

# Human Rights Education in China: Motivations and Difficulties

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**I**N A SOCIETY that lacks human rights tradition, human rights education is perhaps the most efficient way to popularize the concept of human rights, to spread human rights knowledge, to build human rights attitude and to cultivate a human rights culture.

Human rights education is even more important in China compared to other countries. Because of the long-term accumulation of feudal culture, China did not have such experience as the Renaissance movement in western society, which is of great significance for the formation of the concept of human rights.

During the past quarter of century, human rights education has been developing gradually through the effort of the academic community, the support of the government, and the help of international institutions. Since early 1990s, some universities have opened human rights courses and held a variety of human rights lectures that made human rights education one of the most active and vigorous courses in the field of legal education in China. The beginning and development of human rights education in China is not accidental. For quite a long time, the Chinese government practiced the “rule of man” as a basic policy, which reached its peak during the Cultural Revolution. Since the policy of China’s reform and opening up was adopted, the whole society has reached a consensus that the “rule of man” should be replaced with the “rule of law,”<sup>1</sup> which was followed by a vigorous legislative movement including the rewriting of the Constitution.

## Rule of Law and International Standards

Why do we need the rule of law? It is obvious that legislation is not equal to the rule of law. As the Declaration of the Rights of Man and the Citizens states, “A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all.” (Article 16). As the discussion of the aims of the rule of law continued, more and more people realized that “the essence of rule of law is human rights.” “Where human rights are properly protected, there is rule of law.”<sup>2</sup> This philosophy

was also accepted by the Communist Party of China (CPC). As a result, the terms “human rights” and “rule of law” appeared in one document of the 15th Congress of CPC at the same time. Human rights education entered the classroom confidently with this turning point of ideology and rise of theoretical research of human rights.

At the international arena, China reiterated its willingness to respect international human rights standards in order to show that it is a responsible member of the international community and to repair its damaged relations with the West after the Tiananmen Incident. China’s active participation in international human rights affairs and its leaders’ statements about human rights show that the Chinese government is fulfilling its solemn promises to protect human rights; which consolidates the foundation of human rights education.

Despite of these optimistic elements or motivations, human rights education development in reality is not as satisfactory as people expected. There are still some major difficulties to face. The government should adopt more concrete measures to strengthen human rights education such as the policy framework, financial support and other practical approaches.

## **The Motivations**

### **a. Political Commitments - Human Rights White Paper(s)**

The Chinese government held cautious and even negative attitude toward human rights until late 1980s. In early 1990s, academics held a series of seminars about human rights under the encouragement of the government.<sup>3</sup> One of the key ideas of these seminars was that human rights were not the patent of capitalism. The mainstream discussion of human rights turned to differentiation of “Marxist human rights” and “western human rights,” the former being good and the latter being bad, instead of taking all human rights as something unfavorable.

On 1 November 1991, the State Council Information Office released the white paper entitled *Human Rights in China*, which is not only the first human rights white paper but also the first white paper of the Chinese government. In this paper, human rights were regarded as “a long-cherished ideal of mankind” and a “great term.” It admitted that “China has suffered from setbacks while safeguarding and developing human rights.” It declared that “promoting human rights and striving for the noble goal of full implementa-

tion of human rights” is “a long-term historical task for the Chinese people and government.”<sup>4</sup>

It announced to the world the Chinese government’s position, viewpoint and policy on human rights. The release of the white paper shows that the Chinese government began to recognize the value and rationality of human rights, and realized that it was a strategic initiative to adapt to the situation of human rights development both at home and abroad. Since then, the development of human rights in China entered into a new stage. Its release not only surprised the international community, but also delighted the domestic academia. The 2003 White Paper gave people even deeper impression:

China believes that the development of human rights is an important symbol of civilization and progress of human society. It is an important part of the progress of world peace and development. Full enjoyment of human rights is the common goal of all countries in the world, and is also an important goal for China to build a well-off society in an all-round way.

This official understanding of human rights broke the long forbidden zone in domestic theoretical circles, which has greatly promoted the development of the theory of human rights in China. Since then meaningful academic discussion and study of human rights started. Topics of human rights gradually entered into the classroom. Since then, the Chinese government has issued around a hundred white papers, half of which are directly or indirectly related to human rights.<sup>5</sup>

### **b. Political Commitments - Human Rights in the CPC’s Documents**

Though the white papers were issued in the name of the government, they also reflect the determination of the Communist Party of China (CPC) to discuss human rights. At the same time, CPC proclaimed its commitment to human rights in its own official documents. In 1997, the official report of the 15th CPC’s National Congress stated “to guarantee the lawful enjoyment of a wide range of rights and freedoms, respect and protect human rights,” which was thought to be “a key breakthrough”<sup>6</sup> in the ideology of the CPC. In 2002, the official report of the 16th CPC’s National Congress made exactly the same statement, making “a must choice toward the establishment of socialist political civilization”<sup>7</sup>

In 2007, the report of the 17th CPC National Congress vowed “to respect and protect human rights, guarantee the right to equal participation and

development of all members of the society.” “Human Rights” was mentioned twice in the report and it treated the cause of human rights as an important part of the cause of CPC and the state. The report was regarded as “a new guidance on human rights development in China.”<sup>8</sup> In the same year, the idea of human rights protection was also included in the revised Charter of the CPC.

