

China: Legal Education

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Human rights education in the People's Republic of China is carried out mainly in the form of legal education, on the premise that enhancing citizens' legal awareness is a prerequisite for the entire society to respect and safeguard human rights. Since 1986, the government has launched a nationwide legal education campaign aimed at turning law into a powerful instrument of the people. Through legal education, citizens are taught about their legitimate rights and the legal means to protect those rights, which, in turn, encourages respect for human rights in the whole society.

General Situation

Since the mid-1980s, China has implemented three five-year plans on legal education. During the first five-year period (1985-1990), 640 million out of 750 million target recipients received legal education. During the second five-year period (1991-1995), the education program taught the Constitution as the core subject while also emphasizing specific laws more closely linked to the day-to-day work and life of the learners. During the third five-year period (1996-2000), in light of the new situation of the "rule of law," the objective of the education program is to transform people's mindset and build up a concept of acting in accordance with law.

Through legal education, legal awareness among most citizens has been significantly enhanced. More and more people who used to be passive law abiders have now become active law users. Recent years have witnessed an increase in the administrative procedural cases in which citizens sue officials.

Through legal education, citizens' consciousness of democratic rights has been raised substantially. More and more people are now taking an active part in political affairs and

democratic voting. For instance, 760 million voters in over 50,000 villages and towns took part in the rural elections in 1997. The rights to vote and to be elected are among the most important of human rights.

Ten years of legal education have witnessed great changes in the working styles of both government leaders and government agencies. They have become more respectful of democratic and lawful procedures in policymaking and administration, knowing that their power is given to them by the people and that if they infringe upon the people's interests, they will probably be brought to court, as the people are now better equipped with legal knowledge.

Legal education is a comprehensive and long-term project being carried out by the government in an effort to guarantee the fundamental rights of the people. The significant contribution it makes to legal construction, democratic construction, and the protection of people's rights will be more evident as time goes on.

Human Rights Education in Schools

Human rights education mainly takes the form of legal education. It is not only part of social legal education, but also a major component

of moral education. It is an important means of teaching students about socialist democracy and the legal system, and of achieving the rule of law.

The government attaches great importance to the legal and human rights education of 320 million school students each year. Article 24 of the Constitution states that the state shall provide legal and human rights education. Article 6 of the Education Law stipulates that the state should provide legal education to students. Article 3 of the Law on the Protection of Minors, Articles 4, 6, and 9 of the Law on the Prevention of Juvenile Delinquency, and other education laws lay down special regulations on legal and human rights education in school.

The three key links in the nationwide legal education program are (i) cadres at all levels, (ii) law-enforcement officials, and (iii) the youth. In December 1995, the State Education Commission (SEDC, predecessor of the Ministry of Education) and the Ministry of Justice jointly issued Views on Enhancing Legal Education in School. In May 1996, the eighth plenary session of the Standing Committee of the National People's Congress adopted The Decision on Continuing Legal Education, in which Article 5 provides that young people should acquire basic legal knowledge, and that universities, colleges, middle schools (including secondary technical schools), and primary schools should offer legal education courses. Grass-roots units should pay close attention to legal education for young people. In August 1996, SEDC issued The Third Five-year Plan on the Implementation of Legal Education in All Educational Sectors, which explicitly provides for legal education in the school system, with principals, teachers, and students at all levels as the target recipients.

Status of Human Rights Education in Schools

Since the early 1990s, schools have systematically implemented human rights education. At

present, educational materials for primary schools, middle schools, and undergraduate and postgraduate programs are taking shape.

According to the state plan, schools of all kinds at all levels should offer courses on legal education or incorporate legal education into relevant courses, and employ full-time or part-time teachers to handle them. Schools are also encouraged to employ after-class tutors. The education programs should be result-oriented by taking into account the age of the students and including basic legal knowledge relevant to their daily life.

At the same time, primary and middle schools should offer courses on moral education, which also teach human rights. The state formulates teaching plans, sets curriculum criteria, compiles textbooks, and assigns full-time teachers.

Primary School

In primary school (5-6 years), 200 hours of human rights education are required, including such major courses as moral education (Grades 1-6, one hour per week), social education (from Grade 3 on, one hour per week), and legal education, which aims to build up legal awareness among the students by teaching them about laws relevant to their daily life. Moral education and social education courses teach students to

- love the Motherland,
- respect their elders,
- live and work in harmony with others,
- love science, and
- have self-esteem.

Such education helps cultivate a basic sense of rights among the students. It also teaches them to follow codes of ethics and discipline and to have good manners. Social communication and democratic participation are also fostered among the students by encouraging them to take part in activities such as monitoring elections.

High School

Legal education and human rights education in middle schools (three years in junior high school, three years in senior high school) focus on democracy and law. They help students

- understand the authority of the Constitution,
- enjoy rights in accordance with the law,
- perform their obligations, and
- have a sense of social responsibility.

Moral education in junior high school includes human rights education. It teaches the students to do good, take care of and help people, take an active part in public welfare affairs, and discipline themselves. The textbook *Traditional Chinese Ethics* teaches classical Chinese virtues:

- respect for the elderly and care of the young;
- harmonious relations with others; and
- forgiveness.

