega-events, soft power and soft disempowerment: international supporters’ perspectives on Qatar’s acquisition of the 2022 FIFA World Cup finals*, 2016, p.

4

⁹ Ibidem

- 2) the second concerns the heightened international awareness of Qatar's issues with human right;
- 3) the third highlights the trepidations that have been expressed over the health and safety of players and fans, particularly with regard to Qatar's extreme climate and lack of freedom for women and homosexuals;
- 4) and finally, it is perceived the sale of alcohol will be profoundly restricted in comparison to previous World Cup destinations, suggesting supporters will be forced to heavily limit their consumption patterns, both inside and outside of stadiums¹⁰.

1.1. Positive and negative impacts of mega sport events

Historically, in the framework of the Cold War, the discussion about human rights and sport was mostly politically-oriented, thus the decisions took were the result of political decisions that did not foresee directly the application of human rights standards. We here provide a quick review of some of Olympic Games editions that serve as a good example to understand how the interconnection between sport and human rights was the result of a political commitment against certain State's attitude¹¹.

For instance:

- In 1936, The United States dropped two Jewish sprinters from the 400-meter relay.
- In 1948, Israel was excluded from participation because the Arab nations threatened a boycott.
- In 1956, Egypt, Lebanon, and Iraq boycotted the Olympics because of the Anglo-French seizure of the Suez Canal.
- Switzerland and the Netherlands withdrew from the Olympics in protest after the Soviet Union invaded Hungary.

¹⁰ Ibidem

¹¹ EITZEN D.S., & SAGE G.H., *Sociology of North American Sport*. Brown & Benchmark Madison, 1997, pp.181, 182

- In 1964, South Africa was prevented from participating in the Olympics because of its apartheid policies.
- The “Black African nations 1976 boycott” of the summer Olympics occurred because the International Olympic Committee (failed to ban New Zealand from permitting its rugby team to play in segregated South Africa, and The IOC allowed New Zealand to participate in the Games. Twenty-eight African nations boycotted the ‘76 Games.
- The international protest against South Africa grew and kept South Africa out of the 1968 Olympic games, setting the stage for South Africa to face complete isolation in international sport.
- In 1980, President Carter called for the United States to ban the Moscow Olympics because the USSR invaded Afghanistan. In total, some fifty-four nations participated in the boycott including West Germany, Canada, and Japan.

A concrete link with human rights is given with the cases of the South Africa and South Korea.

In 1991, the International Olympic Committee agreed to allow South Africa to participate in the 1992 Olympic Games with conditions. In fact, South Africa participation was ensured only if the country would have met certain conditions regarding the disassembling of apartheid. A strong message was given with the case of South Africa, barred for years from the Olympic Games and other international competition because of its system of apartheid in sport. In 1992, after thirty-two years South Africa participated to the Olympic Games and with the fall of apartheid and the election of Nelson Mandela, the sports world accepted South Africa. President Mandela used the rugby World Cup as an opportunity to bring human rights changes in South Africa by speaking to its people in terms of equality and non-discrimination. In 1995, South Africa was allowed to host

the World Cup in Rugby¹² where the “Springboks¹³” team saw, for the first time in the history of South Africa, whites and blacks unified by sport¹⁴.

The 1988 Seoul Olympic Games is perhaps the best example of how the MSE, such as the Olympic Game, could act as a positive force for human rights reforms. The 1988 Seoul Olympics are considered as the starting point for the transition for South Korea. In fact, the Games accelerated South Korea transition toward a genuine democracy achieved with free election held in 1992¹⁵. Thus, from corruption, assassinations and instability which forged the country as a dictatorship, it shifted to democracy.

The IOC’s diplomatic action to avoid Olympics’ boycott and push for the Games was a major catalyst for political change in Korea since the global recognition of the Games helped to boost the advancement of a democratic system and proved that Seoul could overcome a tradition of corruption and human rights abuses¹⁶.

Recent studies have focused on the organization of sport events and their impact on human rights. On this topic, there is a long debate discussing whether the pros can overcome the negative effects by hosting these events.

The authors of more recent studies have generally agreed that the main violations occurring during mega sport events, such as the Olympics, concern the right to housing, environment, public spending, urban control, urban mobility and law. The potential impacts on human rights that may arise during the bidding and planning stage concern issues related to land acquisition, livelihood restoration, and forced evictions¹⁷, such as the case of Athens 2004. In particular, during the 2004 Olympic Game it is estimated that

¹² COBERTT D., *Ethics and Moral Behaviour In Sport: A Human Rights Issue* in HOW YOU PLAY THE GAME Papers from The First International Conference on Sports and Human Rights, Sidney, 1999, p. 170

¹³ The national rugby team’s nickname. Usually associated with the pro-apartheid white regimes of the past but used also by Mandela in order to do not highlight any differences between whites and blacks South African’s people.

¹⁴ Ibidem

¹⁵ LIU J., *Lighting the Torch of Human Rights: The Olympic Games as a Vehicle for Human Rights Reform* in Northwestern Journal of International Human Rights, 2007, p. 227

¹⁶ Ibidem

¹⁷ United Nations, *Report of the Human Rights Council* (13th session, UN 2010) 105-106.

around 2,700 individuals of Romani ethnic origin were adversely affected by the Olympic Games, undergoing either evictions or experiencing the abandonment of their relocation projects for reasons ostensibly related to the Olympic Games¹⁸. While other types of abuses may arise during the construction and infrastructure development stage, where issues are related to working conditions, contract workers' rights, union rights, and access to natural resources¹⁹.

A focus about the violations related to the organization to these kinds of events has been provided by Minky Worden, the Human Rights Watch's Director of Global Initiatives. The Director has underlined five human rights abuses as the result of an examination of the violations occurred in the past last mega sport events' editions:

1. The forced evictions of citizens without due process or compensation. Before 2008, thousands of citizens in Beijing were forcibly evicted from their homes with little due process in terms of consultation or adequate compensation. The example is given by the case of 20 people gathered to protest on a residential street, shouting that they had been kicked out of their homes and had not received proper compensation²⁰. Residents who protested the demolition of their homes were arrested. Fair compensation and due process were serious problems in Sochi as well.
2. The abuse and exploitation of migrant workers. As massive stadiums are constructed for opening ceremonies, soccer games, or swimming and other events, the bulk of the work is often done by abused and exploited migrant workers, who face hazardous working conditions, long hours, and being cheated of pay. Recently, Qatar's construction frenzy ahead of the 2022 World Cup "is on course to cost the lives of at least 4,000 migrant workers before a ball is kicked²¹", the International Trade Union Confederation (ITUC) has claimed. Workers, mostly from Nepal and India, described

¹⁸ COHRE, *The housing impact of the 2004 olympic games in Athens*, 2007, p. 16.

¹⁹ Scot Sheeran, Nigel Rodley, *Routledge Handbook of International Human Rights Law* (1st edition, Routledge 2013) 280-281.

²⁰ BRANIGAN T., *Beijing residents stage protest over Olympic eviction*, 2008. Available at: <https://www.theguardian.com/world/2008/aug/04/china.olympics2008> [accessed 15 March 2020]

²¹ Ibidem

forced labour in 50^C heat, employers who retain salaries for several months and passports making it impossible for them to leave and being denied free drinking water. The investigation found workers living in overcrowded and insanitary conditions where hunger has been reported²².

3. The silencing of civil society and rights activists has been a signature abuse ahead of both the Beijing and Russian Olympics. Instead of the promised human rights improvements, the period leading up to the Beijing Games was marred by jailings and house arrests of activists who criticized the Olympics. In the Sochi residential area, in Russia, police arrested villagers. Part of them have been charged for protesting against of a large natural gas-station construction, amidst fears over environmental impacts from emissions and other adverse health effects²³.
4. Threats, intimidation and arrest of journalists. When 25,000 journalists arrived in China to cover the Beijing Olympics, they were surprised to find Internet news blocked²⁴. In the lead-up to the Sochi Games, Russian police harassed, detained, and threatened to imprison two journalists from a Norwegian television station, before sarcastically saying, “Welcome to Sochi” when the journalists’ ordeal was over.
5. Discrimination within nations competing to host or simply competing at the mega-events. MSEs are too often exposing ugly discrimination. Until just days before the launch of the London 2012 Olympics, Saudi Arabia was still planning to send a male-only national team, as in all past Olympics, and also to the 2014 Asian Games. Extreme pressure finally led to two Saudi women being allowed to compete in 2012. Back to the case of Saudi Arabia, Human Rights Watch documented how the country

²² BOOTH R., *Qatar World Cup construction 'will leave 4,000 migrant workers dead*, 2013. Available at: <https://www.theguardian.com/global-development/2013/sep/26/qatar-world-cup-migrant-workers-dead> [accessed 15 March 2020]

²³ IFEX, *Arrests, intimidation of protesters mar Olympic preparations in Russia*, 2012. Available at: <https://ifex.org/arrests-intimidation-of-protesters-mar-olympic-preparations-in-russia/> [accessed 15 March 2020]

²⁴ BRANIGAN T., *China relaxes internet censorship for Olympics*, 2008. Available at <https://www.theguardian.com/world/2008/aug/01/china.olympics> [accessed 15 March 2020]

still bans sport for all girls in state schools and has no women's sports federations, a clear violation of the Olympic Charter's non-discrimination clause.

In June 2013, Russian President Vladimir Putin signed into law an anti-LGBT propaganda bill. The law uses the pretext of protecting children to ban spreading information about equality, tolerance, and other issues affecting the LGBT community and demonized LGBT people and activists in the public eye. This has helped spark a surge in harassment and violent attacks against LGBT people, and the International Olympic Committee raised no concerns about how this could be compatible with a commitment to non-discrimination²⁵.

1.2. The United Nations contribution to the advancement of sport for development and peace

Despite the relevant activities made at the regional level by several organizations, for the purpose of this thesis, the focus is set on the intervention made by the United Nations, as the main organization considered for this elaborate, in order to highlight the global response to the topic.

The United Nations General Assembly in its Resolution 71/160 invited action across four priority areas, in line with the United Nations Action Plan on Sport for Development and Peace, to:

- (a) further develop a global framework for sport for development and peace;
- (b) promote and support the integration and mainstreaming of sport for development and peace in development programmes and policies;
- (c) promote innovative funding mechanisms and multi-stakeholder arrangements;
- (d) promote and facilitate monitoring and evaluation tools.

A shared vision and approach to the promotion and mainstreaming of sport for development and peace is quickly emerging across the international community.

²⁵ WORDEN M., Raising the Bar: Mega-Sporting Events and Human Rights, 2015, pp 36-38. Available at: <https://www.hrw.org/world-report/2015/country-chapters/global-1#7e9b6b> [accessed 15 March 2020]

In fact, referring to the 2030 Agenda and the Sustainable Development Goals (SDGs) as firm foundations for their efforts, member states, the United Nations system, international sport federations and other stakeholders are engaged for a collaborative action on sport, physical activity and active play. This collaboration embraces a vision where sport is used as a platform for achieving wider development outcomes rather than focusing on sport as an end in itself. The frameworks for action feature a wide range of goals, including personal and interpersonal social development, health promotion, conflict resolution, intercultural dialogue, social inclusion and economic development. They are aimed at both capitalizing on and strengthening core attributes of participation in sport, physical activity and active play, including the universality of participation in sport and physical activity, the potential of sport to connect individuals and groups, the potential of sport to create self-affirming attitudes, motivation and inspiration, the contribution of sport to physical health and the potential of sport to serve as a context for learning life skills²⁶.

What has emerged from this collaboration is the idea that sport is also an important enabler of sustainable development. The sport contributes to the realization of development and peace in its promotion of tolerance and respect and the contributions it makes to the empowerment of women and of young people, individuals and communities as well as to health, education and social inclusion objectives²⁷.

For instance, in the SDGs Goal 16²⁸ sport is underlined as a tool for a powerful communication platform that can be used to disseminate solidarity and reconciliation messages and to promote a culture of peace. Sport events can provide opportunities for advocating and realizing peace, as notably the Olympic Truce has allowed since ancient history²⁹.

²⁶ Strengthening the global framework for leveraging sport for development and peace, Report of the Secretary-General. Available at: <https://undocs.org/en/A/73/325> [accessed 15 March 2020]

²⁷ 2030 Agenda for Sustainable Development A/RES/70/1, paragraph 37.

²⁸ Goal 16: promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

²⁹ Sport and the SDG(s). Available at:

https://www.un.org/sport/sites/www.un.org.sport/files/ckfiles/files/Sport_for_SDGs_finalversion9.pdf.

[accessed 15 March 2020]

Despite this positive approach and vision toward the sport as a promoter of positive outcomes, sport events can be also the stage where abuses and violations occur. In order to mitigate risks associated to these events, the UN Guiding Principles on Business and Human Rights (UNGPs) set forth a global framework for sport bodies (international, regional and national sport federations) to embed the respect on human rights. The UNGPs encompasses three pillars, stating that:

1. States have a duty to protect human right including from abuse by third parties through policies, legislation, regulation and adjudication.
2. Business enterprises, as long as Sport Bodies, have a responsibility to respect human rights, that is, they should avoid infringing the human rights of others and address any infringements they are involved in.
3. Both States and business enterprises should ensure access to effective judicial and non-judicial remedy when human rights are harmed³⁰.

Even if the terminology used by these principles primarily refer to business enterprises, the *ratio* is still the same when dealing with sport bodies. These principles aim to give a support to make sure that the governance systems and processes equip sport bodies to show them that their organization is promoting the values of sports and demonstrating the responsibility to respect human rights in line with the UN Guiding Principles and best practice. It is designed to help sport institutions improve their supervisory and management board-level operation and oversight of human rights issues³¹. The UN Guiding Principles call on organizations to carry out human rights due diligence by establishing a process that should include the assessment of actual and potential human

³⁰ UNITED NATIONS, *UN Guiding Principles on Business and Human Rights*. Available at https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf [accessed 15 March 2020]

³¹ Mega-Sporting Events Platform for Human Rights, “*Championing Human Rights in the Governance of Sports Bodies*”, March 2018, p.13.

rights impacts, integration and action upon the findings, tracking responses, and communication about how impacts are addressed.

Human rights due diligence:

- (a) Should cover adverse human rights impacts that the business enterprise (here we refer to sport bodies) may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
- (b) Will vary in complexity with the size of the business enterprise or sport bodies, the risk of severe human rights impacts, and the nature and context of its operations;
- (c) Should be ongoing, recognizing that the human rights risks may change over time as the business enterprise's operations and operating context evolve³².

The UN Guiding Principles has identified five ways that may assist sports bodies to use their influence to prevent and mitigate human rights risks. These can be exercised by sports bodies themselves or organizations and other stakeholders they engage to prevent and manage human rights harm. Sports bodies should engage a wide range of stakeholders to address human rights issues and to understand and track the effectiveness of their actions. Where sports bodies identify that they have caused or contributed to a negative impact on human rights they must ensure that a timely and effective remedy is available³³.

Forms of influence that might be used are the follow:

1. Commercial influence: using contractual terms, audits, bidding criteria, questionnaires and incentives for members, suppliers and business partners to ensure human rights standards are met.

³² UNITED NATIONS, *UN Guiding Principles on Business and Human Rights*. Available at https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf [accessed 18 March 2020]

³³ Mega-Sporting Events Platform for Human Rights, “*Championing Human Rights in the Governance of Sports Bodies*”, March 2018, p.20.

2. Business influence: building the capacity of commercial partners through training and driving expectations using international or industry standards like the UN Guiding Principles.
3. Influence through actions with business peers: working with peers to develop collaborative solutions and share lessons learned about addressing human rights issues.
4. Influence through direct engagement with local and international organizations: working with civil society or international organizations to develop skills and knowledge at a local level, support monitoring and enforcement of standards and encourage a favorable regulatory environment to protect and respect human rights.
5. Influence through multi-stakeholder initiatives: supporting collective action through collaboration with businesses, government, international and civil society organizations to develop standards and strategies for addressing human rights issues³⁴.

2. THE OLYMPIC GAMES

2.1. The Organization and the Charter

The Olympic Games are competitions between athletes in individual or team events and not between countries. They consist of the Games of the Olympiad and the Olympic Winter Games.

When he announced in Paris, on a winter's evening in 1892, the forthcoming re-establishment of the Olympic Games, Pierre de Coubertin was applauded, but nobody at the time imagined the scale of the project that reviving the ancient Olympic Games, appointing a committee in charge of organizing them and creating an international movement would entail. The International Olympic Committee was created on 23 June

³⁴ Ibidem

1894; the first Olympic Games of the modern era opened in Athens on 6 April 1896; and the Olympic Movement has not stopped growing ever since³⁵.

When the modern Olympics were launched, the expectations, even the most positive ones, would have not imagined the impact and the success that the Games have reached today. As a matter of fact, today, the Olympics are organized behind a well-structured and organized organization that we can summarize with the name of Olympic Movement which include three main constituents: the International Olympic Committee, the International Sports Federations (IFs) that are responsible for the integrity of their sport on the international level and the National Olympic Committees (NOCs) that promote the fundamental principles of Olympism at a national level within the framework of sports³⁶. In addition to its three main constituents, the Olympic Movement also encompasses the Organizing Committees for the Olympic Games (OCOGs), the national associations, clubs and persons belonging to the IFs and NOCs, particularly the athletes, as well as the judges, referees, coaches and the other sports officials and technicians³⁷. It also includes other organizations and institutions as recognized by the IOC.



Figure 1 Vision and Missions of the Olympic Movement [<https://www.olympic.org/about-ioc-olympic-movement>]

³⁵ International Olympic Committee, *Who We Are - International Olympic Committee*, Available at: <https://www.olympic.org/about-ioc-olympic-movement> [Accessed 19 March 2020].