In 2012, the Report of the 18th CPC’s National Congress emphasized “human rights are ACTUALLY respected and protected”. In the following report of the 3rd session of the 18th CPC National Congress, the party declared “to promote the judicial protection system of human rights”.<sup>9</sup> As an immediate result, the fifty-seven-year-long highly criticized System of Reeducation through Labor was abolished at the end of the year. In 2014, at the 4th session of the 18th CPC National Congress, the CPC called for “raising the consciousness of human rights respect and protection of the whole society” besides “strengthening the judicial protection of human rights.” The evolution of political atmosphere has desensitized the topic of human rights, which is favorable to human rights education in China.

### c. Political Commitments - Legal Reform

On 14 March 2004, the 4th amendment to the Constitution was passed by the second session of the 10th National People’s Congress. Among the fourteen revised articles, Article 33 attracted special notice. In this article, a new paragraph was added, which reads “the State respects and protects human rights.” “Human rights” constitute one of the basic principles of modern constitutions, and it has become a widely acknowledged standard in the world. Respecting and protecting human rights is the fundamental aim and the top principle of modern constitutionalism. Stipulating “human rights” in the constitution is a new landmark in the history of Chinese constitutionalism.<sup>10</sup> This change was rapturously acclaimed by the academic circle.

The constitutional provision on human rights has several implications.

First, “Human rights” changes from a political concept into a legal one. “To respect and protect human rights” as a policy of the party and the state rises to a principle of the Constitution of the land.

Second, it tells people about the sacred status of human rights by highlighting them in the Constitution, making any violation of human rights unconstitutional.<sup>11</sup> The human rights provision in the Constitution, not only confirms that human rights are the basic rights enjoyed by everyone in the

country, but also emphasizes the obligation of “human rights respect and protection” of the state. Neither state organs nor their agents, including the National People’s Congress and its legislations can violate human rights. Any legislation violating human rights should be regarded as unconstitutional and declared null and void.

Third, the inclusion of human rights into the Constitution will promote the general public’s consciousness of understanding rights, loving rights and safeguarding rights, because “the ignorance, neglect, or contempt of the rights of man are the sole cause of public calamities and of the corruption of governments.”<sup>12</sup> With the development of the Popularizing-law Education Program,<sup>13</sup> which includes education on the Constitution as a major component, more and more people have increased their understanding of human rights. Accordingly, human rights has become an increasingly popular term within the classroom.

The Constitution has been influential in the inclusion of the term “human rights” into four additional pieces of legislation and five regulations or judicial interpretations.<sup>14</sup>

### **International Environment——Human Rights Education Movement**

The emergence of human rights education dates back to late 1940s. The Universal Declaration of Human Rights (UDHR) underscored the importance of “teaching and education to promote respect for these rights and freedoms”. Article 26.2 of UDHR demands education to “be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms”.

The first formal plea for human rights education came from UNESCO’s 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace, and Education Relating to Human Rights and Fundamental Freedoms. In 1978, the participants of the International Conference on the Teaching of Human Rights met in Vienna to discuss what should be included into a formal curriculum for human rights education. Unfortunately, China was completely insulated from these events.

In 1993, the World Conference on Human Rights in The Vienna Declaration and Programme of Action reconfirmed the importance of human rights education.<sup>15</sup> Actually, China played an active role in the confer-

ence. China once acted as the vice-chair of the preparatory conference and the coordinator of the Asian Group. The Chinese government even gave financial support to the least developed countries (LDCs) to help them attend the conference.<sup>16</sup>

China also enthusiastically supported and welcomed the United Nations General Assembly's resolution on the United Nations Decade for Human Rights Education (1995-2004). China's then vice-premier Qian Qichen said: "the Chinese government has taken an active part in the activities of the 3rd Decade of Human Rights Education in line with the national conditions, and put in considerable resources in such a huge project..."<sup>17</sup>

On 10 December 2004, Mr. Xie Bohua, the representative of the Chinese government made a speech at the 59th UN General Assembly. He highly appreciated the program of the United Nations Decade for Human Rights Education. He expressed that the Chinese government would continue to support the World Programme for Human Rights Education (2005-ongoing), including its First phase (2005-2009) and Second phase (2010-2014). The international human rights education movement has not only brought pressure to the Chinese government, but also brought strength and opportunity for the development of human rights education in China.

### **Institutional Development**

In the process of human rights development in China, human rights research institutions have played key roles on human rights promotion by carrying out human rights research and education. Looking back at the history of the development of human rights in China over the past decades, we can see that the Chinese human rights research institutions have become the main force in the development and innovation of the theory of human rights in the new era.<sup>18</sup>

The emergence of human rights research institutions in China is closely related to the political agenda. The first human rights research institution, the Research Centre for Human Rights of Chinese Academy of Social Sciences, was established in 1991.<sup>19</sup> In early 1991, in order to fulfill the research task of human rights theory assigned by then President Jiang Zemin, the original research group of human rights theory (established in late 1980s) was changed into a research center for human rights. The research center has mainly focused itself on human rights materials preparation, whose

published books and translations include *The International Human Rights Instruments and Human Rights Institutions* (1993), *The Encyclopedia of Human Rights in China* (1998), *UN Covenant on Civil and Political Rights CCPR-Commentary* (2003), and *The Economic, Social and Cultural Rights* (2003). These materials are vital for human rights education.

