

Violation of Economic, Social and Cultural Rights (ESCR) in the US and China

By [Prof. Joseph H. Chung](#)

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[We repost this article by the late Prof. Joseph H. Chung, first published by GR in March 2022. Prof. Chung was an indefatigable voice on the politics of Asia-Pacific, especially on the dynamics of the Korean Peninsula.]

Introduction

The civil and political human rights (CPR) require that the government should not interfere in people's efforts to assure freedom of speech, freedom of press and other types of freedom. If the government prevents the freedom, it violates the CPR.

*On the other hand, the economic, social and cultural human rights (ESCR) refer to the people's right to a decent and dignified life. To be more precise, **the ESCR means the right to decent housing, enough foods, sound clothing, effective public health, rewarding education, fair equality and other goods and services.***

It is the government's responsibility to provide these goods and services or, at least, create the conditions and environment which facilitate the access to these rights. If the government fails to provide these goods and services, it violates the ESCR.

In this paper, I will discuss to what extent China and the U.S. violate the ESCR. This paper has the following sections.

First, I will compare the economies of China and the U.S., because the level of the economy has significant bearing on the ESCR. In principle, the higher the level of the economy, the greater should be the protection of ESCR. So, a priori, one should expect that in the U.S. the ESCR should be better protected than in China.

Second, I will compare the degree of the violation of the ESCR in China and the U.S. The comparison will be done for each type of the ESCR.

Third, I will discuss the impact of the corruption culture on the SECR.

Fourth, I will sum up the findings of this paper.

U.S. Economy and Chinese Economy

Before anything else, the speed at which the Chinese economy has been catching up with the American economy is just amazing. The following table shows some of the amazing features of the Chinese economy.

It is amazing to see that Chinese nominal GDP is already 72.4% of the American GDP. In the past, no country had its economy passing beyond 40% of the US economy. The Japanese economy once represented 37% of the American economy. If we consider the purchasing power parity, the Chinese GDP (PPP) already went beyond the American economy.

Yet, China is still a poor country. Its nominal per capita GDP is still 16.8% of the American per capita GNP. Therefore, we would expect that the economic, social and cultural rights be better protected and promoted in the U.S. But, as we will see, that is not the case.

Table: Economy of China and the U.S. 2021

GDP, GINI, Population	China	U.S.	China/US(%)
GDP(nominal)(\$ trillion)	17.96	24.79	72.4
GDP(PPP)(\$ trillion)	29.49	24.79	118.0
GDP/capita (\$)	12,551	74,725	16.8
GDP(PPP)/capita(\$)	20,682	74,725	27.3
Gini coefficient	47(2018)	49(2021)	95.9
Population (million)	1,412	332	4.25 times

ESCR Violation in China and the U.S.

The following areas of ESCR violation are discussed: inequality of income, housing right, medicare right, education right and group right.

Inequality of Income

China: There is little data on the state of inequality in China. One of the indices of the shape of income distribution is the Gini coefficient which varies between zero to 100. The higher the Gini coefficient, the more skewed is the income distribution in favour of the rich. In recent years, the Gini coefficient was 47 in China as against 49 in the U.S.

The Gini coefficient is supposed to decline as the per capita GDP increases. As we saw in the table above, the Chinese per capita GDP is mere 16.8% of the American per capita GDP. Yet, the American income distribution is abnormally unequal in favour of the rich. Here are some of the data which attest to this reality.

- 70% of households has had zero net asset increase in the period 1989-2019
- The top 1% of households gets 32% of household assets
- 40 million households find themselves in poverty representing 12% of the total number of households
- New York Times (2019.09.10) reported that the rich lived longer than the poor
- The chief executive of the largest MNE gets hourly income which is the annual income of the average worker
- Ten CEO of S&P 500 Index Companies earn 1,000 times the income of ordinary worker
- The US Congress refused for decades to increase the minimum wage of \$7.25

Housing Right

China: The Chinese housing system is based on the government's land ownership and privatization of construction, distribution and management.