³⁶ Ibidem

³⁷ Ibidem

The International Olympic Committee is a not-for-profit independent international organization. Created in 1986, today represent the supreme authority of the Olympic Movement committed to building a better world through sport. As the leader of the Olympic Movement, the IOC acts as a catalyst for collaboration between all parties of the Olympic family, from the NOCs, the IFs, the athletes and the OCOGs to the Worldwide Olympic Partners, broadcast partners and United Nations agencies, and shepherds success through a wide range of programmes and projects³⁸. On this basis, it ensures the regular celebration of the Olympic Games, supports all affiliated member organizations of the Olympic Movement and strongly encourages, by appropriate means, the promotion of the Olympic values. The IOC is composed by the ‘members’ who are natural persons representatives of the IOC in their respective countries, and not their country's delegates within the IOC³⁹. The powers of the IOC are exercised by its organs, namely: the Session, the President and the IOC Executive Board:

1. The Session, the IOC’s supreme organ, is the general meeting of the members of the IOC and its decisions are final.

While an ordinary Session is held once a year, extraordinary sessions may be convened by the President or upon the written request of at least one third of the members. Among the list of the powers to which is charged to, it has the power to adopt or amend the Olympic Charter; to elect the members of the IOC, the Honorary President, honorary members and honor members; to elect the President, the Vice-Presidents and all other members of the IOC Executive Board and to elect the host of the Olympic Games;

2. The President who represents the IOC and presides over all its activities. He is elected by the Session with a vote in a secret ballot. In the past unlimited, the length of the President’s term of office is now fixed at eight years (entered into force 12 December 1999), renewable once for four years.
3. The Executive Board, founded in 1921, consists of the International Olympic Committee President, four Vice-Presidents and ten other members. All the members

³⁸ Ibidem

³⁹ Ibidem

of the Executive Board are elected by the Session, by secret ballot, by a majority of votes cast, for a four-year term. The Executive Board sees to the management of IOC issues and ensures respect for the Olympic Charter. It is the only body competent to propose Charter modifications to the Session, submit names of persons it recommends for election and appoint the IOC Director General. Among the numerous activities to which is charged to, it also conducts the procedure for acceptance and selection of candidatures for the organization of the Olympic Games⁴⁰.

The IOC Commissions have the function of advising the President, the Executive Board and Session. The IOC President defines the mission of each commission and appoints its members. These are chosen according to their expertise in the commission's area of activity. Only IOC members may chair a commission and some of these commissions are mixed, including IOC members, representatives of the International Olympic Sports Federations and the National Olympic Committees, athletes, technical experts, advisers and sports specialists. Currently the IOC has the following commissions⁴¹:

- Athletes Commission
- Athletes' Entourage Commission
- Audit Committee
- Communications Commission
- Coordination Commissions
- Culture and Olympic Heritage
- Digital & Technology Commission
- Disciplinary Commission
- Ethics Commission
- Evaluation Commission
- Finance Commission
- Future Host Commission for the Olympic Winter Games
- Future Host Commission for the Games of the Olympiad
- Human Resources Committee

⁴⁰ Ibidem

⁴¹ Ibidem

- IOC Executive Board
- IOC Members Election Commission
- IOC Television and Marketing Services - Board of Directors
- IOC Representatives on the WADA Executive Committee And Foundation Board
- Legal Affairs
- Marketing Members
- Medical and Scientific Commission
- Olympic Broadcasting Services - Boards of Directors
- Olympic Channel
- Olympic Channel Services
- Olympic Education Commission
- Olympic Programme Commission
- Olympic Solidarity Commission
- Public Affairs and Social Development Through Sport
- Sport and Active Society
- Sustainability and Legacy Commission
- Women in Sport

The Olympic Charter is described as the codification of the Fundamental Principles of Olympism, Rules and Bye-laws adopted by the International Olympic Committee. The Olympic Charter governs the organization, action and operation of the Olympic Movement and sets forth the conditions for the celebration of the Olympic Games⁴².

In essence, the Olympic Charter serves three main purposes:

- a) The Olympic Charter, as a basic instrument of a constitutional nature, sets forth and recalls the Fundamental Principles and essential values of Olympism.
- b) The Olympic Charter also serves as statutes for the International Olympic Committee.

⁴² Ibidem

- c) In addition, the Olympic Charter defines the main reciprocal rights and obligations of the three main constituents of the Olympic Movement, namely the International Olympic Committee, the International Federations and the National Olympic Committees, as well as the Organizing Committees for the Olympic Games, all of which are required to comply with the Olympic Charter⁴³.

As we are concerned about the relationship between sport and human rights, we here examine the references the Charter contains about human rights. In its preamble it contains seven Fundamental Principles, bounding for all the Olympic Movement's members, whose two out of seven are human rights based, more precisely principles number four and six.

The former states that:

“the practice of sport is a human right. Every individual must have the possibility of practicing sport, without discrimination of any kind and in the Olympic spirit, which requires mutual understanding with a spirit of friendship, solidarity and fair play”.

while the latter states that:

"the enjoyment of the rights and freedoms set forth in this Olympic Charter shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status⁴⁴".

The second Principle, by recalling the Universal Declaration of Human Rights article 2, shows the commitment of the Olympic Movement toward the respect of human right by endorsing one of the milestone human rights' articles we have today as it recognize the universal right to enjoy rights and freedom regardless any different individualities existing between human beings.

⁴³ Ibidem

⁴⁴ OLYMPIC CHARTER. Available at:

https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/General/EN-Olympic-Charter.pdf#_ga=2.42969317.1586590836.1585059680-838551567.1582829769 [accessed 18 March 2020]

The relationship between human rights and sport is clearly embedded in the Charter but, as we have seen precedentially, the Olympic Games may have negative impact on the people so much that their right may be undermined. Therefore, it is true and clear the reference made to human rights but it is contextualized in the sphere of sport events as rights who belong to the athletes (Principles number 6) without any references to the people indirectly involved in the Movement, even if the competition may touch their rights.

2.2. The Olympic Path Toward Human Rights

Some of the latest editions of the Games were awarded to cities that turned out to be either unable or unwilling to respect and protect human rights of local citizens and other individuals contributing in one way or another to the successful delivery of the Games. One of the reasons why these cities and other entities involved in hosting and staging the Games failed to uphold human rights was that the IOC did not explicitly require them to do so⁴⁵.

This careless behavior toward human rights changed when multiple reports highlighted human rights abuses linked to previous Olympic Games editions, such as Sochi or Rio. The first step of the new IOC's human rights commitment started with the approval of the Olympic Agenda 2020 during the 127th IOC Session in December 2014⁴⁶. The Agenda sets forth recommendations assisting the IOC, as the owner of the Olympics Game, to support the development of a comprehensive human rights strategy (and action plan). The IOC started to adopt a proactive approach reinforcing channels of exchange and dialogue with OCOGs, human rights expert organizations and the Olympic Movement⁴⁷. The Olympic Movement, in doing so, approached itself to a partnership with other bodies such as the UN, identifying potential new strategic partners and initial

⁴⁵ GRELL T., *The International Olympic Committee and human rights reforms: game changer or mere window dressing*, 2018, p. 1

⁴⁶ Olympic Agenda 2020, *Midway Report*, 2017. Available at: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Olympic-Agenda-2020/Olympic-Agenda-2020-2017-midway-report.pdf#_ga=2.207244947.1425764354.1585317948-838551567.1582829769 [accessed 20 March 2020]

⁴⁷ Ibidem

discussions to shape framework of common engagement. This partnership was the result of reinforced collaboration with UNHCR around the Refugee Olympic Team and the Olympic Refugee Foundation, the development of a new strategy of public affairs and social development through sport delayed due to two changes in management. New cooperation channels have been opened in the field of human rights with Non-Governmental Organizations, the International Labour Organization and international platforms of dialogue to position the work of the IOC and OCOGs in addressing and preventing the negative impact of Olympic operations on affected groups⁴⁸.

This new approach found concreteness when in 2014, IOC President Bach decided that starting with the 2022 Olympics, the International Olympic Committee Host City contracts will include human rights and labor rights protections, including non-discrimination. Before this period, Olympic Host City contracts have generally been secret and have never before expressly included rights protections. According to Minky Wordern, “the success of contract reforms will depend on how serious the IOC is about implementation. By picking up the reform baton dropped by his predecessors, the IOC and Thomas Bach could launch a new era of zero tolerance for serious abuses around mega sport events⁴⁹”.

In addition, the new IOC’s human rights commitment emerged during the 2018 Olympism in Action Forum, where the main topic were human rights.

The IOC together with governments, international organizations and NGOs like the UN High Commissioner for Refugees, UN Women, the International Labour Organization (ILO) and the Sports Rights Alliance started to focus more around human rights issues⁵⁰. During the Forum, a main focus was given to the topic concerning sport as a driver for social change. Throughout the Forum, discussions highlighted the vital role that sport can

⁴⁸ Ibidem

⁴⁹ WORDEN M., *Raising the Bar: Mega-Sporting Events and Human Rights*, 2015, p. 39 Available at: <https://www.hrw.org/world-report/2015/country-chapters/global-1#7e9b6b> [accessed 20 March 2020]

⁵⁰ Olympism in Action Forum, *Sport and Human Rights*, 2018. Available at: <https://www.olympic.org/news/human-rights-and-sport> [accessed 21 March 2020]

play in the society to enable important developmental goals such as sustainability, peacebuilding, promoting healthy living and human rights⁵¹.

The discussions on sport and human rights focused on how sports practice and sporting events in particular, can help to promote human rights and can act as a catalyst for social and cultural change. What emerged during the debate is the reinforced idea that sport, while cannot solve everything, it is needed to address human rights risks in relation to its practice and events more efficiently. Sport should continue to play its role in creating awareness, with sporting events drawing attention to human rights abuses where they exist and helping to open dialogues with countries and governments that need to address these issues⁵². It was also debated about how sport and its values can be used to promote human rights and achieve social inclusion and cultural change. It was stressed that sport can be used as an instrument to translate public policy commitments into demonstrable and understandable action for society, while also being used to empower young people to play a role in these social and cultural shifts⁵³.

A practical example of the IOC's commitment is presented by the Olympic Winter Games held in Sochi in 2014. In this context, the IOC invoked the Olympic Charter in asking for and receiving assurances that Russian legislation prohibiting the public promotion of homosexual orientation would not be applied. The Charter was also invoked in Sochi to voice concerns about unpaid migrant workers on Olympic venue sites. After the IOC and ILO raised the issue, more than 500 companies were investigated and over 6,000 workers ended up receiving more than eight million US dollars in unpaid wages⁵⁴.

It is clear that the recent commitment of the Olympic Movement to uphold human rights is at the center of the debate and in the light of the above, some of the mentioned topics discussed in the forum represent part of the task of the Commission for Public Affairs

⁵¹ IOC, *Olympism in Action Forum: trends and perspectives*, 2018. Available at: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/News/2018/10/Olympism-in-Action-Trends-and-Perspectives.pdf#_ga=2.177802789.1425764354.1585317948-838551567.1582829769 [accessed 21 March 2020]

⁵² Ibidem

⁵³ Ibidem

⁵⁴ Ibidem

and Social Development through Sport. More specifically, the Public Affairs and Social Development through Sport advises the IOC Session, the IOC Executive Board and the IOC President on strategies to promote the role of sport and Olympism in society and to position the IOC as a thought leader and a strong actor on the international stage around sport for development and peace in and beyond the Games⁵⁵. The responsibilities of the Public Affairs and Social Development through Sport are to:

- Devise strategies to advocate for the integration of sport and physical activity in government policies and programmes, as well as international development policies and programmes;
- Advise on engagement strategies with other key stakeholders and partners in sport for development, such as major organizations and institutions, the private sector (foundations, TOP sponsors, World Bank, etc.), and pressure groups (Human Rights Watch, Amnesty International, etc.);
- Advise on strategies to develop impactful and sustainable grassroots sport for development and peace programmes with key selected and reputable strategic partners (UN, major NGOs, foundations);
- Advise on the Sport for Hope Programme to ensure strong ongoing operations while developing sustainable operational models for the future;
- Advise on a global communications strategy around sport for social change, leveraging various platforms and Olympians, as well as the Olympism in Action Congress;
- Advise on how to further educate the Olympic Movement (NOCs, IFs, OCOGs, athletes) on the benefits of grassroots sport for development and peace, and help build their capacity to advocate, communicate and deliver around it⁵⁶.

In theory, taking into account the big discussion about human rights, we could recognize the efforts made, at the least at the organizing levels. Naturally, it is hard to be self-critical and often, some weak points, defects and problems, are not properly faced or even not

⁵⁵ The IOC, Public Affairs and Social Development through Sport. Available at: <https://www.olympic.org/public-affairs-and-social-development-through-sport> [accessed 21 March 2020]

⁵⁶ Ibidem

discussed and underestimated. This is the reason why nowadays the realm of sports and human rights is challenged by different stakeholders and in different levels with the cooperation of a pluralities of bodies where, a great effort is made by NGOs, always in the first line in putting light on abuses and human rights violations.

The result of this cooperation led to the reform of the Host City Contract 2024 after the long campaign made by the SRA against the widespread abuses linked to past Olympics such as Rio 2016, Beijing 2008, and the 2014 Winter Games in Sochi.

The violations reported during the mentioned editions pushed the Sport Rights Alliance to enhance its support to the IOC and the result of this strengthen cooperation led to specific changes to the host city contract 2024 with regard to human rights, anti-corruption and sustainable development standards. The IOC's President Thomas Bach, by underling his satisfaction of this cooperation, said:

“... the IOC is moving forward by including provisions in the Host City Contract aimed specifically at protecting human rights and countering corruption. The organization of the Olympic Games should always promote and enhance the fundamental values of Olympism. This latest step is another reflection of the IOC's commitment to embedding these values in all aspects of the Olympic Games [...] we worked closely with SRA and we welcome its input, which is now reflected in the new version of the Host City Contract”

Through their candidatures, candidate cities commit themselves to respect the Olympic Charter and the Host City Contract for all participants of the Games and all Games-related matters and are henceforth subject to the obligations:

- Prohibit any form of discrimination with regard to a country or a person on grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status;
- Protect and respect human rights and ensure any violation of human rights is remedied in a manner consistent with international agreements, laws and

regulations applicable in the Host Country and in a manner consistent with all internationally recognized human rights standards and principles, including the United Nations Guiding Principles on Business and Human Rights, applicable in the Host Country;

- Refrain from any act involving fraud or corruption, in a manner consistent with any international agreements, laws and regulations applicable in the Host Country and all internationally-recognized anti-corruption standards applicable in the Host Country, including by establishing and maintaining effective reporting and compliance;
- Carry out all activities foreseen under the Host City Contract in a manner which embraces sustainable development and contributes to the United Nations Sustainable Development Goals;
- Take all necessary measures, where necessary in cooperation with Host Country authorities and other third parties, to ensure that their activities in relation to the organization of the Games comply with any international agreements, laws and regulations applicable in the Host Country, with regard to planning, construction, protection of the environment, health and safety, labour and working conditions and cultural heritage⁵⁷.

The problem of such human rights provisions is linked to fact that the scope of applicable human rights necessitates clarification. Indeed, human rights provisions fails to specify which human rights the Host City, the Host NOC and the OCOG should respect and protect. On the one hand, it would appear that the IOC's agents must uphold 'only' those human rights that are applicable in the Host Country⁵⁸.

⁵⁷ HRW, *Olympics: Host City Contract Requires Human Rights*, 2017. Available at <https://www.hrw.org/news/2017/02/28/olympics-host-city-contract-requires-human-rights>. [accessed 23 March 2020]

⁵⁸ GRELL T., *The International Olympic Committee and human rights reforms: game changer or mere window dressing*, 2018, p. 6

Thus, if we assume that the application of human rights standards is applicable exclusively in the Host Country, problems may arise when the Host Country is not party, or has made reservation, to some human rights treaties. An example is the case of 2028 Games in Los Angeles. Since the US have not ratified both the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, it might mean that the level of human rights protection will vary from one edition of the Games to another⁵⁹. This double standard application may be avoided by simply clarifying the scope of applicable human rights in a way that the HCC explicitly refer to the minimum standard of human rights protection as defined in the UN Guiding Principles⁶⁰.

Therefore, another important step deserving mention is the decision took by the IOC Executive Board in establishing the IOC Advisory Committee on Human Rights by appointing the former UN High Commissioner for human rights, Prince Zeid Ra'ad Zeid Al Hussein. The new Committee, consisting of six to nine members, with sport and human rights expertise, can be a key instrument to help the IOC meet its human rights responsibilities and addressing the organization's salient human rights risks through a comprehensive strategic approach and policy. This is related to the IOC's spheres of work, including its operations and in the staging of the Olympic and the Youth Olympic Games. It will report to the IOC Executive Board and the IOC President⁶¹.

The last initiative to mention is chronologically older if compared to the recent development and it concerns the establishment of the International Olympic Truce Foundation in 2000. The tradition of the Olympic Truce finds its foundation in the Ancient Greece where, during the Truce period, the athletes, artists and their families, as well as ordinary pilgrims, could travel in total safety to participate in or attend the Olympic Games and return afterwards to their respective countries⁶².

⁵⁹ Ivi p. 7

⁶⁰ Ibidem

⁶¹ IOC News, 2018. Available at: <https://www.olympic.org/news/ioc-sets-up-advisory-committee-on-human-rights-chaired-by-hrh-prince-zeid-ra-ad-al-hussein> [accessed 28 March 2020]

⁶² Olympic Truce. Available at: <https://www.olympic.org/olympic-truce> [accessed 28 March 2020]

As a non-governmental organization belonging to the Olympic Movement, the IOTF defines its actions around the following objectives⁶³:

- To promote the Olympic ideals to serve peace, friendship and understanding in the world, and in particular, to promote the ancient Greek tradition of the Olympic Truce;
- To initiate conflict prevention and resolution through sport, culture and the Olympic ideals, by cooperating with all inter and non-governmental organizations specialized in this field, by developing educational and research programmes, and by launching communications campaigns to promote the Olympic Truce.

Through this global and symbolic concept, the IOC aims to⁶⁴ :

- mobilize youth for the promotion of the Olympic ideals;
- use sport to establish contacts between communities in conflict;
- offer humanitarian support in countries at war; and more generally;
- to create a window of opportunities for dialogue and reconciliation.

Since 1993, the UN General Assembly has repeatedly expressed its support for the IOC by unanimously adopting a resolution entitled "Building a peaceful and better world through sport and the Olympic ideal"⁶⁵. Through this symbolic resolution, the UN invites its member States to observe the Olympic Truce individually or collectively, and to seek, in conformity with the goals and principles of the United Nations Charter, the peaceful settling of all international conflicts through peaceful and diplomatic means, and recognizing the importance of the IOC initiatives for human well-being and international understanding⁶⁶.