In May 1992, the Rights Protection Center for Vulnerable Groups, Wuhan University, was established, which combines legal aid, research and education and has published a book series called *Theory and Practice of Rights Protection for Vulnerable Groups*, among which are *Introduction of Social Vulnerable Groups* (1997), *Cases Selection of the European Court of Human Rights* (1999).

In January 1993, The China Society for Human Rights Studies (CSHRS) was founded, which is the largest national non-governmental organization in the field of human rights in China. CSHRS is a member of the United Nations Conference of Non-Governmental Organizations (CONGO), which enjoys a special consultative status with the United Nations Economic and Social Council (ECOSOC). Taking popularizing and publicizing human rights knowledge as one of its main objectives, CSHRS has conducted a series of activities such as establishing the China Human Rights Net ([www.humanrights.cn](http://www.humanrights.cn)) (1998), publishing the bimonthly magazine *Human Rights* (2002), producing the research report *China's Human Rights in Action*, and *Yearbook of Human Rights in China*.

In 1994, the Research Centre for Human Rights, the Central Party School of CPC, was established. One of its major objectives is to conduct human rights education for senior leaders of CPC. In 2000, the Human Rights Course became a compulsory course of the Training Department for all trainees in the Central Party School.<sup>20</sup>

In April 1997, Peking University established its human rights research center.<sup>21</sup> The purpose of the center is to promote domestic and international academic exchanges in the field of human rights and humanitarian law, to promote the development of human rights and humanitarian law education, and to raise the awareness of human rights of Chinese citizens. The center's major mission is to carry out academic research and teaching in the field of human rights and humanitarian law. Though it is not the oldest human rights research institution in China, it has played a leading role in human rights education. It provides the most comprehensive human rights courses for students, among which are Human Rights and the Rule of Law (compul-

sory), International Human Rights Mechanism (compulsory), International Humanitarian Law (optional),<sup>22</sup> Specific Issues of Human Rights (optional), International Bill of Rights (compulsory), Regional Human Rights Systems (optional), Rights of the Vulnerable Groups (compulsory) and Business and Human Rights (optional). It has also published the first e-book in China, *Introduction to International Human Rights Law*, for free download. Since 2004, the RCHRHL and Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) jointly organized a human rights Masters program. By 2015 there were around 300 graduates from the program.<sup>23</sup>

Other human rights research institutions established in the 1990s include Shandong University Research Centre for Human Rights (1994), China Foundation for Human Rights Development (1994), Shantou University Research Centre for Human Rights (1996), and the Justice Research Centre for Human Rights affiliated with the Ministry of Justice (1999). All the other human rights research institutions were founded after 2000. Up to now, there are about fifty human rights research institutions altogether.<sup>24</sup> It is proper to say that these human rights research institutions are the driving force of human rights development in China, based on which human rights education is flourishing and growing.

## **The Roadmap: National Human Rights Actions Plans**

### **a. National Human Rights Action Plan of China (2009-2010)**

In April 2009, the Chinese government issued National Human Rights Action Plan of China (2009-2010), which is the first document of such kind. The introduction of this document further shows that the Chinese government has changed the attitude of the past. The government sets human rights as a national goal and decides to achieve this goal through specific actions. This document was released shortly after the conclusion of China's first Universal Periodic Review before the Human Rights Council as a response to international concerns.

The document is composed of five chapters, including human rights education as a separate chapter (Chapter IV). It promises that "...the state will actively rely on the present systems of compulsory education, secondary education, higher education and vocational education, training organizations in state agencies, as well as the media, including radio, television, newspapers, magazines and the Internet, to carry out education in human rights



in various forms in a planned way, popularizing and spreading knowledge of the law and human rights.”<sup>25</sup> Besides encouraging current human rights education in universities, the government plans to initiate human rights education in primary, junior and senior secondary schools by adding human rights to the course on Ideological and Moral Standards, and carrying out human rights education in the course, as “basic rights and obligations of citizens” in the Constitution and international human rights knowledge.

The document also confirms the importance of human rights training and education for government employees, especially for law enforcement officers and judicial staff such as police officers, prosecutors, judges, wardens, urban management officers, etc.<sup>26</sup>

The 2009-2010 National Action Plan is a “major milestone in creating a culture of human rights education, giving tacit approval to a number of education projects and prompting academic developments.”<sup>27</sup> It admits that state is the “duty-bearer” of human rights education.<sup>28</sup> It also tells the world whom to educate, what to educate and what approach to be employed in terms of human rights education.

