
Adhere to the Correct View of Human Rights, and Strengthen Judicial Safeguards for Human Rights Law Enforcement

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The resolution adopted at the Third Plenary Session of the 20th CPC Central Committee set the objective of advancing whole-process people's democracy, including promoting socialist rule of law with Chinese characteristics, thereby moving to a higher stage in building a socialist country under the rule of law. When making specific arrangements to refine the system of rule of law and advance the reform of the rule of law, it emphasized that "Adhering to the correct outlook on human rights, we will provide more effective human rights protection through law enforcement and administration of justice." This major assertion and practical requirement can be interpreted profoundly from three aspects.

First is adhering to the correct outlook on human rights. The "Correct outlook on human rights" is an important concept in Xi Jinping's thought on the rule of law. On February 25, 2022, Xi Jinping, general secretary of the Communist Party of China (CPC) Central Committee, first proposed the original concept of "correct outlook on human rights" during the 37th group study session of the Political Bureau of the 19th CPC Central Committee, and emphasized the need to "advocate the correct outlook on human rights" by extensively publicizing the Marxist outlook and the contemporary Chinese perspective on human rights and improving public knowledge of human rights through diverse formats, avenues, and forums.

How to understand the correct outlook on human rights? In my view, the outlook on human rights is a worldview and methodology on human rights, which can also be described as an integral unity of the fundamental position, basic philosophy, and scientific methods on human rights issues.

First, the correct outlook on human rights is a scientific outlook on human rights. It correctly reflects the nature of human rights, the law of human rights development, and the inherent attributes of human rights, and embodies the truth-based understanding of human rights. In this sense, the correct outlook on human rights is the outlook on the truth of human rights.

Second, the correct outlook on human rights is the civilization-based

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outlook on human rights. It correctly gets hold of the inevitable relationship between human rights and civilization, revealing the civilization features of human rights and defining human rights in terms of civilization. It regards human rights as the common value for and lofty pursuit of all mankind, and the measure of the development and progress of human civilization. In this sense, the correct outlook on human rights is the civilization-based outlook on human rights.

Third, the correct outlook on human rights is the outlook on human rights rooted in history, which correctly points out the temporal and spatial limitations of human rights. It believes that human rights are not immutable, but they dynamically develop in the progress of human history. The development of human rights will be always in the present tense and never the perfect tense, and there is always scope for protecting human rights. In this sense, the correct outlook on human rights is the outlook on human rights rooted in history.

The correct outlook on human rights is also the outlook on human rights in practice, which correctly recognizes the origin of human rights. It holds that all concepts, forms, and systems of human rights are generated and developed from the production practices, life practices, and social change practices of human society, and are not innate, let alone given by God. It holds firmly that practice, rather than empty preaching, is the value of human rights, and practice is the sole criterion for testing human rights theories and systems. In this sense, the correct outlook on human rights is the outlook on human rights in practice.

In contemporary China and the world, the correct outlook on human rights is reflected in the outlook on human rights in Xi Jinping's thought on the rule of law. The outlook on human rights in Xi Jinping's thought on the rule of law is the Marxist outlook on human rights in the 21st century and the Chinese outlook on human rights in the new era. It is the symbolic achievement of adapting the basic tenets of the Marxist outlook on human rights to China's specific realities and its fine traditional culture. Its core essence lies in the following aspects: First, human rights are a common value for all mankind. Second, human rights are concrete, rooted in history, and based on current realities. Third, human rights are the unity of rights and obligations. Fourth, the right to subsistence and the right to development are the basic and primary human rights. Fifth, living a life of contentment is the ultimate human right. Sixth, promote the development of human rights with whole-process people's democracy. Seventh, promote the all-round development of human rights. Eighth, the rule of law is the most effective guarantee for human rights. Ninth, promote global governance on human rights and development of human rights with the concept of building a community with a shared future for mankind. These nine points summarize the CPC's long-term experience in developing human rights, and scientifically summarize the innovative achievements in the theory, system, and practice of China's human rights in the new era, drawing

on and transcending the outlooks on human rights in countries around the world. In the context of strengthening legal protection for human rights, adhering to the correct outlook on human rights means taking the people-oriented, people-first, and people-centered human rights concepts as the goal of being committed to law-based governance in all fields and deepening reform comprehensively, and integrating respect and protection of human rights into all aspects of Chinese modernization.