In the 1980s, 90% of the housing stock was rental and the rent was 1% to 3% of tenant's income. However, in the period 1996-1998, 60% of the housing stock was sold to individuals. **In 2020, 95% of the housing stock was owner-occupied.**

The notion of home ownership is unique. The land belongs to the state so that the home owner is a tenant to be exact. The owner buys the occupation-right for 70 years without paying tax except once at the time of the contract. This is intended to prevent real estate speculation. Lately, there was a scandal of the Construction Company, Evergrande's real estate speculation. But this was for the non-residential properties.

The Chinese housing system allows the citizens to spend a lifetime rental dwelling with relative security and safety with little fear of eviction.

In China, there are homeless people, but they are the victims of natural disasters. They are not homeless due to the shortage of dwellings or housing discrimination or excessive rent burden.

US: In the U.S., the production, distribution and management of housing is determined by the free market relying on the "invisible hands" (the price mechanism). However, the invisible hands become visible (real estate speculation and corruption of the real estate market) and distorts the housing market.

The textbook of microeconomics says that in order for the invisible hands (the price mechanism) to work, there should be no monopoly, no oligopoly; both the consumer and the supplier of housing should have complete market information, the houses should be geographically mobile. We know that such market does not exist.

The worst condition which prevents the housing market from doing its job is the distorted income distribution in favour of the rich. As we saw above, the American income distribution is the most distorted among the developed countries.

It is not surprising that the home ownership in the country of Uncle Sam dropped from 70% in 2004 to 60% in 2016. But, in 2022, it rose to 64%.

The home ownership is the central component of the "American Dream." It is now threatened.

No less than one third of Americans live in rental dwelling. The problem is the fact that the great number of tenants has to allocate more than 30% of their income. If the rental burden exceeds 30% of income, the tenant has to sacrifice other expenses, especially, those for children education and health care.

In 2022, 40% of American tenants pay more than 35% of household income.

In the United States, one of the ugly phenomena is the increasing number of the homeless. They occupy a whole block of cities and even threaten the safety and hygiene of the city population.

In the U.S., in 2019 no less than 568,000 people were the homeless. In Los Angeles alone, there were 41,290 homeless people in 2019. In New York City, in 2019, there were 48,690 homeless people.

Medicare Right

China: In the public health programs, there is the basic medical insurance and supplementary medical aid for the poor.

There are two Basic Medical Insurance systems: the employee basic medical insurance (EBMI) and residential basic medical insurance (RBMI).

In China, 95% of Chinese has medical insurance. The rate of reimbursement is 70% to 80%. As for the medical aid, since 2018, 480,000,000 low income people benefitted from it.

US: The U.S., the richest country in the world has one of the most complex piecemeal and the most expensive health insurance system in the world. In 2019, 56% of American population had private insurance, of which 50% was employer initiated insurance, the remaining 6% being non-group insurance.

The government-run insurance programs comprise the Medicare and the Medicaid. The Medicare is for the old-aged people of 65 plus and some young people. No more than 14% of Americans benefit from it. On the other hand, 20% of Americans benefit from the Medicaid program. This program is for low income people. In addition, there is the military medical insurance.

The American health system has two basic problems.

First, almost 10 % of Americans have no medical insurance. It is just incredible to see that the wealthiest country in the whole cannot provide minimum medical insurance to all citizens.

Second, it is too expensive. The average annual medical expenditure of Americas is as much as USD 12,000. As long as more than half of the entire population have to rely on private insurance companies for medical service, the cost of medical service is bound to rise.

According to the LA Times (2019.01.23), about 65,000,000, representing 19.0% of American population cannot have medical treatment due to cost. And, 15,000,000 are unable to pay prescribed drugs.

Education Right

China: In China, the citizens have access to free public education including post-secondary education. Nonetheless, at the college level, students are expected to pay \$400 to \$2,200 a year. At private colleges, students pay up to \$9,000. It is estimated that the cost which the undergrad students pay is 2% of what undergrad students pay in the U.S.