In July 2011, the Information Office of the State Council released the Assessment Report on the Implementation of the National Human Rights Action Plan of China (2009-2010). It announced that human rights education and training were conducted in various forms to promote the ideas of human rights and to spread the knowledge of human rights in the past years. Accordingly, “the set task in the Action Plan was fulfilled.”<sup>29</sup> Specifically, the achievements in human rights education include the following aspects:

(1) Students are guided to love life and to be familiar with children’s rights through the primary school course on Moral Character and Life;

(2) Seventeen contents of law and human rights, as well as the laws and regulations on the protection of minors, are introduced in the secondary school course on Ideological and Moral Standards;

(3) In the senior secondary school course on Ideology and Politics, contents of civil rights and obligations stipulated in the Constitution and the relevant content of the international human rights convention are presented;

(4) Human rights education also has made progress in universities. New national textbooks endorsed by the Ministry of Education are published,<sup>30</sup> which help dozens more universities to open human rights law and human rights education curriculum for Undergraduates, Master students

and even PhD candidates. Human rights research institutions in Nankai University, China University of Political Science and Law and Guangzhou University are selected as national human rights education and training bases;

(5) More human rights training courses are organized, mainly targeting law enforcement officers.

#### **b. National Human Rights Action Plan of China (2012-2015)**

On 11 June 2012, the National Human Rights Action Plan of China (2012-2015) was released, which “designates an arrangement for the aims, tasks and measures of human rights development in China in the following four years.”<sup>31</sup>

The action plan is composed of six chapters. As in the previous one, human rights education occupies a single chapter (Chapter IV), which is more simple than the first one. Besides a few advocatory statements, two ideas are worth highlighting. First, it encourages enterprises and public institutions to respect human rights, and develop corporate cultures that honor and protect human rights. Second, realizing the importance of national human rights education and training bases, it promises to open “at least five new such bases.”<sup>32</sup>

The assessment report of the action plan was released on 14 June 2016. According to the report, the achievements include the following aspects:

(1) The State Council Information Office and the eight human rights education and training bases held a total of 144 training sessions about human rights for Party cadres and government employees at various levels, judiciary and media personnel;

(2) The contents of personal rights, economic rights and the right to receive education have been included in courses and textbooks in all primary and secondary schools in accordance with both the newly-revised course standard for every subject of nine-year compulsory education since 2012;

(3) Institutions of higher learning strengthened the development of human rights related majors, offered related courses for four-year college students majoring in law, compiled human rights teaching materials and accelerated the education for special talents on human rights;

(4) In April 2014, five new national-level human rights education and training bases were opened,<sup>33</sup> which “achieved planned goals in advance.”<sup>34</sup>

The outside world doubts the objectivity of the assessment reports because both reports were made by the government itself instead of an independent assessment agency.<sup>35</sup> The reports can be more persuasive if they can give more concrete data or make statements less ambiguously.

## **The Difficulties**

### **a. The Ideological Influence**

The discussion of human rights in China's academic circles began with the discussion of "humanitarianism," which is of less political sensitivity.<sup>36</sup> During the 1990s, the official viewpoint of human rights was confusing. The mainstream view was that human rights existed as two separate theories, "Marxist human rights theory and western human rights theory, and human rights research should be guided by Marxist human rights theory."<sup>37</sup> The two theories are contradictory, which caused difficulty for teachers.

The mid 1990s saw some scholars support the "Asian Values" viewpoint on human rights, advocated by Singapore and Malaysia, in order to demonstrate the legitimacy of the human rights theory of Chinese characteristics.<sup>38</sup> For quite some time, the academia focused on topics such as universality, particularity, cultural relativism, Asian values and Chinese characteristics of human rights. During this time human rights research and education were at the very initial stage, with most educators even lacking basic human rights knowledge. The complicated and politicized issue such as "Asian Values" or "Cultural Relativism" was beyond their comprehension.

In the late 1990s, China and Western countries entered a new round of confrontation in the field of human rights when Falun Gong (a Chinese spiritual practice) was officially banned on 22 July 1999, which is an obvious violation of human rights in the eyes of the western society. Since 1999, numerous Western governments and human rights organizations have expressed condemnation of the Chinese government's ban of Falun Gong.<sup>39</sup> The US Congress has made several pronouncements and introduced several resolutions in support of Falun Gong.<sup>40</sup> The Chinese government thinks Falun Gong is a cult and is "trampling on humanity and violating human rights."<sup>41</sup> The government insists that it is "in line with the international human rights conventions" to ban Falun Gong.<sup>42</sup> <sup>43</sup> Anti-Falun Gong movements finally entered the Chinese education system, including all levels of academic institutions of human rights. In this period, the research and education topics

of many scholars and institutions are on the relationships between human rights and freedom of religion, state sovereignty and human rights.

As a course in social science, human rights should enjoy the same status as philosophy, history or civil law. An extra-politicized, dogmatic or foreign struggle-oriented ideology may bring negative influence on human rights education.

The Chinese Government is concerned that Western countries are using the issue of human rights in an attempt to suppress China and to discredit the image of the country. It has cited the United States' entanglement of the issue of The Most Favored Nation (MFN) and human rights, the U.S State Department's release of the annual human rights report, and the West's attempt to link the Beijing Olympic Games with human rights as part of the reason for this.<sup>44</sup> Consequently, this has undermined the incentive of the Chinese Government to develop human rights education.

