

# From Challenge to Consensus: A China-Europe Perspective on the Protection of Emerging Rights

## —A Review of the 2024 China-Europe Seminar on Human Rights

GUO Min\* & MAO Junxiang\*\*

---

**Abstract:** *At the 2024 China-Europe Seminar on Human Rights, over 60 experts and scholars from 16 countries gathered to discuss “Safeguarding Emerging Rights: Perspectives from China and Europe.” The seminar highlighted that the global new round of technological revolution and industrial transformation, along with changes in production methods and social structures, as well as the rising awareness of human rights, have led to the emergence of many new rights. At the same time, these developments have also given traditional human rights new digital forms. The constant emergence of new rights concepts poses challenges to the traditional human rights theoretical framework and has sparked numerous debates within the international community regarding human rights theory and practice. On issues like economic equality and social rights, particularly emerging rights topics such as climate and human rights and digital human rights, countries should focus on balancing the relationship between individuals, society, and nature and seek a path for the sustainable existence and development of humanity. The core principle for protecting emerging rights should be “humanity first,” and true multilateralism should be embraced to prevent imbalances in the global governance of emerging rights. Open and fair cooperation should help build consensus and provide solutions for the global protection of emerging rights.*

**Keywords:** emerging rights ♦ human rights protection ♦ digital human rights ♦ climate and human rights

---

In recent years, the rapid advancement of science and technology has continually expanded the boundaries of human life. From digital technology to

---

\* GUO Min ( 郭敏 ), Research Associate at the Human Rights Center of Central South University, pursuing a PhD in Law.

\*\* MAO Junxiang ( 毛俊响 ), Executive Director and Professor of the Central South University Human Rights Center. This paper is a phased achievement of the Major Philosophy and Social Sciences Project of the Ministry of Education, titled “Research on General Secretary Xi Jinping’s Important Discourse on Respecting and Protecting Human Rights” (Project Number 22JZD002).

biotechnology, and from artificial intelligence to renewable energy, each breakthrough has brought forth new demands for rights and social challenges. The rise of digital rights, the advocacy of climate justice, and the progress in safeguarding the rights and interests of specific groups are increasingly becoming key issues of international concern. Against this backdrop, the traditional human rights protection framework appears increasingly inadequate, creating an urgent need for the international community to explore new approaches through multilateral cooperation to ensure that the human rights protection system keeps pace with contemporary developments. In this context, the 2024 China-Europe Seminar on Human Rights was held in Berlin, Germany, on October 22, 2024. This seminar was co-hosted by the China Society for Human Rights Studies and the Central South University, organized by the Central South University Human Rights Center and the German and Chinese Culture Foundation, and co-organized by the University of Munster and the International Academy for the Philosophy of the Sciences. Over 60 experts and scholars in the field of human rights from 16 countries, including China, Germany, the United Kingdom, France, Italy, Switzerland, Sweden, Spain, Portugal, Ireland, Romania, Croatia, the Czech Republic, Turkey, the United States, and South Africa, convened to focus on the theme of “Safeguarding Emerging Rights: Perspectives from China and Europe” and jointly explore new directions for human rights protection.

The participating experts and scholars engaged in discussions on topics such as economic equality and social rights, digital technology and human rights, climate change and human rights, sports and human rights, the right to peace, and artificial intelligence and education, reaching a wide range of consensus. The representatives believed that contemporary technological advancements, particularly those represented by artificial intelligence, have enhanced the universality and equality of human rights protection. However, they have also precipitated social issues such as the crisis of human subjectivity, the digital divide, and environmental degradation. Countries should endeavor to balance the relationship between individuals, society, and nature, collectively seeking sustainable pathways for human survival and development. They should adopt the principle of “humanity first” as the foundational concept for the protection of emerging rights, employ genuine multilateralism to prevent imbalances in the global governance of these rights, and foster consensus through openness and fairness to collaboratively provide solutions for the global protection of emerging rights.

## **I. The Development, Controversy, and Recognition of Emerging Rights**

### **A. Social progress and the birth of emerging rights**

This is an era where the awareness of rights is booming, and “the voice of

rights outweighs everything else.” It is an era brimming with emerging rights, and it should also be a time of flourishing rights research.<sup>1</sup> Regarding what constitutes emerging rights, Professor Jiang Jianxiang, deputy secretary of the CPC Committee at Central South University and director of the Human Rights Center, said that with the continuous rise in citizens’ awareness of their rights, concepts such as the right to a better life, digital human rights, the right of workers to disconnect, citizens’ welfare rights, the right to homelessness, the right to beg, and the right to be forgotten are becoming known and used by people. Collectively, these rights can be referred to as emerging rights.