⁶³ Ibidem

⁶⁴ Ibidem

⁶⁵ Ibidem

⁶⁶ Ibidem

This instrument may have a strong symbolic power as a tool to prevent, ease or cease ongoing violations or situations, such as those mentioned, in which the dialogue could be a mean to reconcile peoples, to avoid further violence, to spread Olympics Values and thus, human rights values. An example is the Opening Ceremony of the Games of the XXVII Olympiad in Sydney, the South and North Korean delegations paraded in the stadium together under the flag of the Korean peninsula⁶⁷.

3. Proposals for an effective human rights mega sport based event

The academic world and experts dealing with human rights and sport have given their contributions to provide tools and instruments for achieving a better human rights scenario in the realm of the mega sport events.

Tomáš Grell proposes the creation of a separate, truly independent monitoring body that would oversee the human rights compliance of the IOC's agents and give recommendations, including the power to directly impose sanctions in cases where human rights abuses occur and also proposals for sanctions to the attention of the IOC Executive Board⁶⁸. The monitoring body presented by Grell consists of human rights experts representing the United Nations, non-governmental organizations, trade unions, athletes' unions or businesses where no seat are foreseen for the IOC members and representatives of other international sports governing bodies in order to minimize the potential for conflicts of interest. Furthermore, to overcome the current bidding stage which simply require that that bidders provide a guarantee from the central government and the government of each region or city hosting Games sites, Grell proposes bidders to present a comprehensive human rights strategy, ideally accompanied by an independent expert report⁶⁹. In particular, Grell aims to change the current system where bidders do not have to explain how they intend to identify and assess human rights risks that may emerge in the run up to and during the Games, what measures they would take to address

⁶⁷ Initiative For Peace. Available at: <https://www.olympic.org/olympic-truce> [accessed 30 March 2020]

⁶⁸ GRELL T., *The International Olympic Committee and human rights reforms: game changer or mere window dressing*, 2018, p. 8

⁶⁹ Ibidem

these risks, whether they intend to hold consultations with vulnerable groups and other relevant stakeholders, or how they would ensure that effective grievance mechanisms are available to victims of human rights abuses⁷⁰. In other words, bidders are not required to present a strategy outlining their plans aimed at ensuring that human rights guarantees are translated from paper to actual practice⁷¹. Hence, the IOC will be unable to evaluate the bidders' capacity to respect and protect human rights because the uniform guarantees will, in essence, constitute the only piece of human rights-related information in its possession⁷². In addition, the IOC should consider using the Olympic bid to affect positive change in future host countries by a better proactive method to influence human rights reform in an Olympic Games host country by adopting a code of conduct that includes both a set of principles and a method of enforcement⁷³. For instance, principles of the code could address issues of censorship, labor rights, forced evictions and also require inspection teams such as those used by the United Nations to investigate potential weapons of mass destruction and also the code could also evaluate the level of fulfillment by states in ensuring an Olympic atmosphere free of repression and discrimination⁷⁴. Because the development of a code will take time, an interim measure could be written assurances to the IOC that human rights reform will occur and to ensure that oral promises are carried out.

Another argument focuses on the role of the academic world in supporting the cause of human rights within the Olympic context. According to Billy Graeff and Daiana Viacelli Fernandes, researchers can examine the ways host cities organize their duty to comply with the core requirements associated with human rights by evaluating several initiatives and actions related to human rights within Olympic context⁷⁵. By working in the light of human rights agenda on the Olympic platform, researchers can play the important task of

⁷⁰ Ibidem

⁷¹ Ibidem

⁷² Ibidem

⁷³ LIU J., *Lighting the Torch of Human Rights: The Olympic Games as a Vehicle for Human Rights Reform* in *Northwestern Journal of International Human Rights*, 2007, p. 233

⁷⁴ Ibidem

⁷⁵ GREAFF B, FERNANDES D. V., *Human Rights and the Olympic Movement: estrangements and approximations*, 2019, p. 164

dealing with those affected by projects linked to the Olympics. In particular, traditional people, homeless people, ethnic and race minorities, people directly affected by development projects associated with the Games, and people living in the regions where construction sites ‘land’ in the name of the Games should be the first to be considered where researchers are seeking to assess the development of human rights issues within the Olympics⁷⁶.

Conclusions

The chapter provided a descriptive analysis among the reality between sport and human rights with the intent to develop a comprehensive approach to better understand these two realities. In the first part, by describing what mega sport events are, it has been possible to observe how these events can be the stage of positive, but also negative, reforms. To give credit to the discussion, it has been necessary mentioned the advancement of sport through International Human Rights Law and the United Nations’ commitment to the topic that aim to reinforce the discourse among sport and rights. In the last decades, the United Nations with its initiatives, such as 2030 Agenda and the Sustainable Development Goals, and instruments, such as the UN Guiding Principle on Business and Human Rights, have contributed to acknowledgement of sport as a right for all.

In the second section it has been taken into account the Olympic Games as an example of sport mega event. The description of the structure of Olympic Movement and its bodies, such as the International Olympic Committee, help us to understand in a first stance, how the all Movement works and then, by observing the Charter, what are the main principles to which it is based. The two human rights based Fundamental Principles of the Charter represented the first manifestation of interests of the Movement toward the respect of human rights but, as observed above, increasing violations have undermined the IOC’s image. Thus, the recent human rights IOC’s commitment represents a response but also the will to take serious actions to better combine sport and human rights. The principles and values of the Charter, the 2020 Agenda, the modification of the 2024 Host City Contract and the project to establish an IOC Advisory Committee on Human Rights are together instruments that aim to reshape Olympic Games’ image but also to enhance the

⁷⁶ Ivi p. 165

respect of human rights within sport events. In the next chapter the case study of China will help us to observe whether mega sport events may act as driver for reforms and whether IOC's improvements can be considered a concrete tool to advance human rights.

CHAPTER II

CHINA AND HUMAN RIGHTS

To better understand the relationship between sport and human rights and the impact that a mega sport event may have in low human rights score country, it is interesting to consider a country with this characteristic. In this regard, this chapter focus on China and its human rights records and it is then divided in two sections.

The first section provides a briefly resume about the China's commitment toward the international human rights regime. To better observe this commitment, a literature review explains China struggle to propose its human rights vision and its behavior at the Human Rights Council.

The second section provides a broad description about the human rights situation in China where a special focus on the Xinjiang Uighur Autonomous Region (XUAR) will further provide an example that encloses part of the human rights abuses perpetrated by the Chinese government.

1. CHINA AND THE INTERNATIONAL HUMAN RIGHTS REGIME

Today's China appears as a crucial member of the international realm with an increasingly formidable military, political, and economic influence, that recently sought to exert influence commensurate with its power by actively participating in the international human rights regime⁷⁷. The "2020 Most Influential Countries" ranking published by the American media company, "US News and World", places China as the second most influent country in the world, preceded only by the US⁷⁸.

⁷⁷ CHEN Y., *China's Challenge to the International Human Rights Regime* in NYU Journal of International Law and Politics, Vol. 51, p. 1222

⁷⁸ The 2020 Most Influential Countries takes into account military power, alliances, food or entertainment, countries have always sought to make their names heard. The ranking draws from a global perceptions-based survey and countries are ranked based on the highest scores among more than 11,000 informed elites

Different scholars agreed in dividing the history of China's commitment toward the human rights and the international human rights system in three moments.

Chen and Piccone observed how the change of the PRC's approach to the international human rights system is marked by notable watershed moments: the PRC's entry into the UN in 1971, the 1978 initiation of its "Reform and Opening-Up" policy, and the tragic Tiananmen Massacre of 1989.

In the following pages, it is observed how Beijing seeks to shape the regime at the service of its authoritarian agenda and weakens those institutions and norms that are incompatible with its domestic policies and practices. Especially after Xi Jinping assumed the country's leadership in late 2012, Beijing's international approach has expanded rapidly, from a defensive position to one that is proactive and assertive in many aspects of international relations⁷⁹.

After its foundation in 1949, the People's Republic of China maintained a detached stance from the western human rights system. This as a consequence of the socialist ideas and policies whose perception of the West reflected a system of capitalist countries that often employed human rights as a pretext to "intervene in the internal affairs of socialist countries in the service of the imperialist goal"⁸⁰.

As a member of the United Nations from 1971, PRC's participation in the international regime was slow and far from discussing human rights issues, but a turning point was reached with the Chinese leader Deng Xiaoping⁸¹. The leader, in power from 1978, launched the "Reform and Opening-Up policy" which required a peaceful and stable international environment to sustain the country's economic recovery and growth. Beijing, from this moment onwards, started to adopt a more constructive attitude toward the existing international system during the 1980s⁸². The result of this attitude is explained

in a compilation of five country attributes: leader, connected to the rest of the world, influential culture, politically influential and strong international alliances.

⁷⁹ *Supra note 70*

⁸⁰ Ivi, p. 1184

⁸¹ Ivi p. 1185

⁸² *Ibidem*

by the PRC's decision, in 1982, to join the U.N. Commission on Human Rights for the first time in its history. In this period, the PRC started to ratify and accede to major international human rights treaties:

- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) ratified in 1980;
- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) accessed in 1981;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) ratified in 1988.

A turning date for China's human rights history is represented by the event occurred in Tiananmen Square on 4 July 1989. While the PRC showed its international efforts in ratifying important human rights treaties, internally it had to deal with a general malaise of the population that culminated in a mass protest. People claiming new employment policies, freedom of expression of media and less oppression started to protest against the government from April to June 1989. According to reporters and Western diplomats present in the square the 4th June, an estimated number of hundreds to thousands of protesters were killed in the Tiananmen Square massacre, and as many as 10,000 were arrested⁸³.

The violence unleashed by Beijing on the 4th of June had unprecedented consequences for China. A stunned international community started to raise gross concerns about the human rights situations in China and for the first time, the United Nations Human Rights Commission intervened criticizing a permanent member of the UN Security Council⁸⁴.

In fact while many states imposed economic sanctions and arms embargoes on China, The UN Human Rights Commission and its subsidiary expert body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, became the main UN arenas within which a dramatic confrontation with China over its human rights record

⁸³ HISTORY, Tiananmen Square Protests available at <https://www.history.com/topics/china/tiananmen-square> [accessed 1 August 2020]

⁸⁴ ALAN M.W., Does the diplomacy of shame promote human rights in China? In *Third World Quarterly*, Vol 22, No 2 p. 261

played out over the next 15 years⁸⁵. In 1989, just two months after the showdown with protesters on 4 June, the Sub-Commission adopted a resolution on the ‘situation in China’. This was the first time a permanent member of the Security Council had been targeted by a resolution criticizing its domestic human rights record⁸⁶.

In addition to the Tiananmen square condemnation, Beijing was criticized, among many other things, for using prisoners to produce low-cost goods that were shipped abroad, separating unhealthy babies from healthy ones, letting them to die in orphanage facilities. Another condemnation derives from the accuse of abusing capital punishment by selling the organs of executed prisoners without the consent of the prisoners themselves and timing executions ‘according to the need for organs ... China was in the business of providing organs for foreigners who could not get them elsewhere’⁸⁷.

When China started to acquire more confidence as result of its progress and development, its supportive and cooperative attitude in favor of the international regime gave space to a more aversive and antagonist stance as a contraposition to the harsh criticisms China received after the 1989. The events of Tiananmen Square had negative consequences by putting in a bad light the PRC, whose international progresses were immediately overshadowed in 1989. Before that date the PRC, that was not a major target of international human rights scrutiny at that time, began to be under the international spotlight for its human rights violations. This international criticism did not lead China to apologize, instead, after the events at Tiananmen the government of the PRC decided not to respond to criticisms or to dismiss with defiance the accusations of the accusers. Beijing claimed that those criticisms were just an ‘illegitimate intervention in the internal affairs’ against the government and then, rather than avoid discussion of the issue, the PRC started to deny all the accusations concerning its record on human rights⁸⁸.

⁸⁵ SCEATS S., BRESLIN S., in *China and the International Human Rights System*, 2012, p.4

⁸⁶ Ibidem

⁸⁷ *Supra note 75*, pp. 261-262

⁸⁸ *Supra note 75*, p. 267

From this moment, China started to propose its vision of human rights which was merely based on the “Five Principles of Peaceful Coexistence⁸⁹”, as the basis of its international relations:

- mutual respect for sovereignty and territorial integrity
- mutual non-aggression
- non-interference in internal affairs
- equality and mutual benefit
- peaceful coexistence

This argumentation was supported by the fact that, according to their vision, the country’s sovereignty was the prerequisite for and the basis of the human rights.

China invoked its sovereignty not only to deflect international scrutiny of its actions in 1989 but also to justify them, arguing that its use of force against the protesters was ‘within its sovereignty’ and necessary ‘to quell the rebellion, protect the interests of its people and ensure the development of the country and the success of the reform process⁹⁰’.

The Chinese response was not randomly issued but it contained part of the argumentations that reflect the PRC’s strategy to promote a Chinese understanding of human rights accorded with its interests. As a demonstration of that, the Chinese response resulted in the publishing its first human rights paper, issued with the precise purpose to remark its contraposition against the criticisms it received. The document served as proof for China that on one hand underlined the amelioration of the situation in China since the 1949, on the other hand it remarked its opposition to the ideas and policies widespread in the West. In particular, the White Paper stressed out that “together with other developing countries, China has waged a resolute struggle against all such acts of interference [...] China has always maintained that human rights are essentially matters within the domestic jurisdiction of a country. Respect for each country's sovereignty and non-interference in internal affairs are universally recognized principles of international law, which are

⁸⁹ *Supra note 76*, p. 6

⁹⁰ *Ibidem*

applicable to all fields of international relations, and of course applicable to the field of human rights as well⁹¹”.

This stance remarked the tentative of the Chinese government to avoid any interference with regard to its internal policies. In addition, in a sequence of white papers concerning human rights, Beijing explained its intent to promote human rights as well. In fact, the PRC emphasized the right to subsistence and development as the foundation for other civil and political rights and it also underlined the presence of legal institutions that had to safeguard civil and political rights. The White Paper articulated a different view of human rights in opposition to the western imposition to give a single definition of human rights where the PRC, as it was still a developing country, cultivated human rights in a way that was consistent with Chinese culture and the specific conditions in the PRC.

In this regard, it is interesting to observe the key features of China’s official conception of human rights as well summarized by Sceats and Breslin. The Chinese human rights view is principally based on the following illustrated concepts:

- Clear prioritization of socio-economic rights: China has consistently promoted a hierarchy of rights in which social and economic rights are privileged over civil and political rights. As seen above, in its 1991 white paper, the Chinese government asserted that ‘the right to subsistence is the most important of all human rights, without which the other rights are out of the question’. Chinese officials often express frustration that China is not sufficiently credited within the international human rights system for its extraordinary achievement of lifting hundreds of millions of people out of poverty in just a few decades.
- A development paradigm: the government’s perception of human rights embraces the vision of such rights as a ‘noble goal’ or cause’ to be pursued by the state according to its level of development, rather than a set of binding international legal obligations.

⁹¹ OFFICE OF THE STATE COUNCIL OF CHINA, *Active Participation in International Human Rights*. Available at: <http://www.china.org.cn/e-white/7/7-L.htm> [accessed 1 August 2020]

- Focus on the rights of the many: China has persistently pushed back against the individualistic orientation of the human rights framework by promoting instead collective rights vested in peoples (or the state) such as the right to development and the right to self-determination in the struggle against colonialism.
- Stability as a precondition for the enjoyment of rights: China views the maintenance of public order as a paramount obligation of the state even at the expense of the most fundamental rights of dissidents, as seen with the events of the Tiananmen Square killings⁹².

Thus, China in maintaining its double standards, continued to adhere to major international human rights instruments and, at the same time, struggled to propose its vision of human rights as it was far from the western's perception. Despite the continuous accusations of violations of human rights against the PRC, during the 1990s and 2000s, the government continued its path toward international human rights system.

In particular, the PRC:

- Signed the Convention on the Rights of the Child (CRC) in 1990 and ratified it in 1992;
- Signed the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1997 then ratified in 2001;
- Signed the International Covenant on Civil and Political Rights (ICCPR) in 1998, which it has not yet ratified;
- Signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography in 2001 and ratified one year later;
- Signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2008;
- Signed the Convention on the Rights of Persons with Disabilities (CRPD) in 2007 and successively ratified in 2008⁹³.

⁹² *Supra* note 76, pp. 7-8

⁹³OHCHR, Ratification Status for China. Available at https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN [accessed 2 August 2020]

<i>Treaty</i>	<i>Signature Date</i>	<i>Ratification Date, Accession(a), Succession(d) Date</i>
CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment	2 Dec 1986	04 Oct 1988
CAT-OP - Optional Protocol of the Convention against Torture		
CCPR - International Covenant on Civil and Political Rights	05 Oct 1998	
CCPR-OP2-DP - Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty		
CED - Convention for the Protection of All Persons from Enforced Disappearance		
CED, Art.32 - Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance		
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women	17 Jul 1980	04 Nov 1980
CERD - International Convention on the Elimination of All Forms of Racial Discrimination		29 Dec 1981 (a)
CESCR - International Covenant on Economic, Social and Cultural Rights	27 Oct 1997	27 Mar 2001
CMW - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		
CRC - Convention on the Rights of the Child	29 Aug 1990	02 Mar 1992
CRC-OP-AC - Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	15 Mar 2001	20 Feb 2008
CRC-OP-SC - Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	06 Sep 2000	03 Dec 2002
CRPD - Convention on the Rights of Persons with Disabilities	30 Mar 2007	01 Aug 2008

Ratification Status for China, OHCHR.

In the last decade, Xi Jinping promoted a new approach toward the international arena with the aim to exploit China's economic power and influence its relationships from Asia to Europe. This is possible since China's economic asset and industrial complex are synonymous of great possibility to influence other countries and to gain more and more allies out and within the international institutions.

Experts already expressed concerns about the impact that these activities may have considering that nowadays China is the major lender to both developing and developed

states with its \$1.5 trillion lent in direct loans and trade credits to more than 150 countries around the globe. This has turned China into the world's largest official creditor, surpassing traditional, official lenders such as the World Bank, the IMF, or all OECD creditor governments combined⁹⁴.