### **b. Ambiguity of Policies**

The first National Human Rights Action Plan came out in 2009, which vowed to develop human rights education in China. On 29 July 2010, the Central government issued the Outline of the National Medium and Long Term Educational Reform and Development Plan (2010-2020), which is "a programmatic document guiding the development of China's educational reform in a decade".<sup>45</sup> Its main aims are "to implement the strategy of rejuvenating the country through science and technology, strengthen the strategy of reinvigorating through human resource development, give priority to the development of education, improve the modern education system of socialism with Chinese characteristics."<sup>46</sup> Unfortunately, it does not include any specific arrangement for human rights education.

On 28 December 2012, at the 24th session of the Standing Committee of the Eleventh National People's Congress, Mr. Yuan Guiren, the Minister of Education, made a report on the implementation of the Outline. Again, there was no mention of human rights education.

China's human rights education is in its infancy; its development needs the strong support of national policy. Therefore, human rights education needs not only action plans, but also specific policy arrangements. After the action plan has promised to vigorously carry out human rights education, the outline did not make any arrangements for human rights education, which is a very regrettable thing. Obviously, this will have a very nega-

tive impact on human rights education in China.<sup>47</sup> The policy ambiguity has slowed down the development of human rights education.

### **c. Absence of Duty-Bearer(s)**

The States are duty-bound, as stipulated in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and in other human rights instruments, to ensure that education is aimed strengthening respect for human rights and fundamental freedom.<sup>48</sup> The Chinese government has made several commitments to strengthen respect for human rights and fundamental freedoms through education. One of the fundamental principles of the “National Human Rights Action Plan” (2009-2010) is the “pursuit of the basic principles prescribed in the Constitution of China, and the essentials of the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.” The making of the 2009-2010 plan “involves broad participation by the relevant government departments and all social sectors.”<sup>49</sup> It states that “the government and government departments at all levels shall make the action plan part of their responsibilities, and proactively implement it in line with the principle of each performing its own functions and sharing out the work and responsibilities.” From this statement, the government or the government departments are the compulsory duty-bearer(s) of human rights education.<sup>50</sup> Neither this statement nor the Human Rights Action Plan (2012-2015) outlines which government department takes charge of human rights education.

Generally speaking, the Ministry of Education (MOE) is the main duty-bearer to implement the content of human rights education within the National Human Rights Plan. According to the document of the State Council, one of MOE’s responsibilities is “to formulate guidelines, policies and plans for the reform and development of education, draft relevant laws and regulations and supervise the implementation of the relevant laws and regulations.”<sup>51</sup> As above-mentioned, it failed to include human rights education into the Outline of the National Medium and Long Term Educational Reform and Development Plan. Though the MOE has established eight national bases for human rights education and training, which are the leading institutions of human rights education, it does not make any budget arrangement for human rights education.<sup>52</sup>

At the policy-making level, the Information Office of the State Council is very much relevant to human rights promotion. It has not only released all the human rights whitepapers, but also headed the making of the two national human rights action plans. But it does not take charge of human rights education. Its scope of responsibilities is “to introduce China’s internal and external policies, economic and social development, the history of China, and the status of China’s science and technology, education, culture and other development to the world.”<sup>53</sup> Its responsibilities can be understood better from its other name—the International Communication Office of the CPC or the Foreign Propaganda Office of the CPC.

One of the approaches of human rights education is to develop it “along with the dissemination of knowledge of the law among the general public.”<sup>54</sup> The dissemination of knowledge of law is a function of the Ministry of Justice (MOJ) with the coordination of the Propaganda Department of the CPC.<sup>55</sup> Hundreds of thousands of lectures have been delivered at various levels of governments, among these legal knowledge dissemination lectures, there is no specific lecture on human rights.

#### **d. Fragmentation of Human Rights Education**

Currently, there is no systematic human rights education, either at the primary, junior, or senior secondary schools, or at the higher education level. Basically, human rights education is fragmented.

At the primary school level, the knowledge of human rights is scattered in the ideological and moral course, which is divided into “Moral Character and Life” (pinde yu shenghuo) and “Moral Character and Society” (pinde yu shehui) according to the different grades. The former is for Grades 1 and 2, and the latter is for Grades 4, 5 and 6. There are different versions of textbooks used in different regions of the country, which are more or less related to “human rights” knowledge.

The “My Body” unit in the old People’s Education Press version for Grade 1, simply introduced physical structure and established the consciousness of protecting the body, it did not emphasize the protection of the basic rights to personal integrity and privacy.

The unit on “Our Democratic Life” in the new People’s Education Press version for Grade 5, talks about the class cadre election, “my” participation and social life of democracy in order to help students build up “a preliminary form of democracy, the concept of the rule of law and consciousness of

rules.” But, the term “human rights” is not in either the old or new, national or local versions of textbooks for primary students.