The formation of human rights concepts and norms is not an overnight process; rather, it is continually enriched through the development of politics, economy, society, and culture. In terms of the factors driving the emergence of new rights, Professor Ma Huaide, vice-president of the Chinese Society for Human Rights Studies and president of the China University of Political Science and Law, stated that the new round of global technological revolution and industrial transformation have led to changes in production methods and social structures. Furthermore, the growing awareness of individual rights has, on one hand, given rise to numerous new rights, and on the other hand, it has endowed traditional human rights with new digital dimensions. Professor Mao Junxiang, executive director of the Human Rights Center at Central South University, asserted that the rise and recognition of emerging rights are the products of social concepts at specific historical junctures. When people reinterpret and redefine human dignity, new moral demands emerge. At its core, this reflects higher expectations of human dignity, driven by a more advanced level of economic and social development.

### **B. Controversies and challenges surrounding emerging rights**

The continuous emergence of the concept of emerging rights has sparked numerous debates in both human rights theory and practice. Professor Jiang Jianxiang stated that the steady flow of new concepts of emerging rights presents a challenge to the traditional human rights theoretical framework. There are also significant differences among countries in their positions and practices regarding some highly controversial emerging rights. Associate Professor Tang Yingxia, deputy director of the Human Rights Research Center at Nankai University, argued that the over-expansion of the concept of human rights could ultimately undermine its legitimacy and acceptance, thereby hindering the overall realization of human rights goals. It is essential to avoid broad and limitless interpretations of individual human rights norms, as this could lead to conflicts and uncertainties, further contributing to the fragmentation and hollowing out of the concept of rights.

---

<sup>1</sup> Wei Zhixun, “A Review of Research on Emerging Rights: An Analysis of Papers Published in CSSCI Journals in 2012-2013,” *Theoretical Exploration* 5 (2014).

### **C. A proper perspective on emerging rights**

Professor Hans-Peter Grosshans, president of the European Society for the Philosophy of Religion and a professor at the University of Munster in Germany, focused on the relationship between individual rights and social responsibility. He pointed out that modern society must strike a balance between collective interests and individual development, ensuring through the legal framework that individuals enjoy freedom within the legal system while fulfilling their responsibilities to the community. “With the increase of emerging rights, the international community’s list of human rights is showing a worrisome trend of expansion,” said Professor Mao Junxiang. He stated that whether many rights, including emerging rights, can move from being relative to being universal depends on the consensus within the international community. If they are only recognized by a few countries or societies, they cannot be considered universal human rights. Professor Jure Zovko, president of the Institut International de philosophie and the Académie Internationale de Philosophie des Sciences and a philosophy professor at the University of Zadar in Croatia, similarly emphasized the importance of universal values. He noted that, in the new context of rapid advancements in science and information technology, it is important to re-examine human rights and explore which new models of human rights can be integrated into people’s ways of life. Human rights encompass both common and diverse standards. Professor Manuel Fernández Gómez, a professor of international law at Universidad Carlos III de Madrid, indicated that since human rights standards vary, there is a need for human rights dialogue among different countries and regions.

## **II. Core Issues of Emerging Rights**

### **A. Economic equality and social rights**

The relationship between economic equality and social rights is a critical issue that modern society continues to explore. Economic inequality often leads to disparities in the enjoyment and realization of social rights, acting as a structural barrier to social equity. For vulnerable groups, economic inequality results in disadvantages in accessing fundamental rights such as education, healthcare, and housing, limiting their ability to fully participate in social resources and opportunities. Understanding the connection between economic equality and social rights is essential for fostering broader social fairness and inclusiveness.

The economic base determines the superstructure, and the realization of human rights invariably relies on a specific economic foundation and socio-cultural conditions.<sup>2</sup> In the absence of a material foundation, discussions on

---

<sup>2</sup> Wang Xigen, “The right to life and development are the primary basic human rights — highlighting the people-centered approach,” *People’s Daily*, February 18, 2021, page 4.

human rights are likely to degenerate into mere rhetoric. In this context, Helga Zepp-LaRouche, founder and president of the Germany-based think tank Schiller Institute, argued that if basic needs like food and shelter are not met, the discourse on human rights loses its relevance. However, Europe currently fails to give adequate attention to issues of poverty, while the United States lacks coherent poverty alleviation policies. In terms of safeguarding human rights, China's achievements are unparalleled. Uwe Behrens, a German economist and international logistics expert, asserted that the most fundamental human right is for all individuals in society to have access to food, clothing, shelter, as well as healthcare and social security. For this reason, collective rights should take precedence over individual rights.