The new and strong presence in the international economic relations sphere provides an alternative to the West. In fact, there are concerns that within the developing world, Chinese assistance could undermine the ability of the West to use aid packages as a means of encouraging states to improve compliance with their international human rights obligations. Thus, further concerns are represented by China's overseas investment activities that might undermine the business and human rights agenda forged in response to the negative impact on human rights, particularly in parts of the developing world, of powerful (mainly Western) transnational corporations⁹⁵.

For instance, one of the most important initiative proposed by Xi Jinping, was the introduction of the "One Belt, One Road", commonly known as the Belt and Road Initiative (BRI). This initiative consisted in creating a new economic corridor reminiscent of the Silk Road, as a means to strengthen PRC influence from Asia to Europe⁹⁶. This huge investment programme, which amounted to nearly 300 trillion, has been described as Beijing's commitment to using loans, infrastructure projects, and their economic measures as foreign policy tools⁹⁷.

In fact, the BRI initiative to develop trade infrastructure fostered autocratic mismanagement in other countries. The BRI loans come with no visible conditions, making Beijing a preferred lender for autocrats. HRW affirmed that these unscrutinized infusions of cash, made it easier for corrupt officials to pad their bank accounts while

⁹⁴ HORN S., REINHART M. C., TREBESCH C. in *How Much Money Does the World Owe China?*, Harvard Business Review, 2020.

⁹⁵ SCEATS S., BRESLIN S., in *China and the International Human Rights System*, 2012, p. 42

⁹⁶ PICCONE T., in *China's long game on human rights at the United Nations* in Foreign Policy Brookings, pp. 7-8

⁹⁷ GULF NEWS, "China to invest \$300b by 2030 as part of one belt, one road project," 2018. Available at: <https://gulfnews.com/business/markets/china-to-invest-300b-by-2030-as-part-of-one-belt-one-road-project-1.2180823> [accessed 2 August 2020]

saddling their people with massive debt in the service of infrastructure projects that in several cases benefit China more than the people of the indebted nation⁹⁸.

The BRI represents just only one indicator of China's growing international presence across such domains as trade, international politics and diplomacy, and even climate change⁹⁹.

China continued to invest strategically, particularly with regard to foreign policy considerations. Given this more ambitious grand strategy, which involves promoting the Chinese model across the world, it is likely that China will use its growing economic influence and soft power not only to block criticism of its own and others' human rights situations, but to spread its desired messages of non-interference and state-led development, with dire consequences for the international human rights order¹⁰⁰.

A practical example of China's ambition to influence other countries relies on its successful tentative to export Chinese's conception of human rights to other states. Indeed, China successfully introduced its language around shared future and mutual respect at the UN. Such innocuous language hides deeper meanings in the discourse of international relations, a desire to reinforce orthodox interpretations of principles of national sovereignty and non-intervention in internal affairs, undermine the legitimacy of international mechanisms to monitor human rights, avoid "name and shame" tactics and sanctions, and weaken protections for human rights defenders and independent media¹⁰¹.

To better understand China's attitude in the international human regime, it is necessary to observe its behavior toward the Human Rights Council, where the PRC will have a seat starting from January 2021¹⁰². Yu-Jie Chen observed China's practice within the Council by analyzing three respects: procedures, institutions, and norms.

⁹⁸ HUMAN RIGHTS WATCH, World Report 2019, p.4. Available at: https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2019.pdf [accessed 2 August 2020]

⁹⁹ *Supra note 84*

¹⁰⁰ *Ibidem*

¹⁰¹ *Supra note 84*

¹⁰² Election of the Human Rights Council, 13 October 2020.

1.1. Procedures

The Chinese government tries to deflect international criticisms by strategically distorting the Council's procedures. Among the procedures, the UPR, under which each state's human rights performance is reviewed, offers an important illustration. The UPR consist essentially in a political process and thus it allows greater scope for diplomatic manipulation. This permits Beijing to engage in a broad range of political tactics in dealing with UPR challenges to its human rights record¹⁰³. Chen observed three UPR sessions undergone by China, in 2009, 2013 and 2018. In the first UPR session, China successfully mobilized a great number of authoritarian governments and developing countries that relied on China's investment and aid to lavish high praise on its achievements in human rights. For instance, in the final report of the 2009 session it emerged that "Uzbekistan welcomed the efforts made in the area of protecting and promoting all human rights, including political, civil, social and cultural rights and also the right to development. Uzbekistan stated that the comprehensive work realized in China on a broad spectrum in the areas related to protection of human rights clearly attested to the commitment on the part of the Government to its international obligation in the area of defense of human rights¹⁰⁴".

In its second UPR session in 2013, although countries such as the United States, the United Kingdom, Canada, and Germany were openly critical of its human rights violations, China was still able to rally many friendly statements by other countries, and due to the large number of mobilized speakers, each state's representative ended up having merely fifty seconds for oral presentation in China's session. The same tactic was used during the 2018 UPR session. China by lining up countries that would have not condemned its performance, left less time to voice criticisms. In fact, each state ended up with only forty-five seconds for oral presentation. In addition, China also tried to block

¹⁰³ CHEN Y., *China's Challenge to the International Human Rights Regime* in NYU Journal of International Law and Politics, Vol. 51, pp. 1198-1197

¹⁰⁴ UN HRC, Report of the Working Group on the Universal Periodic Review: China <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/162/99/PDF/G0916299.pdf?OpenElement> [accessed 3 August 2020]

genuine civil society participation by having government-organized nongovernmental organizations (GONGOs) speak in favor of China's human rights performance in order to crowd out the participation of independent NGOs. The manipulation of the review's procedures, which has now become its standard *modus operandi*, was meant to quieten criticisms and to reduce the review's effectiveness¹⁰⁵.

1.2. Institutions

Chen observed Beijing's strategies within the HRC that can generally be classified into two main categories. The first consist in disempowering to diminish the HRC's institutional strength while the second, in discrediting to reduce the credibility of various actors working in the HRC processes.

First, Beijing's actions are designed to disempower the Council's institutions that carry out independent investigation and voice concerns. Beijing has consistently sought to avoid country-specific resolutions that propose to investigate human rights abuses in certain countries, and it has attempted to hamstring the Special Procedures mandate holders by trying to introduce a dismissal procedure that would have removed/fired those considered non-compliant with a given code of conduct. China's attitude toward Special Procedure is very hostile since it has been resistant to extending invitations for Special Procedures to conduct field visits to China, and, when finally permitted such visits for some Special Procedures, it sought to control and surveil the activities of the human rights expert visitors, and impede their investigation¹⁰⁶.

1.3. Norms

China has pushed back norms that it perceived to be against its interests and strived to introduce notions that are in tension with fundamental values of the international human rights system. Chen explained the example of the 2018 UPR where the Chinese government refused to accept 62 of the 346 recommendations on the grounds that "they are inconsistent with China's national conditions, contradictory with Chinese laws,

¹⁰⁵ CHEN Y., *China's Challenge to the International Human Rights Regime*, in NYU Journal of International Law and Politics, Vol. 51, p. 1199

¹⁰⁶ *Ibidem*

politically biased or untruthful". Those rejected mainly included recommendations that called China to respect rights emerging from international instruments such as the Optional Protocol of the CAT, the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPR), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

China refused to take actions that would have attached its criminal code by refusing recommendations that called to abolish the death penalty, but also avoided to cease its practices concerning the prosecution and persecution on the basis of religion or belief and the arbitrary detention of Uighurs and other Muslim groups in Xinjiang¹⁰⁷.

Within the HRC, in the last years, China has played an important role in sponsoring or objecting to various resolutions, demonstrating its intention not only to reduce the intensity of international scrutiny but also to promote its preferred norms and act as very enhancer in the international human rights regime.

2. HUMAN RIGHTS IN CHINA: A FOCUS ON THE XUAR REGION

Observed the Chinese's attitude within the international human rights system, we now focus on the most recent human rights records registered by the PRC. The history of China within international human rights regime portrayed an ambiguous country since, where important steps were achieved, human rights violations nonetheless occurred. From 1989, China's human rights compliance started to be supervised, very often criticized and, at the same time, very little subject to real condemnation with concrete consequences. As observed above, China's strategy in the Human Rights Council consist in trying to dismiss uncomfortable norms and recommendations while seeking to disempower institutions and obtain new allies.

Being a power economic country allow China to strengthen its partnerships with other governments but behind these economic activities there are also political implications.

¹⁰⁷ Ivi *pp.* 1203-1204

Showed its massive presence in the international relations, China could exploit its affirmed economic structure to ensure allies that support its disputable policies, committed in the common interests to do not intervene in other state's internal practices. Thus, as it upgraded its international status as a new power country, the PRC built a strong network of allies that certainly seem to do not be sensitive toward human rights. The list of China's enablers ranges from a collection of dictators, autocrats, and monarchs, who themselves have an abiding interest in undermining the human rights system that might hold them to account, to governments, companies and even academic institutions, that are ostensibly committed to human rights but prioritize access to China's wealth¹⁰⁸. Where some governments started to raise concern about the situation in China by endorsing public condemnations or public statements, the reality affirms a very weak and quiet diplomacy, sort of indifference. For instance, although France, along with other states, codenamed China's practices to Human Rights Council, when French President Emmanuel Macron visited China in November 2019, he did not make public mention of human rights. Quiet diplomacy alone does nothing to shame a government that seeks acceptance as a legitimate and respected member of the international community¹⁰⁹.

Despite its tentative of influence, its economic growth and its power, China is not free from being monitored due to its practices and related human rights abuses. Whether the 1989's events represent the turning date where the world started to know PRC's discussible practices and policies, today's findings describe a country very often associated to an authoritarian state, one that systematically curbs fundamental rights, including freedom of expression, association, assembly, and religion, when their exercise is perceived to threaten one-party rule¹¹⁰. Indeed, China is considered as a not free country where its policies are not in line with today's international instruments since the ruling Chinese

¹⁰⁸ HUMAN RIGHTS WATCH, *World Report 2020*, p. 9. Available at: https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf [accessed 5 August 2020]

¹⁰⁹ Ibidem

¹¹⁰ HUMAN RIGHTS WATCH, *World Report 2015*, China, pp. 156. Available at: https://www.hrw.org/sites/default/files/world_report_download/wr2015_web.pdf [accessed 5 August 2020]

Communist Party (CCP) is tightening its control over the state bureaucracy, the media, online speech, religious groups, universities, businesses, and civil society associations, and it has undermined its own already modest rule-of-law reforms¹¹¹. In addition, its harsh policies in its boundaries with Hong Kong and Tibet have always put China under the international scrutiny and subject to high criticism and protest.

China's negative attitude toward NGOs reveals a specific stance of the government that seek to censor and hamper everything could be used as a finding demonstrating human rights violations in the country. This is part of one of the government's practice that shrink freedom of expression and media at the expense of citizens and activists.

Human rights defenders trying to denounce government's practices are constantly subjected to censorship and/or individual repressive and threatening measures consisting in surveillance system, harassment, intimidation, detention and imprisonment. Measures that seemed to be strengthen during public events, such as the 2008 Olympic Games, where Internet users who posted such information risked detention, prosecution and imprisonment¹¹². Chinese journalists worked under conditions of tight control and censorship and those that published articles criticizing the authorities or official policy were under the risk of prosecution and imprisonment¹¹³.

The PRC maintains control over news reporting via direct ownership, accreditation of journalists, harsh penalties for public criticism, and daily directives to media outlets and websites that guide coverage of breaking news stories. State management of the telecommunications infrastructure enables the blocking of websites, removal of smartphone applications from the domestic market, and mass deletion of microblog posts, instant messages, and user accounts that touch on banned political, social, economic, and religious topics¹¹⁴.

¹¹¹Freedom House, China. Available at: <https://freedomhouse.org/country/china/freedom-world/2020#PR> [accessed 5 August 2020]

¹¹² AMNESTY INTERNATIONAL in China: The Olympics countdown – broken promises". AI Index: ASA 17/089/2008

¹¹³ Ibidem

¹¹⁴ *Supra note 30*

Under Xi Jinping's administration the situation worsened, today China has constructed an "Orwellian high-tech surveillance state" and a sophisticated internet censorship system to monitor and suppress public criticism¹¹⁵. These practices can be perceived in the ongoing situation in the Xinjiang Uighur Autonomous Region of Western China where the well-known violations that we used to know, such as massive surveillance, freedom to religion and belief, media freedom, activists' rights, fair judiciary system, can be resumed in one contest where all these violations are still occurring. In addition, the recent human rights threat is now presented by the heavy Beijing policies destined toward a specific group: the Muslims religious group living in the Xinjiang Uighur Autonomous Region.

Beijing's new policies are about to move in a horrific new direction that not even the most pessimistic analysts could predict.

2.1. Beijing and the Xinjiang Uighur Autonomous Region

The relationship between the Chinese government and the Uighurs has its grassroot in the 19th century when, the ancient land inhabited by Turkic-speaking minority ethnic group, officially became a province of China in 1884. In 1955, the government established the Xinjiang Uighur Autonomous Region (XUAR), a region within China's borders but with self-autonomy. The Xinjiang Uighur Autonomous Region, where approximately twelve million Uighurs currently reside, is one of the five China's autonomous regions and is considered strategically important for the Chinese government. Rich in oil and gas is also served as a base for the Chinese government for nuclear bomb tests¹¹⁶.

Natasha Parassram Concepcion recounts three major events considered to be the starting point of the tension between Uighurs and Beijing:

- The first occurred in 1995 with the revival of the *meshrep*, a traditional social party in which large groups of people congregate to speak, play music, sing, or recite poetry. For the Chinese government, these *meshreps* represented a threat

¹¹⁵ ROTH K., in *China's Global Threat to Human Rights*. Available at: <https://www.hrw.org/world-report/2020/country-chapters/global> [accessed 9 August 2020]

¹¹⁶ CONCEPCION PARASSRAM. N., in *Human Rights Violations Against Muslims in the Xinjiang Uighur Autonomous Region of Western China*, p.19

because they attempted to revive cultural and Islamic traditions. Consequently, this attempt at social organization, perceived by the government as a form of political organization, was met with heavy government repression.

- The second event to fuel the violence was the 1995 disappearance of Abdul Kayum, an Islamic preacher (imam), at a mosque in Khotan (Hetian).
- The third incident resulted from a series of protests in 1997 in the city of Gulja (Yining). Clashes between demonstrators calling for the equal treatment of Uighurs and police forces resulted in hundreds arrested, injured, or killed¹¹⁷.

XUAR became the scenario of ethnic discrimination, violence, repression and human rights abuses that lead to rise independentist feeling around the Uighur community. The migration of Han ethnic group in Xinjiang, supported by the PRC to spread Chinese's culture in the region, that sentiment. In fact, according to data, in 1949, the Uighurs represented over 75% of the total population; in contrast, the Hans only accounted for 7%. In 2010, while the Uighurs were still the largest group in Xinjiang, they represented only 46% of the total population. Conversely, the Hans are represented the 40% of the total Xinjiang population¹¹⁸.

According to Uighurs scholars, the migration attached different aspect of Uighurs' life in the region, from economical to the cultural side. The average income for Uighurs in Urumqi in 2011 was around 132\$ per month. In contrast, a Han earned an average income of 162\$ per month. In addition, distinctions emerged also between the urban and rural areas of the region. The majority of Hans were concentrated in the more economically developed areas while, the Uighurs and other Turkic peoples, in poorer regions. In the advanced cities like Urumqi, most of the modern sector appears to be dominated by Hans¹¹⁹.

¹¹⁷ *Ivi* p. 20

¹¹⁸ *Ivi* p. 269

¹¹⁹ *Ibidem*

The sense of a cultural alienation was provoked by criticism toward their traditions, considered backwards compared with the modernity of Chinese culture, and by bilingual education system that focused on teaching Chinese language and Han culture, at the expense of their own language and traditions¹²⁰. The resentment led some Uighurs to dream of declaring independence from China and forming their own country: the “East Turkestan”. An independentist dream that provoked a law enforcement by the authorities that wanted to refrain this aspiration and punish those believed to be engaging in so-called separatist activity. This campaign escalated after 11 September 2001, when China began to link its suppression of pro-independence activity among Uighurs to the spreading “war on terror¹²¹”.

In 2009, the capital of Xinjiang province, Urumqi, was the site of the worst social unrest in China since the 1989 when, during a protest, the tentative of the police to disperse protestors ended in violent clashes. The result was 197 dead and 1,712 wounded¹²².

Since that date, XUAR has become the scenario of ethnic discrimination, violence, repression and human rights abuses, a scenario that in the ensuing years is deteriorated under Xi Jinping’s administrations.

2.1.1. Terrorism in China

The Chinese government has often pursued strike hard campaigns throughout China as an “effective crime-fighting measures” that concretely consist in police and officials’ abusive practices, in contrast with the Chinese law, that usually lead to numerous arbitrary arrests and summary executions¹²³.

¹²⁰ AMNESTY INTERNATIONAL, *China: “Where are they?” time for answers about mass detentions in the Xinjiang Uighur autonomous region*, 2010, pp. 10-11

¹²¹ *Ibidem*

¹²² Liu H. A. & PETERS K. in *The Hanification of Xinjiang, China: The Economic Effects of the Great Leap West*, 2017, p. 266

¹²³ HUMAN RIGHTS WATCH, Report: *Eradicating Ideological Viruses” China’s Campaign of Repression Against Xinjiang’s Muslims*, 2018, pp. 10-11. Available at: https://www.hrw.org/sites/default/files/report_pdf/china0918_web2.pdf [accessed 26 August 2020]

When the Strike Hard Campaign against Violent Terrorism in Xinjiang was launched in 2014, the first official argumentation gave by the Government was related to the increasing terrorism problems in China. Where in some circumstances was possible to reconduct terrorism related cases, other times was very unclear how the Chinese government linked some events or behavior to case of extremism or terrorism¹²⁴.

Findings revealed reported violent incidents in Xinjiang, such as the Urumqi market bombing in 2014 and the Uighurs attack in Beijing in 2013. These two events were claimed by the Turkistan Islamic Party (TIP). Furthermore, other documents confirmed the adhesion of some Uighurs to armed extremist groups in Syria, and TIP, which has aligned itself with Al-Qaeda and has set up a Syrian branch¹²⁵.

Now, assuming that the mentioned cases represent effectively what can be described as terrorist attack or terrorist connection with other extremists' group, the problem consists in the Chinese law and its theory around terrorism.