US: The American education system is perhaps the most sophisticated system in the world. It is also the most expensive system in the world. This is translated by students' debts. To illustrate this point, it is known that in 2019 students' debts were as much as USD 1.5

trillion, which was the South Korean GDP. Moreover, as many as 18% of the total number of 2-year college students are homeless students.

It is true that the American education system produces many of the best brains in the world. But, it produces also the inevitable consequences of alienating the less educated and increasing the risk of violating the human rights of the weak.

I think that it is important that graduates of the ivy league universities and the big businesses leaders should be aware of the fact that they are there at the top of the social hierarchy due partly to the public goods (social and industrial infrastructure facilities, national defence, security, diplomacy, public education and so many other public goods) produced by the whole of the population including the poor, the weak, and the less talented.

They should not think that they are at the top of the society due to their competence alone. They should not ignore their obligation toward the poor, the weak and the less talented.

I am asking: “Does the CEO of a large corporation have the right to earn in one hour what the average worker earns in one year?”

Minority Group Rights

China: In China, 90% of the population is represented by the Han Chinese. There are 58 minority racial groups. There are no reported cases of the violation of group rights.

However, in the region of Guangzhou, the place of the concentration of **African population**, in some restaurants, one reads “The Africans are not allowed to restaurants.” This is clearly a violation of the Africans’ rights to choose the place to eat.

The U.S.: In the U.S. we see the wide spread phenomena of group discrimination leading to the negation of the access to the right of decent and dignified life. We see bellow some cases of the violation of group rights.

Afro-American are easy victims of judicial and penal system discrimination. They are 5.9 times more likely to be incarcerated. As for the religious discrimination, no less than 82% of **Muslim Americans** admit to have had experience of religious discrimination.

The results of the Pew Research Center Survey 2019 “Race in America” are interesting:

- 46% says that the government has no done enough for racial discrimination
- 58% says that the situation is getting worse
- 76% of **Afro-American and Asians** had racial discrimination experience
- 58% of **Latino** had the same experience
- Here is the proportion of those who said that it was Donald Trump who made the situation worse: **Afro-American**, 73%; **Latino** 69%; **Asians**, 65%

The women are the very vulnerable victims of discrimination. In fact, the US does not seem to have a sincere wish to prevent discrimination against women; the US has not signed the international convention on the Elimination of All Forms of Discrimination against women.

Here is some of information on the seriousness of discrimination against women.

According to the Website of the Everytown Research Report (2019.10.17), the US is the most dangerous place for women in the world.

- In 2015, 92% of women killed with guns in high income countries took place in the US
- In the US, women are 21 times more likely to be killed by guns than in peer countries
- 50% of women killed by guns is by present or former intimate partners
- Every day, 50 women are killed by intimate partners
- 4,500,000 women are threatened by guns
- A CNN Report says that 70% of women have had experience of sexual violence in life
- The Jama International Medicine reports that 3,000,000 women aged 18-44 were raped at the first time they had sexual relation
- UN Women Report (2019.11.24) says that 24% of female undergrad of universities are sexually assaulted

In the U.S., the worst kind of racial discrimination is the **hate discrimination**.

- The US Today (2019.06.27) reports that at the college campus, 122 extreme racial propaganda were published in 32 states
- In 2019, in El Paso, 22 people were killed by white supremacists
- On 2019.12.17, the Mississippi prosecutor has excluded Afro-Americans from trials since he took office.
- According to the FBI 2019 Report, among 1,617 victims of antireligious hate, 56.9% was against Jews and 14.6%, against Muslims
- FBI Data (2019.11.11) show that, in 2018, of 7,036 hate crimes, 57.5% was against race/ethnicity/ancestor biased; 42.1% .
- The Guardian Website (2019.08.04) reported that in Walmart Supermarket in a Texas Border city, a 21-year-old boy, **Patrick Crucius**, drove 650 miles to kill 22 people for the reason for their being Hispanic.
- According to CNN Report (2019.12.2), 14-year girl was walking to Indian Hill High Junior School, when a vehicle drove on the sidewalk and ran over the girl

The discrimination against **indigenous people** is still there; 28% of them had had discrimination experience. The Republic Radio (2019.11.18) says that a considerable number of indigenous households have no plumbing facilities.