Second is adopting a problem-oriented approach. On the new journey of further deepening reform comprehensively to advance Chinese modernization, the proposition of adhering to the correct outlook on human rights and providing more effective human rights protection through law enforcement and administration of justice vividly reflects the consciousness of realistic problems. Since the advent of the new era, under the scientific guidance of Xi Jinping’s thought on the rule of law, the CPC has prioritized respecting and protecting human rights as an important aspect of national governance, continuously deepening reform in the rule of law, improving the mechanism of legal protection for human rights, and ensuring the fulfillment of all aspects of citizens’ rights. Since the new era, China has made a series of historical achievements and undergone historical changes in the legal protection of human rights. Since the new era, China’s legislative organs have actively responded to the people’s demands on human rights, implemented the constitutional principle of respecting and protecting human rights, and regarded human rights protection as a key task of legislation. They have been carrying out lawmaking in a well-conceived and democratic way and in accordance with the law, and continuously enriched and improved the system of legal norms for human rights protection, leading to an ever-improving system of legal protection for human rights. The legislature decided on the abolishment of the “reeducation through labor” system and the “detention education” system. Administrative organs at all levels in China have implemented the concept of protecting human rights in accordance with the law throughout the process of administrative law enforcement, systematically integrating combating crime with protecting human rights, pursuing efficiency with achieving justice, the purpose of law enforcement with the form of law enforcement, and outcome justice with procedural justice. The administrative organs take a hard line against any actions that significantly violate citizens’ legal rights and interests, thoroughly investigating and punishing such offenses, and ensuring swift accountability for perpetrators; essentially declaring a “zero tolerance” policy towards such infringements. They have carried out special actions to rectify acts and personnel infringing on people’s legitimate rights and interests, improving law enforcement protection for human rights. Judicial organs have implemented the reform measures proposed by the CPC Central Committee to “improve the system of judicial protection for human rights,” and have integrated human

rights protection into all stages and links of the operation of judicial power. Judicial organs have clarified obscured rights and provided timely relief for infringed rights and effective protection for forgotten rights through fair, efficient, honest, and authoritative judicial actions. To strengthen the protection of substantive rights and litigation rights in the litigation process and promote the reform of the criminal litigation system centering on trials, the Central Political and Legal Affairs Commission, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice have jointly and separately issued normative documents, emphasizing the strict implementation of legal principles such as legality of crime and punishment, evidence-based adjudication, and exclusion of illegal evidence, adhering to impartial justice and correcting mistakes, and decisively correcting wrongful convictions. Judicial organs have worked closely to acquit defendants in cases where there is insufficient evidence to convict them, and to ensure that innocent people are not subject to criminal prosecution. Since the 18th CPC National Congress, courts at all levels have rectified wrongful convictions related to 61 major cases involving 125 people, and acquitted 8,491 defendants in accordance with the law. The judicial relief and legal aid systems have been strengthened, and steps have been taken to ensure that litigants receive assistance in accordance with the law. The ideological, publicity, and cultural fronts and political and legal organs have continued to carry out extensive human rights publicity and knowledge popularization, promoting cadres and the people's awareness of human rights, and forming a favorable atmosphere of respecting and protecting human rights.