In the textbooks on Ideology and Moral Standards for secondary school students, there are some human rights-relevant contents such as “right to life,” “right to education,” “right to election,” and “freedom of religion,” etc. In the textbook on Ideology and Politics for senior secondary school students, relevant contents on human rights is concentrated in the units on “Political Life” and “Common Sense of Law in Life.” Regrettably, “human rights” does not appear in either the junior secondary school course or the senior secondary school course.

In universities, human rights education is conducted in an autonomous way, which means the relevant universities carry it out independently and voluntarily. Human rights education is basically limited to law schools (or faculties). The course is mostly offered to undergraduate law students as an optional course. Only a few law schools set it as compulsory course, which depends entirely on the involved law schools themselves. Some universities even carry out human rights education for Master and PhD students and set a human rights course as compulsory, which is designed without any guidance from MOE or based on any law or policy.<sup>58</sup> For law students, there are a total of fourteen core courses. Unfortunately, the human rights course is not included, which has marginalized human rights education in law schools.

## **e. Lack of Resources**

### *i. Human Resources*

Effective human rights education means that teachers must master and impart related values, knowledge, skills, attitudes and methods. To deliver human rights courses to students, teachers must become the believers and practitioners of human rights. Teachers’ awareness of human rights is closely related to the teachers’ professional qualities and professional ethics. In other words, human rights education needs qualified human rights educators. The lack of human resources is the bottleneck of human rights education in schools, colleges and universities.<sup>59</sup> Human rights constitutes a comprehensive subject, which requires teachers to have a profound and comprehensive knowledge of human rights, and other areas of humanities and social sciences.

At present, China’s human rights educators are mainly ideological, political and legal professionals. In recent years, several human rights teach-

ers' training projects have been held. But these training courses are usually short-term ones. The number of participants are limited due to budget issues. Almost all the training courses are financially supported by international institutions.<sup>60</sup> The Chinese government has not organized any training course for human rights teachers as of yet. A National Meeting of Human Rights Education in Universities in China is held annually since 2008. Each year, there are about 60-80 teachers whose work fields are closely relevant to human rights education. The total number of participants is about 500, which includes almost all the human rights teachers in China. But it is still a very tiny number compared to the total number of universities in China.<sup>61</sup>

### *ii. Material Resources*

Human rights materials are the carriers of human rights knowledge. During the last two decades, people witnessed the vigorous development of human rights research. Many human rights books are published, but most of which are theoretical and not suitable as textbooks for students.<sup>62</sup>

At present there have been no human rights textbooks produced for primary and junior secondary school students. There are a dozen textbooks available for University students however, all of these have been written by legal experts and students of law.<sup>63</sup> These textbooks are therefore difficult to understand for those who do not have a background or knowledge of law. There is an online book Introduction to International Human Rights Law, which is also a textbook for law students. The insufficiency and limited focus of human rights textbooks have seriously affected the development of human rights education.

## **Concluding Remarks**

There are many ways to realize the ideal of human rights, including political, economic, cultural, scientific and technological approaches.

Human rights education is the approach to realize human rights through educational activities. From the perspective of society, human rights education is meant to improve the human rights situation, form the emotion related to human rights, improve understanding of their concept of and ultimately enhance the social consciousness of human rights through the popularization of human rights knowledge. From the perspective of ed-



ucation, human rights education is the practice and process to improve the human rights situation.

On the one hand, China's human rights education is actively or passively driven by several motivations, which are also the bases of its development. On the other hand, human rights education in China is hindered by various factors, which have frustrated and will continue to frustrate people who are concerned about human rights education.

It is of vital importance to make full use of the motivations and to minimize or get rid of the hindrances on the path of human rights education. In the 21st century, the respect for human rights has become the goal of the world, and the promotion of human rights has become the sacred mission of education. As a permanent member of the United Nations and a major power with significant impact on world affairs, China's true meaning of human rights education is still at the initial stage, whose systematic theoretical research on human rights education is basically a blank.

Human rights education is not only relevant to China's international image and reputation, but also significant to its establishment of the rule of law and its construction of the Chinese people's spirit. Above all, human rights education is about the living conditions of Chinese children and their quality of life in the future.

## Endnotes

1 He Huahui, Ma Kechang & Zhang Quanling, "The Rule of Man must be abandoned in order to Carry out the Rule of Law", in *Chinese Journal of Law*, No. 4, 1980; Qiu Dunhong, "The Rule of Man, Or the Rule of Law?", in *Social Sciences in Yunnan*, No.3, 1992.

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3 For example, "Seminar on Marxist Human Rights theory" was held in Beijing Normal University on 5 May 1990; "Seminar on Human Rights Theory" was held in Law Institute, China Social Science Academy on 18-21 June 1991; "Seminar on Human Rights and Legal System" was held in Wuhan University on 27-30 April 1992; "Seminar on Human Rights: China and the International Community" was held in Beijing University on 26 June 1992; Seminar on "Human Rights and State Sovereignty" and "How to Understand Rights to Subsistence and Development as the Fundamental and Top Priority Rights" was held in Beijing on 6-9 October 1992.