The **job discrimination** is also threatening **Afro-Americans-Latino-Asians**. They represent 36% of American population but they take up 58% of miscellaneous jobs and 70% of baggage porter jobs, bell hop jobs or concierge jobs.

- In 2018, the income of Afro-Americans was 62% of the white's income.
- According to the Bureau of Statistics (2019. 11.), in 2018, women received 81% of male's wage.
- According to the Huffpost (2019.12.04), the US is the only country that does not guarantee paid time for new mom
- According to the WBUR Report (2019.10.28) on the low-wage jobs, in the case of the white, only 20% had low wage job as against 46% for Latinos

The visible minorities are subject to **racial insults**.

At workplace, the Afro-Americans are often told to “go back to Africa.”

- According to CNN Report (2019.08.28), at the Oklahoma TV Station, white co-anchor called the black anchor as “gorilla.”

Housing discrimination is an integral part of the malaise of the American society.

According to various data sources, 17% of **Native Americans**, 31% of **Latinos**, 25% of **Asians** and 45% of **Afro-American** have had housing discrimination experience. Not surprisingly, only 5 % the white has had the similar experiences.

- The value of dwellings inhabited by the Afro-American worth \$ 48,000 less compared to dwellings inhabited by the white
- The **Native Hawaiian** represent 10% Hawaiian population, but, they represent 39% of homeless
- Among the indigenous people 59 out of 1,000 have no plumbing

The school discrimination is another ugly side of the richest country in the world.

- The white school board gets \$ 13,908 per students as against \$11,682 for the black school board
- The number of enrolment is discriminatory. In the white school board, it is 1,500 as against 10,000 for the black school board.
- Black students are 3 times most likely to be suspended compared to the white students. In the South, 100% of the suspended is the black children

Child abuse is perhaps the worst kind of human right violation.

- Department of Health and Human Service (2019.01.28) reported that there were 647,000 victims of child abuse of which 18.3% was physical abuse and 6.6% was sexual abuse
- In Indiana, in the period, 2016.07.01 – 2017.06.30, 65 children died due to abuse
- The National Center for Education Statistics (2019.04) shows that, in 2017, 827,000 children aged, 12-18, were victims of child abuse of which 503,300 took place outside the school

The abuse of the elderly is also a part of human right abuse in the U.S.

- According to the Elderly Feeding America (2019.09.19), 5,500,000 of persons aged of 65 plus did not have enough foods to eat.
- In Albany, at the nursing home, the inhabitant has to pay daily as much as \$400, even if they qualify for medicaid; it amounts to \$146,000 a year.
- Medical Exports Report (2019.06.14) reports that 16% of the elder is victim of mistreatment, financial exploitation, neglect, physical abuse, psychological abuse and sexual abuse.
- In 2017, ne less than 8,500 elders killed themselves

The disabled are deprived of care which they are entitled to get.

- The Center for American Progress Report (2019.07.26) said that 25% of the disabled had no job
- According to Chicago Tribune (2019.07.26), a disabled person has to wait for 7 years to get into home care
- The LA Times (2019.04.01) shows that, due to government oversight, low rental housing has no facilities for wheelchair needed to go to bathroom and kitchen

The migrants are also mistreated due to the 2018 zero-tolerance set by Trump.

- The American Civil Liberties Union (ACLU) shows that 5,400 children are separated from their parents at the Mexican border
- As of 2019, 2,838 children lived in poor facilities

Corruption

The corruption of political leaders and military leaders is one of the most important factors of human right violation.