First, Chinese government continues to lobby foreign governments and inter-governmental agencies to label East Turkistan Islamic Movement (ETIM) and other Uighur organizations and individuals, including those that peacefully advocate Uighur independence, as terrorists¹²⁶.

Second, Chinese law defines terrorism and extremism in an overbroad and vague manner. The Chinese government publicized, particularly in Xinjiang, a list of 75 behavioral indicators of religious extremism. While that list includes some reasonable examples of incitement to violence, such as "inciting the Holy War," many of others are highly questionable. They include a range of vague and imprecise behaviors and symptoms that are considered unusual and thus warrant additional scrutiny, including people who "store large amounts of food in their homes, those who smoke and drink but quit doing so suddenly or those who buy or store equipment such as dumbbells...boxing gloves, as well as maps, compasses, telescopes, ropes, and tents without obvious reasons¹²⁷".

¹²⁴ Ibidem

¹²⁵ Ibidem

¹²⁶ Ibidem

¹²⁷ Ivi pp.21-23

Thus, the charges around the accusation of terrorism are very ambiguous and since it is hard to have access to official documents it is also hard to understand whether Chinese policies act as an excuse to refrain Uighurs or to ensure a “free terrorist zone”.

2.2. The Strike Hard Campaign against Violent Terrorism in Xinjiang

Even if we are here dealing with a specific area and a specific ethnic group, observing the objectives envisaged by the Strike Hard campaign for the XUAR it is possible to track all the violations provoked by the CPP’s policies in China. In fact, although the measures are destined to a specific group of people, same measures are put in place in the national territory without any difference with regard to other people’s ethnicity. In the context of the XUAR, the problem is that some measures are set forth not only because foreseen by the national laws but because of people’s religion and belief and their appurtenance to a specific social group, as it acts as an aggravating element object of sanction.

A system of massive and high-tech surveillance was established in the XUAR since 2014. With the “Becoming Family” implementation Xinjiang authorities sent 200,000 cadres from government agencies, state-owned enterprises, and public institutions to be stationed in villages with the mansion to regularly visit and surveil people. Since December 2017, more than a million cadres spend at least five days every two months in the homes of Xinjiang residents primarily in the countryside¹²⁸.

Part of the massive control emerged when officials started to scrutinize the level of Turkic Muslims’ political loyalty by dividing people into three categories: “trustworthy”, “average”, and “untrustworthy”. People who were considered untrustworthy were subjected to more official surveillance and restrictions¹²⁹.

In addition to the tens of thousands of security personnel and convenience police stations, numerous checkpoints with facial recognition-enabled cameras, were equipped across the region. The authorities in Xinjiang closely watched people through pervasive and overlapping digital surveillance systems by examining people and vehicles on roads, in residential areas, bus and train stations, entry points to towns and villages, hotels,

¹²⁸ Ivi p. 13

¹²⁹ Ibidem

restaurants, and markets they also encouraged people to spy and report on each other, heightening fear and suspicion in many communities.

One of the most inexplicable practice used in the region consisted in collecting biometrics, including DNA samples, fingerprints, iris scans, and blood types of all residents between the age of 12 and 65. It is unclear how authorities are using the biometrics, but the amount of information they have on people is enough to frighten many from that region, particularly given that they have no ability to challenge the collection, use, distribution, or retention of this data¹³⁰.

Limited freedom of movement and high monitoring of people's life started in October 2016 when the authorities strengthened border control. Xinjiang authorities started to recall passports, allegedly for reasons of "collective management." This empowered police to scrutinize and control each foreign visit, and to intensify scrutiny over those who have links abroad. The authorities targeted those with connections to a list of "26 sensitive countries" which include, for instance, Egypt, Syria, Azerbaijan, Turkey¹³¹.

Restrictions on freedom of religion and belief were also part of the objective of the Strike Hard Campaign. The government published a list containing heavy rules that Muslims have to follow, for example: ban any form of appearance, including facial hair and clothing, that is interpreted to foment religious fanaticism and disseminate religious extremist ideologies¹³². Rules such as that mentioned are just part of the Chinese government's restrictions on the practice of Islam in Xinjiang, which are among the strictest and most comprehensive in the world.

In addition, detention centers began to be the stage where arbitrary detention, torture, and ill-treatment started to be ordinary measures. Individuals were taken into custody without an arrest warrant and detainees described torture and ill-treatment in detention centers that included beatings, being hung from ceilings and walls, and prolonged shackling¹³³.

¹³⁰ Ibidem

¹³¹ Ivi p. 14

¹³² Ivi pp. 18-19

¹³³ Ivi pp. 27-34

A study conducted by Chinese Human Rights Defenders, the Network of Chinese Human Rights Defenders (CHRD), demonstrated how with the implementation of the Strike Hard the number of arrests and indictments dramatically increased in the region from the period 2013-2017, period in which the government launched the strike hard campaign against violent terrorism.

What they found is that, although the population in the XUAR is only about 1.5% of China’s total, the percentage of the criminal arrests in Xinjiang accounted for an alarming 21% of all arrests in China in 2017. Though the government does not provide the data disaggregated by ethnicity, criminal punishment would disproportionately target the Uyghur Muslim group based on their percentage of the population. The CHRD also affirmed that the ratio of formal arrests made in Xinjiang has increased by 306% in the past five years compared to the previous five-year period¹³⁴.

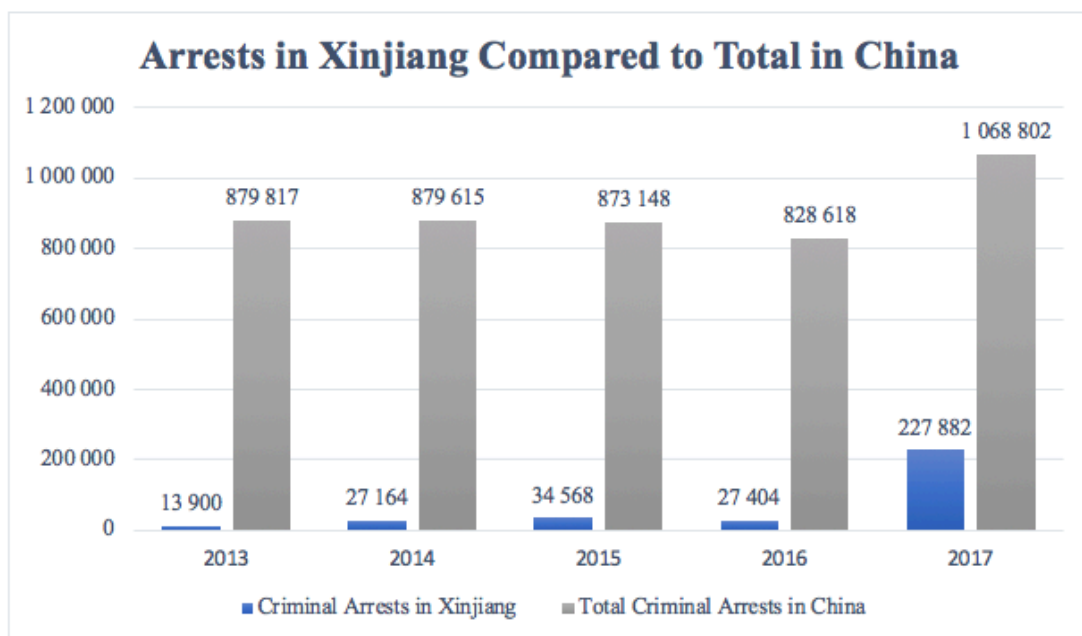


Figure 2. Source: Chinese Human Rights Defenders. Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017

¹³⁴ CHRD, Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017. Available at: <https://www.nchrd.org/2018/07/criminal-arrests-in-xinjiang-account-for-21-of-chinas-total-in-2017/> [accessed 28 August 2020]

As concern the indictments in 2017 in Xinjiang, data confirm that number of indictments represent the 13% of all indictments in China, a figure far out of proportion given the region’s population. A total of 362,872 individuals were indicted between 2013 and 2017, an increase of 237% from the total number of indictments between 2008-2012. Indictments issued in Xinjiang in 2017 alone account for nearly 60% of all indictments between 2013-2017¹³⁵.

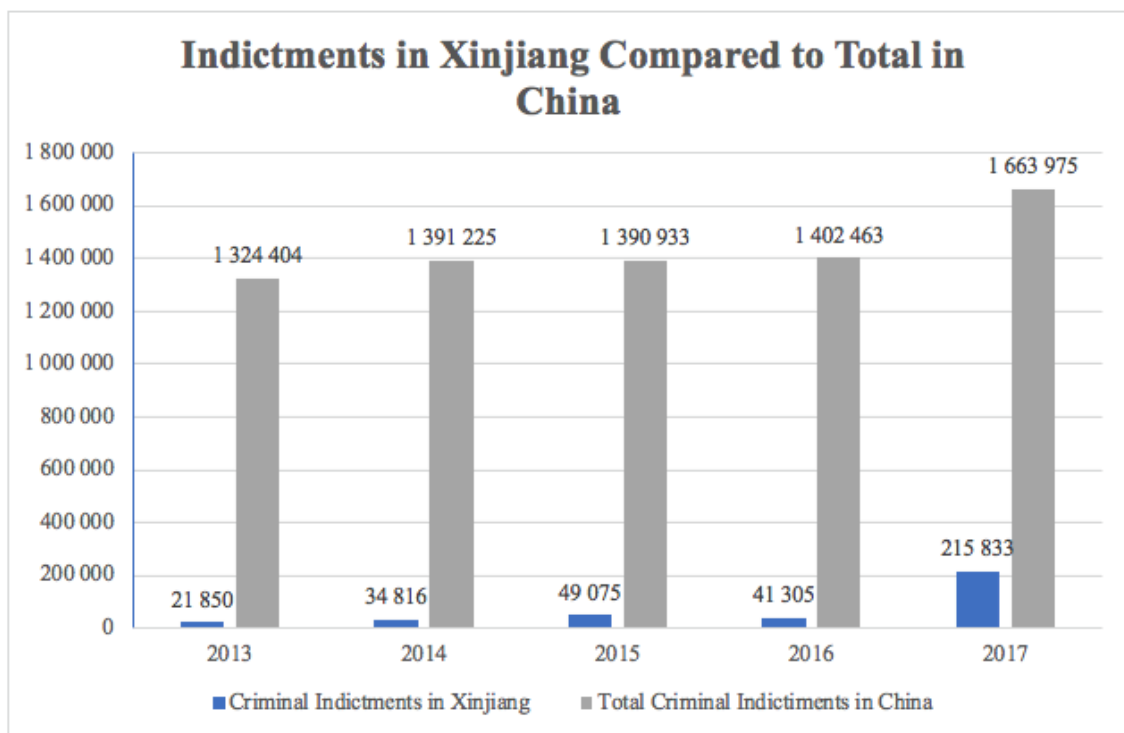


Figure 3. Source: Chinese Human Rights Defenders. Criminal Arrests in Xinjiang Account for 21% of China’s Total in 2017

2.2.1. The Political Education Camps

In addition to the mentioned measures still ongoing in the XUAR, one of the most outrageous activity scheduled in the Campaign consist in the institution of “Political Education Camps”, in which approximately 1 million Uighurs and other Turkic Muslims are detained without any legal process, and subjected to political indoctrination, ill-treatment and sometimes torture.

¹³⁵ Ibidem

Up to now, it is almost impossible to identify how many camps have been built or where they are located. A massive effort made by activists and international media sought to localize these camps in the XUAR. The BBC published in 2018 a report, namely “China’s hidden camps”, with the intent to document life inside the facilities. By consulting experts, such as GMV, a multinational aerospace company with experience of monitoring infrastructure from space, they found an increasing number of facilities constructions and an expansion of the surface security area that increased about 440 hectares since 2003. Using the findings provided by the GMV’s expert, the BBC contacted an expert prison design team, the Australian-based Guymer Bailey Architects. This combined study led to estimate the existence of a camp in Dabancheng that could provide space for about 11,000 detainees¹³⁶.

As said above, whether in some circumstances it is possible to find a link between the individual and the terrorist offence and thus condemn the perpetrator according to the existing law, it is very hard here to understand why people are detainee in these camps and which are the charges against them. Detainees are required to understand the crimes they have committed, even though the actions were not criminal offenses under Chinese criminal law. Since there is no a trial, it is very hard to understand the reason why these people are transferred in these camps¹³⁷.

Said Erkin to HRW: I asked them [the authorities] if I can hire a lawyer and they said, ‘No, you shouldn’t need a lawyer because you’re not convicted. There’s no need to defend you against anything, you’re in a political education camp. All you have to do is just study¹³⁸’.

Former detainees affirmed that they were destined to the Political education camps for having relationships with people living in one of the countries mentioned in the list of 26

¹³⁶ BBC, 2018. Available at: https://www.bbc.co.uk/news/resources/idt-sh/China_hidden_camps [accessed 28 August 2020]

¹³⁷ Ibidem

¹³⁸ Ivi p.45

foreign countries or travelled in that countries, practiced Islam, using certain software provided by foreign companies to communicate with those abroad, such as Virtual Private Networks (VPN) or Whatsapp¹³⁹.

The reasons seem to be connected with the restrictions envisaged by the Campaign such as freedom of religion (pray) or freedom of movement. But, since there is neither a transparent process nor a list indicating what are the criteria determining who should be detained, authorities may abuse by set up random criteria determining a people as suspect. Moreover, because we are not dealing with detainees and thus, there is no fixed sentence, the authorities can freely decide when an individual has been satisfactorily educated.

Whether is hard to find charges, inside camps' practices are now well- thanks to work made by activists and NGOs. Human Rights Watch affirmed that inside the political educational camp, a military-style discipline and pervasive political indoctrination of the detainees is established. While the military-style required detainees to fold blankets neatly, like in the military upon waking, participate in a flag-raising ceremony every morning and learning how to stand and march in military style, the political indoctrination envisaged some strict rules. For instance, detainees had to learn to sing propaganda songs praising President Xi Jinping and the Chinese Communist Party, they were not allowed to speak their languages, such as Turkic languages, but required to learn to read and write over a thousand Chinese characters and speak Mandarin.

As it concerns educational camps they were periodically examined by authorities in a test certifying their level of knowledges of a list of precise rules to follow that mainly concern the impossibility to use Islamic greetings or use Turkic characters, the prohibition to communicate with people living in the listed 26 sensitive countries, including also Kazakhstan, Russia, and Turkey¹⁴⁰.

Inside the camps have been registered not only measures of indoctrination but also attempts of suicide, cases of violence through ill-treatment and use of physical and psychological punishments but also bad detention conditions with lack of medical care for people particularly vulnerable. There was case of a man being handcuffed in the back

¹³⁹ Ibidem

¹⁴⁰ Ivi pp. 37-40

in a small solitary confinement cell, in a space of about 2x2. Measures like sleep deprivation and no food and drink allowed, were just some punishments against him. Another detainee was forced to walk 50 meters naked, with his legs chained and one hand holding the chains. Furthermore, people staying in these camps witnessed the presences in the camps of elderly people, from 60 to 80 years old. But also, children in their teens, women who were pregnant or breastfeeding, people with disabilities like people with difficulties walking or seeing, particularly among the elderly¹⁴¹.

The Strike Campaign had a major impact on ethnic Uighurs and Kazakhs outside China who have family members inside the country. Families suddenly found themselves divided. They had great difficulty communicating with their relatives in Xinjiang, because the Chinese government barred Turkic Muslims from contacting people abroad. The government also pressured some ethnic Uighurs and Kazakhs to return to China, while requiring others to provide detailed personal information about their lives abroad¹⁴².

As charged to host the upcoming 2022 Winter Olympics, China's behavior was at the center of numerous criticism from the international community where government's representatives, NGOs and international and regional Organizations started to ask China transparency and accountability of its policies, with a major concern with regards to the political education camps in Xinjiang.

In response of this hard position took by many actors, the government, trying to soften its position, decided to issue to White Paper on the situation in the XUAR. On August 2019, the first White Paper published, Vocational Education and Training in Xinjiang, remarked the efforts of the Chinese government to eradicate terrorism and eliminate source of religious extremism in the Xinjiang region. Differently from what we are used to read, the political education camps are named "vocational education and training centers" and described as "education and training institutions". Thus, in these institutions in order to meet the needs of fighting terrorism and extremism, they provide activities that includes standard spoken and written Chinese, understanding of the law, vocational skills, and deradicalization. The White Paper emphasized that the practices and policies of the these

¹⁴¹ Ivi pp. 47-53

¹⁴² Ivi p.83

institutions aim to place at the center the trainees first, ensuring them an environment where any form of humiliation or mistreatment is strictly prohibited, their personal freedom are guaranteed and, above all, respect of basic's human rights are fully upheld¹⁴³. The second White Paper on employment and labor rights in Xinjiang Uygur autonomous region, was published on September 2020. The Government pushed to highlights the improvement had in the region, such as the expansion of the scale of employment, the growth of the income residents, underling that labor rights conditions were fully respected in accordance with Chinese law and International Labor and Human Rights Standards. Moreover, the White paper affirmed that policies have effectively protected all ethnic groups' basic labor rights, greatly improved their living and working conditions, and fully satisfied their aspirations to create a better life¹⁴⁴.

In a final remark, China wanted to discharge all the accusations by claiming that western countries systematically attack Chinese government practices: *For years, certain international forces, guilty of ideological bias and prejudiced against China, have been applying double standards in Xinjiang, criticizing breaches of human rights while ignoring the tremendous efforts Xinjiang has made to protect human rights*¹⁴⁵.

According to the Chinese officials, these forces fabricated facts to support their false claims of forced labor in Xinjiang ignoring the local government's work on employment and job security. The PRC refused all the allegations highlighting how, thanks to its policies, the local people in Xinjiang enjoyed the right to work with the aspiration to move out of poverty¹⁴⁶.