4 See [www.scio.gov.cn/zfbps/ndhf/1991/index.htm](http://www.scio.gov.cn/zfbps/ndhf/1991/index.htm).

5 See [www.scio.gov.cn/zfbps/index.htm](http://www.scio.gov.cn/zfbps/index.htm).

6 Shen Baoxiang, "It Is a Breakthrough in Include Human Rights in the Report of the 15th National Congress of CPC", in the *Theoretical Front* (Lilun Qianyan), No. 22, 1997.

7 Xian Rong and Zhang Nian, "Respect and Protection of Human Rights: a Must Choice toward the Establishment of Socialist Political Civilization", in *Probe*, No. 6, 2002.

8 Dong Yunhu, "The New Guidance of Integrated Human Rights Development in China", in *Human Rights*, No. 6, 2007.

9 "The Decision of the Central Committee of the Communist Party of China on Major Issues Concerning Comprehensively Deepening the Reform," [http://news.xinhuanet.com/2013-11/15/c\\_118164235.htm](http://news.xinhuanet.com/2013-11/15/c_118164235.htm).

10 Zhao Xiaoyun and Sun Jiangang, "Stipulating Human Rights in the Constitution—the New Landmark of Chinese Constitutionalism", in *Journal of Shanxi University* (Philosophy & Social Science edition), Vol. 27, No. 3, 2004.

11 Guo Daohui, "Human Rights Concept and Its Inclusion into the Constitution", in *Science of Law*, No. 4, 2004.

12 See Preface of Declaration of the Rights of Man and of the Citizen (1789).

13 This government-oriented program started in 1986, and revised every five years. Currently, the 7th Five-Year Popularizing-law Education Program (2016-2020) is ongoing.

14 These legislations include: Article 2 of the Criminal Procedural Law in 2012, Article 5 of the Public Order Administration and Punishment Law in 2013, Article 5 of the Espionage Law in 2014 and Article 7 of the National Security Law in 2015.

15 See Vienna Declaration and Programme of Action, para. 33 of Section I.

16 See Guo Jishan, "Human Rights Conference in Vienna", in *World Affairs*, No. 13, 1993.

17 Li Baodong, "Human Rights Education in China", in *Human Rights Law: From Dissemination to Application*, 2006, available at [booksandjournals.brillonline.com](http://booksandjournals.brillonline.com).

18 See [www.humanrights.cn/html/jypx/rqyjgg/index.html](http://www.humanrights.cn/html/jypx/rqyjgg/index.html).

19 Actually, some scholars argue that Shandong University Research Centre for Human Rights is the oldest human rights research institution in China. See Qu Xianghui, "Shandong University Research Centre for Human Rights", in Yang Songcai and Chen Youwu, editors, *Human Rights Research Institutions and Human Rights Education in China*, page 96. After careful investigation, the author has found that Shandong University Research Centre for Human Rights was established in 1994, whose pioneer was named Human Rights Research Division, affiliated with the Law Research Institute of Shandong University.

20 See Zhang Xiaoling, "Human Rights Education in the the Central Party School of CPC", in *Human Rights*, No. 6, 2007.

21 Its original name was the Research Centre for Human Rights, Peking University Law School until 2008. The current name is Research Center for Human Rights and Humanitarian Law (RCHRHL), Peking University Law School.

22 See [www.hrol.org/Education/Courses/2012-11/71.html](http://www.hrol.org/Education/Courses/2012-11/71.html).

23 See [www.hrol.org/Program/Intro/](http://www.hrol.org/Program/Intro/).

24 In 2011, the 3rd National Working Experience Exchange Conference among Human Rights Institutes was held in Sichuan University. There were more than 60

participants from 43 human rights institutes. After that, no official statistics about human rights institutes have appeared.

25 National Human Rights Action Plan, Chapter IV, para.1.

26 National Human Rights Action Plan, Chapter IV, para.2-5.

27 Rhona Smith and Bai Guimei, "Creating a Culture of Human Rights Education in China" in Northumbria Research Link, <http://nrl.northumbria.ac.uk/6640/>.

28 Chen Youwu, "Human Rights Education in the National Human Rights Action Plan (2009-2010)", in *Academics*, No. 9, 2010.

29 See the Assessment Report on the Implementation of the National Human Rights Action Plan of China (2009-2010), Chapter 5, para.1.

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31 *People's Daily*, 12 June 2012.

32 See National Human Rights Action Plan of China (2012-2015), Chapter IV.

33 These five national human rights education and training bases are human rights research institutions at Renmin University of China, Fudan University, Shandong University, Wuhan University and Southwest University of Political Science and Law.

34 See Assessment Report on the Implementation of the National Human Rights Action Plan of China (2012-2015), Chapter V.

35 Human Rights Watch, "Promises Unfulfilled - An Assessment of China's National Human Rights Action Plan" (2009-2010); [www.hrw.org/sites/default/files/reports](http://www.hrw.org/sites/default/files/reports).