China: The corruption of political leaders and military leaders is one of the most difficult challenges to handle in China. More than millions persons have been punished and, in many cases, they have been executed. But, corruption is still a part of the Chinese society.

The U.S.: In the U.S., the corruption of the political leaders can be guessed in terms of political lobbying. It is said that a few tens of thousands of lobbying people are operating in Washington. Lobbying is, in fact, the bribery paid by individuals, businesses and other organizations to politicians in order to obtain privileges which may be legal but immoral.

The problem of the lobbying culture in the U.S. is the fact that those who are not rich enough to pay the bribes are penalized in the allocation of public goods, which ends up by violating the rights of the weak and the alienated.

In the U.S. the Congressional election cost \$5.7 billion. The Republican **Rick Scott** spent \$6.3 million. In 2018, the largest donor gave \$436 million to the PAC (Political Action Committee). This shows to what extent the American politics is governed by money and why the poor and the weak have little voice in politics.

Conclusion

In this paper, I have tried to compare the state of ESCR violation in the two global super powers. I admit that it is not always easy to judge the gravity of the violation of these human rights, because the capacity of protecting them varies greatly in relation to the level of economic development and the distribution of the fruits of economic development.

For the developing countries, it can be difficult to provide decent housing, adequate public health, productive education and other needed public goods.

Therefore, the debate is concerned with the capacity and the willingness of developed countries to provide these public goods, which varies in regime type.

In the neo-liberal countries represented by the U.S., the possibility of violating the ESCR is high, because in this regime it is the responsibility of each individual to provide what is

needed to have a decent and dignified life.

This regime does not recognize the reality in which the alienation of people is the result of job-killing technologies and irresponsible skewed income distribution in favour of the rich.

Most of the developed countries including Canada have liberal politico-economic regime along with welfare programs. In developed countries with the exception of the U.S., the negative impact of the liberal regime on the unequal income distribution is dealt with by welfare system in which the inequality of income distribution is corrected by income transfer program on the one hand, and on the other, the supply of free public goods such as old-age pension, low cost public health services and low cost education and low-cost housing.

In general, economic, social and cultural rights are better protected by socialist countries for the simple reason that the major part of housing, public health, education and other public goods are provided by the government free of charge. Of course this observation can be modified depending on the quality of public goods and of the leaders' integrity, honesty and dedication to the people's wellbeing.

But, it seems that the violation of economic, social and cultural rights (ESCR) is much worse in the country of Eagle than in the nation of Dragon.

Finally, I sincerely hope that the human right debate should put focus as much on the economic, social and cultural rights (ESCR) as on the civil and political rights (CPR), if not more. After all, if man dies because of poor housing condition, poor health and no job due to poor education, the freedom of speech means little.

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Dr. Joseph H. Chung is professor of economics at the Quebec University in Montreal (UQAM) and member of the Research Center on Integration and Globalization (CEIM) of UQAM.

He is **Research Associate** of the Centre for Research on Globalization (CRG).

Annex

I have done my best to be objective and to compare as much as possible the state of human right violations of the two super powers which can ruin the humanity depending on the course of their mutual relations in years to come. It is understandable for China to wish to develop and make its people proud and happy.

The U.S. has saved the world from the evil of Nazism, Facism and Imperial Shintoism and international

communism. It has ruled the world for almost a century and accumulated power, wealth and privileges.

Since the 1970 visit of Kissinger and the normalization of diplomatic relations with China in 1979, the U.S. has been the principal determinant of Chinese economic success and rising power.

Now China is catching up rapidly with the U.S. in terms of economic development. The Chinese nominal GDP is 72 % of the American GDP. The U.S. feels threatened by China even if China denied its intention of ruling the world. In fact, even if it wanted to, it will be almost impossible to do so partly due to its values.

Nevertheless, Washington regards China as enemy and deploys all means to contain China. One of the favoured weapons is the demonization of the nation-state through human rights violation.

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