These virtues are all related to human rights. From the second year of junior high school, students learn the following:

- Law is a special norm of behavior.
- The shared home of humankind (Earth) should be protected by law.
- The health of the youth should be guaranteed.
- Citizens' fundamental rights and obligations are stipulated by the Constitution.
- Citizens' rights are guaranteed by law.
- Citizens have marital and family rights and obligations.
- Citizens have the right and obligation to receive education.
- Citizens should exercise their rights properly, fulfill their obligations voluntarily, and learn to protect their rights and interests in accordance with law.

Human rights education helps students learn their rights and obligations in politics, the economy, marriage and family, education, their private life, and elsewhere, as stipulated by law. Special emphasis is given to the rights and freedoms guaranteed by the Constitution:

- right to equality;
- political rights and freedom;
- religious freedom;
- personal freedom;
- right to vote and stand for election;
- right to life and health;
- right to an identity;
- right to protect one's reputation;
- right to privacy;
- right to education;
- freedom of marriage;
- right to criticize and give suggestions to the government agencies and their functionaries;
- right to make a complaint and to file suit in court;
- right to get compensation from the state; and
- social, economic, and cultural rights, etc.

Specific measures to guarantee the rights and freedoms mentioned above are also explained to the students so that they know how to protect their rights through legal means. The Law on the Protection of Minors is also a key component of the course.

Textbooks for senior high schools concentrate on citizens' rights and obligations. They emphasize that citizens, regardless of ethnicity, race, gender, profession, family background, religion, education, property, and length of stay in a place, enjoy equal rights and have equal duties and obligations. No one enjoys privileges beyond those provided by the Constitution and other laws. In addition, a special chapter is devoted to the development of human rights theory and practice in the training materials for senior high school teachers.

College

College students are required to be familiar with the Constitution and other basic laws, and to fully understand the importance and arduousness of democratic and legal construction. They should also enhance their legal awareness and sense of social responsibility. Legal education courses are widely offered in universities and colleges, and are mainly conducted in the following ways:

- Legal education is integrated in courses on politics, socialist democracy, and the legal system as the major content and the Constitution as the core content.
- Core courses are taught on basic legal knowledge. Special lectures tackle other relevant topics.
- Core or optional courses are taught on specific laws.

The Ministry of Education compiles and revises the *Basic Law Program*, and publishes the compilation as a nationwide textbook. Courses on specific laws are also taught in some universities and colleges depending on their needs. For instance, courses on education law and teachers' law are offered in normal universities and colleges; courses on accounting law, auditing law, and tax law are offered in business schools.

Universities and colleges often incorporate human rights lectures into social science courses. Lectures tackle the history and basic theories of human rights and survey ideas on human rights, peace, and democracy in other countries. No less than six hours are spent on human rights in the international law course in law schools. Postgraduate programs also include a series of lectures on human rights.

In order to make legal education more interesting, universities and colleges make full use of after-class activities such as film showings, contests on legal knowledge, legal consultations, attending court trials, etc.

Teacher Training and Research

The state requires that teachers engaged in human rights education at all levels should study the Constitution and acquire a basic knowledge of the law so as to enhance their own legal awareness and set an example for their students. Legal education is a core course for the in-service training of teachers. In order to build a stronger team, schools adopt various approaches to provide systematic legal training for teachers, such as pre-service, in-service, and full-time training.

In order to advance human rights studies and expand international exchanges, human rights research institutions have been set up in schools such as Beijing University, Renmin University, Beijing Normal University, and Capital Normal University. In recent years, scholars in some universities have compiled a number of books on human rights such as *On Western Human Rights Theories*, *New Theory and Practice of Human Rights*, *Human Rights and Human Rights Diplomacy in the United States*, etc. *World Human Rights Laws and Conventions* has been translated into Chinese.

Universities and colleges also carry out human rights education and research by holding direct talks with their counterparts in other countries. Human rights education institutions in some universities in Beijing conduct wide-ranging exchanges with human rights institutions abroad. The participating teachers bring back useful information and incorporate them into their teaching materials, eventually improving the level of human rights education in universities.

Key Issues, Obstacles, and Resolutions

During the 20 years of economic reform and the open-door policy, China has made remarkable progress in education. However, it is a low-income developing country engaged in an enormous educational undertaking. It faces many problems such as the shortage of fund-

ing, a still-high illiteracy rate, and growing ranks of school dropouts. The effectiveness of human rights education to a large extent depends on the realization of the right to education, since only the educated can recognize the importance and necessity of human rights education. In order to raise the people's educational level, the government is attempting to reform the educational system and increase investment in education. Since 1996, the government has implemented the Compulsory Education Project in Poverty-stricken Areas to help spread legal knowledge in rural areas. More than 600,000 school dropouts have received financial assistance and returned to school. Some NGOs and international organizations, including Project Hope, have assisted millions of school dropouts. At the same time, China has achieved a great deal in providing education to disadvantaged groups such as the disabled, women, and girls. All these efforts

serve as a basis for the development of human rights education in China.

Since the implementation of economic reform and the open-door policy, human rights issues have become part and parcel of democratic and legal construction. The government has acceded to a series of international human rights conventions. Many views and theories on human rights have been developed. But over 2,000 years of feudal history remain an obstacle not only to the construction of the rule of law but also to the promotion of human rights education in the school system.

The quality of the teaching staff needs to be improved. For example, in primary and middle schools, over 1 million teachers are engaged in moral education and legal education, but only 60% of them have the academic credentials to teach. In universities, human rights teachers fall short of the demand in both quantity and quality.