### **B. Digital technology and human rights**

Technological advancements have not only reshaped the social structure and economic models of the digital age but have also profoundly influenced the connotation development and practice of human rights. Jeremy Knox, an associate professor at the University of Oxford, focused on the intersection of artificial intelligence and education. He articulated a future "vision" enabled by artificial intelligence, wherein individuals can acquire profound specialized knowledge, data science capabilities, and a more efficient educational governance structure through the application of technology.

The advancement of digital technology has also introduced numerous new challenges and risks, while simultaneously creating new demands for the protection of human rights. For example, data breaches and misuse are occurring with increasing frequency, raising widespread social concern over information security. Algorithmic bias and data discrimination are becoming increasingly apparent, potentially exacerbating social inequality. "When everything can be digitized, it is essential for individuals to reconsider what it means to be human," stated Professor Peter Herrmann, a research fellow at the Human Rights Center of Central South University and a member of the European Academy of Science and Arts. He suggested that the legal subjectivity of human rights in the era of artificial intelligence warrants serious consideration through an interdisciplinary lens. Professor Zhang Yonghe, executive director of the Human Rights Institute of the Southwest University of Political Science and Law, asserted that the implications of the development of digital technology for humanity are multifaceted, encompassing fundamental issues such as existence, ethics, knowledge, and the future.

To effectively implement digital governance that promotes human rights while mitigating potential risks, Associate Professor Li Wenjun from the Human Rights Institute of the Southwest University of Political Science and Law posited that future digital governance should concentrate on three key aspects: establishing diverse values for the common good, formulating multi-dimensional collaborative rules, and executing multi-party coordinated

practices.

### **C. Climate change and human rights**

As a global challenge of the 21<sup>st</sup> century, climate change has transcended the confines of a mere environmental issue, emerging as a critical factor that directly threatens fundamental human rights, including the rights to life, health, and development, while also indirectly affecting the equality rights of vulnerable groups. In light of this multi-dimensional climate risk, the international community has commenced efforts to explore how to reconcile the rights of individuals, society, and nature while simultaneously fostering economic growth.

In relation to the multi-dimensional understanding of green development and the right to a healthy environment, Professor Wang Zhengxun, a research fellow at the Human Rights Center of the Northwest University of Political Science and Law, emphasized that the history of human civilization is fundamentally a narrative of the relationship between humanity and nature. China's concept of green development prioritizes the resolution of harmony between humans and nature, adhering to the fundamental national policy of resource conservation and environmental protection, establishing an ecological civilization system, and fostering a modernization characterized by harmonious coexistence between humanity and nature. Professor Zhang Zhen from the Human Rights Institute of the Southwest University of Political Science and Law offered a three-point interpretation of environmental rights with Chinese characteristics: First, the current theory of environmental rights continues and inherits China's fine traditional culture. Second, environmental rights should be understood in the context of the rights to life and development. Third, environmental rights are adaptable and flexible.

The issue of human rights-based climate litigation has garnered significant attention from participants. Thomas Straub, a senior lawyer at the European Court of Human Rights (ECHR), provided a summary of the key rulings made by the ECHR concerning climate change. He noted that the court has already acknowledged in its judgments that climate change is intrinsically linked to the protection of human rights, particularly the rights to life, health, and private life. Furthermore, the court has elucidated the jurisdiction of states regarding climate change matters, as well as the pertinent admissibility criteria for applications, which include the necessity of exhausting domestic remedies. Associate Professor Tang Yingxia, deputy director of the Human Rights Research Center at Nankai University, believed that a measured approach to climate rights is essential. Tang proposes redefining the concept of climate rights, considering existing climate litigation and the evolution of environmental rights. This redefinition should align with the principles of legality and proportionality, further clarifying the rights, obligations, and legal responsibilities within the relevant legal relationships.

The core of advancing climate governance lies in strengthening international cooperation and coordination. Professor Zhao Shukun from the Human Rights Institute of the Southwest University of Political Science and Law argued that the lack of consensus on climate governance and the absence of international leadership are the primary reasons why the United Nations human rights mechanisms and human rights-based climate litigation struggle to produce meaningful results. He emphasized the need to integrate existing climate governance mechanisms into a unified international framework that aligns various approaches and builds consensus on climate governance. Mao Chengyi, a research assistant at the Human Rights Center of Central South University, stated that to promote human rights-based climate change litigation, the international community must enhance cooperation and coordination to jointly develop a legal framework and action plan for addressing climate change.

