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gLAWcal Comment #216

PUBLIC INTEREST LITIGATION OR RIGHTS INTEREST LITIGATION?

Based on

Leila Choukroune “Rights Interest Litigation, Socio-Economic Rights and Chinese Labor Law Reform”



gLAWcal
Global Law Initiatives for Sustainable Development



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A gLAWcal comment on Leïla Choukroune “Rights Interest Litigation, Socio-Economic Rights and Chinese Labor Law Reform” in Paolo Davide Farah and Elena Cima (Eds.) China’s Influence on Non-Trade Concerns in International Economic Law

the Chinese government to handle this question in a manner that prevents as well international criticism by the different global organizations but also the Chinese civil society. In fact, the state not only made amendments to the law and regulations but also adopted legal concepts to guarantee workers rights. The government used the concept of Public Interest Litigation (PIL) that emerged in the first time in the United States (US) in the sixties with the objective of providing remedies for the victims of the state. This notion has been applied differently in the Chinese context. PIL has been modified according to the author into Rights Interest Litigation (RIL) that are specific to China. As such, it would be interesting to examine whether such notion have been successfully used to guarantee socio-economic rights of the Chinese workers.

Often times, the legitimacy of a certain political system could be jeopardized as a result of the lack of satisfying citizens needs. This will specially occur in the context of general grievances that would take place after reaching a breaking point. In this situation, either the system will make concessions and satisfy the people’s needs or these events might lead to a regime change. The principal categories that usually play a great role in these events are the workers that are often unsatisfied with the working conditions, salary and so on. As such, they resort to protests as a means to demand justice by granting them further rights that they are asking for. In the Chapter Rights Interest Litigation, Socio-Economic Rights, and Chinese Labor Law Reform, the author Leïla Choukroune examined the current situation of the Chinese workers. This category of people in the Chinese context is starting to become more and more aware of the rights that as workers they are entitled to under international law with the help of the Chinese civil society. The government acknowledges the importance of solving this problem due to the serious threats that such constant demands would impose on the legitimacy of the Chinese regime. In the wake of the increasing demands of the Chinese workers, the government has resorted to several means in order to deal with this issue. The Chinese rules and regulations regarding labour rights have been emended in order to include further socio-economic rights for the workers which must be granted once they are adopted by a given law. This was the strategy adopted by

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To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal’s publication results.



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