¹⁴³ The State Council Information Office of the People's Republic of China, *White Paper on Vocational Education and Training in Xinjiang*. Available at: http://english.www.gov.cn/archive/whitepaper/201908/17/content_WS5d57573cc6d0c6695ff7ed6c.html [accessed 23 September 2020]

¹⁴⁴ The State Council Information Office of the People's Republic of China, *White Paper on Employment and Labor Rights in Xinjiang*, 2020. Available at: http://english.www.gov.cn/archive/whitepaper/202009/17/content_WS5f62cef6c6d0f7257693c192.html [accessed 24 September 2020]

¹⁴⁵ Ibidem

¹⁴⁶ Ibidem

Despite the umpteenth attempt to defend its position, Government's policies appear to be in breach of the international law and contrary to provisions contained in the treaties to which China is party. The oppressive measures enforced by the government do not respect what has been set forth by the Conventions that China has ratified, such as CERD, CAT. Limitation on freedom of religion and belief, freedom of movement, freedom of expression, the inhumane treatment inside the camps, the arbitrary measure of arrest and the discrimination policies are in evident contrast with the provisions of the conventions ratified by the PRC.

Conclusions

In this chapter we observed how the PRC's stance is very vague since, after some reforms in the field of human rights, the policies enacted by the government, in the last two decades, have turned out to be in violation of human rights standards. The criticisms of the 1989 led China to change its stance in the international human rights regime when it started adopting a more antagonist attitude within the HRC and proposing its vision of human rights. This remark the intent of the government to ensure its participation not as a minor country but as a new protagonist of the international regime with its new and unique vision of human rights. The analysis provided by Chen confirmed this new stance. While the government was trying to affirm its presence in the international human rights regime and was adhering to relevant treaties, China's intern human rights standards described a very hostile country in terms of respecting these rights.

Understood how the government acted internationally, China seemed to do not care about its internal crackdown of human rights, but it rather struggled to promote its vision human rights with Chinese characteristic rather than respect them. Where fundamental rights were already shrined, a massive control of the population was established with the adoption of a high-tech system of surveillance and intrusive policies. The 2014 Strike Hard Campaign adopted in the XUAR resume part of the oppressive environment established by the government where rights, that range from freedom of religion and belief to right to a fair trial, were systematically violated by the Xi Jinping's administration.

CHAPTER III

CHINA AND THE TWO OLIMPYCS: from 2008 to 2022

The aim of this chapter focuses on the possibility to demonstrate, with practical examples, whether the efforts considered in the first chapter are concrete and whether a mega sport event can really act as driver for changes. To do so, considering China's human rights profile described in the second chapter, by using a descriptive analysis, with the support of the literature, we will take into consideration the organization of the Olympic Games held in China in 2008 and the upcoming 2022 Winter Games awarded to Beijing.

The example of China helps us to understand on one hand whether these events may act as a driver for the promotion of human rights by considering the 2008 Olympic Games. On the other hand, the concreteness of the new human rights approach of the IOC in the light of the decision to award Beijing to host the upcoming 2022 Winter Games.

The chapter is divided in two sections. The first part focuses on the Olympic Games held in Beijing in 2008. The 2008 Games would have represented the moment for China to demonstrate its development to the world and the chance for the Games and for the IOC to support human rights reforms in a country known for its bad reputation. The unsuccessful promotion of human rights in 2008 will serve as an example of comparison in the second section which is strictly in line with the recent IOC's reforms toward human rights. In fact, the second section focuses on the upcoming 2022 Games in the lights of recent China's human rights records but also recent reforms. It will be observed how in theory, the efforts promoted by the IOC (as observed in the first chapter) are far to be applied considering China's human rights record.

1. BEIJING 2008: PROMISES AND LIES

After the 1993 failed bid for 2000 Olympic Games¹⁴⁷, China finally succeed to host an Olympic Game eight years later. The International Olympic Committee awarded the 2008 Olympics Games to Beijing on Friday, July 13, 2001. Beijing won in the second round of

¹⁴⁷ NEW YORK TIMES: *Olympics; 2000 Olympics Go to Sydney In Surprise Setback for China.*

the ballot after collecting 56 votes, a majority which ensured its honor to host the 2008 Games¹⁴⁸.

As observed in the first chapter, hosting such mega sport events may represent one life opportunity for a country, in particular those seeking to enhance their presence outside the country, to gain international attention and present itself as an important worldwide actor. The 2000 experience gave China the determination to focus on economic growth and social development that successfully allowed the country to host the 2008 Olympic Game. As other countries, hosting the Olympics was supposed to be a chance for China's leaders to showcase the country's rapid economic growth and modernization to the rest of the world. Domestically, it provided an opportunity for the Chinese government to demonstrate the Communist Party's competence and affirm the country's status as a major power and to live up with the Westerner countries¹⁴⁹. China's strategy focuses on the possibility to underline its greatest political and economic strengths: the top-down mobilization of resources, the development and execution of grand scale campaigns to reform public behaviour, and the ability to attract foreign interest and investment to one of the world's brightest new centres of culture and business.

Mobilizing massive resources for large infrastructure projects comes easily to China. Throughout history, Chinese's ingenuity in realizing some of the world's most spectacular construction projects, such as the Great Wall, is word widely well known. Of course, the Olympic construction was not different so that Beijing built nine-teen new venues for the events, doubled the capacity of the subway, and added a new terminal to the airport. The government efforts also affected the private life by putting in place practices to transform individual behaviour and modernize the capital city: it was launched etiquette campaigns forbidding spitting, smoking, littering, and cutting in lines and introduced programs to teach English to cab drivers, police officers, hotel workers, and waiters¹⁵⁰.

¹⁴⁸ <http://www.china-un.ch/eng/premade/13643/wins.htm> [accessed 3 August 2020]

¹⁴⁹ ECONOMY E.C., SEGALLIN A., in *China's Olympic Nightmare What the Games Mean for Beijing's Future* p. 47

¹⁵⁰ Ivi p. 48

The PRC's efforts were also acknowledged by the Evaluation Commission for the Games of the XXIX Olympiad in 2008 that congratulated Beijing underling "how the bid was very well prepared and the quality of the presentations was very high¹⁵¹".

The theme slogan of the Beijing's 2008 Olympic was "New Beijing, Great Olympics" which reflected China's aspiration to affirm itself as new modern country. The successful bid's highlight was "Green Olympics, High-tech Olympics and People's Olympics". These three aspects represented the main area of China's pledge for the Olympic Games. In particular, the Beijing Organizing Committee for the Games of the XXIX Olympiad, in the Official Report of the Beijing 2008 Olympic Games, remarked the three main major goals where:

1. The Green Olympics goal aimed to make environmental protection, use eco-friendly and energy saving technologies and raise public awareness of environmental protection and eco-friendly consumption, and encouraging the citizens to help improve the capital's ecological environment to make it a livable human habitat.
2. A High-tech Olympics as a manifestation of China's high-tech achievements where scientific methods and reliable technologies would have facilitated venue construction, competition management, broadcasting, transport, environmental protection and organization of major events.
3. A People's Olympics with the intent to disseminate the Olympic culture and promoting multi-cultural exchanges through participation of the athletes. China would have helped to promote, under the theme of "harmony, exchange and development", cultural exchanges where the Olympic Games represent both a sports event and a cultural gala¹⁵².

¹⁵¹ Report of the IOC Evaluation Commission for the Games of the XXIX Olympiad in 2008. Available at: <https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXIX-Olympiad-2008/Report-of-the-IOC-Evaluation-Commission-for-the-Games-of-the-XXIX-Olympiad-2008.pdf> [accessed 3 August 2020 2020]

¹⁵² Bid Documents and Analysis: Passion behind the Bid in Official Report of the Beijing 2008 Olympic Games, Volume I, pp. 21-23

The premises contained in the bid convinced the IOC, but China's political and economic expansion aspirations promptly refrained. In fact, hosting the Olympic Games put the country to be under the international spotlight. In the case of China, the aspiration to be a new power actor was rapidly challenged by the multiple allegations of human rights violations by several international actors that lead to massive protest around the world until the start of the Olympic Games in August 2008. Several actors, such as NGOs, media and also politicians, started to acknowledge the unique opportunity, that 2008 Beijing Olympics provided, to positively impact on human rights situation for one third of the world's population.

Two days before the IOC awarded the PRC, the British journal, *The Guardian*, published an article affirming "China should not be awarded the games, and if it is, those games should be boycotted. The reason is China's appalling human rights record. It is a country run by an arbitrary, undemocratic tyranny, in which dissent is brutally suppressed and every civilized norm of constitutional and legal behaviour flouted¹⁵³".

The public opinion, mostly the Westerner ones, criticized the decision took by the International Olympic Committee to allow a low human rights score country to organize and host such important event. Since 2001, NGOs and human rights activists started to focus on China's trend on human rights in the light of Beijing Games.

The European Union Parliament, ten days before the IOC vote, expressed its concerns in a joint motion resolution calling both China and IOC to take actions. While the joint motion called China to end the abuses, it also invited the IOC to reconsider Beijing's candidacy and establish guidelines to include respect for human rights and democratic principles. Main area of concern was linked to repression related measures, such as repression of freedom of opinion, repression of religious, ethnic and other minorities, but also frequent imposition of capital punishment¹⁵⁴.

The PRC and IOC response were not long in coming even before the selection of China as future host. In fact, when China made its bid for the 2008, Liu Jingmin, vice president of the Beijing Olympic Bid Committee, argued, "...by allowing Beijing to host the

¹⁵³ *The Guardian*: "Shame them, If China is chosen to host the Olympics we should all stay away". Available at <https://www.theguardian.com/sport/2001/jul/10/olympicgames.china> [accessed 6 August 2020]

¹⁵⁴ European Parliament resolution on Beijing's bid to host the 2008 Olympic Games

Games, you will help the development of human rights". While, the IOC President, Jacques Rogge, sought to calm the attacks by publicly intervening in April 2002. The IOC President stated that "We are convinced the Olympic Games will improve human rights in China" while the Chinese government affirmed that "the Constitution of the People's Republic of China included freedom of speech, freedom of the press, the right to a fair trial, freedom of religion, universal suffrage and property rights and that the authorities were doing everything in their power to implement these fundamental rights¹⁵⁵".

Before the opening games, set for the 8 August, the PRC was subject of a constant monitoring from civil society organizations, states and human rights activists engaged to denounce violations in China and measure its level of commitment toward the promises stated when was charged to host the Olympic.

A group of 40 prominent Chinese democracy supporters posted an open letter online denouncing the Olympic glitz and glamour. The open letter cited: "we know too well how these glories are built on the ruins of the lives of ordinary people, on the forced removal of urban migrants, and on the sufferings of victims of brutal land grabbing, forced eviction, exploitation of labor, and arbitrary detention. All this violates the Olympic spirit¹⁵⁶".

The author Jacques deLisle, in the book "Owning the Olympic", recounted the actions undertook by different actors who started to call up China to improve its human rights standard. He highlights how NGOs played the Olympic card obtaining related media attention in several ways by issuing, in the years preceding the Game, periodic reports that highlighted China's failures to fulfill Olympics-related human rights promises. The reports underlined China's harsh treatments to rural-urban migrant workers and urban dwellers, whose homes where in the path of property development, and also highlighted the dramatic residential displacement due the massive and rapid Olympics-related construction. Other issues emerged before the game concern the environmental

¹⁵⁵ OZDOWSKI S., in *Human Rights and the Beijing Olympics*, Political Crossroads Vol. 16, No. 1, p. 53

¹⁵⁶ ECONOMY E.C., SEGALLIN A., in *China's Olympic Nightmare What the Games Mean for Beijing's Future*, pp. 50-51

conditions for the 2008 Game, labor rights violations and people's rights related violations¹⁵⁷.

As observed in chapter II section 2, China has one of the world's most restrictive media environments and its most sophisticated system of censorship, particularly online. Also for the 2008 games, despite the introduction of new media regulations aimed to increase freedom for foreign reporters to cover news stories in China, overseas journalists were obstructed or hampered from conducting interviews. The government started to intensify internet control by establishing new regulations and tightening online censorship, a measure extended to various categories of internet users where numerous websites were closed down for providing information deemed sensitive by the authorities. In addition, those who linked China's human rights responsibilities to its hosting of the Olympics were among the most harshly treated: activists were subjected to detainment, prosecution, harassment and judged without a fair trial. For instance, the case of the HIV/AIDS and human rights activist, Hu Jia, sentenced to three and a half years in jail for subversion after he published an article about human rights violations in the run-up to the Olympics. But also, the case of the land rights activist, Yang Chunlin, sentenced to five years in prison after he spearheaded a petition campaign under the banner "We don't want the Olympics; we want human rights¹⁵⁸".

1.1. International Protest: Darfur and Tibet

In addition to the numerous violations to which China was accused, the PRC started to face several challenges not only for its internal human rights related problems but also due its relationships with Sudan and Tibet. In the second chapter China's human rights profile portrayed a country with severe problems in terms of respect and recognition of human rights. Where fundamental freedoms are constantly denied by the government, the situation seem to be worsened when China's behavior is under the attention of media.

¹⁵⁷ DELISLE J. in "*One World, Different Dreams*": *The Contest to Define the Beijing Olympics*, Owning the Olympics, pp. 39- 43

¹⁵⁸ AMNESTY INTERNATIONAL in *People's Republic of China The Olympics countdown – crackdown on activists threatens Olympics legacy*. AI Index: ASA 17/050/2008

More specifically, as reported by Ozdowski, in the period of the Sudan-Darfur conflict, China supported the regime in Sudan and blocked the UN Security Council resolutions aiming at peace. Furthermore, it provided effective financial and diplomatic protection of the “first genocide of 21st century” in exchange for access to Sudanese oil. In 2005, according to Amnesty International, China sold \$83 million worth of weapons to Sudan providing bomber aircrafts, helicopter gunships and other weapons¹⁵⁹.

Naturally, in the light of the 2008 Games, China’s relationship with Sudan was motive of international criticism. As consequence, a coalition of U.S. celebrities and international human rights activists intensified pressure on Beijing by inviting the government to do more to help bringing an end to the atrocities in Darfur, labeling the 2008 Olympics as the genocide Olympics. China's relations with the Sudanese government prompted the movie director Steven Spielberg to withdraw as the artistic adviser for the opening and closing ceremonies for the Games¹⁶⁰.

In 2008, the highest attention toward the Games and China’s behavior was reached in March, five months before the Games, not for positive outcomes but rather for the high number of violations registered in that period.

March was not a random date but coincide with two important moments: the 49th anniversary of Tibet's failed independence uprising and 2008 Summer Olympics torch relay. These two events are unequivocally connected because the torch relay became the moment where protest against the Chinese oppression of Tibetans started.

On March 10, five-hundred monks from the Drepung monastery defied Chinese authorities to march into Tibet’s capital, Lhasa, to mark the 49th anniversary of a quashed rebellion against communist rule. Monks from Lhasa-area Sera and Ganden monasteries also protested¹⁶¹. Many Tibetans, both inside and outside the region, seized the occasion of the 2008 Beijing Summer Olympics, scheduled to open in August 2008, to draw the attention of the world to their cause. The city of Lhasa became the scenario of a violent

¹⁵⁹ OZDOWSKI S., in Human Rights and the Beijing Olympics, Political Crossroads Vol. 16, No. 1, p. 61

¹⁶⁰ Ibidem

¹⁶¹ REUTERS, TIMELINE: Day-by-day record of Tibet protests. Available at: <https://www.reuters.com/article/us-china-tibet-protests/timeline-day-by-day-record-of-tibet-protests-idUSSP15193420080321> [accessed 6 August 2020]

protest after Tibetans decided to march claiming a greater autonomy for Tibet and the return of their exiled religious leader, the Dalai Lama. Demonstrations spread throughout the Tibet region, turned into a violent repression by the Chinese police that forcefully cracked down on the protesters leaving more than a hundred dead and injuring hundreds more. Ignoring the international calls for restraint, Beijing closed off much of the affected region, detained or expelled foreign journalists from the area, and created a most wanted list of Tibetan protesters. All independent sources of news, including broadcasts by foreign television stations and YouTube videos, were blacked out in China, and text messages in and out of Tibet were filtered¹⁶².

The situation in Tibet soon reached global attention and China found itself to soothe the protest and attack from the international community to maintain safe the image portrayed during the 2000 bid stage.

The theme of the 2008 torch relay was “Journey of Harmony” symbolizing the goal of promoting world peace through athletic competition. This was one of the original ideas behind the creation of the modern Olympic Games. But the early stages of the relay were marked by controversy and serious protest, as exiled Tibetans and their supporters in various countries used the arrival of the torch stage to demonstrate their opposition to China’s occupation of Tibet and other human rights abuses¹⁶³.

The day before the ceremony of ignition of the torch in Olympia, Greece, then-President of the International Olympic Committee, Jacques Rogge, declared:

“The lighting of the Olympic Flame in Olympia tomorrow is a time to reflect on the role of the International Olympic Committee [...] The Olympic Games are a force for good. NGOs and Human Rights” activists want to leverage the Games and ask the IOC to act along by their side. The IOC is undoubtedly respectful of Human Rights. [...] the events in Tibet are a matter of great concern to the IOC. The IOC has already expressed

¹⁶² ECONOMY E.C., SEGALLIN A., in *China's Olympic Nightmare What the Games Mean for Beijing's Future*, pp. 50-51

¹⁶³ *Ibidem*

the hope that this conflict should be resolved peacefully as soon as possible. IOC will continue to respect Human Rights¹⁶⁴”.

The message gave by the IOC President contained a great hope of peace but concretely there were no actions against China’s behavior in Tibet. So that, the people decided to make the difference with a massive international protest that took place in most of the cities enlisted in the route map for the 2008 Beijing Torch Relay, which represent one of the most important preliminary Olympic activities. The torch is lit in Olympia, Greece, the home of the original Olympic Games, and is then relayed around the world, making a ceremonial appearance in selected cities before completing its long journey at the host country’s Olympic stadium at the official opening of the Games¹⁶⁵.

The 2008 torch relay provides two unprecedented results: the first concern the high number the Olympic torch visited, a record 20 countries. Also unprecedented were the violent protests that surrounded the torch relay during the 2008 spring¹⁶⁶.