36 There are no more than ten papers in this aspect in China in the 1980s. See Ren Yunzheng, "Marxist-Leninist View of Human Rights and the Struggle of Contemporary Ideology" in *Global Law Review* (No. 6, 1980); Zhang Jiping, "Marxism Doctrine Also Contains Humanitarianism" in *Qilu Journal* (No. 3, 1983); Zhang Zhuo, "To Distinguish Two Definition of Humanitarian and Literary Creation" in *Social Sciences In Guangdong*, No. 1, 1984; Chen Hefu, "On Human Rights Issues" in *CASS Journal of Political Science*, No. 4, 1985; Han Yanlong, "Human Rights and International Struggle of Ideology" in *Global Law Review*, No. 4, 1987; Chen Shigui, "Basic Points of View on Socialist Human Rights" in *Study on the History of International Communist Movement*, No. 4, 1989, etc.

37 Yang Xiaoqing, "Summary of the Symposium on Human Rights Theory" in *Chinese Legal Science*, No. 4, 1991.

38 Xin Chunying, "On the View of Human Rights in Asian Countries" in *CASS Journal of Political Science*, No. 1, 1996.

39 David Ownby, *Falun Gong and the Future of China*, Oxford University (2008), page 229.

40 Thomas Lum, "CRS Report for Congress: China and Falun Gong," Congress Research Service, 25 May 2006.

41 *People's Daily*, 13 June 2000.

42 Yu Quanyu, "In Answering Swedish Lawmakers and Scholars' Concern of Falun Gong" in *Pursuing the Truth*, No. 6, 2000.

43 On 16 April 2002, at the 58th session of the UN Commission on Human Rights, Wang Xiaoxiang, special adviser to the Chinese government delegation, pointed out that the Chinese government ban on Falun Gong Cult was an inevitable requirement of supporting human rights, because under the control of the "Falun Gong" spirit, Falun Gong addicts and their families' right to life, right to health, and other basic human rights had been severely violated.

44 Li Erping, "The Background of China's Human Rights Education and Prospects for the Future", in *Journal of Guangzhou University* (Social Science Edition), No. 3, 2010.

45 *China Education Daily*, 11 July 2013.

46 The Outline of the National Medium and Long Term Educational Reform and Development Plan (2010-2020), Chapter 1, paras.1-3.

47 See Zhang Xuelian, *Study on Human Rights Education in China*, Southeast University Press, pages 82-83.

48 See United Nations Declaration on Human Rights Education and Training (A/RES/66/137), the Preface, para.4.

49 According to the National Human Rights Action Plan (2009-2010), there are altogether fifty-three organizations.

50 Chen Youwu, "On Human Rights Education in the National Human Rights Plan", in *Academics*, No. 9, 2010.

51 Provisions of the main responsibilities of the Ministry of Education, the establishment of institutions and personnel.

52 It does provide the national bases with annual financial support for research projects on human rights.

53 See [www.scio.gov.cn/xwbjs/index.htm](http://www.scio.gov.cn/xwbjs/index.htm) (6 July 2016).

54 National Human Rights Action Plan (2009-2010).

55 See [www.moj.gov.cn/fzxcs/node\\_223.htm](http://www.moj.gov.cn/fzxcs/node_223.htm) (6 July 2016).

56 Moral Character and Society Course Standards for Full-time Compulsory Education (2011), Part II.

57 See Sun Shiyan, "The Current Situation and Thinking of the Teaching of Human Rights Law in the Legal Education of the Universities", in *Human Rights*, No.6, 2005.

58 See Zhang Xuelian, *op. cit.*, page 85.

59 Xuan Gang, "The Current Dilemma and Outlet of Human Rights Education in Colleges and Universities in China" in *Journal of Heilongjiang College of Education*, No. 2, 2009.

60 The main supporters are the Nordic institutions, such as the Danish Institute for Human Rights, the Norwegian Center for Human Rights and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law.

61 As of 30 May 2016, there is a total of 2,879 institutions of higher education in China: 2,595 regular ones (including 266 independent colleges) and 284 educational institutions for adults who are not able to enter higher education institutions ([www.moe.gov.cn](http://www.moe.gov.cn)).

62 See Zhang Xuelian, *op. cit.*, page 78.

63 These materials (in Chinese language) include: *International Human Rights Law* by China University of Political Science and Law (December 2002), *Human Rights Law* by Yang Chengming (January 2004), *International Human Rights Law* by Xu Xianming (November 2004), *Handbook of Human Rights Education* by W. Benedek and M. Nikolova (2005), *Human Rights Law* by Li Buyun (February 2005), *International Human Rights Law* by Zhang Aining (May 2006), *An Introduction to Human Rights Law* by Fang Lixin & Xia Li'an (May 2007), *Principles of Human Rights Law* by Xu Xianming (September 2008), *Human Rights Law* by Yang Chunfu (January 2010), *An Introduction to International Human Rights Law* by Manfred Nowark (translated by Liu Huanwen, January 2010), *International Human Rights Law in a Nutshell* by Thomas Buergenthal (translated by Li Zuohen, December 2010) and *Human Rights Law* by Bai Guimei (October 2011). The main reference books include: *Selection of Teaching Materials of Human Rights Law* by Bai Guimei (March 2012) and *Selection of Human Rights Cases* by Li Buyun & Sun Shiyun (June 2008).