However, there is always scope for protecting human rights. At present, there are still many institutional weaknesses in the legal protection of human rights, especially the protection through law enforcement and administration of justice. There are some prominent problems with the specific law enforcement and judicial practice. The improper use of administrative or criminal coercive measures infringing citizens' personal rights, personality rights, property rights, and other rights still exists to a certain extent, including inappropriate filing and withdrawal of criminal cases; illegal intervention of political and legal organs in civil and commercial cases, such as treating civil and commercial cases and economic dispute cases as criminal offenses, illegally adopting coercive measures such as criminal detention, illegally sealing, sequestering, and freezing assets, and illegally arresting people out of jurisdiction; illegal seizure, confiscation, or freezing of property of individuals or private enterprises; long-pending criminal and civil cases; extorting confessions by torture, even causing the death or serious injury of criminal suspects and criminal defendants; illegal collection and leakage of citizens' personal information by certain administrative law enforcement organs, infringing on citizens' privacy, data rights, personal rights, and such; and the criminal defense rate requiring

improvement. The criminal defense rate has increased significantly since China implemented full coverage of lawyers’ defense in criminal cases on a pilot basis in 2017. However, statistics indicate there are still about one-third of criminal cases without lawyers’ defense, and the quality and effect of lawyer defense also need to be evaluated and improved. The important measures of the Third Plenary Session of the 20th CPC Central Committee on providing more effective human rights protection through law enforcement and administration of justice were put forward exactly in response to the aforementioned prominent problems.

Third is adhering to the unity of guidance through education, practice, and institutional guarantees. The provision of more effective human rights protection through law enforcement and administration of justice requires systematic layout, targeted efforts, and efficient planning, which needs joint efforts in ideology, practice, and institution. First, we must conscientiously study and implement General Secretary Xi Jinping’s important expositions and instructions on providing more effective human rights protection through law enforcement and administration of justice. In response to prominent problems law enforcement and administration of justice in terms of human rights, General Secretary Xi Jinping has repeatedly stressed: Those who abuse coercive measures such as sealing, sequestering, and freezing of assets, criminalize civil disputes, and engage in selective law enforcement and biased justice must be held accountable; we must strengthen civil prosecution work, reinforce supervision of judicial activities, open up judicial relief channels, protect the legitimate rights and interests of citizens, legal persons, and other organizations, and resolutely prevent interference in civil and economic disputes in the name of criminal cases; and we must treat the people’s demands fairly in accordance with the law, strive to let the people feel fairness and justice in every judicial case, and never allow unfair trials to hurt the people’s feelings or compromise their rights and interests; etc. We must ensure that General Secretary Xi Jinping’s important instructions are implemented without compromise, and effectively improve the ideological consciousness, action consciousness, and legal consciousness of human rights protection. Second, we must focus on promoting the human rights concept, knowledge, and laws and regulations training for law enforcement and judicial officers in public security, civil affairs, social security, health, taxation, market supervision, courts, procuratorates, and prisons and other fields, helping them adopt the correct outlook on human rights during their concrete work, enhance their awareness of respecting and protecting human rights, and improve their consciousness, competence, and skills of protecting human rights in accordance with the law. Third, we must intensify the reform of the rule of law. While improving the legal system for human rights protection, we must effectively improve the mechanism of law enforcement and administration of justice for human rights protection and improve the law enforcement and judicial relief and protection system. The

Third Plenary Session of the 20th CPC Central Committee proposed a number of reform measures to address prominent problems in the legal protection for personal rights, property rights, and personality rights. First, we will “improve the work mechanisms for ex-ante review, ongoing oversight, and ex-post redress” for law enforcement decisions and judicial judgments related to human rights; second, we will “refine the system for coercive measures that concern the personal rights of citizens as well as the sealing, sequestering, and freezing of assets”; third, we will “investigate and prosecute, in accordance with the law, the abuse of power to bend the law for personal gain, illegal detention, the use of torture to extort confessions, and other similar offences”; fourth, we will “see that lawyer defense is provided in all criminal cases”; fifth, we will “introduce a system to seal records for minor offences,” etc. We must promote the implementation of these reform measures.

The essence of the law lies in acknowledging and protecting human rights, and the fundamental purpose of the rule of law is to respect and protect human rights. On the new journey of further deepening reform comprehensively to advance Chinese modernization, we must refine the system of socialist rule of law with Chinese characteristics and focus on deepening the institutional reform for providing more effective human rights protection through law enforcement and administration of justice, to create a favorable institutional environment of law-based governance for human rights protection.