### **III. Practical Pathways for the Protection of Emerging Rights**

#### **A. Rejecting the instrumentalization of human rights and establishing an inclusive, pluralistic perspective on human rights**

Professor Mariana Tian from the Institute of State and Law at the Bulgarian Academy of Sciences and the Center for Contemporary China Studies asserted that human rights issues have consistently been used by Western countries as a means to exert pressure on China and as a justification for foreign policy decisions, including unilateral sanctions. Professor Jure Zovko, president of the Institut International de philosophie and the Académie Internationale de Philosophie des Sciences, criticized the United States for using human rights as an “umbrella” for its imperialistic endeavors, contending that the U.S. interpretation of human rights has been misappropriated to further its global dominance.

The diversity of human rights concepts is deeply rooted in the unique historical and cultural contexts of various countries, which has consequently created a rich and pluralistic landscape of values. With the advancement of globalization, the collision and integration of different civilizations have presented new opportunities and possibilities for establishing a consensus on human rights concepts. In his speech, Zeng Fanhua, minister-counselor at the Chinese Embassy in Germany, noted that it is normal for China and Europe to hold differing views on human rights issues. The crucial aspect lies in how we perceive and address these differences. Alfred-Maurice de Zayas, former independent expert on the promotion of a democratic and equitable international order at the United Nations Human Rights Council, asserted that all countries should respect one another, refrain from interfering in each other’s internal affairs, and recognize the rich diversity of all civilizations and cultures. Fabio Marcelli, former director of the Institute for International Legal Studies

of the National Research Council in Italy, emphasized that the exchange and mutual learning among civilizations are interdependent and mutually reinforcing in the context of the development of modern human rights philosophy.

The Chinese experience offers a novel model for the practice of human rights. During this seminar, scholars from various countries articulated that China's human rights practices have contributed distinctive Chinese solutions to the international community, addressing issues ranging from information security in the digital age to the protection of human rights within the framework of ecological civilization. Professor Ma Huaide presented an overview of China's path of human rights development and its significant achievements in this field to the attendees, emphasizing that, with regard to the protection of emerging rights, China has proposed a comprehensive strategy to address the impacts of digital technology and environmental challenges on human rights. Efe Can Gürcan, vice-dean of the School of Economics, Administrative and Social Sciences at Istinye University in Turkey, noted that the Chinese government places considerable importance on ecological civilization and environmental protection, as evidenced by his study of the *Xi Jinping on Respecting and Protecting Human Rights*. The vision of "ecological civilization" and the concept of "a community with a shared future for mankind" put forth by the Chinese government exemplify a distinctive approach to cross-border cooperation and provide valuable insights for the global community.

### **B. Practicing genuine multilateralism to promote the governance of emerging rights**

Peace is a prerequisite for the realization of human rights. Helga Zepp-LaRouche noted that the proxy war in Ukraine instigated by NATO, the conflicts in the Middle East, and the global nuclear threat all pose a significant danger to the right to life for all of humanity. Alfred-Maurice de Zayas emphasized that to achieve human rights, both states and non-state actors must adhere to the principles of sovereign equality among states, the right of peoples to self-determination, and the principle of non-interference in the internal affairs of other countries while collaboratively striving to maintain peace, both regionally and globally. "One of the greatest threats facing humanity today is the violation of the right to life due to war."

Countries increasingly share responsibilities in achieving fairness, justice, and common development. Bernd Einmeier, chairman of the German-Chinese Society for Economy, Education and Culture, pragmatically interpreted the concept of "a community with a shared future for mankind" as "a harmonious life," which encompasses the following: "We aspire to live in peace, possess the right to development and work, have access to sufficient food, consumer goods, and medical care, and enjoy the right to reside in a green environment." Stephen Brawer, chairman of the Belt and Road Institute in Sweden, stated that

“The concept of ‘a community with a shared future for mankind’ proposed by General Secretary Xi Jinping has the potential to guide us away from the perils of separatist extremism. Supporting this spirit represents one of the crucial avenues through which we can advance China-EU bilateral relations.”

This seminar laid the groundwork for deeper cooperation between China and Europe on human rights issues, highlighting a strong consensus among countries to jointly tackle emerging challenges in this area. Participants unanimously agreed on the need to foster multilateral cooperation based on mutual understanding and respect for differences, ensuring that human rights protection evolves in response to the changing demands of the times. Looking ahead, they expressed hope that China and Europe will enhance collaboration in critical areas such as digital human rights and climate-related human rights, offering innovative solutions to build a more just and inclusive international human rights governance order.

(Translated by *CHEN Feng*)