So that, from 24th March onwards, from Athens to London, from Bangkok to New Delhi, pro Tibet activists decided to disrupt the Torch Relay ceremony claiming the arrest of the Chinese practices in the Tibet region in the name of “Free Tibet”. For instance, on March 30th, while the Chinese Olympic officials were proudly watching their country’s athletes light the torch in Olympia, a group of exiles Tibetan and their supporters disrupted the proceedings, loudly condemning China’s repression and demanding an end to Chinese’s rules. In April, San Francisco became the scenario of a huge protests, where celebrities

¹⁶⁴ Australian Institute of International Affairs, China and the Olympics. Available at: <http://www.internationalaffairs.org.au/wp-content/uploads/2014/01/commentary-2008-06-china-olympics.pdf> [accessed 6 August 2020]

¹⁶⁵TIBET, CHINA AND THE OLYMPIC GAMES. Available: https://media.curio.ca/filer_public/60/85/6085abf2-2ed3-4e11-984d-72bea01ca522/may-08-tibet.pdf [accessed 6 August 2020]

¹⁶⁶ SUKHEE H., CHEONG C. H., STEK P., in *Public Diplomacy between China and the World: The 2008 Beijing Olympic Torch Relay, A Test Case*, p. 357

such as actor Richard Gere and Nobel Prize-winning South African human rights activist Archbishop Desmond Tutu, led the pro-Tibetan demonstrations¹⁶⁷.

If it is true that the torch became the main stage of the anti-Chinese protests, at the same time it triggered a strong nationalistic response inside China but also abroad, where Chinese overseas living¹⁶⁸.

The government attempted to soothe its images with a counter-defensive that even if it did not convince most of the western countries, internally it boosted feelings of Chinese nationalism. For instance, during the Tibetan unrest, Chinese officials have sharply criticized foreign reporters over their coverage of the riots in Tibet, accusing them of biased reporting. The government began a propaganda campaign aimed at persuading the public that the Dalai Lama, the exiled Tibetan leader, instigated the violence in Tibet on March 14 and thus, claiming that China was a victim of separatist terrorist activity.

This propaganda campaign resulted in being ineffective abroad since the government reconfirmed its oppressive behavior when it started to block foreign Web sites, censor foreign television broadcast and social media¹⁶⁹.

Differently was the case of overseas Chinese. In fact, while there was a majority part of foreign people protesting against China, overseas Chinese and Chinese students came out in large numbers to protect the torch against the anti-China elements in cities where the Olympic torch went through. During numerous overseas Chinese students' demonstrations in different countries, their main concerns focused on three issues:

- Anti-Tibetan independence, this was expressed in Seoul when Chinese students physically assaulted a pro-Tibetan protester.

¹⁶⁷ REUTERS, TIMELINE: Day-by-day record of Tibet protests. Available at: <https://www.reuters.com/article/us-china-tibet-protests/timeline-day-by-day-record-of-tibet-protests-idUSSP15193420080321>

TIBET, CHINA AND THE OLYMPIC GAMES. Available: https://media.curio.ca/filer_public/60/85/6085abf2-2ed3-4e11-984d-72bea01ca522/may-08-tibet.pdf

[accessed 9 August 2020]

¹⁶⁸ *Supra note 149*

¹⁶⁹ BARBOZA D., in *Pressed Over Tibet, China Berates Foreign Media*, New York Times, 2008.

- Claim of distortion on the pictures published and broadcast by foreign media (CNN, BBC, etc.), accusing them of purposeful exaggeration and misrepresenting a scene about Chinese police action in riots that took place in Tibet.
- A call to the public to stop using the Olympic Games to achieve political purposes and defend the Chinese image to emphasize the aspirations of harmony that the games were intended to bring¹⁷⁰.

This demonstrates the ability of the Chinese government to reverse the situation by finding strong support from the population just when its behavior was subject to strong international hostility and criticism. This international feeling turned in a reaction when several European politicians decided to take, at least, a symbolic action to express their discontent. In particular, British Prime Minister Gordon Brown, Czech President Vaclav Klaus, German Chancellor Angela Merkel, Polish Prime Minister Donald Tusk, in response to human rights abuses in China, announced that they would not participate the Olympics' opening ceremonies. These large-scale disruptions of Olympic pageantry humiliated the Chinese government and frustrated Chinese citizens¹⁷¹.

1.2. Beijing Breaks Its Promises

The 2008 Olympic Games raised many doubts about the question human rights and sport. The cited speech by the IOC President Rogge in March 2008 did not reflect the reality since the Olympic Games failed to act as a catalyst for reforms. Human rights activists and NGOs' findings, such as those reported by Amnesty International, revealed that before and during the Olympic Game a lot of human rights abuses occurred, despite the several call for action toward the PRC government.

Since 2001, in many occasions the People's Republic of China promised to fulfill its human rights obligations and to improve its standard in the light of the 2008 Games, that would have served as a "catalyst for reform".

¹⁷⁰ SUKHEE H., CHEONG C. H., STEK P., in *Public Diplomacy between China and the World: The 2008 Beijing Olympic Torch Relay, A Test Case*, p. 376

¹⁷¹ CNN Politics. Available at: <https://edition.cnn.com/2008/POLITICS/07/03/olympics.politics/> [accessed 9 August 2020]

The episodes cited in the previous paragraph does not give contribution to China's commitment since the reported accuses represent the reason why the PRC failed to respect its promises. In this regard, by simply analyzing the three main areas of concern issued in the 2001 bid "Green, High-tech, People Olympiad" it is possible to estimate the level of accuracy of China's promises:

- A. Green Olympic: it might be the most positive achievement of the Olympic games, maybe the only. Under the Beijing Sustainable Development Plan, China launched 20 projects to improve the quality of Beijing's environment, with an overall investment of \$12.2 billion¹⁷². During the 25th annual governing council of the U.N. Environment Programme in Nairobi, Kenya, the U.N. reviewed China's environmental efforts. It emerged that Beijing succeeded in cleaning its notorious air pollution far beyond what most observers expected. The games also served as an impetus for permanent improvements to the city's transportation infrastructure and vehicle emission standards¹⁷³.

- B. High-Tech Olympic: Beijing's goal was to modernize the Games with a first-rate telecommunications hardware and infrastructure. But, much of the high-tech efforts were actually directed toward censorship that lies not only in restriction of information but in controlling the minds of its people with filtered information. Despite China granted a full media freedom in August 2008, foreign TV networks were still in the dark and unable to had access to areas such as Tiananmen Square¹⁷⁴. The PRC was able to bring 300 foreign IT companies including Google, Cisco, Microsoft to "their knees and forced them to sign a self-disciplinary pledge to self-censor online content deemed unhealthy¹⁷⁵". The high level of censorship reflected China's inability to guarantee a High-Tech Olympic since journalists, human rights

¹⁷² CHINA BUSINESS REVIEW, *The 2008 Olympics' Impact on China*.

¹⁷³ GRONWOLD N., in *Beijing Olympics Met or Exceeded Green Goals*, SCIENTIFIC AMERICA, 2009. Available at: <https://www.scientificamerican.com/article/beijing-olympics-met-or-e/> [accessed 10 August 2020]

¹⁷⁴ ZHANG E., in *The Olympic Drama in Beijing*, Australian Institute of International Affairs, pp. 15-16

¹⁷⁵ Ibidem

activists using online platform were controlled and exposed to persecution due their activities.

- C. People's Olympic: the PRC's bid aimed that Olympic would have helped to promote, under the theme of harmony, exchange and development, important values. The theme slogan "People's Olympic" reflected the common values of the Olympic Spirits: solidarity, friendship, progress, harmony, participation and realization of the dream. But, in practice, this slogan was then blurred by the harsh treatment toward protesters, like the event in Lhasa in March 2008, or against human rights activists, lawyers and journalists.

Amnesty International and Human Rights Watch together agreed in affirming that the Chinese government broke its promise to improve human rights in conjunction with its host of the 2008 Summer Olympic Games. It might be affirmed that the harsh wave of repression is occurred not *in spite* of the Olympics, but actually *because* of the Olympics¹⁷⁶".

Among the violations already cited, Human Rights Watch in its 2009 Country Report, which focuses on the 2008 countries events, observed that the government also backtracked on its promise to allow citizens to demonstrate at designated protest zones in three Beijing parks. Instead, officials announced on August 20, that they denied all 77 filed protest applications claiming that they successfully (re)solved the applicants' concerns through "dialogue and communication¹⁷⁷". Those who attempted to use the "Olympic protest zones" officially set up by the Chinese government to supposedly allow peaceful protest were arrested.

Assuming that, in the period preceding the 2008 Beijing Game and for the entire duration of the event, no human rights improvement was registered, the question now is to understand whether the Games helped to improve China's record one year after the mega

¹⁷⁶ AMNESTY INTERNATIONAL in *People's Republic of China The Olympics countdown – crackdown on activists threatens Olympics legacy*. AI Index: ASA 17/050/2008

¹⁷⁷ HUMAN RIGHTS WATHC, World Report 2009: China, p. 236. Available at: https://www.hrw.org/sites/default/files/reports/wr2009_web_1.pdf [accessed 10 August 2020]

sport event took place. In this regard, by consulting Human Rights Watch “World Report 2010” it is possible to observe 2009 PRC’s human rights record.

What emerged from the report is that the Chinese government continued to impose restrictions putted in place during the 2008 Olympics and tightened restrictions on lawyers and human rights defenders. As concern people’s life, citizens faced significant limits on freedom of expression, association and religion with a strengthen government surveillance and censoring of internet communications. Whilst China’s international profile and economic clout continued to grow, China made an operating profit of over 1 billion yuan (\$146 million) from the 2008 Summer Olympics¹⁷⁸, parallely, it was portraited an increasing international scrutiny toward Chinese foreign policy that failed to prioritize civil and political rights¹⁷⁹.

To better evaluate China’s commitment toward human rights after the Games, it is interesting to observe the relationship between the People’s Republic of China and Tibet after the 2008 riot and the subsequent harsh policies enforced by Beijing.

The report stated that, after the eruption of the protest, the Tibet Autonomous Region, and the adjacent Tibetan autonomous areas in Qinghai, Sichuan, Gansu, and Yunnan provinces, was subjected of a tense control, closely monitored and saturated with troops long all the area. Findings confirmed the execution of two Tibetans in 2009 for their involvement in the 2008 protests. Additionally, in Lhasa the authorities increased police operations aimed at identifying and detaining people suspected of hindering the government’s anti-separatism campaign or planning to join protests in the run-up to the 50th anniversary of the Dalai Lama’s escape to India, in March 2009. These included former political prisoners and their families, minor offenders, and temporary visitors.

The government continued to arrest, detain, and sentence protesters and people suspected of having irredentist sympathies across all Tibetan areas¹⁸⁰.

¹⁷⁸ REUTERS, Beijing makes \$146 million from 2008 Olympics.

¹⁷⁹ HUMAN RIGHTS WATCH, World Report 2010, p. 285. Available at: https://www.hrw.org/sites/default/files/world_report_download/wr2010.pdf [accessed 10 August 2020]

¹⁸⁰ HUMAN RIGHTS WATCH, World Report 2010, pp. 292-293. Available at: https://www.hrw.org/sites/default/files/world_report_download/wr2010.pdf [accessed 10 August 2020]

In sum, the Olympics did not contribute to a more open and democratic China, as many hoped and as Beijing promised. Rather, the Games gave the Party-state more confidence in maintaining a closed political system, that despite its backtracking on promises of opening, is still embraced by the world and thereby legitimized at home¹⁸¹.

The blurred stance of the IOC, along with a very weak international opposition, with the harsh policies enforced by the government, allow us to think that lies overcame promises by far.

2. THE 2022 WINTER OLYMPIC IN THE SHADOWS OF POLITICAL EDUCATION CAMPS

The 2008 Summer Olympic did not boost China's human rights standard, it was a failure that should have ashamed not only Beijing but also those who "promised" a human rights improvement throughout the games.

It might be hard still believe today that the Olympic Games might act as a catalyst for changes, despite the recent initiatives. A negative belief that is confirmed by the decision to award, once again, Beijing as host city for the 2022 Winter Olympics. Beijing will be, for the first time in history, the only city to host both Summer and Winter Olympics, an unprecedented award to a country that in the last years, while was affirming itself as a global power, recorded a long list of human rights violations.

The 2008 doctrine of "enable China to host the Games for a human rights improvement" was far common for the 2022 Winter Olympics Bids. After the 2008, China was international known as a faster development country representing one of the world largest economy and thus, the ambition to become an attractive country was not abandoned by the PRC government. As result of this desire, on 2013 the Chinese National Olympic Committee submitted its application as one of the 2022 Winter Olympic applicant cities

¹⁸¹ CARRICO K., in *The 2022 Winter Olympics and Beijing's Uyghur Policy: Sports in the Shadows of Concentration Camps*, p. 7

to host the games¹⁸². The Government aimed to use the Games to show its power to the people of China, to demonstrate the rise of China as a global political and economic entity, and to foster nationalist feelings by creating an entertaining event in which people could identify in it¹⁸³. Generally, the Winter Olympic Games are held in countries known to be famous winter touristic destination or with an historical medals background, such as Norway, USA, Germany. Indeed, China intended to exploit this occasion to promote the winter leisure industry as another field of economic development. The city of Beijing aimed to strengthen its profile as a global city and use the mega-event as an opportunity to open up its underdeveloped mountainous hinterland in the north of the city as a winter leisure ground for its more than 20 million citizens¹⁸⁴.

When China submitted its application for the Winter games, its human rights record was globally well-known, many problems were already highlighted during the 2008 Olympic Games while others emerged soon after the 2008 Olympiad. Now, taking into consideration these records, as mentioned in the first chapter, one of the initiatives of the IOC President Bach, that should have started from the 2022 Olympiad, concerned the inclusion, in the International Olympic Committee Host City contracts, of human rights and labor rights protections, including non-discrimination. According to the 2022 Host City Contract published by the IOC, no mentions about human rights and relatives' protections were issued¹⁸⁵.

As for the 2022 Winter Olympics, the 2022 Evaluation Commission issued a report containing Commission's findings about the candidate city, Beijing. These findings are

¹⁸² IOC, 2022 Host elections. Available at: <https://www.olympic.org/2022-host-city-election> [accessed 10 August 2020]

¹⁸³ YI XIN & KUNZMANN K.R. in *Winter Olympics 2022 in Beijing: A Must-be Success Story*, disP - The Planning Review, 2020, p. 83.

¹⁸⁴ Ibidem

¹⁸⁵ Olympic Host City Contract 2022. Available at: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXIV-OWG-2022/Host-City-Contract-for-the-XXIV-Olympic-Winter-Games-in-2022.pdf#_ga=2.13110192.644831378.1603358436-1399649520.1599925281 [Accessed 10 August 2020]

presented under five main sections, where opportunities and strengths, as well as the main risks and challenges, are highlighted in each section and subsection¹⁸⁶.

In this regard, it is interesting to observe what has emerged in the report by taking into account the section 2, namely “the Foundation”, where an evaluation of the legal framework of the Country was provided. The report began underlining the importance of the new changes of the Olympic Charter and the IOC’s role to ensure the respect of such principles. Thus, although the evaluation process for the 2022 Olympic Winter Games was well underway when the IOC Session unanimously approved Olympic Agenda 2020 in December 2014, changes to the Olympic Charter have been putted in place. It means they were applicable also for Beijing.

These changes concerned workers’ rights, sexual orientation and sustainability, all linked to the fundamental Principles of Olympism which set forth that “the enjoyment of the rights and freedoms set forth ... shall be secured without discrimination of any kind, such as race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status¹⁸⁷”. As stated in the Commission report, the IOC has the duty to ensure that, the provisions contained both in the Olympic Charter and in the Host City Contract, are fully respected for the benefit of all Games participants. Thus, during the evaluation process, the Commission examined a number of potential risks and opportunities related to the principles and values of Olympism which go beyond purely technical matters. These were discussed with each bid committee and the respective authorities during the visits¹⁸⁸. Apparently, anything was noticed by the IOC authorities.

Second, in the section is reported that the Commission considered statements and opinions from independent third-party reports with regard to environmental protection, treatment of detainees, media freedom, Internet access, right to demonstrate, and the

¹⁸⁶ 2022 EVALUATION COMMISSION, Report, p. 8. Available at: https://stillmed.olympic.org/media/Document%20Library/OlympicOrg/Documents/Host-City-Elections/XXIV-OWG-2022/Report-of-the-IOC-Evaluation-Commission-for-the-XXIV-Olympic-Winter-Games-2022.pdf#_ga=2.66360558.1372885465.1600679891-1399649520.1599925281

[accessed 10 August 2020]

¹⁸⁷ Ibidem

¹⁸⁸ Ibidem

integrity of the judicial and electoral systems. When the Commission raised these issues with Beijing it sought assurances that the Host City Contract and the Olympic Charter would be respected for all participants of the Olympic Games and in Olympic related matters. Written assurances were provided, by the Chinese authorities, regarding the following matters: human rights, the right to demonstrate, media freedom to report on the Games with no restrictions on the Internet, labour rights, displacement and environmental protection. The Commission, in the light of China's experience from organizing the 2008 Olympic Games and the 2014 Youth Olympic Games, was confident about Chinese government to take all the necessary measures to ensure the Olympic Charter and Host City Contract would be respected¹⁸⁹.

Third, doubt may arise when the Evaluation Commission affirmed to have considered statements and opinions provided by independent third-party reports. In the list of third-party external reports published in the report, in the section "human rights" the Commission mentioned the American based NGO Human Rights Watch.

Now, it is neither possible estimate how the Commission relied on the reports nor on which basis the Commission was confident about China's commitment with regards of the mentioned issues. What is possible to do, is to briefly consult the Human Rights Watch China's Country Report of 2015 that provides information about China's human rights record during the evaluation period in 2014.

China's county report highlighted, among the others, several issues concerning human rights defenders since activists increasingly faced arbitrary detention, pervasive ethnic discrimination, severe religious repression in the Xinjiang Uighur Autonomous Region, restrictions on religious freedom and freedom of expression¹⁹⁰.

Causality wanted that right in that report a special focus on mega sport events and human rights was issued by the Human Rights Watch Director of Global Initiatives, Minky Worden. The Director expressed its concerns about China's candidature by underling issues related to press freedom records and journalists languishing in jail, migrant workers engaged to build new stadiums that were at risk to face exploitation and dangerous

¹⁸⁹ Ivi p. 73

¹⁹⁰ Ivi pp. 156-158

conditions¹⁹¹. In addition, the report highlighted that, since 2013, authorities unleashed an extraordinary assault on basic human rights and their defenders with a ferocity unseen in recent years. What emerges from HRW's report gives a very contradictory result: the Evaluation Commission, by taking also into account reports produced by third-state party, was confident to China's commitment while, on the other side, Human Rights Watch hardly condemned China's behavior.

However, on 31 July 2015, during the 128th IOC Session in Kuala Lumpur (Malaysia), Beijing was awarded as 2022 Winter Olympic host city with a final vote of 44 points against 40 received by the opponent city, Almaty.

The decision rapidly raised public attention and China was under the international spotlight, again. When the decision to award Beijing was spread world widely, Human Rights Watch immediately intervened with a very heavy statement against the outcome of the 128th IOC Session. The same day of the election, HRW China Director, Sophie Richardson, commented the decision stating that "the Olympic motto of 'higher, faster, and stronger' is a perfect description of the Chinese government's assault on civil society: more peaceful activists detained in record time, subject to far harsher treatment. In choosing China to host another Games, the IOC has tripped on a major human rights hurdle [...] the IOC's awarding of the 2022 Olympics to China is a slap in the face to China's besieged human rights activists¹⁹²".

HRW highlighted how China's environment rights was deteriorated and worsen in the last two decades under the new Xi Jinping's administration. Since 2013, the authorities have arbitrarily detained and imprisoned hundreds of activists, harassed and shuttered several key nongovernmental organizations. The government has renewed efforts to maintain a chokehold on expression on the Internet and in the media and has promoted

¹⁹¹ WORDEN M., *Raising the Bar: Mega-Sporting Events and Human Rights*, 2015, pp. 34-35. Available at: <https://www.hrw.org/world-report/2015/country-chapters/global-1#7e9b6b> [accessed 13 August 2020]

¹⁹² HUMAN RIGHTS WATCH, *China: Ensure 2022 Olympics Won't Fuel Abuse*. Available at: <https://www.hrw.org/news/2015/07/31/china-ensure-2022-olympics-wont-fuel-abuse> [accessed 25 August 2020]

greater adherence to correct ideology and the supremacy of the Chinese Communist Party¹⁹³.

The 2008 Olympiad legacy left space to more concerns over PRC's policies, a situation that, instead of improving over time, has degenerated in recent years. It is really hard to believe that the upcoming 2022 Winter Games will help to improve human rights environment in China since the government's actions appear to be more repressive, antidemocratic in line with a properly authoritarian administration.

2.1. Criticisms

In the last two decades, the People's Republic of China, despite some initiatives to show its humane side in the international sphere, has been at the center of the debate more for its bad reputation due its bad human rights record. Starting from the 1989 Tiananmen Square episode through the 2008 Olympiad, the Chinese government has always been involved in some scandal that have disturbed the public opinion. Now, the recent Strike Hard Campaign in Xinjiang became the target of a massive opposition and hard criticism from all around the world. Of course, under this environment of criticisms and scrutiny there is not only Xi Jinping's government but also the IOC and its President Tomas Bach, already target of a widespread criticism after the reelection of China as hosting country for the Olympic.

While we are familiar to stance and recommendations made by human rights NGOs, such as Amnesty International and Human Rights Watch, less common is the involvement of politics. On 4th October 2018, the European Parliament issued a resolution on mass arbitrary detention of Uighurs and Kazakhs in the Xinjiang Uighur Autonomous Region. MEPs expressed their concern about the suppressive regime imposed on different minorities, in particular Uighurs and Kazakhs, and about the threat to their rights to freedom of cultural expression and religious belief, speech and expression, and peaceful assembly and association. In addition, concerned by the numerous allegations of poor conditions, torture and deaths inside the camps, the European Parliament called up the

¹⁹³ Ibidem

Government to allow free, unhindered access for journalists and international observers to Xinjiang province and to immediately end the mass arbitrary detention, to close all camps and detention centers and to release detained persons immediately and unconditionally¹⁹⁴. Same concerns and further calls to action were reconfirmed in another resolution issued one year later.

In the same week, on the basis of the findings worldwide spread about the situation of Uighur, US Senator Marco Rubio and representative Chris Smith, called on the IOC to reassign the hosting rights for the 2022 Winter Olympic and Paralympic Games¹⁹⁵.

On July 2019 for the first time, a group of 25 states issued a joint letter, to the attention of the UN Human Rights Council, raising concerns about PRC's policies in the Xinjiang¹⁹⁶. A similar statement was also delivered by Ambassador Karen Pierce, UK Permanent Representative to the UN, at the Third Committee session on the Committee for the elimination of racial discrimination¹⁹⁷.

Most recently, the 8th September 2020, Mandie McKeown, Campaigns Coordinator, International Tibet Network, on behalf of 165 global organizations, delivered a joint letter to the attention of the IOC President Bach inviting the IOC to “reverse its mistake in awarding Beijing the honor of hosting the Winter Olympic Games in 2022”. In the petition are highlighted human rights violations occurring throughout China territory, Xinjiang and Tibet. By recalling the 2008 promises and failure, they underlined how this event has only “merely emboldened the Chinese government’s actions” and, since then, a systemic environment of violations has been instituted by the PRC¹⁹⁸.

¹⁹⁴ European Parliament, European Parliament resolution of 4 October 2018 on mass arbitrary detention of Uyghurs and Kazakhs in the Xinjiang Uyghur Autonomous Region (2018/2863(RSP))

¹⁹⁵ INSIDE THE GAME, *US Congressional panel calls on IOC to strip Beijing of 2022 Winter Olympics*. Available on: <https://www.insidethegames.biz/articles/1070936/us-congressional-panel-calls-on-ioc-to-strip-beijing-of-2022-winter-olympics> [accessed 5 September 2020]

¹⁹⁶ Accessible at:

https://www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf [accessed 5 September 2020]

¹⁹⁷ UK Government. Available at: <https://www.gov.uk/government/speeches/joint-statement-on-xinjiang> [accessed 5 September 2020]

¹⁹⁸ Full petition available at: <https://adnasia.org/international-olympic-committee-2022-joint-letter-beijing-winter-olympics-2022/> [accessed 10 September 2020]

A very laudable stand was recently taken by the famous giant Swedish fashion brand H&M. In a public statement announced that, in accordance with the UN Guiding Principle on Business and Human Rights, the H&M Group would cut all ties with its Chinese supplier in Xinjiang due to alleged use of the forced labor of Uighur Muslims¹⁹⁹.

As argued before, China has ties with a long list of countries that apparently embrace the same conduct of the Asian country. Also for the case of the 2022 Olympic Games, whether some governments condemned China's conduct, other were all too happy to embrace Beijing. In response to instances of collective criticism issued in the joint statements we mentioned, the Chinese government, in addition to the two white papers above mentioned, organized its own joint statements of support, which shamelessly applauded its "counter-terrorism and de-radicalization measures in Xinjiang" that have led to a "stronger sense of happiness, fulfillment, and security." Up to 54 governments signed on, including such notorious human rights violators as Russia, Syria, North Korea, Myanmar, Belarus, Venezuela, and Saudi Arabia²⁰⁰. In addition, seeking to defend its image in front of this widespread criticism, as discussed in the second chapter, China's State Council Information Office published the two official documents about the situation in Xinjiang both in 2019 and 2020.

While the Chinese government tried at least to soften its position, official statements on the matter were not released by the IOC President. In July 2020, during the first ever remote conference held by the International Olympic Committee, Thomas Bach remarked his confidence toward the Chinese government affirming that "China will fulfil its

¹⁹⁹H&M GROUP STATEMENT ON XINJIANG. Available at: <https://hmgroupp.com/content/dam/hmgroupp/groupsite/documents/masterlanguage/CSR/Policies/2020/Xinjiang%20Statement.pdf> [accessed 20 September 2020]

²⁰⁰ HUMAN RIGHTS WATCH, *World Report 2020*, p. 9. Available at: https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf [accessed 20 September 2020]

commitments to human rights amid criticism of its treatment of Uyghur Muslims²⁰¹". Indeed, the IOC's Coordination Commission for the Olympic Winter Games Beijing 2022 praised the progress being made by the Beijing 2022 Organising Committee describing Beijing 2022 as one historic occasion for the Games that are scheduled to make China the first city to host both Summer and Winter Olympics. "This is something very significant for the entire Olympic Movement," said Bach²⁰².

Differently from the 2008 Olympiad, where the IOC sponsored the human rights advancement through the games, Bach mentioned the Uighur's issue only after the Xinjiang's question reached a massive global attention that a mention on matter was inevitable. He apparently decided to neither assume a position nor to public acknowledge the ongoing situation in China and in the Xinjiang region. The human rights approach upheld in the last years seems to do not have space in Bach's administration that surely will face further pressure by civil society organizations, activist and States' representatives, within two years to the 2022 Winter Games start.

2.2. Estimating the 2022 Olympic Games

Although the 2022 Winter Games have not taken place yet, the two Olympics have already many features in common. Whether Presidents change through the years, government's policies are oriented in the same and oppressive way. The main actor remains the government while the antagonist changes. Whether in the 2008 Olympic Games the enemy was represented by the Tibetans' dream of independence, now the antagonist to fight is the aspiration of independence auspicated by the Uyghurs ethnic minority group. The two Olympics serve also a timeline to observe how, through the years, Chinese policies are far to be in line with current international human rights

²⁰¹ South China Morning Post, 2020. Available at: <https://www.scmp.com/sport/other-sport/article/3093735/beijing-olympics-ioc-chief-thomas-bach-says-warning-against> [accessed 24 September 2020]

²⁰² INSIDE THE GAMES, *Bach praises progress as Beijing 2022 countdown passes 500 days to go*, 2020. Available at: <https://www.insidethegames.biz/articles/1098731/bach-interview-beijing-500-days-to-go> [accessed 24 September 2020]

provisions. Twelve years from the first Games hosted in Beijing, the oppressive system established in Tibet has been reconfirmed and tightened now in the XUAR.

Both for the 2008 and already for the 2022 Olympic Games, the environment created by China appear in complete contrast with the Olympic Charter and the new provisions provided by the Bach's administration. As discussed in the first chapter section 2, part of the Olympic Charter's principles are inspired to the Universal Declaration of Human Rights. As for the 2008 Beijing Games, the policies enacted by the government, such as the severe repression in Tibet, clearly do not reflect the Olympic spirit which requires mutual understanding with a spirit of friendship, solidarity and fair play. The environment established for the upcoming 2022 Games appear already in contrast both with the Charter and new IOC's initiatives such as the Agenda 2020 and the 2022 Host City contract protections provisions. The promotion of human dignity and the recognition of the universal enjoyment of the rights and freedom set forth in the Olympic Charter clearly did not match the violations registered in 2008 and the ongoing inhumane practices in the Xinjiang as well.

Whether the IOC decided to do not intervene on the matter of the Xinjiang's policies, it would have at least been concerned about the effect of these policies towards the Uyghur's athletes as it represents one of the most important world sport institutions. There are already been registered cases of discrimination and forced detainment of Uyghurs sportspersons, guilty of have travelling for sport purpose while other non-Uyghur participants in these training exercises from China were not punished²⁰³. Efran Hezim, a professional Uyghur soccer player, was transferred in a political-educational camp for eleven months in 2018 and 2019. He was charged for have travelling overseas to United Arabic Emirates and Spain where, just as his teammates, he participated to soccer training camps and matches²⁰⁴. Thus, since the United Arabic States are mentioned in the official

²⁰³ CARRICO K., in *the 2022 Winter Olympics and Beijing's Uyghur Policy: Sports in the Shadows of Concentration Camps*, UYGHUR HUMAN RIGHTS PROJECT SPECIAL REPORT, p. 9.

²⁰⁴ GAN N., in *Rising Uygur soccer player Erfan Hezim back with Chinese team after release from Xinjiang internment camp*, South China Morning Post, 2018. Available at: <https://www.scmp.com/news/china/politics/article/2187101/rising-uygur-soccer-player-erfan-hezim-back-chinese-team-after> [accessed 15 October 2020]

list of 26 Sensitive Countries, the Uyghur athlete was “justifiably” interned in the political educational camps and thus prohibited to take part in sport events during the detaining period.

In view of the forthcoming Olympic games editions, Tokyo and Beijing, the IOC should commit itself to avoid that situations like the case of the Uyghur professional player could take place in the future. Where the IOC refrain to comment mere internal situations, it should at least guarantee the respect of the practice of sport as it is considered a human right enjoyable regardless any kind of discriminations.

The environment created for Beijing 2022 is very similar to the one had in the 2008. It is very hard to believe that the situation may change its course toward a more respectful and human rights environment. This negative sensation come out with the reconfirmed inconstancy of the IOC’s and the indifference of the PRC.

Conclusions

This chapter reported examples about the relationships among sport and human rights and the recent human rights initiatives by the IOC. If in the first chapter we have principally described the institutions, the recent reforms and theories around human rights and sport, here we have observed the possibility of the Olympic Games to enhance human rights reforms in a country, China, known for its bad reputation. In the light of the violations highlighted in the second chapter, what has emerged is that, despite countries committed themselves to respect human rights under international human rights instruments and bodies, not always this commitment refrain states to adopt abusive practices within their territories.

The question about the possibility to advance reforms trough the Olympic Games has a negative response. In the first sections, observing the 2008 Olympic Games, emerged that, although the beginning promises made by the PRC and the confidence of the IOC, no concrete human rights reforms have been enacted. In fact, as reports have demonstrated, before, during and after the Beijing Olympiad the situation has worsen and increasing human rights violations have been registered. The 2008 Games have raised a lot of concerns and doubt about the possibility to effectively advance reforms within the game. Furthermore, the Games revealed a sort of myopia of the IOC to take actions or at least to take a position to end these abuses. A stance that has been confirmed in the second

section where, taking into account the upcoming 2022 Winter Games, it has been observed ongoing human rights violations perpetrated by the PRC. Violations accompanied by the stunning silence of the IOC that, despite a massive international opposition to the game, have not taken actions against China so far.

General Conclusions

As observed in this research, the dialogue of sport and human rights has changed over time. The dialogue shifted to a new approach that consider the realm of human rights in the context of mega sport events.

The decision to award China to host the 2008 and the 2022 Games provides different point of interests that need to be discussed in the light of the content of this research.

The first point of discussion regards the main question from which this thesis started: the possibility to turn the organization of a mega sport event as a stage for successful reforms has not a positive outcome. The 2008 edition, rather than serve as a catalyst for human rights, it worsened human rights situation in China.

Far from the positive outcome had in Seoul in 1988, the 2008 Olympic Games' test to demonstrate the possibility to improve human rights standard was a total failure in 2008. As observed in the third chapter, the high number of human rights violations registered before, during and after Beijing 2008 revealed the failure to maintain the promises made at the beginning of the twenty-one century.

As for the 2022 Games, considering that the environment created is very similar to the one had during Beijing 2008, is very difficult to predict a positive outcome for two reasons. First, there is a different context between the two Olympic. In fact, whether the 2008 Game would have served to improve human rights in China, the upcoming edition does not have the same assumption. Second, the PRC's policies reconfirmed its adversity toward human rights in the country. Thus, it might possible that even in this edition our question will not have a positive outcome.

Another point of discussion concerns the China's status in the period of the Games characterized by an increasing strengthen of its position due to condescending impunity. Where few reforms sought to improve the situation, harsh policies continued to be enacted by the government. The few available instruments to condemn China's behavior did not often affect the CCP which has proved to be ready to dismiss all the accusations.

Whether internally the 2008 Olympiad boosted the Chinese nationalism, the economic growth enhanced China's position in the international relations that confirmed the country as one of the most influent and powerful. The winning bid to host the 2022 Winter Games

confirms this scenario. In fact, a country that has no winter sports tradition is using the event to promote winter sports industries and to demonstrate how a city with no local winter sports facilities is preparing for such an event, and how it is using the event to demonstrate national pride, and as a catalyst for urban regeneration and regionalization²⁰⁵. This event will strengthen China's presence in the international scene and, with more allies to rely on, is once again ready to show its greatness to all.

Third, the decision to award Beijing arrived unexpectedly. The election came in the moment when the IOC started to advance new human rights-based initiatives and thus, the reelection of Beijing to host the upcoming game raised many doubts about the reliability of IOC's commitments.

The decision to award China demonstrated incongruence between the debated new IOC's approach and the election. This incongruence was demonstrated when, during the evaluation stage (*see p. 76*) the written guarantees provided by China clearly did not match the existing accuses to which China was (and still is) charged.

Up to now, President Bach has never issued a public statement or took a stance with due respect of the Xinjiang situation, apart expressing its confidence about China's capability to solve the question about the "criticism to the treatment...". Perhaps, even the IOC has understood that deal with human rights is a serious matter. This consciousness has been reached after the 2008 Games when easygoing statements, about the success of the game to improve human rights, were released both by the IOC and the PRC.

Finally, the theories mentioned in the first chapter found their application for the case of China. The disempowerment theory advanced by Brannagan is confirmed in two moments. The first episode was given by the 2008 Olympiad when China's practices became the object of a general condemnation, even before the Games started. Similar is the case of the upcoming Winter Games, already at the center of a greater discussion and criticisms, as observed above. As for the two forms of soft politics suggested by Horne, they perfectly match with the 2008 Games. In fact, while China was affirming its brand identity, the Games became the stage where activists started to protest against government's policies both in Tibet and within China's territory (*see pp. 67-68*).

²⁰⁵ *Supra note 165*

Within two years to the 2022 Beijing Winter Games, it is the time for the Olympic Movement to take serious actions. The 2022 Winter Olympics in China can be the scenario in which the IOC can really demonstrate that the recent developments are not only based on a mere theoretical dialogue but are the results of a real commitment of promotion of human rights.

Of course, we are aware that the International Olympic Committee neither is the organ that should resolve all China's human rights problems nor has the tasks to deal with the ongoing situation. But if the aim of the organization is to combine sports and human rights or to use sport as a mean to promote human rights, the IOC should undertake a precise position. The IOC could at least join all the actors demanding China to allow journalists to have access to the political educational camps. Transparency could be a key both for China and IOC to dismiss all the accusations.

Thus, affirmed the existence of this human rights approach embedded by international sport organizations, automatically some doubts may arise when low human rights countries are awarded to host these events. If the aim is still to promote reforms, doubts seem to do not have a response when a country, such as China, is awarded again to host the Olympic Games.

While waiting a serious and concrete response from President Bach, it might be possible to confirm that mega sport events, where they are not able to be a driver for social change, can help to raise awareness and concern about worldwide human rights violations.

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